REPUBLIC OF NAMIBIA

The Permanent Technical Team (PTT) on Land Reform
(Ministry of Lands, Resettlement and Rehabilitation)

Background Research, Work and Findings of the PTT Studies

November 2004
Permanent Technical Team on Land Reform

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Acknowledgements

The work of the PTT has been an exciting and enriching process and it's the Teams belief that it has contributed immensely to the process of developing and grooming a critical mass of local experts in land and land reform related issues in Namibia. The Team is thankful for the opportunity granted by the Government of the Republic of Namibia in entrusting this task upon it.

The outcome of this process is a collective result of many stakeholders and we would like to thank those who have contributed tirelessly to this noble task: first and far-most to the visionary leadership of the Chairman of the Cabinet Ad-Hoc Committee and Minister of Lands Resettlement and Rehabilitation Hon. H. Pohamba MP, who provided a clear direction to this process in its entirety. In the same vein, his fellow Cabinet Ad-Hoc Committee members, who despite their workloads has always been willing to contribute to this process by providing comments and crafting a clear policy and political direction that was so much needed during this process.

The constant interaction with the Project Steering Committee comprising Permanent Secretaries from the eight line ministries rewarded the outcome of the PTT. It has been a very democratic process of a long debate founded on diversity of opinions and approaches which ultimately is evident in the document called: Recommendations, Strategic Options and Action Plan for Land Reform in Namibia.

The whole PTT exercise has been jointly assisted, financially and materially, by the Government of Namibia and donor agencies; Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), the UK's Department for International Development (DFID) and USAID through their land and environment grant facility administered by the Namibia Nature Foundation (NNF). The timely delivery of the support packages from these donors has made it possible for the PTT to complete this enormous exercise in a record time of 15 months.

A number of short-term consultants (mentioned later by name in the Introduction) have undertaken studies on behalf of the PTT and have produced reports that further informed the PTT in its analysis. Their field experiences, innovations, research and writings have been vital to the PTT outcome.

The Team is further indebted to the staff of the MLRR and line institutions for their willingness to provide the PTT with information. The same goes for the regional and local stakeholders (public, private and non state actors) who participated and contributed in the regional stakeholders consultation forums held throughout the thirteen regions of the country.

Our true appreciation also goes to the local organisations and institutions and the emerging farmers; government resettlement beneficiaries and Affirmative Action Loan Scheme beneficiaries for granting us the much needed interviews despite their growing fatigue to similar surveys in the recent past. We hope that
the information they have provided humbly, will go along way in nourishing and informing land reform in Namibia.

The Team has benefited from the leadership of Namibia's retired diplomat; Ambassador Shapua N. Kaukungua, may he continue to serve this young nation. The administrative support rendered to the PTT was handled by Sam Kapiye, Julia Naimbale-Metz and Diana Alweendo who have rendered this immense service under sometimes heavy pressure. The Team is indebted to them.

Finally, it is the Team's ultimate wish that the 'long awaited' outcome of the PTT will from-now-on, form the basis of our future public and policy debates at all levels. We urge you, the members of academia and development professionals locally, regionally and internationally, to be very critical of this outcome. This in the PTT's opinion is an opportune time, we must all utilise, to further democratise the total land reform process through an informed and balanced public debate.
### Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AALS</td>
<td>Affirmative Action Loan Scheme</td>
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<tr>
<td>AG</td>
<td>Attorney General</td>
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<tr>
<td>ASAP</td>
<td>As Soon As Possible</td>
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<td>BOT</td>
<td>Build-Operate-and-Transfer</td>
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<td>CBNRM</td>
<td>Community-Based Natural Resource Management</td>
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<td>CBO</td>
<td>Community-Based Organisation</td>
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<td>DEA</td>
<td>Directorate of Environmental Affairs</td>
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<td>DEES</td>
<td>Directorate of Extension and Engineering Services</td>
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<td>DRFN</td>
<td>Desert Research Foundation of Namibia</td>
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<td>GRN</td>
<td>Government of the Republic of Namibia</td>
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<td>Ha</td>
<td>Hectare</td>
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<td>IDC</td>
<td>International Development Consultancy</td>
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<tr>
<td>IMTC</td>
<td>Inter-Ministerial Technical Committee on Land Reform</td>
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<tr>
<td>IPPR</td>
<td>Institute of Public Policy Research</td>
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<tr>
<td>LAC</td>
<td>Land Acquisition Committee</td>
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<tr>
<td>LBTA</td>
<td>Division of Land Boards, Tenure and Advice</td>
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<td>LRAC</td>
<td>Land Reform Advisory Commission</td>
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<tr>
<td>LSU</td>
<td>Large Stock Unit</td>
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<td>LUA</td>
<td>Land Users Association</td>
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<tr>
<td>LUEB</td>
<td>Land Use and Environmental Board</td>
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<tr>
<td>LUPA</td>
<td>Division of Land Use Planning, Allocation and Administration</td>
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<tr>
<td>MAWRD</td>
<td>Ministry of Agriculture Water and Rural Development</td>
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<td>MET</td>
<td>Ministry of Environment and Tourism</td>
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<td>MLRR</td>
<td>Ministry of Lands, Resettlement and Rehabilitation</td>
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<td>MME</td>
<td>Ministry of Mines and Energy</td>
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<tr>
<td>MOF</td>
<td>Ministry of Finance</td>
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<td>MRLGH</td>
<td>Ministry of Regional Local Government and Housing</td>
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<tr>
<td>N$</td>
<td>Namibia Dollar</td>
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<tr>
<td>NACOBTA</td>
<td>Namibia Community-Based Tourism Association</td>
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<td>NACSO</td>
<td>Namibia Association of CBNRM Support Organisations</td>
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<td>NAFWU</td>
<td>Namibia Farm Workers Union</td>
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<td>NAP</td>
<td>National Agricultural Policy</td>
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<td>NAU</td>
<td>Namibia Agricultural Union</td>
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NDC  Namibia Development Corporation
NDP1&2  National Development Plan 1&2
NEPRU  Namibia Economic Policy Research Unit
NGO  Non-Governmental Organisation
NLP  National Land Policy
NNFU  Namibia National Farmers Union
NPCS  National Planning Commission Secretariat
NPRSP  National Poverty Reduction Support Programme
NRP  National Resettlement Policy
NSA  Non-State Actor
NSIS  North-South Incentive Scheme
OPM  Office of the Prime Minister
p.a.  per annum
PCC  Permanent Cabinet Committee on Land Reform
PSC  Permanent Steering Committee on Land Reform
PSSS  Post-Settlement Support Services
PTT  Permanent Technical Team on Land Reform
RRC  Regional Resettlement Committee
RMU  Regional Management Unit
SADC  Southern African Development Community
SSU  Small Stock Unit
TCT  Technical Coordination Team on Land Reform
WASP  Water and Sanitation Policy
TCCF
RISE
NAT
DWA
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The **Background Research Work and Findings of the PTT Studies** report including the strategic options and recommendations on land reform in Namibia are the outcome of the Namibian government’s mission to review and realign its post-Independence land reform and national development goals.

Current land reform efforts are mainly geared towards correcting historically skewed land ownership. The government created the Ministry of Lands, Resettlement and Rehabilitation to be the custodian of State land and to facilitate State-led land reform. In collaboration with the Ministry of Agriculture, Water and Rural Development and the Ministry of Finance, MLRR jointly implemented the Affirmative Action Loan Scheme which operates alongside the National Resettlement Programme in order to facilitate the redistribution of land.

There is an evident need to reassess the country’s land requirements and to increase land area redistribution and beneficiary targets. This will require additional resources in terms of capacity, logistics and material assistance – both from government and non-State actors.

The Permanent Technical Team on Land Reform (PTT) was created during 2003, bringing together individuals with a wide range of expertise in order to review the existing legal and policy framework, the economic sustainability of land reform, financial sustainability, institutional sustainability, environmental sustainability and other cross-cutting issues such as the position of farm workers, HIV and AIDS and the impact of gender on resettlement status.

These components were considered individually.

**Aims and objectives of land reform**

The aim of Namibia’s land reform process is not only to right past colonial wrongs, but also to achieve social and economic equity for all its citizens. Ideally, the composition of the Namibian commercial farming sector should mirror Namibian society.

Given the unequal distribution of social capital and control of land inherited after Independence, it is not unreasonable to expect Namibia’s redistribution efforts to require strong support. The increasing demands of formerly disadvantaged Namibians are a prominent feature of our politics and policy-making.
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In order to address the existing skewed land ownership systematically over a long-term period, whilst maintaining socio-political contiguity, it is recommended as a medium-term measure that government raise its redistribution target from 9.5 million hectares to 15 million hectares by the year 2020. Higher targets would simultaneously maintain the current economic production levels and phase formerly disadvantaged farmers into the mainstream of national economic production.

Policy framework

The PTT was required to review relevant policy instruments to establish whether they are consistent with one another and the extent to which the current policy framework addresses the rights of the beneficiaries (including minority groups, disadvantaged groups and women), environmental issues, natural resources management (water, forestry, conservancies) and decentralisation. On the basis of this assessment, the consultants were required to make recommendations on how policies could be streamlined and integrated in order to strengthen the property rights of the poor.

Namibia has a number of strong national policy instruments, eg Vision 2030, NDP1 & 2 and the National Poverty Reduction Support Programme (NPRSP) and Action Plan. These instruments are informed by sectoral policies. The PTT's studies identified a number of challenges facing these instruments.

National policy instruments identified land reform as an important strategy to facilitate poverty reduction, employment creation, income distribution and, most importantly, correct skewed land ownership from a political, social and economic perspective. However, if these policy instruments are to contribute effectively to such goals, then relevant indicators and targets need to be developed for monitoring and evaluation purposes at regional and national levels.

Recommendations:

• In the short-term, the action plans of national policy instruments (Vision 2030, NDP 2 and NPRSP) should specify quantifiable indicators and targets relating to poverty reduction, employment creation and income distribution.

• In the medium-term, sectoral policies (on natural resources management, water, land, forestry & agriculture) must be revised to give decision-making and management authority to resource-users at a local level.

• In the long-term, discussions are necessary to draw up a well-conceptualised, inclusive and integrated policy framework. This is essential if widely supported, unambiguous, coordinated goals for policy-making are to be achieved, supported by a cohesive institutional framework at
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national, regional and local levels, and followed up by a well coordinated and effective implementation strategy.

Acquisition and redistribution

Since 1990, the government has redistributed some four million hectares of freehold (or commercial) land to formerly disadvantaged Namibians. The two principle acquisition methods are State acquisition through the MLRR and the Affirmative Action Loan Scheme (AALS) through which formerly disadvantaged Namibians are assisted by the State to buy freehold farms.

It is felt by many that land reform is progressing too slowly. Based on land area redistributed, the AALS has managed to redistribute nearly four times the amount resettled by the State acquisition programme over the same time period. In terms of numbers of beneficiaries, the National Resettlement Programme in the freehold areas has benefited some 1 526 families compared with 625 AALS beneficiaries. The facilitation of land redistribution through the AALS costs the government less per hectare than the State acquisition programme, but AALS farmers carry the bulk of the acquisition cost.

These two acquisition methods should continue to form the basis of the accelerated programme. Some suggestions are made on how to strengthen and support these tools in order to achieve set targets.

- The MLRR, together with landowners’ representatives (such as the NAU) could negotiate a solution to the short- and medium-term acquisition of land. Targets for land acquisition could be set in terms of geographical areas and price. Ways to bring more land onto the market could be discussed.

- All farms/land should first be offered to the MLRR for consideration. Once the ministry has considered the land, AALS buyers could then be assisted by the ministry with land price information.

- The AALS should be strengthened and expanded to make provision for group borrowing, thus giving more people access to the scheme at a more affordable rate but without increasing the cost to government and beneficiaries. Current high land prices make repayment difficult as profit margins are low. This reduces the intended benefits of the AALS.

- Expropriation should be used in conjunction with targeting specific land areas for specific purposes (eg a smallholder resettlement project would be appropriate in the Maize Triangle) and as a last resort in cases where no land/farms are forthcoming.
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Development of redistributed land

The National Resettlement Programme aims to enable resettled farmers to become economically self-reliant, to participate in the wider economy and to create jobs. The PTT resettlement survey indicated that individually resettled beneficiaries have increased their personal asset base in terms of livestock—in some cases, doubling their herds. However, the survey also revealed that the average beneficiary cannot survive on the income generated by his or her farm without a supplementary income. Farm incomes for those resettled on individual allotments was, on average, N$7 000 per annum.

The study also established that post-settlement interventions have a positive influence on the success of the resettlement process. Post-settlement support packages are calculated internationally at 2/3 of the land acquisition cost. The PTT benchmarked post-settlement support packages both within the SADC Region and internationally, and has recommended appropriate post-settlement support for Namibia at the current agricultural input prices. Hence, it is recommended that tailor-made support packages be designed according to specific defined needs for different categories of farmers.

Beneficiary selection

General eligibility criteria apply, like landlessness, resource ownership, access to capital, farming track record, ability to operate and maintain agricultural equipment and infrastructure, and readiness to relocate based on the principle of self-selection. Namibia’s regular droughts have prevented the ministry from stringently following prescribed resettlement criteria. In such cases, beneficiaries have been found not to leave the areas allocated to them after the intended relief period has ended.

Establishing selection or eligibility criteria for resettlement has been a challenge for many countries dealing with land reform. Namibia is no different.

Recommendations:

- The government needs to improve beneficiary screening and selection by determining whether current criteria are socially, economically and politically appropriate. Urgent consideration should be given to the priorities of those groups urgently in need of resettlement.
- Policy should take into account the priorities of disadvantaged groups in need of resettlement, such as farm workers and women, as a matter of urgency.
- The participation of civil society in the land reform process is important. Policy amendments should encourage community-driven resettlement, giving priority to beneficiaries who indicate a preference for rural, agriculture-based lifestyles and who have agricultural experience and/or
other land-based production experience. According to a recently concluded PTT study, farm workers are suited to resettlement due to their aptitude for farming.

Lease agreements

To increase tenure security amongst beneficiaries, registered lease agreements must be issued as a matter of priority. Technical, financial and personnel shortages hamper the surveying of smallholder allotments and hence delay the registration of the lease agreements. This influences the ability of beneficiaries to make full use of their leases and land. Urgent technical and financial support should be given to the Office of the Surveyor General. Flexibility of leases should be considered in order to encourage beneficiaries to take full responsibility for their land and to encourage its optimal utilisation. Alternative and sustainable land use options should be encouraged and not circumscribed unnecessarily. The non-registration of lease agreements means that beneficiaries may justifiably withhold at least part of their obligatory lease (grazing) fee.

Government should urgently determine what terms and conditions would justify resettlement beneficiaries granting land usage rights to third parties. The benefits of such flexibility are described in detail.

Water and rangeland management

The resettlement process sees large, formerly individually-managed farming units being subdivided into smaller allotments on which individual families are then resettled. This means that certain infrastructure and resources must be shared, and poses challenges for the sustainable management and utilisation of the resources, especially water. In some cases, optimal utilisation of rangelands is limited by the challenges caused by shared water resources.

 Provision of boreholes to each allotment would pose financial, technical and environmental problems. Instead, institutional structures need to be encouraged amongst beneficiaries on individual farms in order to foster cooperation and joint responsibility for shared resources. For example, water point committees similar to those encouraged under the Water and Sanitation Policy could be established. In terms of drought mitigating strategies, cooperation amongst beneficiaries is vital. In this light, integrated resource management becomes important and needs to be encouraged and supported by collaboration between various ministries such as MET, MLRR and MAWRD.
Development of communal land

The development of communal land is a crucial component of land distribution. Making communal land more productive not only improves the overall productivity of the land, but also increases the chance that it will help to alleviate the problem of land hunger.

Development of communal land could benefit from the community-based natural resource management (CBNRM) models developed by MET taking the form of conservancies and community forests.

The notion of virgin land in existing communal areas is being revisited further to IDC reports which may have been misleading. A recent KFW (German Development Bank) mission found the quantification methodology and its generalist approach flawed on the following grounds:

a) There seems to be a dispute as to whether there is pristine or virgin agricultural land lying ready to be developed in the said areas, as all land is either seasonally used or is not yet fully developed for agricultural use.

b) In some areas, like Omusati, people living on communal areas do not endorse the development of the areas as smallholder private holdings.

c) Large areas of so-called "virgin land" identified in areas of Mangeti in Otjozondjupa Region have been proclaimed a conservancy.

Recommendations:

• An urgent reassessment of under-utilised or "virgin" land (according to the IDC definition) should be carried out in communal areas as an important prerequisite for future land reform plans.

• Strong links to other government initiatives such as the Rural Poverty Reduction Strategy, Green Scheme and CBNRM programmes need to be created.

• Policies on community-based resource management should be expanded beyond wildlife and tourism to incorporate other natural resources such as water, land and land-based economic activities.

• The impact of illegal fencing in communal areas should be assessed together with the impact of illegal fencing on the environment in general.

Institutional sustainability and coordination

The PTT review identified major constraints preventing actual performance from meeting desired performance. The ministry needs to focus on improving coordination, implementation and monitoring of the roles and responsibilities of different stakeholders in the land reform process.
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Constraints such as limited capacity (human and financial) were identified. Capacity constraints were also evident in other State organisations, non-State actors and NGOs.

Recommendations:

- The Cabinet Ad Hoc Committee on Land Reform and the Project Steering Committee should be converted into permanent structures.
- A Technical Coordination Team should be established within the MLRR to advise and facilitate the implementation of the proposed Land Reform Action Plan.
- Coordination within the MLRR and with line ministries falls within the portfolio of the Directorate of Planning, Research, Training and Information Services. The directorate should be strengthened in order to fulfil this mammoth task.
- The Land Acquisition Committee and the National Resettlement Committee should be merged to become one body responsible for land acquisition and resettlement.
- Human capacity-building to enable efficient and effective implementation of the land reform process at both national and regional level should be supported.
Introduction

Background

At Independence in 1990, Namibia inherited a skewed land distribution pattern, the result of past colonial policies. Of approximately 69.6 million hectares available for agricultural purposes, some 36.2 million hectares (or 52%) was deemed freehold land (loosely referred to as "commercial land"). This land was occupied by some 4200 (predominantly white) farming households. Conversely, some 33.4 million hectares (48%) could be described as communal or "non-freehold" land – this land supported some 70% of the Namibian population (Ron, 1991, 147).

In response to this, the Government of the Republic of Namibia initiated a land reform programme in 1990. The primary objectives of this programme are:

- To bring about a more equitable distribution of and access to land.
- To promote sustainable economic growth.
- To lower income inequalities.
- To reduce poverty.

The land reform programme is built on four cornerstones, namely:

- Redistributive land reform (involving State acquisition according to the willing buyer-willing seller principle).
- The Affirmative Action Loan Scheme administered by Agribank.
- Tenure reform.
- The development of unutilised or underutilised non-freehold land.

Most of the government's attention has been focused on redistributive land reform.

By the time this document was prepared, the Ministry of Lands, Resettlement and Rehabilitation (MLRR) had acquired 137 freehold farms (measuring 874 155 hectares) on behalf of the government in terms of the willing buyer-willing seller principle since 1990. These farms were allocated to 1526 previously disadvantaged Namibians (Ron, 2004). This process has been implemented using Namibia's own technical and financial resources for the most part.

Concurrent to the State-led acquisition of freehold farms for resettlement purposes, the government established an Affirmative Action Loan Scheme (AALS) in 1992 that was implemented by the Agricultural Bank of Namibia. The objective of the AALS is to encourage communal farmers to purchase commercial farms at a subsidised interest rate. This is intended to relieve grazing pressure in the communal areas (Agribank, 2003). To date, 625 farmers have benefited from the AALS and freehold land with a total land area of 3 435 656 hectares of freehold land have been purchased.
Introduction

Historically, the land reform programme was criticised for failing to fulfil its objectives timeously and adequately. In 2001, the government decided to take stock of, and evaluate, the experiences of the various land reform programmes to date, and to prepare strategic options based on the results of this analysis. By end of August 2003, a team of technical experts was recruited to carry out this task. This team became known as the Permanent Technical Team on Land Reform, or the “PTT”.

Terms of reference

The task of the PTT is to formulate a Strategic Action Plan on Land Reform in Namibia. This has been interpreted as assisting the government by formulating strategic options for land reform rather than prescribing a blue print for land reform. These strategic options will enable government to achieve its developmental goals by implementing a process that will incorporate continual monitoring and evaluation of itself.

The major outputs required of the PTT include the following:
1. To take assess and evaluate land policy and land actions to date.
2. To assist the Namibian government in the formulation of strategic options for land reform.
3. To design a consultation procedure to involve stakeholders and to run a series of workshops in the regions to review different options and facilitate consensus-building.

The exercise covers communal land, commercial land and current State land, within the context of the development objectives set out in NDP2.

The PTT is required specifically to review steps taken towards land reform in Namibia within the context of the current policy and legal framework. In addition, economic and financial sustainability, institutional sustainability and environmental sustainability are to be taken into consideration, as well as cross-cutting issues such as gender, HIV and AIDS, and farm workers.

Methodology

The PTT was assisted by specialists in various fields who contributed to several studies, some of which are still under way. Those studies completed by September 2004 include:
1. A review of policy and laws relating to natural resources management in general and land reform specifically (Dr Wolfgang Werner and the Legal Assistance Centre).
2. Resettlement Database and Profiles of Beneficiaries (NEPRU).
3. Technical Needs Assessment of Land Reform Institutions (Mrs Christine Nesangano and Mrs Grace Kalunduka).

4. Sustainable Rangeland Management for Resettlement (Mr Bertus Kruger, DRFN).

5. Sustainable Water Utilisation (Mr Jack Kambatuku, DRFN).

6. The impact of land reform on farm workers (IPPR and Associates).


8. An inter-generational cost-benefit analysis of the smallholder farming model for Namibia (K. Stephanus and Dr R. Sumaila).

In addition, the PTT undertook several desktop studies in order to obtain as much information relating to land reform as possible, both in Namibia and throughout Southern Africa.

Many resettlement farms were visited. Socio-economic indicators of resettlement beneficiaries were studied and consultations were held with the primary beneficiaries of land reform to determine their opinions and recommendations. The results of this survey provide the foundation for a wide range of recommendations.

The PTT visited other countries in the SADC Region (Botswana, South Africa, Mozambique and Zimbabwe) and Brazil. The goal was to gain insight into the lessons learned by these countries and to observe effective methods applied. Where applicable, such observations will be reported.

**Outstanding issue**

There is one outstanding study that the PTT commissioned relating to land reform and redistribution. It is strongly recommended that the study be concluded, as it will provide valuable data and information for the land reform evaluation process:

- **A socio-economic survey of AALS beneficiaries**

The study is investigating the viability, costs and benefits within the freehold system. AALS beneficiaries are assessed according to progress made towards full commercialisation. Situations that threaten the economic viability of farming operations are noted and the farmers’ experiences in general are recorded to be taken into consideration for future land allocations. The results of these surveys will influence large, medium and small scale farming in Namibia as well as affect investment strategies and horizons. They will be used to improve post-settlement support to Affirmative Action beneficiaries.
Objective of the background report

The aim of this report is to provide an overview of the work completed by the PTT. It contains summaries of the findings and recommendations. However, the reader should be aware that studies still under way might influence some of the recommendations and/or proposals.
Component 1: Policy and legal framework

Component 1: Review of policy and legal framework

1.1 Introduction

This chapter reviews existing policy and relevant laws in Namibia that relate to land and natural resources in general. It is emphasised that some legislation is new on our statute books; other legislation is still being drafted. This makes it difficult to establish the degree of coordination between new policies and laws. No comprehensive study and analysis of policy implications at macro and micro levels has been done yet. As the law changes, so too may the government’s approach to land reform need to be adjusted.

1.2 Background

The PTT terms of reference required the team to review policy instruments in order to establish whether they are consistent with one another and whether they provide an appropriate framework to achieve the following:

- Provide adequate protection of primary and secondary rights of the poor and of land reform beneficiaries.
- Protect the right of minority groups, disadvantaged groups and women to own and have access to land.
- Deal with environmental issues.
- Translate aims into clear objectives and expenditure plans.

The team was also tasked with reviewing policy instruments both in the broader natural resources management framework and in terms of decentralisation, in order to establish whether the rights to natural resources granted under these policies are consistent with the policy principles and objectives enunciated in land reform policies. More specifically, the team had to critically examine policy instruments in the fields of:

- rural water supply;
- forestry;
- community-based natural resources management (conservancies);
- mining; and
- decentralisation.
Component 1: Policy and legal framework

On the basis of this assessment, the team was required to make recommendations on how different policies could be streamlined and integrated in order to strengthen property rights of the poor.

The PTT commissioned a short-term consultancy to address the above tasks. Dr Wolfgang Werner was recruited for the policy review. The legal review was done by the Legal Assistance Centre. Their reports, summarising their findings, form the main part of this chapter.

1.3 Evolution of the policy environment in Namibia

"Land is a basic natural resource to which all Namibians should have access."

(RoN 1991: 25)

"In general, the social character of land that gives substance to the defined relationship between land and people has not been sufficiently understood to inform policy debates at all levels. This relationship includes political, economic, cultural, and historical dimensions. Added to this complex relationship is, of course, the role of land in providing sustenance for livelihoods. For some, especially the indigenous communities, land is a social entity through which people identify themselves" (Dubois 1997, quoted by Tjimune, unpublished MA dissertation, 2001).

Land in Namibia has, is and always will play a vital role in its society, albeit for different reasons at different times. The legacy inherited from the preceding colonial regimes at Independence in 1990, meant that Namibia was, de facto, divided into two land tenure systems. On the one hand, the freehold sector had well-defined and enforceable private property rights, inclusive of the group of rights associated with full individual ownership. This was predominantly the domain of the white minority. On the other hand was a communal sector in which there were different customary tenure regimes, which excluded individual freehold ownership (Werner, 2004: 8-9). The rights to tenure in this sector were generally not as well defined, thus creating uncertainty about tenure and rights to use the land. This had a detrimental effect on the environment and the people living on the land, as most Namibians live under customary tenure.

This skewed distribution of land and land rights prompted the Namibian government to commence a process of land reform (RoN, 1991: 147).

Resolving the land issue is one of the government’s top priorities as it has political, economic and social implications. With this in mind, the government organised and hosted the 1991 National Conference on Land Reform and the Land Question. Many commentators have hailed the conference as a milestone and pacesetter of the Namibian land reform process. Participants came from all walks of life. Twenty-four resolutions were passed, of which 11 deal with freehold and title deeds. Some of these resolutions are summarised below.
Box 1. Resolutions of the National Conference on Land Reform and the Land Question which deal with freehold land and title deeds

- On ancestral rights and the question of restitution, the conference resolved that given the complexities of overlapping claims between various traditional communities, it would not be practical (and would therefore be illogical) to pursue restitution in Namibia.
- The conference agreed that land reform should be guided by the Constitution of the Republic of Namibia through its various Articles.
- The conference resolved that foreigners should not be allowed to own land in Namibia, but should rather acquire user's rights guided by a foreign investment policy.
- On excessive and underutilised land and absentee landlords, the conference resolved to reallocate that land through expropriation.
- The conference recommended that a land tax be introduced on freehold land (commercial farms) to generate revenue for the State and to encourage productive use of available land and its resources.
- The conference recommended that a TCCF be established to gather authoritative data and to make policy recommendations.
- The resolution regarding land tenure emphasised access to land for all Namibians. This resolution was referred to the TCCF for further scrutiny.
- The conference sympathised with the peculiar situation of farm workers and resolved that workers should be afforded rights and protection under a labour code and a charter of rights which amongst other provisions, should grant rights to farm workers and their families to: (i) reside on the farm after retirement; (ii) free grazing rights; and (iii) a living minimum wage. [The Presidential Commission into Farm Workers Issues under the chairmanship of Bishop Z. Kameeta [then Deputy Speaker of the National Assembly] made similar recommendations [RoN, 1997].]


Thirteen of the conference resolutions dealt with land in areas of customary tenure. These resolutions are summarised in Box 2 below.
Box 2: Resolutions of the National Conference on Land Reform and the Land Question that deal with land in rural areas, including customary land

"Communal areas should for the present be retained, developed and expanded where necessary." (GRN Land Conference, 1991)

- With regard to access to land in rural areas, including customary land, the conference acknowledged the "homeland policy", underpinned by apartheid laws.
- Disadvantaged communities and population groups, for example the San and people living with disabilities, "should receive special protection of their rights".
- Game reserves and farmers' rights: that farmers have the right to protect their crops and livestock.
- Rights of women: That women should have the right to own land, inherit and bequeath land and fixed property; that all discriminatory laws [statutory or customary] should be abolished or amended; and that women should be fairly represented in all local institutions which deal with land allocations and land use in rural areas.
- Land allocation and administration: The conference recognised that government and traditional leaders play a role in land allocation and administration, however such roles should be defined by law and should comply with the Constitution. Regional and local government institutions should play a role in land administration, and "Land Boards be instituted to become accountable to the government and their local communities".
- Illegal fencing: Noting the President’s moratorium on illegal fences in 1996, that illegal fencing be stopped and illegal fences removed. Given the absence of legal instruments in the Communal Land Reform Act to enforce this, the moratorium was ineffective.
- Dual grazing rights: That freehold farmers be allowed access to communal grazing; communal farmers who acquire freehold land should not be allowed to keep their rights to communal grazing. This provision is made in the Affirmative Action Loan Scheme, however its effectiveness is questionable and warrants further investigation.
- Relocation of communal farmers with large-scale operations to commercial land: That the Affirmative Action Loan Scheme introduced by government through the Agricultural Bank of Namibia is intended for this purpose.
- Access for small-scale farmers to commercial land: The conference resolved that those who cannot afford to buy land should be assisted through a government resettlement programme, either as individuals or as cooperative farmers;
resettered farmers should be offered training, technical advice and grants to buy or improve their own livestock.

- The conference recognised the role of NGOs and cooperatives in agricultural development and recommended that they be supported and encouraged by government.


The conference outlined a process of land reform based on two key elements:

1. The set of resolutions concerning freehold land (commercial farms) emphasised the need to undertake a redistributive reform process. The Agricultural Commercial Land Reform Act (1995) and the Resettlement Policy (1995, revised 2001) were drafted to facilitate government acquisition of land for redistribution to landless Namibians.

2. The set of resolutions regarding customary land (communal land) emphasised tenure reform and the design of an effective land administration. To this end, government passed the National Land Policy in 1998 to provide for alternative forms of tenure. In terms of this policy, the land boards would administer leasehold land and customary grants would be allocated and administered by traditional authorities. The Communal Land Reform Act No. 5 of 2002 confirmed this.

Please note that for the purposes of this chapter, the classification of tenure regimes as "commercial farming" (when referring to freehold land), and "communal farming" (when referring to customary land), will be avoided. Werner (2004) argues that the two terms are misleading as the current description of communal tenure is used to describe a mixture of tenure regimes. Within "customary land" there are a variety of forms of tenure (see the National Land Policy 2001:11).

Many commentators believe that the outcome of the conference created the framework for policy debate and policy formulation. Many land and natural resources policies indeed reflect the important policy pronouncements expressed during the conference.

In the absence of comprehensive study and analysis of the policy implications at macro and micro levels, the 24 resolutions passed at the 1991 conference could be used to measure how far the government has progressed in the last 13 years towards fulfilling the expectations of its citizens. Various groups are now calling for a second National Land Conference to review progress. Without pre-empting the PTT process, it is suggested that the PTT and a second National Land Conference would be of great value to the government.

An overview of how land reform has progressed post-Independence follows.
### Overview of land reform events 1990-2004

<table>
<thead>
<tr>
<th>Year</th>
<th>Event and general remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>At the first session of the National Assembly, a motion was introduced proposing that the Office of the Prime Minister convene a conference on land. The Prime Minister supported the motion, describing this matter as one of great urgency.</td>
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<tr>
<td>1992</td>
<td>The Committee on Commercial Farmland made recommendations that were taken into account during the drafting of the Commercial Land Reform Act of 1995. Consultations by the committee were limited to written submissions from institutions and individuals.</td>
</tr>
<tr>
<td>1994</td>
<td>A People’s Land Conference was organised by institutions of civil society. Resolutions emphasised the participation of civil institutions in policy debates. Led to the NGO Working Group on Land.</td>
</tr>
<tr>
<td>1995</td>
<td>The Commercial Land Reform Act passed. Critics feel the Bill was passed too hastily, with limited consultation.</td>
</tr>
<tr>
<td>1996</td>
<td>The First Working Paper on Communal Land unofficially circulated. Civil institutions (NNFU, RISE, NDT) began consultations with rural communities to obtain their input.</td>
</tr>
<tr>
<td>1996</td>
<td>President declared a moratorium on illegal fencing in communal areas. Fencing continues despite the moratorium.</td>
</tr>
<tr>
<td>1997</td>
<td>The National Resettlement Policy passed.</td>
</tr>
<tr>
<td>1998</td>
<td>National Land Policy adopted. Provides for Land Use and Environmental Board (LUEB) and land boards.</td>
</tr>
<tr>
<td>2000</td>
<td>The Agricultural Commercial Land Reform Amendment Bill was introduced. Amendments made provision for the establishment of the Land Acquisition and Development Fund.</td>
</tr>
<tr>
<td>2001</td>
<td>Revision of the National Resettlement Policy. No major changes other than main target groups. No explicit mention of farm workers or how they would benefit.</td>
</tr>
<tr>
<td>2001</td>
<td>Land tax regulations introduced. Legal provisions delayed implementation.</td>
</tr>
<tr>
<td>2002</td>
<td>The draft Land Tenure Policy advocated for group property management for communal grazing.</td>
</tr>
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</table>
### Component 1: Policy and legal framework

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2003</td>
<td><strong>Communal land boards established.</strong> One hundred and sixty-six members nominated in 12 regions.</td>
</tr>
<tr>
<td>2003</td>
<td><strong>NNFU/NAU joint venture: Emerging Farmers Support Programme.</strong> (A joint venture project of the agricultural unions to support land reform.)</td>
</tr>
<tr>
<td>2003</td>
<td><strong>Establishment of the PTT</strong> to evaluate land reform.</td>
</tr>
<tr>
<td>2004</td>
<td><strong>Announcement of land expropriation programme.</strong></td>
</tr>
</tbody>
</table>

This demonstrates a pattern of legislation being drafted without an established policy framework. For example, the Agricultural Commercial Land Reform Act No. 6 of 1995 was drafted before the National Land Policy and the National Resettlement Policy. The policy provisions have been formulated retrospectively to accommodate the provisions of the Act.

The policy environment in Namibia has been characterised by shallow public debates, which Alden Willy and Mbaya (in Toulmin and Quan, 2000) describe as high at times and limited at others, with centralised decision-making aided by periodic consultations through workshops and conferences. This could stem from the absence of a general, institutionalised framework incorporating consultation prior to the making of policies and laws supported by explicit policy statements.

For example, the Mozambique Land Policy, which was passed in 1995, identified six principles that were incorporated in their Land Law of 1997. According to UNAC (2004), Cabinet contested the demands of farmers as resource users. Policy-makers applaud how the principle of community consultation was applied in Mozambique and its subsequent recommendations for seeking and applying the outcome of such consultations (De Quadros 2003, unpublished case study). This process was preceded by public consultations over a period of two years, facilitated by civil society institutions and supported by the Government of Mozambique.

The policy-making process and the subsequent government response was described and categorised by Okoth-Ogendo, 1998, quoted in Toulmin and Quan, 2000:

1. **Desk-top research** led by bureaucrats, based on the premise that potential results of policy decisions may be foreseen and mitigated. This often results in a crisis management approach, controlled by bureaucrats and their political agendas. The result is an uncoordinated process of adapting sectoral policies to land-based natural resources like water, land, forestry and wildlife.
2. The appointment of experts or task forces to prepare working documents. This approach is rooted in the assumption that the basic problems and their likely solutions are known in advance. However, the outcomes of such processes, at best, validate existing processes and relieve political pressure. Implementation of such outcomes appears to be low (Rukuni Commission Report, reported in Robin Palmer, 2000).

3. The appointment of independent commissions, for example the Presidential Commission on Land Policy Reform in Malawi, which has conducted 237 public meetings. Member of the Commission, Harawa, shared his experiences with us. He described "enquiry fatigue" amongst respondents. In Namibia, the Parliamentary Standing Committee on Natural Resources conducted 29 hearings in 1999 on the Communal Land Reform Bill. In its conclusion, the commission acknowledged a lack of public awareness of the contents of the Bill, making it impossible for the commission to make sensible recommendations (Werner, 2004).

4. In South Africa, Tanzania and Uganda, draft policy documents are prepared to stimulate public debate. This combination of bureaucratic and public discourse relies heavily on civil institutions as primary drivers of community discourse. Many governments that address land reform within the broader framework of rural development and poverty reduction prefer to use a combination of approaches.

This analysis of possible government responses may not be completely applicable to Namibia; however the PTT believes it crucially important that the team’s findings be debated in public, at local, regional and national level to obtain consensus before the final decision is reached.

1.4 Overarching policy instruments

1.4.1 The Namibian Constitution

As far as possible, Namibian land and natural resources policies have taken the relationship between land and people into account. The Constitution makes frequent reference to land issues.

<table>
<thead>
<tr>
<th>Box 3: Constitutional provisions</th>
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<tr>
<td>Article 16(1) provides for all persons to acquire, own and dispose of all forms of immovable and movable property in any part of Namibia. Acquisition and ownership of land by foreigners (non-Namibian citizens) could be regulated or prohibited by an Act of Parliament. The Constitution makes provision for expropriation of land &quot;in the public interest&quot;, subject payment of just compensation in accordance with the requirements and procedures to be determined by an Act of Parliament.</td>
</tr>
</tbody>
</table>
Article 21(1)(h) alludes to the important principle of all persons having a right to freely move, reside and settle in any part of Namibia.

Article 23 provides for policies and programmes that aim to address social, economic and educational imbalances, which emanate from past discriminatory laws under apartheid. It also recognises the role that women play or could play in the political, social, economic and cultural spheres of the nation.

Article 95(1) states that the State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at:

(i) Maintenance of the ecosystems, essential ecological processes and biological diversity of Namibia and the utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future.


1.4.2 Vision 2030

Vision 2030 recognises land productivity as a major factor constraining overall land-based economies – including Namibia’s economy. Namibia has scarce water sources (surface and groundwater), varying grazing conditions and low biomass. Together, these result in low livestock carrying capacities (GRN 2004) and limit diversification of land-based economic activities.

Sub-Vision: Water

"Namibia’s fresh water resources are kept free of pollution and are used to ensure social well-being, support economic development and to maintain natural habitats."

In order to reduce fresh water depletion, the Vision proposes an "Integrated Water Resources Management and Water Demand Strategy" that incorporates reduction of evaporative losses, water recycling, improving catchments and basin management.

Sub-Vision: land and agricultural production

"Land is used appropriately and equitably, significantly contributing towards food security at household and national levels, and supporting the sustainable and equitable growth of Namibia’s economy, whilst maintaining and improving land capacity."

The Vision aims to ensure equitable access to land and other natural resources while they are used in a sustainable and efficient way. The Vision advocates a shift towards empowering local resource-users' communities to allocate rights and manage natural resources. Many sectors are implementing this approach.
through the community-based natural resource management and community-based management of water resources strategies. Legislative tools have been developed (the Amendment Act 6 of 1996 to the Conservation Act and the Water Resources Management Bill). However, progress in the land sector has yet to match improvements made in other sectors, particularly in communal grazing areas.

**Land degradation**

Various production systems contribute significantly to land degradation.

- Livestock production is a major culprit due to overstocking and overgrazing of natural pastures.
- Declining land cover due to excessive trampling with limited time to allow the natural vegetation to recover.

**Sub-Vision: Forestry**

"Namibia's diverse natural woodlands, savannahs and the many resources they provide, are managed in a participatory and sustainable manner to help support rural livelihoods, enhance socio-economic development and ensure environmental stability."

Woodland ecosystems contribute immensely to rural livelihoods through energy (fuel), construction materials, wild foods and medicinal products, and animal grazing. Woodland and savannah ecosystems maintain environmental health by curbing soil erosion and climate control. The biggest threat to Namibia's forest ecosystems is fire.

**1.4.3 National Development Plan 2 (2001-2006)**

The National Development Plans are important instruments that identify specific medium-term interventions as part of the long-term development vision of 2030 (NDP2). NDP2 must therefore be viewed as a medium-term strategy with the following objectives:

- Revive and sustain economic growth.
- Create more employment opportunities.
- Reduce inequalities in income distribution.
- Reduce poverty.
- Reduce regional development inequalities.
- Promote gender equality and equity.
- Promote economic empowerment.
- Combat the further spread of HIV and AIDS.

The NDP2 document identifies priority areas for government with little mention of land and/or land reform, despite land reform being a hotly contested development topic in many public debates.
Component 1: Policy and legal framework

Two of the NDP2 Strategies relate specifically to the environment as they provide for:

- Sustainable provision and strengthening of an enabling environment for economic growth and development.
- Promoting environmental and ecological sustainability.

These strategies are consistent with Article 95(1)(i) of the Constitution of Namibia, which provides for the maintenance of ecosystems, essential ecological processes and biological diversity.

Other strategies relate to:

- Developing Namibia’s human resources.
- Promoting, expanding and strengthening participatory development and equity.
- Promoting, strengthening and sustaining good governance and democracy.
- Expanding and strengthening Namibia’s international role.

Chapter 14 of NDP2 relates to land reform and resettlement. The chapter recognises the role of land and land reform in the socio-economic development of Namibia, as land-based economies support rural households and urban dwellers. It is often overlooked that many people living in urban areas of Namibia derive considerable food and cash income from land-based activities (livestock and crop farming).

NDP2 recognises the need for cross-sectoral participation in the planning and administration of land by other stakeholders, for example government institutions, NGOs and communities. However, the institutional framework necessary to effect coordination and inputs of other stakeholders to the process of land reform is not described. Many of the local, regional and national institutions are not fully aware of the role they should play in support of land reform (Resettlement Survey 2004, Institutional Needs Assessment 2004 unpublished reports). Community involvement in land reform is limited and in particular, limited to resettlement. Some communities have called for a more egalitarian process, driven and directed by local communities. We could learn from Brazil’s experience in this regard.

Recommendation

- The mid-term review of NDP2 currently underway must provide for a coordinated sectoral response to land reform as a national programme supported by various institutions (public, private and NGOs). This would require MLRR to develop specific indicators to measure the impact of land reform on poverty reduction. The participation of regional and local actors in regional development planning and implementation regarding land reform and its targets must be supported.
1.4.4 The National Poverty Reduction Strategy (1996)

The National Poverty Reduction Strategy (NPRS) reflects the growing recognition of a need for a framework within which to coordinate sectoral responses to poverty. Based on the income and expenditure figures of the 1993/4 survey, it identified regional disparity across Namibia.

Three main areas of intervention are apparent:

- The need to bring about equitable and efficient delivery of government services, based on the decentralisation approach.
- The need to accelerate equitable agricultural expansion, based on the concept of food security through diversification of cash and food crops.
- The need to expand non-agricultural based economic activities, with emphasis on informal sector and self-employment alternatives.

The policy assumes that given Namibia’s fragile environment, agriculture may not be in position to sustain the economy and total long-term well-being of people (RoN 1998:5), but recognises that:

- The geographic location of Namibia and continuing investment in its physical infrastructure allows the country to play a critical role as a transport-hub in the sub-region; and
- Investment in education and health are prerequisites for a sustained social and human capital formation.

The NPRS proposes short-term interventions in agriculture, tourism and small- and medium-scale enterprises with particular attention being paid to:

- Labour-intensive public works; and
- Strengthening of grant-based transfer programmes. It is recommended that grant-based transfer programmes be reduced to three: social pensions, blindness/disability pensions and child maintenance.

The NPRS aims to enhance accountability and efficiency of the public service, using decentralisation to:

- Strengthen community and user-group participation in the design, implementation and monitoring of public programmes.
- Strengthen the administrative capability of regional authorities.
- Establish regional forums to facilitate consultation between regional institutions and national directorates.

The institutional framework to effect delivery of programmes aimed at poverty reduction needs strong monitoring and evaluation. At both national and regional levels, the lack of these elements is apparent (RoN 1998:24).

The NPRS has been unable to link land reform to poverty reduction as part of the National Poverty Reduction Action Plan Programme (NPRAPP). However some policy pronouncements have drawn parallels between land reform and
poverty reduction. In the Presidential address to Cabinet during retreat, the following statement was made:

"We can only implement our Poverty Eradication Strategy effectively if we address the issue of land in the context of poverty." (The Namibian, 13 December 2000, on-line, Ijimune 2001, unpublished MA dissertation). It may be assumed that land reform constitutes one of the elements of the NPRS.

Recommendations

- In order to facilitate cross-sectoral responses to poverty, a review of the National Poverty Reduction Strategy should take land reform into account and develop action plans to support this process.
- An assessment of the contribution of land reform to poverty reduction must be carried out and realistic targets and indicators must be established.
- The institutionalisation of the post-PTT activities would benefit from the experience of the NPCS in coordinating cross-sectoral responses to national programmes, as is the case with the Namibia Poverty Reduction Strategy and its proposed institutional framework.

1.5 Land reform: consistency issues in policy

The following policies from the wider natural resources framework were reviewed to determine their consistency with land reform and land matters (Werner, 2004).

1.5.1 National Agricultural Policy (1995)

NAP aims to realise national goals of reviving and sustaining economic growth, creating employment opportunities, alleviating poverty and reducing inequalities in income (NAP 1995).

The NAP, like the NPRS, recognises the limitations presented by Namibia’s fragile ecosystem while striving to increase farm income and household food security. The NAP identified the communal farming sector as one of the sectors with potential to grow and to diversify its income base. It is envisaged that the government extension service will concentrate on the communal farming sector. The emphasis of the policy should be understood in the context of the passing of the Commercial Land Reform Act during 1995, after which the resettlement of communal farmers into commercial areas started. For this reason, the policy is silent on the need to prioritise and support emerging resettled farmers.

The policy aims to promote consultative and participatory approaches in research and implementation by encouraging and supporting local organisations and community institutions like farmers’ organisations (associations and cooperatives) in order to reduce reliance on government
support. While the policy directives are reasonably clear, it emerged during the needs assessment undertaken by the PT that the government extension service does not view the mobilisation and institutionalisation of farmers organisations as an immediate priority.

The NAP further emphasises the need for strong inter-agency cooperation and coordination in order to respond effectively to policy issues related to water development, irrigation, sustainable resource management, rural and regional development, land use and land tenure reform. In practice, these policy goals have fallen short – especially with regard to water provision and infrastructure maintenance in the resettlement schemes. To date, no critical consideration was given to resettlement irrigation schemes or to how they could benefit from agricultural and irrigation experts in the Ministry of Agriculture.

**Recommendations**

- It is recommended that the NAP be improved to recognise emerging farmers as previously disadvantaged communal farmers and therefore as much a priority for government extension as communal farmers.
- The MAWRD should bring its policies in line with the spirit of the National Land Policy. This would facilitate the extension of all services mentioned in the NAP to resettlement farmers.
- Farmers' associations and cooperatives must be rigorously supported, as were water point associations.
- Marketing support packages must be developed to enable emerging resettled farmers to access markets in order to fully integrate farmers into the market economy.
- Cooperation between MAWRD and MLRR should be strengthened in order to assist resettlement irrigation schemes under the Green Scheme initiative.

### 1.5.2 National Drought Policy and Strategy (1997)

The National Drought Policy and Strategy introduces a significant policy shift by transferring the primary role of provider from the government to the farmer. Under the new policy, government will assist farmers to manage drought. In Namibia's fragile and drought-prone environment, farmers have managed drought by horizontal expansion. In light of the smallholder resettlement model, this further limits the chances of settler farmers being able to cope with drought. For this reason, many stakeholders view the smallholder model as the perfect recipe for drought vulnerability.

**Recommendation**

- Strengthen the implementation of the National Drought Policy in terms of mitigation and farmers' preparedness by carrying out further studies to determine the ecological sustainability and impact of the smallholder model. A resettlement model must be developed and implemented that encourages collective use of the total farm as a unit, managed collectively
by settlers. Grazing management plans that are compatible with the agro-
ecological zone should be developed to support this.

1.5.3 Subdivision of Agricultural Land Act, No. 70 of 1970

To date, this is the only law that provides for the subdivision of agricultural land. The Act aims to maintain "economic units" in the commercial farming sector by controlling the subdivision of agricultural land. According to the Act, the Minister of Agriculture, Water and Rural Development must approve any subdivision of agricultural land. The Act also prohibits the vesting of undivided shares in any person unless approved by the minister. The Ministry of Agriculture continues to administer this Act independently of MLRR (Werner, 2004).

Recommendations

- Strengthen coordination between MAWRD and MLRR in the implementation of the Act.
- The Act should be reviewed in order to facilitate the subdivision of agricultural land to provide for the following:
  (i) Freehold farmers wanting to dispose of parts of their units to AALS beneficiaries due to liquidity problems.
  (ii) Possible joint ventures between current land-owning farmers and AALS beneficiaries, or other partnership arrangements between AALS beneficiaries.
  (iii) AALS farmer who are in need of small parcels of land to suit their needs and financial capabilities.

1.5.4 Fencing Proclamation 57 of 1921

Commercial farmers have requested clarity about who should bear the cost of repairing boundary fences between their farms and the government resettlement schemes. Is this the responsibility of government or settler beneficiaries? New lease agreements or a revised fencing law could resolve this uncertainty.

1.5.5 Water and Sanitation Policy (1997)

National Water Policy White Paper and the Water and Sanitation Policy (WASP) were approved in 1997. In a radical policy shift, government handed over management and control of water resources in communal areas to communal resource users. A community-based strategy was then developed in order to facilitate the handing-over to user communities. This implies that ownership of water points will be transferred from MAWRD to user communities through legally constituted water point associations. The proposed Bill provides for management of water resources though basin management committees.
Settler farmers should become stakeholders to represent the interests of their settlers.

The WASP prioritises communal areas rather than resettlement farms in terms of water provision and shared maintenance of resources and infrastructure. The MLRR should thus be recognised as a major stakeholder in integrated water management. Land reform beneficiaries have special needs with regard to the provision of water (as will be discussed under environmental sustainability). In brief, this is often the result of the subdivision of farms, which leaves some beneficiaries without access to sufficient water. This is often compounded by the fact that land reform beneficiaries are not yet fully fledged commercial farmers and do not form communities in the sense of communities in non-freehold areas. The introduction of water point committees on resettlement farms would also differ from those in non-freehold areas, as land reform beneficiaries will ultimately register 99-year leases over their land.

1.5.6 Forest Act No 12 of 2001

The Act provides for the establishment of a forestry council and the appointment of certain officials to consolidate the laws relating to the management and use of forests and forest produce, to provide for the protection of the environment and the control and management of forest fires, to repeal the Preservation of Bees and Honey Proclamation, 1923 (Proclamation No.1 of 1923), Preservation of Trees and Forests Ordinance, 1952 (Ordinance No. 37 of 1952) and the Forest Act, 1968 (Act No. 72 of 1968), and to deal with incidental matters.

In accordance with Part 1(2), the minister will appoint a forestry council with the following functions:

- To advise the minister on forest matters including legislation applicable to the forestry industry.
- To advise the minister on the preparation and implementation of the national forest policy.
- To advise on any matter which the minister or a council member has placed before Council.
- To advise any person or institution which requires assistance or information on forestry-related matters.

Part 3 enables the minister, in agreement with the Minister of Lands, Resettlement and Rehabilitation, to declare three types of forest areas: State forest reserves, regional forest, and community forest. With regard to community forests, the Act confers rights (subject to the management plan) to manage and use forest produce and other natural resources, to graze animals, to authorise others to exercise those rights, to collect and retain fees, and to impose conditions for the use of the forest produce or natural resources.
1.5.7 Environmental Management and Assessment Bill 2004

This Bill aims to establish general management principles for the environment and all natural resources, to promote a coordinated and integrated management of the environment, and to give effect to the Environmental Assessment Policy.

Part 3 of the Bill makes provision for the establishment of the Sustainable Development Advisory Council (SDAC). Council members will include line ministries and institutions (Environment, Mines, Agriculture, Fisheries, Regional & Local Government, Lands, Works, the National Planning Commission), the Chamber of Mines, the National Union of Namibian Workers, the Institute of Town & Regional Planners, the Non-Governmental Organisations Forum and two experts in sustainable development.

The current composition of the SDAC excludes representatives of organised farmers' unions, which are the major resource users.

1.5.8 Water Resources Management Bill 2004

This Bill provides for the management, protection, conservation and use of water resources, the establishment of the Water Advisory Council, the Water Regulatory Board and Water Tribunal, and other incidental matters. It gives effect to the Water and Sanitation Policy and the community-based management strategy. It also authorises any executive agency to assist the minister with the implementation of the Act.

At community level, the Act encourages and provides guidelines for local water point users to establish water point user associations and local water user associations. Members of the water point user associations will elect water point committees to oversee daily management of water resources and financial issues.

A special court to be known as the Water Tribunal will be established to hear and decide on matters relating to water resources. The proposed Water Tribunal will enable water point users associations and water point committees to lay charges against water users who do not comply with their respective water point rules.

Recommendations

- The National Water Policy White Paper should be revised to deal more explicitly with the specific requirements of land reform beneficiaries.
- In consultation with the MLRR, MAWRD should investigate the community-based management strategy and subsequent establishment of water point associations or committees on the resettlement farms.
- Shared water points would significantly circumscribe the rights conferred on lessees. The effect this may have on mortgage applications needs to be investigated.
Component 1: Policy and legal framework

- The roles and mandates of traditional leaders in land and natural resources management need to be spelled out clearly to avoid duplication of functions between line ministries, land boards and traditional leaders.

- Community rights to land and natural resources need to be recognised. It is important, however, to balance the rights of communities against rights individuals may hold (Corbett and Jones 2000: 20).

- A policy and legal framework needs to be developed to consolidate the management of land and natural resources at community level in one institution (Corbett and Jones 2000: 12). The multiplicity of institutions serving different sectors is likely to be counterproductive in the long run, as all of them compete for time with other activities.

1.6 Key policy strands

A number of common policy strands can be identified in the policies reviewed. These are summarised below in preparation for the next component, which will assess the extent to which current land and resettlement policies support the policies discussed thus far.

The alleviation of poverty through employment creation and empowerment of communities is pivotal in the forestry and wildlife sub-sectors. Policies have been designed to allow rural communities to benefit from the resources under their jurisdiction and control. Attempts have been made to optimise the returns on natural resources to benefit communities as much as possible.

Another important feature of post-independence development policies is that the State and central government play a different role in development interventions than they did pre-independence. More specifically, the State is seen as facilitating development by providing a conducive policy and legal framework as well as technical support where needed. It no longer provides direct services and subsidies.

A number of consequences flow from this broader policy approach. Firstly, government has decided on a policy of decentralisation. This is popularly referred to as bringing government to the people. Elected regional councils will assume considerable political, planning and budgetary responsibilities.

Secondly, the private sector and civil society are expected to play a more prominent role in providing support services. Thirdly, there is considerable emphasis on the participation of communities in planning and implementing development interventions. In order to facilitate this, a new institutional framework at sub-regional level is being created in terms of the Decentralisation Policy. The participation of traditional authorities is also encouraged, albeit in a more transparent way than previously. Fourthly, individual farmers have to assume more management responsibility than previously, particularly with regard to drought management. Subsidies will only be granted in special cases.

Finally, the policy framework relating to natural resources provides for the acquisition of property rights to the utilisation and management of natural resources. With regard to water, full ownership of the
resources will be transferred to communities of users, while communities are entitled to the utilisation of wildlife and forest products, whether for their own consumption or sale. In all cases, central government institutions retain the right to regulate and control the management and utilisation of resources, as well as provide technical support when requested.

In all these cases, the policy and legal frameworks enable rural communities to constitute themselves as legal entities, with legally-sanctioned rights and obligations towards natural resources. Their powers include the right to refuse people who are not part of a particular community permission to utilise particular resources or, alternatively, grant permission to use them.

The policies reviewed above seek to address structural imbalances and inequalities that emanate from the dualistic tenure system that still characterises the country. There is a need, however, to widen the scope of these policies to include the expanding small-scale farming sector that is the result of land redistribution. Land reform beneficiaries are not yet full-blown commercial farmers, nor are they necessarily members of communities similar to those in non-freehold areas. Finding themselves wedged between the two sub-sectors, their needs cannot easily be accommodated in either sub-sector and therefore need to be recognised separately in policies related to rural development and natural resources management.

1.7 The land policy framework and specific land issues

1.7.1 The National Land Policy and National Resettlement Policy

The two key policy documents spelling out the aims and objectives of land reform in Namibia are the National Resettlement Policy (RoN 2001a) and the National Land Policy (RoN 1998a). In addition, a number of other policies have a bearing on land reform generally and land policy more specifically. This section will review these policies.

The overriding objective of land policy in Namibia since Independence has been to redress the injustices of the past as far as land ownership and access to land are concerned and to promote sustainable economic development (RoN 1998a: iv). In its introduction, the National Land Policy (NLP) identifies a number of issues that it seeks to address. These are:

- Clear policy and administrative structures for land allocation and management in the rural areas.
- Clarification of legitimate access and rights to land in communal areas.
- Inefficient land administration by traditional authorities in some areas.
Component 1: Policy and legal framework

- The absence of clear or widely-accepted authority over land in parts of the country.
- Uncertain roles and rights of government, the chiefs, the rich and the poor.

The National Resettlement Policy (NRP) is more explicit on resettlement objectives and target groups. The overall objective is to resettle eligible people in an institutionally, sociologically, economically and environmentally sustainable manner and in such a way that they become self-supporting. More specifically, the aims of resettlement are to enhance the welfare of the people through the improvement of productivity and to develop destination areas where they should be able to earn a decent living.

The specific objectives of resettlement are listed as follows:

1. To redress past imbalances in the distribution of natural resources, particularly land.
2. To give target groups an opportunity to produce their own food with the ultimate aim of food self-sufficiency.
3. To bring smallholder farmers into the mainstream of the Namibian economy by producing for the open market and contributing to the country's GDP.
4. To create employment through farming and other income-generating activities.
5. To alleviate human and livestock pressures in communal areas.
6. To offer an opportunity to citizens to reintegrate into society after many years of displacement by colonisation, wars of liberation and other diverse circumstances.

These specific objectives of resettlement are wide-ranging, covering many aspects of rural development. They require both expertise and financial resources that the MLRR is not likely to have or obtain in future. Coordination among line ministries thus becomes important if land reform is to succeed.

Recommendations

- Amend the NLP and the NRP to become consistent with the provisions of the draft National Land Tenure Policy in addressing group rights in respect of communal pastures.
- Amend the NLP and NRP to strengthen and clearly define the roles of other NGOs and other civil society organisations.

1.7.2 Communal Land Reform Act 2002

The principle goal of the Act is to provide for the allocation of rights in respect of communal land, to establish communal land boards, to provide for the powers of chiefs and traditional authorities and boards in relation to communal land, and to make provision for incidental matters.
The Act came into effect on 1 March 2003 and implementation of the Act has begun.

The Communal Land Reform Act of 2002 aims to improve communal land tenure systems by restoring the powers of chiefs and traditional authorities and by creating communal land boards as new statutory bodies with the following functions (2002: Section 3):

- To control the allocation and cancellation of customary land rights by chiefs or traditional authorities.
- To decide on applications for rights of leasehold.
- To create and maintain registers for the allocation, transfer and cancellation of customary land rights and rights of leasehold.
- To advise the minister on regulations to be made to meet the objectives of the Act.
- To give effect to the provisions of the Act.

To date, 12 communal land boards have been established. A study undertaken in 2004 by Division: Land Boards, Tenure and Advice to assess the institutional capacities of land boards and traditional authorities identified a number of obstacles (usually related to human resources, finances and institutional issues) that prevent effective implementation of the Act.

1.7.3 Coordination

When considering the aims and objectives of the NLP, Walker's observation (2001: 5) that land reform is overburdened may help to put things into perspective. Elaborating on her observation, she argued that the land reform process is "labouring under unrealistic expectations from the public of what it can achieve on its own in transforming social relations and ushering in the just, productive, sustainable and tolerant society envisaged by the White Paper..." More specifically, she argues that it is unrealistic to expect a single department or line ministry to bring about these envisaged changes. For this to happen, synergistic policy interventions across different government programmes are required. "Land reform that is more than the mere transfer of land to individuals or communities depends on harnessing the resources of other government departments responsible for planning, service delivery and economic development, as well as mobilising organs of civil society." (Ibid: 103)

Both the NRP and the NLP (1998: 18) recognise the need for close cooperation and coordination with a number of other ministries and institutions. And yet the role of civil society in supporting land reform is not mentioned in either policy.

Several studies suggest that there is not much coordination between the MLRR and other line ministries in the planning and implementation of land reform, burdening the MLRR with tasks that frequently fall outside its mandate and for which it consequently does not have the required resources. Attempts to improve coordination seem to have failed and support to beneficiaries by other line ministries continues to be voluntary. What is required is an institutional
framework to facilitate inter-ministerial planning and coordination of activities and budgets.

With regard to services, the policy environment in which these new small-scale farmers are expected to operate has been adjusted to large-scale commercial farmers (like payment for services). Land and resettlement policies need to take into account that land reform beneficiaries are a special category of farmers as they are not yet commercial farmers, but also do not easily fit the description of communal farmers. Without changes to land reform beneficiary policies (like access to credit, marketing, drought assistance, etc), land reform is likely to lose some of its potential benefits. This calls for closer cooperation between MLRR and MAWRD.

The NLP (1998: 16) envisages the establishment of the Land Use and Environmental Board (LUEB) to "ensure that land use planning, land administration, land development and environmental protection are promoted and coordinated on a national and regional basis to guarantee environmental, social and economic sustainability". This board does not have any legal basis at the moment and thus remains dormant. It is necessary to ensure that the LUEB's brief is not interpreted narrowly to restrict its membership to land use planners and environmentalists. Experts on gender issues, for example, need to become members of the board as well.

While the LUEB will provide an institutional framework for improved coordination, the absence of a comprehensive policy on rural development built around land reform will continue to contribute to the perception that land reform is a sectoral programme and as such, the sole responsibility of the MLRR. A clear policy on how land reform in its widest sense fits into rural development will provide a vision and focus that is likely to make it easier for other ministries to see how their sectoral responsibilities contribute to an integrated programme of rural development.

Recommendation

- The LUEB (or an equivalent body) should be established as soon as possible. For this, clear responsibilities and functions must be developed and its membership determined accordingly. It will be necessary to take a holistic view of land reform, including all its social, economic, environmental and cultural aspects. It is desirable for the board to have a legal basis to ensure its effectiveness and sustainability. Land reform needs to be integrated into a wider rural development programme to improve government's focus on rural development and poverty alleviation.

1.8 The definition of beneficiaries – redistribution

The resolutions passed at the National Land Conference did not spell out in much detail who the beneficiaries of land redistribution should be, other than that small-scale communal farmers should have access to freehold land in order to relieve the pressure on non-freehold land (RoN 1991a: 40).
The TCCF recommended a number of different target groups. These should either be:

- Effectively landless people, that is people who have no land or too little land to support themselves and their dependents; OR
- San, left behind by the South African occupation forces; OR
- Ex-combatants; OR
- Returned Namibian refugees; OR
- War victims, disabled and able to practise agriculture; OR
- Heads of households, and female; OR
- Unemployed and without any income (including spouse); OR
- Poor people (RoN 1992a: 177-178).

The TCCF further recommended that each applicant be interviewed and his or her needs assessed according to a point system in order to identify the most needy applicants.

A detailed description of the main target groups and criteria to select them is provided in the NRP (RoN 2001a: 3). Three main categories of settlers are defined as follows:

- People who have no land, income or livestock;
- People who have neither land nor income, but some livestock; and
- People, who have an income or are livestock owners, but need land to be resettled on with their families and to graze their livestock.

People owning in excess of 150 large stock units (LSUs) do not qualify for resettlement but are encouraged to apply for Affirmative Action Loans (AALs).

The main target groups identified by the NRP cover a wide range of people who want or need land. This requires great flexibility in accommodating previously disadvantaged Namibians by taking their specific circumstances into account. These ambiguities are reflected in the criteria for settler selection. The first criterion for the selection of settlers states that “beneficiaries should have a background or an interest in agriculture or other related activities on which resettlement is based” (Ibid: 5). Arguably, the identification of main categories of beneficiaries includes both need and the ability to farm. It is not clear from the policy whether “need” or the “ability to farm” should be the main criterion. As Behnke (1995: 17) argued, this ambiguity reflects the fundamental debate about who should get the land: those who need it or those who are most likely to farm successfully? A clear answer to this question is essential for effective land distribution.

The NRP is also not clear on the duration and extent of government support to land reform beneficiaries. It clearly expresses the importance of providing resettlement projects with sufficient human and financial resources as well as tools to establish themselves. However, the length of support depends on “the type of settlement and the category of beneficiaries”, although there is an expectation that beneficiaries should be “self-reliant and self-sufficient” by the fourth year, natural disasters excepted. Settlers are also expected to meet
some basic requirements, such as maintaining their allotments or plots (RoN 2001a: 7).

The question of beneficiaries' own contribution to resettlement is ambiguous. One of the selection criteria states, "settlers should be prepared to support cost recovery measures, such as lease and water fees whenever they are introduced" (ibid: 5). Given the limited resources of government to support land reform, the contribution of beneficiaries should be spelled out more clearly. The desirability and viability of requiring contributions from beneficiaries on a sliding scale tailored to specific categories should be investigated.

McAuslan (1995: 3) and (Behnke 1995: 17) drew attention to the fact that some of these ambiguities are reflected in the Agricultural (Commercial Land) Reform Act, 1995.

More clearly defined categories of beneficiaries would also enable service providers to develop support packages tailored to the specific needs of specific beneficiaries.

The NRP acknowledges that access to additional income streams may be necessary. It provides for "subsidiary income-generating activities" such as vegetable gardens, brick making, poultry farming, pig farming, tailoring, bakery operations and other activities (RoN 2001a: 6). However, the policy places a number of unnecessary restrictions on what beneficiaries may or may not do without permission from the government. It is not clear whether settlers need official permission for any of these additional income-generating activities or not. The policy only states that if beneficiaries do not adhere to the stipulations of the lease agreement regarding the productive utilisation of the land, they may be disqualified. This must be understood to mean that the lease will be cancelled.

These provisions are contained in the lease agreements currently in use. They restrict the use of properties allocated to beneficiaries to grazing, cropping and mining, or any combination of these. Any other use of the allocation requires the permission of the lessor, that is the MLRR. It also requires that the lessee occupy the property "on a full time basis unless the lessor has specifically agreed otherwise" (RoN nd: 2-3).

The draft Land Tenure Policy proposes that the Minister of Lands may change the nature and condition of a lease and may cancel it if the lessee is in breach of conditions relating to the productive use of the land (RoN 2002b: 23).

Farming under local conditions requires much flexibility in terms of range management, but also additional income-generating abilities. Current restrictions seem to bureaucratis the exploration of alternative income-generating opportunities unnecessarily. It is also questionable whether the costs of enforcing these stipulations justify the returns.

**Recommendations**

- There is a need to tighten the definition of beneficiary categories. A policy decision should be taken on whether those in need of land should get it,
whether those who can already farm productively should be allocated land, or perhaps a mixture of both. This would encourage more specific policy statements on how access to land could contribute towards poverty reduction.

- Agreement needs to be reached on the number of poor people that should be resettled, relative to the number of beneficiaries in the last category. Unless this is done, there is a risk that land redistribution will not make a significant dent on poverty, but will instead enrich those who could fend for themselves.

- Currently the State pays for all expenses incurred in acquiring land and settling beneficiaries. It is recommended that the viability of graduating contributions from beneficiaries be investigated and incorporated into policy.

- It is recommended that no restrictions be placed on alternative livelihoods strategies of settlers, except upon those strategies that are necessary to ensure the sustainable utilisation of natural resources. Stacking rates are already prescribed in lease agreements. The utilisation of wood should be subject to existing forest legislation and regulations.

- With regard to the use of water, it is recommended that any form of irrigation (with the possible exception of small gardens for own consumption) should be subject to permission from the responsible water authority.

1.9 Economic units

The NRP does not explicitly state that resettlement will imply the transformation of large-scale commercial farms into small-scale farming units. It simply proposes three main resettlement models:

- Individual holdings;
- Group holdings; and
- Cooperative holdings and other legal entities (RoN 2001a: 7).

It states that a target minimum income will be established to allow for the proper monitoring of the impact of resettlement on improving the living standards of beneficiaries. This, however, is not related to the size of holdings. Individual holdings will simply have "the minimum size of a commercially/subsistence viable unit in any agro-ecological zone" (ibid.). No other policy statement on the minimum size of allocated units has been found.

The definition of economic units remains contentious (NAU 2003). The Act only stipulates that "economic units" should be defined in relation to distinct agro-ecological regions. The Act obliges the Minister of Lands, with the concurrence of his counterpart in the MAWRD, to divide the country into such agro-ecological units and to prescribe "economic units" for each region. This decision will be taken on a recommendation of the LRAC.
“Economic farming units” are not simply a matter of economics. There is a cut-off point below which a piece of land cannot be farmed on an economically viable basis. However, any size above this absolute minimum depends on the income expectations people have. Should an "economic unit" be 10,000 ha to generate an annual income at the level of a permanent secretary, for example? Or would the country achieve its socio-economic objectives if land reform beneficiaries earn the equivalent of a senior clerk in government service?

Clearly, these decisions involve other expectations and needs as well. Expected incomes from allocated land and resultant “economic units” therefore need to be negotiated by all stakeholders. The policy framework does not provide for this approach, but the Act, with its relatively wide representation of stakeholders, seems the appropriate forum for this.

The legal framework provides for an orderly transition from large-scale commercial farming to small-scale farming in order to make as much land as possible available to previously disadvantaged Namibians. The virtues of small-scale farming in terms of productivity have been expounded by, amongst others, the World Bank.

There is a need to examine the position of small-scale farmers in the Namibian context, with its unpredictable and unreliable rainfall in order to tailor land, resettlement and agricultural policies to the specific needs of land reform beneficiaries. Some specific issues that need attention include drought mitigation strategies and competitiveness in marketing livestock etc. (Seeking Ways 2003: 6-7).

With regard to services, the policy environment in which these new small-scale farmers are expected to operate has been adjusted to large-scale commercial farmers (like payment for services). Land and resettlement policies need to take into account the fact that land reform beneficiaries are a special category of farmers. Without support services for land reform beneficiaries (like credit, marketing, drought assistance), land reform is likely to lose some of its potential benefits. This calls for closer cooperation between MLRR and MAWRD.

Recommendations

- Policy should be more explicit on the target incomes for land allocated. The desirability of distinguishing between different target groups should be investigated.
- The policy framework should provide for a method of arriving at an "economic unit". The policy should ensure transparency in this regard.
- The existing policy framework in the agricultural and natural resources sectors should be reviewed to assess whether it is supportive of small-scale farming on leasehold land. More specifically, the role of government in providing support in such areas as marketing, veterinary services and droughts need to be critically reviewed.
1.10 Tenure rights

Participants in the National Land Conference resolved that a technical committee should be established to evaluate the legal options concerning possible forms of tenure that are consistent with the Constitution. Given the context within which this resolution is reported, it must be assumed that it refers to redistributed freehold land.

With regard to non-freehold land, the Land Conference resolved that the rights and customs of specific communities must be recognised, particularly when farmers from outside a particular area want to farm and settle. In addition, participants felt that no payments for rural farmland should be made. Women should have equal rights to men to "own" land. And finally, the Land Conference resolved that illegal fencing of non-freehold land should be prohibited and all illegal fences removed.

1.10.1 Tenure on redistributed land

Beneficiaries will be able to register 99-year leasehold rights over their land. The National Resettlement Policy (2001a: 6) states that settlers will be able to use lease agreements as collateral for agricultural credit. The policy does not further specify the rights or obligations of beneficiaries.

Current lease agreements spell these rights out in more detail, undoubtedly reflecting the provisions of the Agricultural (Commercial) Land Reform Act, 1995.

Current lease agreements severely circumscribe the rights of lessees. Beneficiaries may not "sub-lease, cede, assign, mortgage or hypothecate the property or part thereof" without the prior written consent of the lessor (the MLRR). The same applies to the erection of "additional structures, fencing pipelines, dams reservoirs etc. or establishment of orchards, plantations etc." Another provision — probably borne out of necessity — is that lessees are compelled to share water points on their portions of land with neighbouring lessees where the situation demands this.

The draft National Land Tenure Policy (2002b) proposes additional limitations to beneficiaries' rights. It proposes that the rights of beneficiaries should be subject to changes that the minister may effect to lease agreements. In addition, the minister may revoke a lease agreement if the beneficiary is in breach of the conditions relating to the productive use of the land. The draft policy reiterates the provisions of the lease agreements in that the permission of the MLRR is required to erect "any buildings, carry on or allow any person to carry on a trading, commercial or industrial operation on the holding" (Ibid: 23-24).
Component 1: Policy and legal framework

With regard to inheritance, the draft Land Tenure Policy states that as far as leased properties are concerned, the State will retain the right to put the heir to a parcel of land under renewed probation to determine whether he or she is able to farm. Only once he or she has successfully passed probation, the MLRR would “certify him/her as the heir”. The policy also proposes that inheritance systems should provide for inherited land to be held in “trust” by a whole family and not in their individual family members’ capacities. (Ibid: 24).

It is not uncommon for lease agreements or even freehold titles to contain certain limitations. The concern with regard to rights on resettlement land is that rights under current lease agreements are so restricting that lending institutions may not accept them as collateral.

In addition, the impact of HIV and AIDS may mean that many beneficiaries may not be able to farm their land, but will depend on an income from the land. They should thus have the freedom to rent out their land without jeopardising their own rights, or the rights of their dependents to the land.

Recommendations

- Alternative incomes and land use models should be developed as part of the planning for resettlement schemes. Beneficiaries should be informed about all possible land use options regarding their specific allotments and farms. Support should be available for these options. There are a wide variety of alternative land uses like date, grape, olive and game farming or tourism. Coordination with the Ministry of Environment and Tourism and the Ministry of Agriculture, Water and Rural Development should be actively sought and implemented.

- It is recommended that the rights of beneficiaries on resettlement land be reviewed and existing policy adjusted accordingly. The restrictions government may deem necessary to place on lease agreements should not compromise the ability of beneficiaries to use their lease agreements as collateral. Close consultations with lending institutions will therefore be important; especially since the lease agreements are currently being reviewed.

- Relaxing restrictions would not only relieve the MLRR of the considerable responsibility of enforcing these provisions, but would also help to reduce the dependency of beneficiaries on government. Beneficiaries need to develop several income streams in order to make their farming operations successful and to help them survive regular droughts. Placing unnecessary restrictions on their lease conditions makes it difficult for them to explore the full spectrum of possibilities.

- Although the motivation for the inheritance system proposed in the draft National Land Tenure Policy, namely to protect the rights of families, is undoubtedly benign, as it stands, the draft policy ignores the power relationships within households that underpin access to land and resources. Since land rights of women are generally obtained through their membership of a household, their rights are likely to be threatened unless specifically protected.
1.10.2 Customary tenure

The fundamental principles on which the National Land Policy rests state that it seeks to establish a unitary land system in Namibia. This means that both customary and statutory tenure rights will be accorded equal status and validity before, as well as protection by, the law.

The NLP spells out several categories of land rights and land rights holders. The former includes customary grants, leasehold, freehold, licenses, certificates and permits and State ownership. Categories of rights holders are individuals, families, legally constituted bodies and institutions to exercise joint ownership, duly constituted cooperatives and the State (RoN 1998a: 2-3).

The allocation of customary land rights for residential and subsistence farming purposes will continue to be made by traditional authorities, but the NLP introduces a number of checks and balances in an attempt to make customary allocations more transparent. Certificates of rights will be introduced for customary allocations. Although not mortgageable or transferable outside the immediate family, the policy envisages that rights contained in a certificate will be inheritable by immediate family members such as husbands or wives, and natural children and are not limited in time. These certificates, in turn, will be registered with the regional land board. The NLP does not specify in whose name such rights would be registered.

Rights conferred in terms of the NLP will be exclusive rights and will include all natural resources on such land, subject to sectoral policies and legislation.

Under current policy, land boards have the responsibility "for the survey and registration of all approved forms of land title in the area of their jurisdiction" (Ibid: 11). This implies that in time, all land rights granted under customary tenure for residential and arable purposes will be surveyed.

In terms of the draft National Land Tenure Policy, regional land boards and recognised traditional authorities will demarcate the boundaries of each village under their jurisdiction. A schedule of "rightful members of the village community" will be developed and updated regularly. They will enjoy "formal perpetual rights over land and resources in each village" and will have the right to accept or reject new persons or families wishing to enter their community (RoN 2002a: 17).

The draft land Tenure Policy begins to grapple with one of the major shortcomings of the NLP, the granting of property rights to communal pastures to communities or villages. This fleshes out a reference made in the NLP to a strategy of encouraging group tenure in non-freehold areas. These policy proposals also begin to bring tenure policy in line with other natural resources sectors such as water, wildlife and forestry, where the policy and legal framework governing access to these resources and their management provides for property rights on a group basis.

The need to formulate a clear policy on group property rights to non-freehold land also arises from some other provisions of the National Land Policy. More specifically, the policy provides for the introduction of leases in non-freehold
areas for agricultural purposes. On the one hand, government will investigate the possibility of a programme to upgrade customary land rights to leasehold. On the other hand, the policy proposes to develop un- and underutilised land in non-freehold areas where this is environmentally sustainable. This must be regarded as a positive move as it may encourage investment and increased economic activity in non-freehold areas.

But the privatisation of non-freehold land in this way poses a potential threat to the land rights enjoyed under customary tenure. The NLP explicitly states that leasehold will only be granted by land boards once they have satisfied themselves that no person or group of persons has existing rights to the land. However, the policy needs to be more specific on what it regards as rights to land. Are seasonal rights to grazing regarded as defensible rights? In many instances, people enjoy rights to forest products without necessarily grazing livestock. How should such rights be treated? These rights are not only common among hunter-gatherers in the northeastern parts of the country, but elsewhere too.

**Recommendations**

- There is a need to formulate a clear policy on group property rights to non-freehold land.
- In view of policies and laws in other natural resources sectors, the introduction of property rights to land on a community basis should be investigated in close collaboration with stakeholders in other natural resources sectors. Unless land tenure policy is consistent with policies in other resources sectors, it is likely that the latter will undermine the former. Different options of granting property rights to land to rural communities should be investigated.
- Effective ownership of water points may lead to *de facto* property rights to pastures.
- The NLP needs to spell out the nature of customary rights more specifically. It should also be more explicit about how non-freehold land will be obtained for agricultural development, in view of the fact that all non-freehold land falls under the jurisdiction of traditional authorities. The principle of negotiating land rights should be part of the policy and should apply to anyone wanting to obtain land rights.

### 1.11 Land rights of the poor

The National Land Policy commits government to securing and promoting the interests of the poor at all times. The poor are defined as "the landless, or those with little or insufficient access to land who are not in formal employment or engaged in non-agricultural business activities". Government will not only ensure equity in access but will also secure their land rights and consider special programmes to assist the poor in acquiring land and developing it (RoN 1998a: 1).
Pro-poor policies must pay attention to customary land rights and management systems when addressing tenure reform. Small plots obtained under customary tenure regimes provide subsistence to well over half the Namibian population. However, access to this land is under threat from local elites who are progressively enclosing such land and large-scale agricultural programmes intending to invest large sums of money in irrigation, for example.

The current Land Policy and the draft Tenure Policy go some way toward securing and protecting the land rights of the poor by formalising the customary land rights systems and creating land records. The establishment of land boards is likely to introduce more transparency to customary allocations and to provide the poor and other aggrieved parties with an avenue for redress. It is fundamentally important that regional land boards be provided with sufficient resources to perform their tasks efficiently.

The encroachment on the rights of customary landholders through unauthorised enclosures of non-freehold pastures has been addressed in the NLP. It has "declared an immediate end to any new fencing (for private enclosure on non-residential or crop land)". It suggests that government will conduct a survey to establish the extent of private enclosures and its impact.

**Recommendation**

- That the proposed census of enclosed areas be conducted as soon as possible and its impact assessed. The demarcation and mapping of fenced farms by CPS should be part of this census. Commercial rentals should be charged on such land and the money generated in this way should be allocated to land boards.

### 1.12 Land rights of farm workers

The issue of farm workers constitutes a particular problem for redistributive land reform. On the one hand there is little doubt that concerted efforts need to be made to improve tenure security of farm workers on commercial farms; on the other hand, little thought has been given to how land redistribution would affect them. The allocation of land to new beneficiaries frequently means that farm workers have to leave the farm, thereby losing access to employment and land. In terms of aggregate impact on poverty reduction, this means that the redistribution solves one problem – satisfying the land hunger of some previously disadvantaged groups – by creating a new problem: unemployed farm workers. There is an urgent need to address the issue of farm labour comprehensively.

In his address to the National Conference on Land Reform and the Land Question in 1991, the then-Prime Minister stated, "any land reform programme in Namibia must include the farm workers on the commercial farms". More specifically, he argued that many farm workers enjoyed lower-order tenure rights such as the right to graze some animals or to cut firewood through birth or
long service which need to be protected by a land reform programme (RoN 1991a: 20-21).

The Land Conference passed a resolution on farm workers. It stated that the circumstances of farm workers demanded special attention and protection by law and resolved as follows:

- Farm workers should be afforded rights and protection under a labour code.
- Government should enact legislation providing for a Charter of Rights for farm workers, which should be monitored and enforced by government.
- The charter should include, amongst other things, adequate housing, the right to reside on the farm after retirement and grazing rights for farm workers’ livestock free of charge.
- The Technical Committee on Commercial Farmland also discussed the plight of farm workers on commercial farms, but did not make any specific recommendations on how they should be dealt with. Farm workers were not explicitly acknowledged as a specific group of beneficiaries (RoN 1992a: 141-144).

The rights of farm workers do not feature in the National Land Policy. In the first Resettlement Policy of 1997, however, farm workers are still listed as the last of five main target groups. The policy argued that many farm workers were dismissed from farms after Independence and “became literally destitute and devoid of food, shelter and land to settle on” (RoN 1997d: 4).

In the revised National Resettlement Policy of 2001, farm workers are no longer listed as a specific target group for resettlement. Instead, an oblique reference to thousands of people who have been retrenched from farms and other sectors of the economy and who are forced to seek a livelihood from the land is found under the main target group of “Displaced, destitute and landless Namibians” (RoN 2001a: 4). This arguably amounts to a downgrading of the plight of farm workers.

The draft National Land Tenure Policy (2002b) explicitly deals with tenure rights of farm workers and farm occupiers. The draft policy makes the distinction between workers and occupiers to acknowledge the fact that some farm workers have rights to land somewhere else, such as a freehold land, for example, and others do not have any other place of residence and no rights anywhere (Ibid: 19).

The draft Tenure Policy encourages farmers to draw up contracts with their workers specifying terms of residence and procedures for denying residence on a commercial farm.

Occupiers, on the other hand, should be provided with legally-protected rights of residence and limited production rights on commercial farms until retirement. Regional land boards will be required to identify and create a register of all occupiers in their areas of jurisdiction. Eviction should only be possible where a suitable alternative has been found (Ibid: 19-20).
The draft Tenure Policy further proposes specific rights and obligations of both agricultural employer and employees.

The draft Tenure Policy addresses the issue of eviction of farm workers. However, it stipulates specific steps that need to be followed. Regional land boards will have the power to investigate disputes between farm owners and occupiers in attempts to mediate. In addition, they will have the power "to remove the farm occupier and place him or her in a suitable resettlement area" (Ibid: 22).

Section 38 of the Labour Act of 1992 stipulates that employees who are required to live and reside on agricultural land should be allowed to "to keep such livestock and to carry on such cultivation on such land as may be necessary for such employee to provide for the reasonable needs of himself or herself and of his or her dependants". However, the Commission of Inquiry into Labour-related Matters affecting Agricultural and Domestic Employees (RoN 1997c: 213-214) found that these provisions were not implemented. It recommended that agricultural employees be encouraged to keep livestock, but that this required further investigation.

The commission made a number of specific findings and recommendations on land issues. It found that generational workers lacked secure tenure rights, and were "caught in a cycle of poverty and dependency" as they lacked the capital to acquire their own land and because the government's land and resettlement policies did not adequately address these issues.

Farm workers, who enjoyed rights to graze livestock on commercial farms, were particularly vulnerable during times of drought, when they had to remove their livestock without alternative arrangements being available.

**Commission recommendations**

- That government regard agricultural employees as primary beneficiaries of the land reform policy in order to break the cycle of poverty and dependency from which generational employees in particular suffer.
- That government allocate State-owned land to, or purchase freehold land for, individuals or groups of agricultural employees and their families.
- That government and agricultural banks consider granting loans to agricultural employees to buy into, and thereby jointly own, private land, on condition that employees obtain a minimum of 50% share of such property.
- That government consider purchasing privately-owned land in selected areas to be used for the resettlement of currently employed or retired agricultural employees and their dependents, and to be managed on an individual or collective basis.

A committee chaired by the Minister of Lands was appointed to do the groundwork for the implementation of the recommendations of the commission (The Namibian 15.11.2002).
Recommendations

- In view of the continued tenure insecurity experienced by many agricultural employees, it is recommended that farm workers be reinstated as a distinct category of land reform beneficiaries.

- The provisions of the draft Land Tenure Policy which address tenure security of farm workers need to be strengthened and refined. It is recommended that this process should consist of several steps. Firstly, a critical evaluation of similar policies in the Republic of South Africa should be carried out to avoid possible pitfalls. Secondly, policies adapted to the specific needs of farm workers should follow this up. From here, consultations between stakeholders — workers, their trade unions and agricultural employers — should take place to arrive at policies that enjoy the widest possible acceptance. The Namibia Agricultural Labour Forum comes here to mind.

- This is likely to encourage increased dismissal of farm workers. Care needs to be taken that no unreasonable dismissals take place.

- It is recommended that this process also be applied to the third recommendation made by the Commission of Inquiry into Labour-related Matters discussed above to develop feasible models for equity-share partnerships in the freehold sector.

- It is also recommended that the MLRR and Ministry of Labour clarify their respective mandates with regard to farm labour. Labour issues and tenure issues should be dealt with separately as far as possible. Since the issues are not always easily separated, this will require some negotiation between the two ministries.

- Against this background, the proposed role of regional boards in mediating disputes should be reconsidered. The efficient implementation of more secure tenure rights for farm workers requires that the respective mandates of both ministries do not overlap and are unambiguous.

1.13 Land rights of marginalised groups

A resolution taken at the National Conference on Land Reform and the Land Question in 1991 states that the land rights of disadvantaged communities should receive special protection. The San and disabled communities are specifically mentioned (RoN 1991a: 36).

Apart from that, no special mention is made in official documents of marginalised groups. Consequently, official policy towards these communities is ambivalent. On the one hand, the MLRR has intervened on behalf of the Ju/'hoansi in northeastern Namibia to protect them from pastoralist communities who wanted to encroach on their land (Suzman 2001: 51). On the other hand, government wanted to withdraw certain rights to tourism facilities from the Kxoe in Kavango Region, suggesting that marginal groups remain vulnerable.
The National Resettlement Policy (2001a: 3-4) singles out the San as a specific target group for resettlement. It argues that “they need to be helped in realising a new living by developing existing skills and acquiring new ones to be able to secure their sustenance.”

1.14 Decentralisation within the context of land reform

The policy on decentralisation has been briefly discussed above. All ministries will eventually have to decentralise some line functions.

The National Land Policy provides for the decentralisation of some land administrative functions. It provides for the establishment of regional land boards. The functions of land boards as provided for in the policy include the following:

- The survey and registration of all approved forms of land title in the area of their jurisdiction.
- Zoning areas within their regions for national land community development.
- Setting limits on the amount of land which can be made available for leasehold (in aggregate and to any individual) (RoN 1998a:11).

Land administration in non-freehold areas will be the responsibility of land boards and traditional authorities. While customary land allocations will continue in the same way as before, land boards will register such allocations after ensuring that they comply with certain regulations, such as land ceilings. The policy does not state how the introduction of land boards will impact on some other responsibilities of traditional authorities, such as the resolution of disputes, for example. It is important that land boards also have the capacity to hear appeals against rulings of traditional authorities.

The importance of clarifying respective mandates in more detail is underlined by the fact that while land boards and the land registration system will contribute towards the protection of the rights of vulnerable groups by bringing land administration closer to rural communities, they are geographically far removed from local communities so that the latter may find it difficult to avail themselves of the services offered. Traditional authorities are thus likely to continue to perform important functions of land administration.

It is important that land board members are adequately trained for the task they are required to carry out. Policies and regulations regarding the responsibilities of land boards need to be set out in the form of a handbook.

The National Resettlement Policy also provides for some decentralisation of functions. It states that regional land boards and regional resettlement committees should carry out an initial screening of applicants (RoN 2001a: 5). In the absence of a more specific definition of what “initial screening” includes, it must be assumed that in terms of the NRP, regional resettlement committees only have an advisory role to play in the process of selecting settlers. Final
decisions are taken at central level and forwarded to the regions. This adds to the time it takes to deliver land to beneficiaries.

In addition, the NRP also proposes that once resettlement schemes have been established, they "should become part of the local political administration, that is, the Regional Council." It continues to say "it is vital to involve the Council as an important stakeholder in the planning and implementation phases." Once regional land boards have been set up, these would also become involved in resettlement (RoN 2001a: 12).

The acquisition of freehold land and its allocation continues to be highly centralised at the ministerial level. The identification of land, its assessment and the selection of beneficiaries are all carried by ministerial headquarters. This is time-consuming.

**Recommendations**

- The feasibility of decentralising land boards to sub-regional level should be investigated. This will help to make them more accessible. The acquisition and allocation of land could be decentralised. Regional Councils, through regional resettlement committees, could have the powers to approve land acquisition as well land allocation. In such a case, Regional Councils should be provided with the budgetary support required to service land reform beneficiaries in their regions. Transparency and accountability at regional level must be increased, eg by including stakeholders in regional resettlement committees. The LRAC could review decisions taken by the regional resettlement committees.

- Strengthen the institutional capacities of Regional and Constituency Development Committees to enable them to play a more prominent role in coordinating development initiatives at constituency and regional level.

### 1.15 Peri-urban land

The National Land Policy deals with urban and rural land only. Land straddling these sectors does not receive any attention in the policy, so that peri-urban land and town lands are basically ignored. This is despite the fact that the NLP recognises the potential importance of urban agriculture. It pronounces that every effort will be made to retain and accommodate small-scale agricultural activities in urban areas that are to be or already have been proclaimed as towns. Such activities will only be removed "when the subject land is physically required and after paying compensation to lawful occupiers" (RoN 1998: 10).

#### 1.15.1 Urban gardening

Many urban areas around the world have within them or around them opportunities for market gardening. On the one hand, this offers employment opportunities, while providing some basic foodstuffs on the other. An
advantage of urban gardening, particularly for poorer sections of the population, is that long distances do not separate the place of production and markets. This reduces the problem of transport when trying to market produce.

The extent of urban gardening in Namibia is not known, but appears to be limited. It must be assumed that the cost of water acts as a limiting factor in this regard. Cost structures for water, in turn, reflect the fact that it is a scarce resource. Evidence also suggests that some local authorities particularly in newly proclaimed towns were not favourably disposed towards agricultural activities in these urban areas (Howard, 1995b: 29).

**Recommendations**

- Land policies should encourage urban agriculture and market gardening in a form acceptable in an urban environment until such time as the land is taken over for a different use. Care should be taken that such new use is socially and economically more beneficial than the existing one (Howard 1995b: 30).
- In such cases, policy should clearly spell out who the beneficiaries will be and on what terms land could be made available. Small gardens could be leased to individuals for limited periods of time.
- Where local authorities make use of sewerage ponds to deal with effluent, the viability of using semi-purified sewerage water for the production of crops should be investigated. Where feasible, both from a health and economic point of view, the use of this water for agricultural or gardening purposes should be encouraged.

### 1.15.2 Town lands

All municipalities in Namibia have town lands around their urban areas, which are registered in their name. The total area of these town lands is 350 000 ha. (RoN 1991: 124). As a rule, this land is fairly well developed into grazing camps and stock watering points. In the northern areas, town lands amount to 15 133 ha in total, while the central municipalities have 138 746 ha registered in their names. In the south, 196 119 ha of land are owned by five municipalities. Corresponding to these regional variations, the average size of individual town lands ranges from 62 834 ha in Keetmanshoop to 700 ha in Oshiwango.

Municipal camps are leased to interested individuals for agricultural purposes. Allocations are made on a tender basis. The numbers and sizes of camps, as well as their carrying capacities, are advertised in the local print media and bids are invited. Depending on the nature of the camps, municipalities stipulate inset prices per livestock unit. Allocations need not be made to the highest offer and municipalities are not obliged to provide reasons for awarding or rejecting tenders. Lease agreements can run for periods of up to three years. Leasing this land to small-scale farmers provides a source of income for municipalities.

So far, little attention has been paid to the role that local authorities and the town lands they manage can play within a wider land reform and poverty
alleviation programme. Research in South Africa suggests that access to municipal commonages or town lands can have a significant impact on the urban poor by acting as a safety net, buffering the poor against destitution. Commonages supply limited amounts of wood fuel, supplement incomes by running livestock or keeping livestock to defray costs associated with weddings, funerals and bride wealth. Vegetable production in small gardens contributes towards household food security and additional income. While many people in urban areas may need such a safety net, many are not likely to qualify for resettlement or may not want to farm on a large piece of land (Anderson and Pienaar 2003).

In making town lands available to the poor, local authorities will need support from appropriate line ministries. Policy should spell out how the utilisation of town lands fits into the broader picture of land reform. Realistic aims and objectives and targets need to be spelled out.

Commonages are most likely to improve the livelihoods of the poor if their rights to commonages or town lands are properly defined and protected. Proper contractual and/or municipal regulatory arrangements need to spell out the nature of the rights conferred (like stocking levels, transferability), their duration, as well as the obligations of the rights holders (for example infrastructure maintenance). Unless such a regulatory framework and an appropriate institutional framework to administer it is in place, the resultant open access situation is likely to degrade the land and other resources and enable politically or financially powerful sectors of society to dominate access to the land (Anderson and Pienaar 2003: 15).

Most local authorities are not likely to regard land reform as part of their mandate and are not likely to have all the competencies required to manage such a process. In addition, the reduced income from town lands resulting from the proposed changes is likely to be a concern particularly to resource-poor local authorities, as the leasing of town lands constitutes a guaranteed source of income. These concerns need to be taken seriously and call for a coordinated approach, both in terms of policy development and service provision, as several line ministries will have to get involved.

Recommendations

• The Ministry of Lands, Resettlement and Rehabilitation (MLRR), in conjunction with the Ministry of Regional and Local Government and Housing (MRLGH), should develop a policy framework for local authorities and/or municipalities as development agencies, with special reference to the development and utilisation of town lands for employment creation and poverty reduction.

• A land audit should be carried out to establish the total area of land held by municipalities and the infrastructure on such land. An assessment of the capacity and agricultural potential of such land as well as the availability of water and safe abstraction rates should complement this. Urban and peri-urban gardening and/or farming on town lands should only be approved
after the availability of sufficient water has been ascertained and the environmental impact assessed.

- At present, municipal camps are allocated to commercial farmers. The current system of allocating camps on registered town lands to the highest bidder on the basis of a public tender process should be reviewed with a view to opening up access to this land for people who do not have large amounts of cash or those who do not otherwise qualify as beneficiaries of land redistribution. The feasibility of converting town lands into commonages for subsistence production by the urban poor should be investigated.

- The utilisation of town lands for land reform and poverty alleviation purposes requires the target group to be clearly defined and corresponding criteria for the allocation of such land established. The possibility of including a means test should be considered to ensure that only poor people obtain access. Local authorities should liaise closely with the MLRR in applying these.

- Formal agreements need to be designed for users of town lands/commonages. These should stipulate the rights and obligations of lessees and include limitations on the number of livestock that may be kept, the duration of the agreement, the grazing fees payable by the user, the rules and regulations governing the use of town lands and the management responsibilities of both the user and the Local Authority. It is important for agreements to be explained to users to ensure that they are well understood.

- Administrative systems need to be developed to ensure compliance with regulations laid down in lease agreements.

- A committee representing all users for the management of the town lands should be established. Such a committee would act on behalf of all lessees. The experiences of SARDEP and the conservancy programmes should be drawn upon to support this process.

- Individuals who are allocated municipal camps for agricultural purposes need to be provided with appropriate support packages including training in basic livestock husbandry as well as skills to maintain fences and water installations, marketing support and access to agricultural credit. This requires the coordinated inputs of a number of line ministries (MLRR, MAWRD) and NGOs. SARDEP and the Division of Rural Water Supply in MAWRD as well as NGOs supporting the establishment and running of conservancies should be called upon to share their experiences of similar processes.

- It is recommended that the possible conversion of town lands into commonages for the benefit of the urban poor be tested on a pilot basis. The feasibility of contracting NGOs or farmers’ unions to implement pilot projects should be investigated. Regular monitoring and evaluation of the implementation of such an approach and its impact on poverty alleviation should be carried out to inform future policy reviews.

- Socio-economic profiles of beneficiaries and other baseline data should be generated at the outset. Regular monitoring and evaluation is necessary to
Component 1: Policy and legal framework

assess the impact of this programme and provide pointers for the extension of the programme. M&E should be gender-disaggregated to assess the spread of benefits between men and women.

- MLRR, MRLGH and MAWRD need to work together with municipalities to come up with a support package for municipalities to make their town lands available for land reform. Such support packages may have to include financial incentives or compensation as well as additional technical skills. MLRR should provide guidelines and examples of lease agreements and regulations to assist in the regulation of commonages.

1.16 Expropriation

1.16.1 Introduction

Government has committed itself to acquiring freehold agricultural land on the basis of willing-buyer-willing seller and with market-related compensation. This system, while fair, is expensive and as some people would have it, too slow. Many have hailed expropriation of freehold agricultural land as the easiest way to accelerate the acquisition and redistribution of freehold land. There are several reasons why expropriation looks attractive.

1) Many people believe that freehold land was stolen from its original owners and that it would be wrong to pay for its repossess. They argue that it would not be fair to compensate landowners who benefited from the apartheid regime.

2) Others argue that expropriation is likely to be cheaper than the government's present willing buyer - willing seller approach. By expropriating land, government would be able to circumvent inflated land prices, thus making more land available for resettlement. In addition, some people would contend, the open market is not likely to supply land of an acceptable quality at a rate fast enough to satisfy popular expectations. By expropriating land, government could literally expropriate as much land as it needs at any particular time and wherever the land is needed.

3) Expropriating land for redistribution would also allow government to systematically designate land for allocation to specific beneficiaries. The current system forces government to buy land in an ad hoc manner, as and when it becomes available (Seeking Ways 2003: 8).

4) Article 16(2) of the Constitution provides for the expropriation of any property "in the public interest subject to the payment of just compensation" and in accordance with procedures to be determined by an Act of Parliament.

Three resolutions of the Land Conference dealt with expropriation. The first simply states that land which is underutilised or abandoned "should be
reallocated and brought into productive use”, while the second resolution calls for the expropriation of land owned by absentee owners. It adds however, that a distinction should be made between Namibian and foreign absentee owners. Expropriation is also called for where the size of land owned by one owner exceeds a certain ceiling (RoN 1991a: 32).

The TCCF (RoN 1992a: 175-176) recommended expropriation in the following cases:

- Where agricultural land is abandoned.
- Where a person, natural or legal, owns more than twice the “regional operational norm” (which is not defined).
- Where land is owned by an absentee owner. Namibian absentee owners should be exempt from this recommendation, provided that they use the land productively.

The National Land Policy provides a brief discussion of land redistribution. It states that land will be acquired in the freehold sector, either by exercising the right of first refusal provided by the Agricultural (Commercial) Land Reform Act, 1995, “or by compulsory acquisition of excessive and or underutilised land” (RoN 1998a: 14).

Land can be expropriated subject to certain criteria specified in the ACLRA which include the following:

- If it is underutilised.
- If the size of the land is classified as excessive, that is it exceeds two economic units in extent.
- Where the minister decides to purchase a piece of land on the recommendation of the Land Reform Advisory Commission, but where mutual agreement cannot be reached on the sale, or the whereabouts of the owner of such property cannot be determined.

The 1995 Act has been amended and public interest became the sole criterion in the Amendment Act No. 14 of 2003.

The expropriation of freehold land is thus possible in terms of Namibia’s constitutional policy and legal framework. However, expropriation should be supported by a clear plan in terms of the type of land, its intended use, size requirements, and geographical location.

Sentiments against the unrestricted ownership of land by non-Namibian citizens have been expressed in several policy documents. In a National Land Conference resolution, participants resolved that “foreigners should not be allowed to own farmland, but should be given the right to use and develop it on a leasehold basis in accordance with Namibia’s ‘open door’ policy towards foreign investment” (RoN 1991a: 32). The TCCF adopted this resolution as a recommendation (RoN 1992a: 176). The National Land Policy reiterates the provisions of the ACLRA, which stipulate that foreigners should only be allowed to acquire land with the permission of the Minister of Lands (RoN 1998a: 15).
Despite these political sentiments, the expropriation of agricultural land because the owner is a foreign national has not been integrated into official land policy. However, at a recent SWAPO congress, calls were again made for the expropriation of land owned by foreigners.

Namibia’s constitutional, political and economic framework thus provides the legal instruments for the expropriation of land. In all cases, expropriation is subject to the payment of just compensation. However, as Behnke (1995: 16) pointed out, “the threat of expropriation is a disincentive to investment in agricultural land.”

While the attraction of expropriating agricultural land in pursuit of specific socioeconomic goals cannot be denied, this strategy should be supported by a clear plan to be agreed upon with various relevant role players. Such a negotiated land reform approach could also be useful in setting targets through consensus-building public debate, in this way facilitating the attainment of those targets while monitoring and evaluating success and failures on an annual basis.

The three original criteria presented in the Agricultural (Commercial) Land Reform Act, 1995 have presented some definitional problems. But even where clear definitions have been developed, Behnke argues that “the diligent pursuit of excessive agricultural holdings could easily entail costs for administration and litigation which exceed the value of the land in question. The commission should take these ‘overhead’ costs into account when advising upon the use of this mechanism for land acquisition” (Behnke 1995: 16).

Apart from definitional problems, other potential difficulties make the strategy of expropriating land more complicated. Two points need to be made about the cost of land. Firstly, land expropriation may not necessarily be a cheap option, as the commercial farming sector is heavily indebted to commercial banks and Agribank. At the turn of the century, this debt amounted to more than N$1 billion. This debt needs to be serviced, even in the event of expropriation. Refusing to acknowledge this fact may have disastrous implications for the financial sector.

Inflated land prices are frequently – often with considerable justification – cited as slowing down land acquisition and draining government funds. The price of land is not simply determined by market forces. It is also a political variable because policies and practices (for example income tax policies, protection of the marketing of certain crops) that favour large-scale commercial farmers drive up land prices. Eliminating policies and practices that favour large-scale farmers is likely to bring land prices down. Subsidy and taxation issues need to be examined to determine their impact on land prices but also on keeping marginal agricultural enterprises running. To the extent that they successfully achieve the latter, these policies would not be consistent with bringing marginally utilised or ineffectively utilised farmland onto the commercial market (Behnke 1995: 9).

Expropriation, especially below market prices, would be a lengthy process, as it will lead to long and costly appeals. The ACLRA provides for an appeals procedure. The Lands Tribunal has the jurisdiction to “decide any appeal
lodged with it in terms of any provisions of the Act." Decisions taken by the
Lands Tribunal may be appealed against in the Supreme Court. As Binswanger
(1996: 140) observed, this brings about administrative costs but also delays
benefits to beneficiaries.

1.16.2 Expropriation of land owned by foreign nationals

A further complication arises with regard to assets owned by foreigners. At
present the treaty between the Federal Republic of Germany and the Republic
of Namibia concerning the encouragement and reciprocal protection of
investments provides for the reciprocal protection of investments. Similar treaties
have been drafted for other EU countries and are likely to be ratified soon.

This treaty protects the assets of German nationals against expropriation,
nationalisation or any measures that would be tantamount to expropriation
"except for the public benefit and against compensation". However, the
legality of expropriating assets as well as the amount of compensation offered
shall be subject "to review by due process of law" (FRG 1997: 188-189).

The treaty provides for an elaborate arbitration procedure that ends at the
international level with the possibility of appeal under the provisions of the
Convention on the Settlement of Investment Disputes between States and
Nationals of other States of 1965. Namibia has not yet ratified this Convention.

in short, expropriation may not necessarily be cheaper or quicker than the
current process. However, it is necessary that the additional methods of
acquiring land be explored.

Recommendations

- A clear plan should be drafted to guide land expropriation through a
  negotiated public process involving various role players. This would enable
government to retain expropriation as an option, but would likely cushion its
  impact on the perceptions of local investors and agriculturalists.

- A clear policy on foreign-owned land should be formulated in order not to
  scare off foreign investment.

- The issue of land prices needs to be investigated, particularly with regard to
  policies which encourage the acquisition of land for purposes other than
  agricultural production. Unless policies favouring large-scale landowners
  and business people are amended, land prices are not likely to come
down.

- Additional ways of acquiring land should be explored. One option would
  be to bring the criteria for subdividing agricultural land in line with those of
  the Land Reform Advisory Commission. This may encourage an increase in
  the private purchase of small farming units. On the other hand, it will enable
  large-scale landowners to sell portions of their farms privately. Potential
  buyers of small-scale units should be able to apply for Affirmative Action
  Loans.
Negotiated land reform should be investigated as an additional option. This would entail direct high-level negotiations with the landowners, through representation like the NAU, to reach consensus with regard to what type of land, how much land, the timeframe and at what price. This option may be regarded as a "carrot and stick" option.
Component 2: Economic sustainability of land reform

2.1 Background

The broad objectives of the Namibian land reform programme are:

- To bring about a more equitable distribution of and access to land;
- To promote sustainable economic growth;
- To lower income inequalities; and
- To reduce poverty.

The overall objective of the National Resettlement Policy is to resettle eligible people in an institutionally, sociologically, economically and environmentally sustainable manner and in such a way that they become self-supporting (RoN, 2001). More specifically, the aims of resettlement are to enhance the welfare of the people through improved productivity and to develop destination areas where they are able to earn a decent living.

The specific objectives of resettlement are listed as follows:

- To redress past imbalances in the distribution of natural resources, particularly land.
- To give an opportunity to the target groups to produce their own food with a view towards self-sufficiency.
- To bring smallholder farmers into the mainstream of the Namibian economy by producing for the open market and thus contributing to the country’s GDP.
- To create employment through farming and other income-generating activities.
- To alleviate human and livestock pressures in communal areas.
- To offer an opportunity to citizens to reintegrate into society after many years of displacement by colonisation, the war of liberation and other diverse circumstances.

Clearly, the long-term impact of land reform on the economy is important. For the purposes of this study, economic sustainability is understood to mean improved quality of life for resettlement beneficiaries (and/or other land reform beneficiaries) linked with increased agricultural output. In other words, the benefits of land reform should outweigh the associated costs. In this context, the PTT terms of reference required an investigation into the economic sustainability of land reform in Namibia and in particular, an assessment of the
Component 2: Economic sustainability of land reform

The macro- and micro-economic impact of the existing land reform programmes. This entailed assessing government’s capacity to sustain the costs of improving access to land, the economic returns in each reform model, and establishing whether these models are monitored and evaluated regularly.

Other tasks included the review of selection criteria for resettlement beneficiaries, as well as the availability of support services and packages, which are vital to the success of beneficiaries and ultimately the programme. Beneficiary profiles were also expected. An investigation into the lease agreements for resettlement and specifically their eligibility for being used as collateral was to be conducted.

The information presented in this section was gathered through extensive research and studies undertaken by the PTT or on behalf of the PTT. These studies include the resettlement survey conducted by the PTT in December 2003 and January 2004, the results of which were ultimately used to conduct a cost-benefit analysis of the smallholder model in Namibia, and the Database Establishment on Beneficiary Profiling done by NEPRU on behalf of the PTT. A socio-economic survey of the Affirmative Action Loan Scheme and its beneficiaries was undertaken; however it has not yet been completed. To set the scene for the discussions that follow, a brief overview of the figures and statistics regarding redistribution of land through the various programmes or models applied in Namibia to date is presented below.

2.2 Redistributive land reform: a comparison

As mentioned in the introductory remarks of this report, the concept of land reform in Namibia is generally associated with redistribution of commercial or "freehold" farmland. Two programmes run parallel to each other, namely:

- the National Resettlement Programme, and
- the Affirmative Action Loan Scheme.

2.2.1 The National Resettlement Programme

In terms of the Agricultural (Commercial) Land Act, Act 6 of 1995, the State is given certain authority to enact its land programme. The Act:

- lays down a preferential right for the State to purchase commercial farm land;
- provides for market-related compensation;
- establishes a Land Reform Advisory Commission consisting of stakeholders to advise the Minister of Lands;
- prescribes the way in which commercial farmland was to be planned and allocated;
- provides for the subdivision and survey of holdings for small-scale farming;
- restricts the acquisition of commercial farm land by foreigners; and

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establishes a Lands Tribunal to solve possible disputes over prices between sellers and the government (RoN, 1995).

Since 1995, the State has budgeted N$20 million per annum to purchase commercial farmland. This figure was increased to N$50 million with effect from the financial year 2003/2004 following a SWAPO Congress resolution in 2002 to increase land purchasing budgets and accelerate land redistribution (Werner, 2004a).

Since 1990, the government has acquired some 137 farms (or 148 title deeds), measuring 874 155 hectares, across the freehold areas. Figure 2.1 below indicates how these acquisitions were made between 1990 and October 2004.

Figure 2.1:

MLRR Acquisitions between 1990 and October 2004

Although the acquisition of farms had already begun before the Agricultural (Commercial) Land Reform Act was implemented in 1995, the process began to accelerate from 1995. In the years preceding the Act, the average number of hectares acquired per year was a mere 17 811. Between 1995 and October 2004, the annual average rose to 78 510 hectares. The average for the period 1990 to October 2004 stands at 58 277 hectares per year.

The cost to the government for this land was approximately N$124 million, which translates into an average price of N$148/ha as demonstrated in Table 2.1 below. The Ministry of Lands states that the number of households having benefited from the land acquisition is 1 526 families (MLRR, 2004).
Table 2.1: Farm acquisitions MLRR 1990 - October 2004

<table>
<thead>
<tr>
<th></th>
<th>Farms purchased</th>
<th>Farms donated or inherited</th>
<th>Total deeds*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of farms</td>
<td>138</td>
<td>10</td>
<td>148</td>
</tr>
<tr>
<td>Total hectares (Ha)</td>
<td>832 444</td>
<td>41 711</td>
<td>874 155</td>
</tr>
<tr>
<td>Total price (N$)</td>
<td>123 546 979</td>
<td>0</td>
<td>123 546 979</td>
</tr>
<tr>
<td>Transfer cost (N$)</td>
<td>429 637</td>
<td>0</td>
<td>429 637</td>
</tr>
<tr>
<td>Total acquisition cost</td>
<td>123 976 612</td>
<td>0</td>
<td>123 976 612</td>
</tr>
<tr>
<td>Average size of farms</td>
<td>6 032</td>
<td>4 171</td>
<td>5 906</td>
</tr>
<tr>
<td>Average price paid per hectare before transfer cost (N$/ha)</td>
<td>148.41</td>
<td>0</td>
<td>148.41</td>
</tr>
<tr>
<td>Average price paid per hectare including transfer cost (N$/ha)</td>
<td>148.93</td>
<td>0</td>
<td>148.93</td>
</tr>
</tbody>
</table>

Source: MLRR *Please note that the figure of 148 relates to the actual title deeds acquired, while the MLRR statistics only refer to the complete farming units purchased/inherited, ie 137 farms are made up of 148 title deed units.

The Ministry of Lands has followed two distinct approaches to resettlement, namely group resettlement and individual resettlement. The group, or "project" farms were generally unplanned resettlement, especially those preceding the implementation of the Act. The ministry was confronted with large numbers of landless people, especially from the San communities and former farm workers who urgently needed support immediately after Independence. These people were settled on farms inherited from other ministries, donated to the MLRR or purchased by the MLRR. In addition, some of the farms acquired for resettlement were used for drought relief efforts to provide people with emergency grazing for their livestock - but these people never left the farms. Project farms like the Queen Sofia Project represented a more systematic and planned approach to group, or project, farming. MLRR records reflect some 42 project farms.

Table 2.2: MLRR Group or Project farms since 1990

<table>
<thead>
<tr>
<th>Type of resettlement</th>
<th>No. of households</th>
<th>Land area (ha)</th>
<th>Total acquisition cost to GRN(N$)</th>
<th>Cost per household(N$)</th>
<th>Land per household (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MLRR project(Group)</td>
<td>1 226</td>
<td>195 369</td>
<td>21 119 242</td>
<td>17 226</td>
<td>159</td>
</tr>
</tbody>
</table>

Source: Calculated from MLRR statistics

The average hectares per household are very low considering the arid farming environment in Namibia. Some of the project farmers focus on irrigated communal gardens for their livelihoods, others on livestock farming. They will be
discussed in more detail later in this section. The high number of households results in the low cost per household for the State.

Since the implementation of the Act in 1995, resettlement has become more systematic and planned, focusing on resettling individual households on individually demarcated allotments. In essence, this has meant that large farms are subdivided into smaller allotments, which are then given to individual households with exclusive rights to use the land. Land allocations have been set by the LRAC at a minimum of 1 000 ha for the higher potential (north/northeast) areas and 3 000 ha for the medium potential (southern) areas. This approach has become the norm for the resettlement programme. Of the 126 farms that have been allocated to resettlement beneficiaries to date, some 84 farms could be classified as used for individual resettlement.

Table 2.3: MLRR individual resettlement farms since 1990

<table>
<thead>
<tr>
<th>Type of resettlement</th>
<th>No. of households</th>
<th>Land area (ha)</th>
<th>Total acquisition cost to GRN(N$)</th>
<th>Cost per household(N$)</th>
<th>Land per household (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MLRR project Individual smallholder (1000ha &amp; 3000ha) model</td>
<td>300</td>
<td>530 477</td>
<td>81 600 527</td>
<td>272 002</td>
<td>1 768</td>
</tr>
</tbody>
</table>

Source: Calculated from MLRR statistics

In comparison with the current group or project model, the individual resettlement model clearly provides beneficiary households with more land, but at a higher cost to government and at the expense of more households being resettled. This approach however takes climatic conditions into account more than the current group model, as livestock is the main agricultural activity pursued on these farms. Mixed farming models, for example crop and livestock activities, are encouraged, but climatic conditions and the lack of appropriate extension support make it difficult for most beneficiaries to practise meaningful arable or dry land agriculture on their farms.

The regional distribution of land acquisition by the MLRR by October 2004 is depicted in Figure 2.2 below.
Most land acquired by the MLRR thus far has been in the dry, southern areas of Namibia, where the agricultural opportunities are often less promising. From personal discussions and data presented by the MLRR, most offers are received from the drier parts of the country. This could possibly be explained by the fact that farming in the drier areas has become less viable. Further investigation has also shown that the AALS has an influence on this as well.

### 2.2.2 The Affirmative Action Loan Scheme

The Affirmative Action Loan Scheme (AALS) is a State-subsidised, or market-assisted land reform programme, whereby formerly disadvantaged Namibians may acquire agricultural land on a freehold basis supported by State-subsidised interest rates. The Agricultural Bank of Namibia implements the scheme on behalf of the Ministry of Agriculture, Water and Rural Development (MAWRD). The main objectives of the AALS are to encourage communal farmers with large livestock herds to move to commercial farms in order to make room for small-scale communal farmers, as well as to advance the ownership of freehold farmland by formerly disadvantaged Namibians in order for them to become fully-fledged commercial farmers who produce for the market and contribute to the national output.

The programme has been in place since 1992. Initially only full-time farmers qualified, but it was opened to part-time farmers in 1997. In order to qualify for
the AALS, an applicant must own at least 150 large stock units or 800 small stock units, or the equivalent in cash. The beneficiary is then given a loan that is repaid over a 25-year period. Different interest rates apply, depending on whether a beneficiary is farming full-time or part-time. Full-time farmers are given a three-year period of grace before interest repayments become due.

Table 2.4: Affirmative Action Loans repayment schedules

<table>
<thead>
<tr>
<th>Year</th>
<th>Full-time Interest</th>
<th>Part-time Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt; N$100 000</td>
<td>&gt; N$100 000</td>
</tr>
<tr>
<td>Non-farming income</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>Year 1-3</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>Year 4-6</td>
<td>4%</td>
<td>5%</td>
</tr>
<tr>
<td>Year 7-8</td>
<td>8%</td>
<td>9%</td>
</tr>
<tr>
<td>Year 9+</td>
<td>11.75%</td>
<td>11.75%</td>
</tr>
</tbody>
</table>

Source: Sherbourne, 2003

The AALS has redistributed some 3.47 million hectares thus far, benefiting some 625 beneficiaries. The cost of the scheme to government was roughly N$160.6 million in subsidies from 1992 up to October 2004. The trend within the AALS is more and more towards part-time farming. Reasons for this could not be established clearly but as Sherbourne (2003) suggests, farming (and landownership) is increasingly becoming a feature of the urban rich, for whom it is a lifestyle decision, rather than an economic necessity. Part-time farmers under the AALS comprise approximately 44% of all AALS beneficiaries.

From 1992 to October 2004, the AALS has, on average, redistributed approximately 267 000 hectares annually. After part-time farmers began to qualify for the scheme in 1997, the annual average increased to approximately 362 500 hectares between 1997-2004. (Before that, i.e 1992-1996, the average was approximately 114 200 hectares per annum.)

As mentioned earlier, one of the goals of the AALS is to encourage large-scale communal farming operations to move from the communal areas to the freehold areas. By implication, the scheme was designed for wealthier communal farmers. The minimum requirement of 150 LSU (or 800 SSU) implies a fairly substantial own capital asset base of roughly N$350 000. This means that the average communal farmer would not qualify for this scheme.
The land acquisitions under the AALS have also tended to focus on the higher potential regions of Namibia (see Figure 2.4). The result has been that the MLRR land acquisitions for resettlement purposes have been squeezed out into the drier and agriculturally lower potential areas.

Resettlement by region, to 2004

<table>
<thead>
<tr>
<th>Region</th>
<th>Under MLR</th>
<th>Under AALS</th>
<th>AALS: MLR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongwediva</td>
<td>34,651 ha</td>
<td>119,005</td>
<td>3.43:1 (5)</td>
</tr>
<tr>
<td>Tsumeb</td>
<td>9,877</td>
<td>1,062,643</td>
<td>107.6:1 (1)</td>
</tr>
<tr>
<td>Otjiwarongo</td>
<td>56,475</td>
<td>232,796</td>
<td>4.12:1 (4)</td>
</tr>
<tr>
<td>Oshakati</td>
<td>161,672</td>
<td>545,386</td>
<td>3.37:1 (4)</td>
</tr>
<tr>
<td>Ribeira</td>
<td>24,014</td>
<td>158,119</td>
<td>6.32:1 (2)</td>
</tr>
<tr>
<td>Henties</td>
<td>93,564</td>
<td>482,601</td>
<td>5.16:1 (5)</td>
</tr>
<tr>
<td>Endefi</td>
<td>148,513</td>
<td>371,123</td>
<td>2.56:1 (7)</td>
</tr>
<tr>
<td>Okahandja</td>
<td>256,427</td>
<td>523,994</td>
<td>2.06:1 (8)</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>874,155</strong></td>
<td><strong>3,900,672</strong></td>
<td><strong>4.72:1 (51)</strong></td>
</tr>
</tbody>
</table>
While the above discussions have largely focused on quantitative redistribution, it should be pointed out that little socio-economic data or information about AALS beneficiaries is available. Again, there is clearly a lack of monitoring and evaluation. A survey commissioned under the auspices of the PTI has not yet been completed, but should yield valuable data for more effective analysis. It is strongly recommended that a full survey be conducted in order to assess impact on beneficiaries, agriculture and the economy at large. Nevertheless a quantitative comparison between the two primary acquisition models is useful to assess possible future actions and/or options in this regard.

2.2.3 Comparing two land reform approaches

Together, the two programmes for land redistribution have redistributed some 4.34 million hectares or 12% of freehold land over a 13-15 year period. Since 1992, the AALS redistributed nearly four times the amount of land distributed by the State acquisition programme since 1990 (see Figure 2.6 below).

As was mentioned earlier, the average number of hectares acquired under the NRP was 58 277 hectares per year. In comparison, the AALS has transferred some 267 000 hectares annually. In 2003 alone, the AALS transferred some 600 000 hectares or roughly 68% of the total land acquisition of the ministry since 1990.
If the objective is the redistribution of as many hectares as possible (for example 50% of commercial freehold land), then clearly strengthening and even expanding the AALS may seem more attractive than State acquisition. This may also be supported by the costs involved.

The cost to government in redistributing land is lower with the current AALS than with the State acquisition programme (Table 2.5).

Table 2.5: Budgeted and actual expenditure on AALS and land purchases (N$ million)

<table>
<thead>
<tr>
<th></th>
<th>'96/97</th>
<th>'97/98</th>
<th>'98/99</th>
<th>'99/00</th>
<th>'00/01</th>
<th>'01/02</th>
<th>'02/03</th>
<th>'03/04</th>
<th>'04/05</th>
</tr>
</thead>
<tbody>
<tr>
<td>AALS*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budgeted</td>
<td>3.5**</td>
<td>0.0</td>
<td>8.2</td>
<td>15.7</td>
<td>10.9</td>
<td>15.0</td>
<td>15.0</td>
<td>13.2</td>
<td>26.2</td>
</tr>
<tr>
<td>Actual</td>
<td>3.8**</td>
<td>7.0</td>
<td>8.2</td>
<td>21.1</td>
<td>22.7</td>
<td>15.0</td>
<td>15.0</td>
<td>N/a</td>
<td>N/a</td>
</tr>
<tr>
<td>Resettlement***</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budgeted</td>
<td>18.95</td>
<td>20.00</td>
<td>20.00</td>
<td>20.00</td>
<td>20.00</td>
<td>20.00</td>
<td>20.00</td>
<td>44.75</td>
<td>50.00</td>
</tr>
<tr>
<td>Actual</td>
<td>18.71</td>
<td>12.36</td>
<td>11.41</td>
<td>3.88</td>
<td>19.76</td>
<td>25.16</td>
<td>20.00</td>
<td>N/a</td>
<td>N/a</td>
</tr>
</tbody>
</table>

* Vote 20 Main Division 07 Item 043
** Item 044 transfers to individuals and non-profit organisations
*** Vote 25 Main Division 10 Item 116


Acquiring farms requires a greater capital outlay by government than if government supports potential beneficiaries in acquiring their own land with subsidies and grants. This is important: remember that in terms of the
resettlement programme, the State is also required to provide more support, especially technical and infrastructural support, to beneficiaries. Usually costs are associated with infrastructure and direct support to beneficiaries, like start-up capital. However, PIT research has shown that in Namibia, provision of land has been the core focus and vital post-settlement support is provided to beneficiaries.

The MLRR has indicated on numerous occasions that farms offered to it are, for the most part, unsuitable for resettlement purposes. The ministry alleges that the farms are too small, they are unsuitable because of bush encroachment and/or rockiness, or that prices and location are prohibitive (Harring & Odendaal, 2002 as cited in Werner, 2004a). Farms must be offered to the MLRR on the basis of the first right of refusal – this is stated in the ACLRA, however it is known that farms bought by AALS buyers are exempted by the MLRR without the ministry even considering them. And yet farm acquisitions by the AALS farmers are situated predominantly in the higher potential regions of Namibia (refer to Figures 2.4 above and 2.6 below).

**Figure 2.6:**

MLRR compared with AALS between 1990 and October 2004

Source: MLRR and Agribank
## Component 2: Economic sustainability of land reform

### Table 2.6: Regional farmland share (%) per region between AALS and MLRR, end October 2004

<table>
<thead>
<tr>
<th>Region</th>
<th>Erongo</th>
<th>Oshikoto</th>
<th>Omaheke</th>
<th>Khomas</th>
<th>Kunene</th>
<th>Hardap</th>
<th>Karas</th>
<th>Namibia</th>
</tr>
</thead>
<tbody>
<tr>
<td>% MLRR</td>
<td>23%</td>
<td>9%</td>
<td>20%</td>
<td>24%</td>
<td>14%</td>
<td>16%</td>
<td>29%</td>
<td>32%</td>
</tr>
<tr>
<td>% AALS</td>
<td>77%</td>
<td>91%</td>
<td>80%</td>
<td>76%</td>
<td>86%</td>
<td>84%</td>
<td>71%</td>
<td>68%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: MLRR and Agribank

The argument that the MLRR does not receive enough offers could perhaps be justified if one qualified the statement to mean that there are not enough quality farms on the market for the MLRR because of the AALS, and that this leads to the number of farms purchased by the MLRR being relatively small in comparison with the number offered to it (Table 2.7).

### Table 2.7: Farms waived and bought by MLRR

<table>
<thead>
<tr>
<th>Year</th>
<th>Farms waived (assessed and not suitable)</th>
<th>Farms exempted (not assessed)</th>
<th>Farms bought</th>
<th>Total farms offered</th>
<th>Farms bought as % of farms offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>144</td>
<td>72</td>
<td>6</td>
<td>222</td>
<td>2.7%</td>
</tr>
<tr>
<td>2000</td>
<td>130</td>
<td>77</td>
<td>16</td>
<td>223</td>
<td>7.2%</td>
</tr>
<tr>
<td>2001</td>
<td>76</td>
<td>79</td>
<td>24</td>
<td>179</td>
<td>13.4%</td>
</tr>
<tr>
<td>2002</td>
<td>83</td>
<td>106</td>
<td>13</td>
<td>202</td>
<td>6.4%</td>
</tr>
<tr>
<td>2003</td>
<td>150</td>
<td>123</td>
<td>10</td>
<td>273</td>
<td>3.7%</td>
</tr>
</tbody>
</table>

Source: MLRR

Although a high number of farms may be assessed and found unsuitable, they are small portions of land, such as smallholdings or subdivided portions of a larger piece of land. For this reason, the market appears to be bigger than it is.

The AALS dominates the farm market. It appears that landowners prefer to sell to AALS buyers rather than the State for various reasons. The two main reasons include flexibility and freedom in negotiating the sale and price of the land, and swiftness of payment once the transaction is concluded. Transactions are quicker and less costly under the AALS as the acquisition process is far shorter in most cases than the more bureaucratic approach when selling to government. On average, the process under AALS takes about four months from offer to final transfer when the buyer takes possession and may occupy the farm. When selling land to the MLRR, evidence suggests that the process usually takes eight
to ten months from first offer to transfer. There are cases in which the time from first offer to final transfer took 14 to 26 months. Although not the norm, such cases create negative perceptions and may lead to fewer offers to the State. In addition, once offered to the State, offers may not be taken back by the sellers, making it even more unattractive to offer to the MLRR in the first place.

Reasons for this long process are the result of staff shortages and complicated procedure. For instance, the State is required by the Act to assess and value farms it considers buying. The Directorate of Valuation is severely understaffed. In addition, valuation is highly centralised, as regional MLRR offices generally have no appropriately trained personnel for valuation purposes, but only staff for farm assessment. Hence assessment and valuation cannot be done concurrently. In addition, the negotiations for farm purchases are also highly centralised as the LRAC considers the offers and takes final decisions on whether to buy at a certain price or not. The LRAC, however, only sits once a month, so that if an offer is referred back for negotiations, the answer is only considered at the next monthly meeting.

AALS buyers also tend to pay higher prices for land. In the first instance, the AALS scheme represents a policy intervention to subsidise formerly disadvantaged persons in order to assist them to acquire farms. This directly increases the actual demand for land and puts upward pressure on land prices, especially considering that the supply of farms has not necessarily increased proportionately. Anecdotal information suggests that the demand of potential AALS beneficiaries far exceeds supply. Cases have been reported where some AALS buyers have entered into de facto auction style bidding for land, thus driving prices up.

Under the current system, a State guarantee is given to support the acquisition under this process. The application of the State guarantee, however, is somewhat disturbing as it is currently calculated on the selling price. In practice, this means that the loan amount available to a particular beneficiary is made up of the Agribank valuation plus the 35% State guarantee calculated on the price. Statistics on loans received from the Agribank suggest that in many (if not most) cases, the State guarantee was added on top of the Agribank valuation in order to give higher loans. Is this really helping the buyer? No. Higher loans also mean higher debts for AALS buyers to repay. Given the fact that many AALS farmers start off with small herds in relation to the carrying capacity of the farms they purchase, this means that repayment is very difficult, if not impossible. In addition, this topping-up of loans with the State guarantee induces higher land prices, as loans are linked to the asking price and not to the valuation. The AALS survey of the PTT, once concluded, should throw more light on this.

In addition, information asymmetries exist between buyers and sellers. A well-functioning market implies that information is readily available to both buyers and sellers. However, in the case of many AALS beneficiaries, no price information is available and so they are at the mercy of the seller. The high demand for land pressurises buyers into taking quick decisions in order to acquire the desired land. This induces AALS buyers to offer higher prices than they might if the playing field was more level.
It would therefore seem appropriate for Agribank to assist its clients, the AALS buyers, with price negotiations. Personal communication with Agribank, however, revealed that in most cases the buyers only come to Agribank once the deal has been closed. This suggests that an aggressive campaign should be launched to inform prospective farm buyers about the "Do's" and "Don'ts" of buying a farm, as well to encourage prospective AALS buyers to get in touch with Agribank or the MLRR (the Directorate of Valuation) before negotiating a purchase price. Greater cooperation between the two institutions should also lead to a more harmonised valuation system and hence foster fair purchasing procedures.

All in all, it seems that the AALS is a quicker and more cost-efficient way to redistribute land. However, it looks as if the current AALS is exclusively aimed at higher income classes, thus excluding many people. It also places upward pressure on prices. A decision will have to be taken whether or not more State intervention is needed, or whether the market system needs to be strengthened.

**Recommendations**

- **Right of first refusal**
  
  If the State wants to acquire more farms on the open market, it will need to apply its right of first refusal much more effectively. In practice, this would mean that the State considers all offers for possible acquisition, even if an AALS buyer makes them. Exemption should only be given after the State has found that the farm is not suitable for resettlement purposes. The benefit may be that the State could acquire more suitable farms than is currently the case. A disadvantage may be that in some cases the seller will want to withdraw the offer and hence fewer farms will be placed on the market. A spin-off may be that the MLRR could act as a broker for AALS buyers, assisting them with price information and negotiating tips. By regularly disseminating price information to the public, the MLRR would provide potential buyers with more information and in this way, level the playing field. In addition, the MLRR competes with AALS beneficiaries.

- **Expansion of the AALS**

  As discussed, the AALS currently excludes many potential land reform beneficiaries. The average communal farmer does not have 150 LSU or 800 SSU as required by Agribank.

  Introducing a group borrowing option could broaden access. Prerequisites could include that groups jointly own 150 LSU or 800 SSU, or the equivalent in capital, and that joint liability be accepted. A binding agreement could allow the group to lease out the land share of a member who is in arrears, or to force any member who defaults on his or her payment to sell his or her share to any of the other members or a new member.

  Given the increase in corporate ownership patterns, opportunities may exist for potential AALS candidates to acquire shares in such corporate holdings. The AALS should consider granting beneficiaries loans to acquire such shares. Beneficiaries likely to benefit under such a scheme may be farm
workers who wish to buy a stake in their place of work. This may also be an alternative to the group lending option discussed earlier.

Yet another option would be to consider a lending option for other land uses such as intensive cropping, aquaculture, game farming, non-traditional agriculture or tourism. Currently, the requirements under the AALS force farmers into a specific land use. The Parliamentary Standing Committee on Economics, Natural Resources and Public Administration (National Assembly, 2004) also recommended that more flexibility be granted in the minimum requirements under the AALS in order to provide for smaller land pieces by way of subdivision as well as other land use activities. MLRR should accordingly act as facilitator in the identification of suitable land units for alternative forms of higher value land use, for those persons who wish to acquire land specifically suited for such forms of land use, and where such land units may currently farm part of freehold farms.

2.3 Macro- and micro-economic impacts of redistributive land reform and the Affirmative Action Loan Scheme

The PTT hired the services of short-term consultants to conduct a socio-economic survey of the AALS and the impact of resettlement on the beneficiaries of the AALS. The survey would also have provided the PTT with an opportunity to assess the larger impact of land reform on the economy. Unfortunately this survey has not been completed in time. It is therefore recommended that a socio-economic survey of the AALS beneficiaries be conducted as soon as possible in order to find out more about their progress and the impact of that programme on the micro and macro economy.

What we did learn came to light during the public hearings on the AALS held by the Parliamentary Standing Committee on Economics, Natural Resources and Public Administration in August and September 2003. It appeared that beneficiaries had realised that despite its good intentions, the scheme has some formidable problems (National Assembly, 2004). These will be discussed in more detail at a later stage.

This section deals primarily with the resettlement model utilised by the MLRR. What follows is a shortened summary of the major findings of the survey and the economic analysis of the results. The full report on both the group and individual resettlement programmes is available from the MLRR.

Through its National Resettlement Programme, MLRR acquires farms in the freehold (or commercial) areas on behalf of the government on a willing buyer-willing seller basis for the purpose of resettling formerly disadvantaged Namibians who have little to no access to land. With the enactment of the Agricultural (Commercial) Land Reform Act, Act 6 of 1995 and especially since the introduction of the first National Resettlement Policy in 1997, the resettlement of individual beneficiaries has become the main thrust of the
resettlement programme. The LRAC has recommended that allocations of subdivided freehold land per beneficiary household should not be less than 1 000 ha in the central, eastern and northern regions and at least 3 000 ha in the southern regions.

2.3.1 General summary of the survey

When interviewed, most beneficiaries expressed the opinion that although they have benefited from the programme, life on the farms is difficult and income is scarce. The lack of access to good and continuous support makes farming very difficult and has in fact forced some beneficiaries to look for alternative off-farm income. In fact, off-farm income is very important to beneficiaries. This has been a striking feature of the programme. The results below refer mainly to the individual resettlement model.

- Household demographics

The beneficiaries’ gender distribution was 72% male and 28% female, however the average beneficiary household has five members with an average gender distribution of 52% male and 48% female.

The average age of beneficiaries was 52, with an astonishing 30% older than 60 (retirement age). Retirement was one of the reasons for applying for resettlement. While not necessarily a determining factor, it should be considered that age may be a factor when determining the efficient use of land by prospective beneficiaries.

Only 31% viewed farming as their main occupation. Most beneficiaries regarded farming as a part-time occupation. For instance, 7% of beneficiaries described their main occupation as pensioners, while 12% indicated self-employment and 45% of all beneficiaries were wage earners.

- Off-farm income

Off-farm income provides the main source of income for 71% of all beneficiaries and their households. People were either employed by an organisation and/or self-employed. Pension payments and financial assistance from other members of the family were also important in 54% of the cases. Amongst the wage earners, some 74% were government employees based mainly in Windhoek (45%).

In total the average income earned from off-farm occupations was N$51 000 p.a. Most beneficiaries could thus be classified as lower-middle income households and not necessarily poor. In the inter-generational cost-benefit analysis of the smallholder model done on behalf of the PTT by Stephanus and Sumaila (2004), off-farm income accounted for between 55% and 100% of beneficiaries income. These results suggest that not much poverty reduction will occur if people with established incomes are resettled.
Farm production

Farm production was generally disappointing. Although some beneficiaries showed good progress, the average beneficiary struggled. Livestock farming is the main agricultural activity on resettlement farms, with almost all beneficiaries owning livestock. Only 27% of households produced crops, mostly in little garden patches for their own consumption.

2.3.2 Livestock production

Capital accumulation was astonishing, as the average beneficiary had doubled his or her livestock herds. This is probably due to the fact that they have more exclusive access to land than farmers in communal areas. On average, the capital gain accumulated (in the form of livestock) per beneficiary since initial resettlement was calculated at approximately N$59 000 over a three and a half year period. But from this fairly rapid capital accumulation, little production or revenue is forthcoming. It may be assumed that most beneficiaries were still in a herd-building phase, as they had not reached full stocking capacities. On average, each household owned 32 cattle, 28 sheep and 80 goats. Table 2.8 below highlights the income levels from resettlement per beneficiary household (revenue was calculated to include both own consumption and marketed surplus). Of the households interviewed, 82% reported some revenue for the year 2003. The averages below also include those beneficiaries (18%) who have not marketed or consumed any livestock during the course of 2003.

Table 2.8: Average livestock income per household, 2003

<table>
<thead>
<tr>
<th>Gross income: cattle</th>
<th>N$/year (All beneficiaries included)</th>
<th>N$/year (Only those beneficiaries that marketed their livestock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross income: sheep</td>
<td>1 219</td>
<td>2 816</td>
</tr>
<tr>
<td>Gross income: goats</td>
<td>1 987</td>
<td>2 548</td>
</tr>
<tr>
<td>Total gross income</td>
<td>7 826</td>
<td>14 246</td>
</tr>
<tr>
<td>Less livestock expenses</td>
<td>[7 447]</td>
<td>[7 447]</td>
</tr>
<tr>
<td>Gross margin</td>
<td>379</td>
<td>6 799</td>
</tr>
</tbody>
</table>

Those beneficiaries who market/consume their livestock fare better than those who do not. Those not marketing/consuming are barely breaking even. Nonetheless, these gross margins are far lower than the decent living income level proposed by the National Planning Commission (N$15 000 p.a. for a household of five people) and far lower than the income tax threshold of N$24 000 p.a. This confirms the importance of an off-farm income.
Component 2: Economic sustainability of land reform

What causes such poor performance? Poor production management is one reason. A rangeland survey done by Kruger (2004) on behalf of the PTT indicated that vital breeding principles like animal selection and introduction of new bloodlines, for example, were not applied in most cases. This has an impact on herd productivity and quality – both factors that may hamper marketing opportunities and income earned.

Some resettlement beneficiaries, however, did very well for themselves. Either their initial herds were larger or their farming approach was more production- and market-oriented. Farming aptitude also contributed to success. Clearly, although the lack of support for beneficiaries post-settlement needs attention, questions could also be asked about the selection of beneficiaries in general.

Recommendations

- That production support be given to beneficiaries through comprehensive and appropriate extension services.
- That extension services be assisted by support programmes at grassroots level from farmers’ unions or NGOs. The NAU, NNFU Emerging Farmers Support Programme could be involved.
- That the ability to farm and a means test be considered during the beneficiary selection process.

2.3.3 Water availability

Infrastructure problems, especially water availability, hampered production considerably (Kambatuku, 2004). Either the water pressure on farms was very weak or water resources had to be shared amongst beneficiaries (or both). What is more, boreholes, pumps, windmills and other equipment were found to be in poor working condition as regular maintenance did not take place. Often such equipment was not in good working order when beneficiaries first took occupation of the land. In some instances, large farms had been divided into smaller allotments without appropriate infrastructure in place to suit the smaller units – beneficiaries were expected to share resources. This situation is complicated by the fact that beneficiaries who are unexpectedly forced to cooperate are selected individually and often come from diverse backgrounds, levels of education, means, etc. This need to cooperate with resettlement neighbours appears not to be discussed at all prior to resettlement. A lack of cooperation amongst beneficiaries was extremely apparent and the situation is made more difficult by the fact that many beneficiaries are not always on the farms, as they earn off-farm incomes. This makes cooperation more difficult and prevents farms from being utilised at an optimal level.

Recommendations

- That farms be rehabilitated before resettlement takes place.
Component 2: Economic sustainability of land reform

- That beneficiaries be informed about sharing water resources and that advice is given about coordinated access to such resources. Institutional support should be provided for beneficiaries to set up water point and rangeland committees to manage shared resources jointly.

Alternatively, it may make sense to encourage homogenous groups (self-selected or a large family) to apply for resettlement. The idea is not necessarily to produce jointly, but rather to enhance group responsibility for shared resources. In a homogeneous group, cooperation may well be easier.

- That new infrastructure (or at least working equipment) is provided for individual allotments, depending on water availability.

2.3.4 Marketing

Off-take levels or off-take rates refer to the number of livestock removed from a herd to be sold or used for consumption (this includes giving animals away as gifts, for example). Current off-take levels suggest subsistence-level production, either due to production and marketing problems or due to non-market objectives like herd accumulation. Current off-take rates are 9% for cattle, 18% for sheep and 11% for goats. In many cases, beneficiaries tend to market only when the need for cash arises – as stated by Kruger (2004) and observed during the resettlement survey.

Beneficiaries have indicated that marketing presents a significant problem, which in part could be seen from the low off-take levels above. Transport is a critical issue, as some households had no access to nearby markets; others who had nearby markets did not market because they had to hire transport and this was prohibitively expensive.

Beneficiaries tend to market through auctions or direct sales to speculators or agents: more than 85% use this avenue. Considering the low off-take rates, one can assume that beneficiaries tend to be in a weaker bargaining position and hence obtain lower prices. Their profit margins are further reduced by higher transaction costs. Instead of marketing their products together in order to take advantage of economies of scale, beneficiaries market individually in most cases. Urgent support is needed in terms of marketing skills, market information and organisational support. Beneficiaries could be encouraged to pool their produce and organise auctions to sell their livestock together in order to minimise transaction costs. This would need support from the MLRR and MAWRD, as well as NGOs or farmers’ unions. Failing to market their products represents a lost opportunity to generate income.

Recommendations

- Provision of extension support to beneficiaries in terms of marketing infrastructure, information and other technical support. Closer cooperation between the MLRR and the MAWRD is of crucial importance in this regard.
The assistance of NGOs or farmers' unions at grassroots level to provide support to extension services should be encouraged and facilitated. The NAU, NNFU programme for emerging farmers could present an opportunity for commercial farmers to assist resettlement beneficiaries.

2.3.5 Access to alternative income from farms

Beneficiaries indicated that they were not allowed to make use of wildlife or any other resources. One beneficiary had taken over a charcoal production enterprise left on the farm by the previous owner. This presented this individual with substantial supplementary income, but was the only example of its kind.

In many cases, beneficiaries who do not own much livestock sublease their land in order to generate an income. However, as this practice is contrary to their lease agreements, the beneficiaries find themselves in weak bargaining positions. Income from subleasing tended to be lower than it would be if subleasing were permitted. Most beneficiaries had not been paid by their lessees, but had no legal recourse. MLRR officials try to police this activity in order to prevent it, but this wastes both time and resources that could be better used in providing post-settlement support.

Recommendations

- Alternative incomes may become more important, especially as a risk diversification strategy. Beneficiaries should be encouraged to be innovative about developing alternative income strategies. These could be reviewed by regional officers in order to ensure good practices.
- Alternative income strategies like subleasing may become important for households living with HIV or AIDS and unable to use the land productively.
- If beneficiaries with few livestock are resettled, they should be allowed to generate an income from their land by subleasing for a specific period until their own herds have grown. Contracts could be drawn up by the MLRR in order to ensure appropriate grazing fees and to protect beneficiaries from exploitation. This would allow the MLRR to use human resources more effectively.
- Support and information needs to be given to beneficiaries who want to engage in alternative land use such as aquaculture, intensive cropping, game and tourism activities.

2.3.6 Access to land and credit

Although the LRAC recommended that allocations of subdivided freehold land should not be less than 1 000 ha in the central, eastern and northern regions and 3 000 ha in the southern regions per beneficiary household, it was discovered that beneficiaries in the southern regions only had access to 2 138 ha on average, whilst those in the northern regions had some 1 200 ha. This
prejudices beneficiaries in the south but may be the result of resettlements prior to the LRAC’s minimum size recommendations.

Resettlement beneficiaries have to enter into 99-year lease agreements with the MLRR. However, whilst conducting the PTT survey it was disturbing to note that most beneficiaries only had letters of appointment and no lease agreements. In some cases, beneficiaries had signed leases but had not received their copies back. In fact, no leases have yet been registered, thus preventing beneficiaries from using them as collateral for credit access purposes. Access to credit for farming purposes was negligible in most cases. There were cases of beneficiaries who had obtained Agribank loans for stock purchases, but they used other collateral. Access to credit for other purposes was less problematic as many beneficiaries are salaried employees and had consumer credit references to use.

Tenure insecurity is high amongst the beneficiaries, who appear not to fully understand rights and obligations contained in the lease agreements. This is highlighted by another disturbing observation made during the survey; some beneficiaries reported that they share their allotments with other beneficiaries, despite having an individual lease agreement. In these cases, their official letters of appointment included a handwritten clause (seemingly added after the official signatures) stating that they would have to share their allotment with other beneficiaries. Beneficiaries asked the survey team whether this was right, declaring they would not make any improvements until they knew what would happen. Some suggested that they were not sure what would happen if they were to complain. Basically, beneficiaries lack information about their rights and obligations with regard to their leased allotments. More effort needs to be made to empower the beneficiaries in this regard.

The restrictions of beneficiary rights within the lease agreements do not add to a sense of tenure security. Many beneficiaries described their reluctance to improve the land, as they did not know whether there would be compensation for such improvements in the event of lease cancellation. There were many cases of investment in the form of paddocks or houses (mostly corrugated iron shacks), but people still appeared to have done as little as possible. From the draft copy of the new lease agreement obtained from the ministry, it is clear that provision is made for the reimbursal of investments made by beneficiaries in the event that the leases are cancelled. This needs to be communicated to beneficiaries.

In terms of the lease agreements, maintenance of farm infrastructure is the MLRR’s obligation, but budgetary constraints have held back this process. Many beneficiaries had started to do maintenance that could not be delayed any longer, however this diverted income and capital away from other productive use. Cabinet’s recent decision to allow N$10 million from the Land Acquisition and Development Fund to be used annually for infrastructure development and maintenance is an appropriate measure to address the abovementioned problem.
Recommendations

- That lease agreements be given to beneficiaries as soon as they occupy their farms.

- That rights and obligations contained in the lease agreements be fully explained to beneficiaries.

- That beneficiaries be informed about any land allocation changes prior to them occupying their allotments.

- That lease agreements be made less restrictive to allow beneficiaries to take greater responsibility for the land and the resources.

2.3.7 Access to agricultural information and support

Clearly, support and assistance to beneficiaries was negligible to non-existent. This is confirmed by the fact that nearly 62% of beneficiaries surveyed indicated that although they had some contact with agricultural extension officers, this contact was predominantly about stock control. It should be said that the high percentage of part-time farmers also contributes to this situation, as the part-timers were in general only on the farms over weekends, and then also at irregular intervals, while government staff tend to be on duty only on weekdays.

Only 14% of beneficiaries had attended an agricultural training course, which was either presented by the MAWRD or in some cases, by a farmers’ association. There was little knowledge of training courses in general, but most beneficiaries indicated an interest in receiving training.

Exposure to organised agriculture was also very low. Only 7% of beneficiaries were members of farmers’ associations and these beneficiaries were predominantly full-time farmers. Many beneficiaries indicated that they were not members of such associations as they had little information about what such associations do. Part-time farmers had very little knowledge about such activities.

Recommendations

- Pre-resettlement training should be considered for beneficiaries, followed up by appropriate post-resettlement training.

- Agriculture organisations should help beneficiaries to access information and support services more efficiently. The NAU, NNFU Emerging Farmers Skills Development Programme could perhaps supplement official extension efforts or include beneficiaries in organised agriculture. Coordination between the MLRR, MAWRD and farmers’ organisations needs to be strengthened and brought to grassroots level.
2.3.8 Economic impact: costs versus benefits

The farms bought for resettlement by the MLRR cost some N$124 million. These were either used for group resettlement or individual resettlement. While the group resettlement tends to have more beneficiaries, the individual resettlement is based on more land and fewer beneficiaries. The resettlement survey revealed that beneficiaries, at least in the individual resettlement model, have increased their capital base in terms of livestock by some N$59 000 per beneficiary over a three and a half year period. Statistics available from the MLRR (2004) depict the number of farms purchased according to different variables like price, region, size and year. In addition, the number of resettled families is also indicated. Figures provided for number of families resettled could not be verified due to the absence of a systematic monitoring and evaluation database on beneficiaries. The PTT has begun to compile a verifiable database on the actual number and profiles of beneficiaries according to the application lists that are available. This process is being supported by a physical count of all people on all farms throughout the country. Without these numbers available, it is difficult to calculate the real benefits and costs of the resettlement scheme. The only substantial figures available are those that were collected during the PTT resettlement survey. These were used by Stephanus and Sumalla (2004) to do a inter-generational cost-benefit analysis of the smallholder model.

The resettlement sector is characterised by low production levels. As a result, the capital accumulation benefit may be eroded. It was established that this production loss occurs mainly because of constraints to the beneficiaries in terms of little or no access to credit and other technical and institutional support, little access to markets, as well as little farming ability or aptitude. It is recognised that initial production declines will occur after farms are bought up for resettlement. This is also the international experience (Kinsey, 1999). The issue is how to minimise this decline and the costs associated with it until normal (or higher) production can occur on the farms. Such an outcome depends on farmers operating in an enabling environment that provides adequate access to input, output markets and critical government support (including start-up grants and subsidised credit), especially during the first few years.

If one considers that the objectives of resettlement are for beneficiaries to become self-reliant, to contribute to the national economy and to create jobs, then their current performance is not attaining these goals. In fact, the current results suggest a loss for the economy if one assumes that resettlement farms were used for commercial purposes before. Unfortunately no data of these commercial farms and their production prior to their acquisition by the MLRR is available. It is strongly recommended that when acquiring farms for resettlement, the MLRR should request information about the farms' production histories to serve as monitoring and evaluation yardsticks. No comprehensive agricultural survey has been conducted for the commercial farming sector since Independence and so comparisons are based on estimates and assumptions and should be regarded as trend indicators only.

Below is a simple calculation for the large stock model based on the information available. The average off-take percentage of commercial farms has been assumed to be 20% according to information obtained from the Meat
Board (Marlow, 2002). It was also assumed that the farms were previously used to full capacity at average commercial production rates. The stocking rates were assumed to be roughly 18 ha per LSU (or 20 kg biomass/ha) as many resettlement farms fall into the lower category of agricultural potential.

Table 2.9: Farm production comparison for large stock

<table>
<thead>
<tr>
<th></th>
<th>Actual performance per average beneficiary</th>
<th>Total Farm (If five beneficiaries per farm) (1)</th>
<th>Farm Production potential (2)</th>
<th>(Loss) or Gain (1-2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land available</td>
<td>1 200 ha</td>
<td>6 000 ha</td>
<td>6 000 ha</td>
<td></td>
</tr>
<tr>
<td>Stocking rate (kg/ha)</td>
<td>9.6 kg</td>
<td>9.6 kg</td>
<td>20 kg</td>
<td></td>
</tr>
<tr>
<td>Average no. of LSU</td>
<td>32</td>
<td>160</td>
<td>333</td>
<td>(173)</td>
</tr>
<tr>
<td>Off-take %</td>
<td>9.4%</td>
<td>9.4%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Off-take (LSU marketed)</td>
<td>3</td>
<td>15</td>
<td>67</td>
<td>(52)</td>
</tr>
</tbody>
</table>

It follows that the production loss amounts to some 52 LSU given the current low stocking and marketing rates. If this calculation is applied to the 120 farms currently resettled, as well as the possible target of 9.5 million hectares envisaged for resettlement, then the cumulative production loss if current patterns prevail could be as follows:

Table 2.10: Production loss from current resettlement approach

<table>
<thead>
<tr>
<th></th>
<th>No. of farms</th>
<th>Annual Loss in production from average resettlement farm (No. of LSU)</th>
<th>Total loss in production (No. of LSU)</th>
<th>Total annual loss in production (N$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single farm</td>
<td>1</td>
<td>52</td>
<td>52</td>
<td>120 900</td>
</tr>
<tr>
<td>Total Resettlement Farms</td>
<td>120</td>
<td>52</td>
<td>10 680</td>
<td>14 508 000</td>
</tr>
<tr>
<td>Targeted area of 9.5 million ha</td>
<td>1583*</td>
<td>52</td>
<td>140 887</td>
<td>191 384 700</td>
</tr>
</tbody>
</table>

Assumptions: 1) *9.5 million ha (target)/6 000 ha (average farm size purchased by MLRR) 2) 1 LSU = 360kg; 3) Live weight Price = N$6.5/kg

The estimated production loss of N$191 million per annum (if 9.5 million hectares are acquired), should current production and marketing performances prevail, signifies a substantial loss to the economy. This estimate does not include costs to downstream industries or the rural economy because of fewer input purchases, less throughput, potential job losses, etc. Although the above results could be described as a worst-case scenario, it is nevertheless a fact that the
country cannot afford such a loss in the long run. The costs-benefit analysis (Stephanus & Sumaila, 2004) supports the above calculation as it indicates an opportunity loss of some N$71 million at present value over the 99 years or N$0.72 million per annum for the 50 surveyed farms using the conventional cost-benefit calculation approach. In the case of inter-generational cost-benefit analysis calculation, the opportunity losses are indicated as N$106 million over the 99 year period or N$0.97 million per annum in present value.

This calculation is not intended to support an argument against resettlement, but is intended to emphasise the urgent need to address the problems and constraints associated with resettlement. It demonstrates the price we will pay if we do not provide comprehensive resettlement packages. In fact, Stephanus and Sumaila (2004) indicate that there are net benefits for resettlement based on the current figures of low production and capacity utilisation, but that these benefits could be increased through appropriate support.

International experiences have shown that without critical government support, especially start-up capital (as grants) and subsidised credit, as well as available and accessible markets, economic and social returns over the long run will not be forthcoming. In fact, the initial capital accumulation witnessed in the resettlement survey would probably be absorbed by the cost of lost production. Its effect on the rest of the economy would give rise to frustration and growing resistance against land reform.

It is crucially important to support beneficiaries with the financial, technical and institutional means to become self-reliant, to contribute to the wider economy and ideally, to create employment for other citizens.

2.3.9 Group resettlement

The recent resettlement survey showed that the group resettlement projects have a significant population of dependent, under-age and under-skilled individuals. Individuals under 15 years of age constitute 38.1% of the group. About 44% of the sample population were too young to attend school. The implication of this is a high demand for public resources in the form of schools, roads and clinics on beneficiary households and on the government.

The group resettlement study revealed that a beneficiary household earns an average income of N$460 per annum from livestock sales before input cost. If the average income of group beneficiaries (from all income sources) is N$59.00, a grim picture is painted. Such beneficiaries are almost totally reliant on food aid from the government. This situation is worsened by the fact that about 78% of all household members on these resettlement projects have no income of any kind.

Rangeland or pasture management training, water infrastructure maintenance training, fencing infrastructure maintenance support, training and re-stocking programmes, breeding stock programmes and marketing assistance would make an enormous difference to the outcome of the group resettlement
projects. Beneficiaries would be more inclined to stay on these projects if their livelihoods were better secured.

The study also established that the current resettlement beneficiary screening process needs improving so that beneficiaries who know how to farm, or who have demonstrated their ability to work hard, are given preference. It is very apparent that the current group resettlement beneficiaries were not subjected to the selection criteria defined in the policy. As a result, resettlement projects are inundated with migrant farm labourers or people looking for jobs or somewhere to live, who have little interest and fewer skills in farming.

2.3.10 Monitoring and evaluation

Another issue emerged. There is little information on record about resettlement beneficiaries and their progress. Several individual attempts were made at regional offices to monitor beneficiaries, but without clear guidance from the central offices. In fact, no precise numbers of beneficiaries resettled to date are available. The absence of such a basic database of successful beneficiaries makes monitoring and evaluation of beneficiaries' progress an unsystematic, ad hoc undertaking. For this reason, the PTT commissioned the services of short-term consultants to assist in the establishment of a beneficiary database, which will facilitate future data capture by the MLRR, as well as be used for monitoring and evaluating the resettlement process.

Recommendations

- That the beneficiary database be updated annually to record the status of beneficiaries on the farms (both new and old).
- That regular baseline surveys of beneficiaries be done to monitor their progress and problems.
- That the beneficiaries be accommodated in the monitoring and evaluation process in order to lessen transaction costs to both the beneficiaries and the MLRR.
- That other information like farm production prior to resettlement be incorporated into the database for comparative analysis.
2.4 Selection criteria for beneficiaries

The National Resettlement Policy (RoN, 2001) provides a detailed description of the main target groups and the criteria to select them. There are three main categories of settlers are defined as follows:

- People who have no land, income or livestock (identified as 0.0.0).
- People who have neither land nor income, but a few livestock (0.0.1).
- People who have no land, but have income and/or are livestock owners, and need land to be resettled on with their families and to graze their livestock (0.1.1 or 0.1.0).

Given the existence of the Affirmative Action Loan Scheme it is assumed that people with at least 150 LSU or 800 SSU (or the cash equivalent thereof) are excluded.

These main target groups cover a wide spectrum of people who want or need land. This introduces a measure of flexibility in accommodating previously disadvantaged Namibians by taking their specific circumstances into account. However, unless a clearer distinction can be made between "need" and "ability" to farm, it will be difficult to plan support services for beneficiaries.

The ambiguities around this dichotomy are reflected in the criteria for settler selection. The first criterion for the selection of settlers states that "beneficiaries should have a background or an interest in agriculture or other related activities on which resettlement is based" (RoN, 2001). Arguably, the identification of main categories of beneficiaries includes both need and the ability to farm. It is not clear from the policy whether need or the ability to farm should be the main criterion. As Behnke (1995) argued, this ambiguity reflects the fundamental debate about who should get the land: those who need it or those who are best suited to farm successfully? A clear answer to this question is of fundamental importance to effective land distribution.

The only planning mechanism available in terms of potential land need is the infamous figure of 243 000 landless people (48 600 families) that need resettlement or access to land. It could not be established how this figure was arrived at. Comparisons with unemployment figures show close similarities between the number of unemployed and the number in need of resettlement. A simple back-of-the-envelope calculation establishes that if a resettled family should receive no less than 1 000 ha under the resettlement programme, then no less than 48.6 million hectares would be required. However, the current freehold sector in Namibia measures only some 36.2 million ha. In other words, only 36 200 families could be possibly be accommodated on this basis. Currently, the freehold sector accommodates some 35 000 families, both farm employers and employees (IPPR, 2003). If this land were to be redistributed, it would only mean that people currently living on the land would be substituted with other people, unless more intensive and high value land uses could be implemented, which require less land than traditional land uses.

The figure of 243 000 people (or 48 600 families) is problematic for planning purposes as it does not quantify or qualify the different need categories. The
need for land may mean anything from needing land for residential purposes (tenure security), to needing land for agricultural purposes, or both. This is important both in terms of planning and allocation, as well as the provision of specific and appropriate services packages. It needs to be considered that each target group has its own requirements, skills levels, availability of means and needs for assistance in terms of quantity and quality of support.

The resettlement survey and other studies (Werner & Vigne, 2000) have shown that current group resettlement projects are, at best, welfare projects as even subsistence level farming is negligible and beneficiaries are dependent on food aid. Most beneficiaries try to obtain employment on neighbouring farms. If this model is to be resurrected, it will require much in terms of financial support and human capacity. Other cost-effective ways of improving the livelihoods of these beneficiaries should be investigated. Opportunities may well exist for the MLRR to link up with the MAWRD and its Green Scheme. Under the Green Scheme, irrigation projects along the perennial rivers of Namibia are being set up. People been given access to high value land uses and hence income-generating opportunities. One example is the proposed development at the Tandjeskoppie Irrigation Scheme on the Orange River, where beneficiaries will receive four hectares of land. This land will be used to produce grapes and dates, as well as vegetables (as intermediate cash income sources). More people are thus resettled on smaller parcels of land, yet with high income potential.

The resettlement survey also showed that people with skills and an aptitude for farming tend to be more successful, even with little government support. In contrast, average beneficiaries with few livestock struggled more and were more in need of support.

**Recommendations**

- The definitions of categories of beneficiaries need to be tightened. To do this, a policy decision should be taken: is land given to those who need it, to those who have demonstrated an aptitude for farming, or a combination of these two groups? This would lead to more specific policy statements on how access to land can contribute towards poverty reduction.

- One option would be for up-to-date beneficiary lists to be maintained by regional MLRR offices for their regions. These centralised lists should indicate the specific need for land: either residential or agricultural. Planning could then be tailored according to regional needs, residential needs and agricultural needs.

- Agreement needs to be reached about the proportion of poor people who should be resettled, compared with those in the last category of beneficiaries. Unless this is done, land redistribution is unlikely to make a significant dent on poverty, but will instead enrich those who are able to fend for themselves.

- Linking up with MAWRD and its Green Scheme may hold benefits for the MLRR and its endeavours in resettling landless people successfully.
2.5 Support systems to beneficiaries

In an effort to gain insight into the real economic benefits of land settlement programmes and to determine relevant costs, the PTT investigated earlier farmer settlement programmes and projects in Namibia under previous administrations. This comparative study recognised the geopolitical context under which these settlements efforts took place, but focused on implementation successes and failures in order to design the best post-settlement support packages for current beneficiaries.

It became clear that a multi-faceted approach to land reform with emphasis on post-settlement support is of fundamental importance if the policy objectives of poverty reduction, self-reliance in food security are to be achieved.

Namibia experienced three distinct land settlement programmes, the first two programmes introduced by successive colonial powers: Germany and later South Africa. These programmes were racially based with the primary aim of making room for the new settlers with few, if any, provisions to protect the dispossessed African population. Two other circumstance- and event-based settlement projects also took place during this time: the Angola Boers Settlement and the Odendaal Relocation Plan.

A third programme was implemented in the post-independence era aimed at population redistribution. This programme is largely under-resourced, both in terms of technical capacity and fiscal outlay. This translates into high levels of expectation with limited redress.
## Past & Current Settlement Schemes

<table>
<thead>
<tr>
<th>Model</th>
<th>Beneficiaries</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>German Settlement Scheme 1890 – 1917.</td>
<td>German Settlers</td>
<td>Concession Companies held 25 mill. hectares Speculative rationale. German Expeditionary forces killed over sixty % of Namibians 1904-1911. By 1913, 1331 settler farms totalling 13.4 mill. hectares</td>
</tr>
<tr>
<td>Afrikaner Settlement Scheme 1919 – 1989.</td>
<td>South African Poor Whites / Poor Afrikanders</td>
<td>1106 families 880 holdings = 7.5 mill. hectares. Increased to 1281 holdings by 1932. No tax until 1940</td>
</tr>
<tr>
<td>Angola Boers / Dorsland Trekker Settlement Project - 1940</td>
<td>War Displaced South African Farmers from Angola</td>
<td>150 farm holdings Grants and infrastructural support. No tax.</td>
</tr>
<tr>
<td>Odendaal Relocation / Expropriation Scheme 1968</td>
<td>Afrikaner farmers / African Communal Farmers</td>
<td>Expansion of Communal Areas under the Bantustan Framework Involuntary Expropriation</td>
</tr>
</tbody>
</table>

### 2.5.1 German Settlement 1890–1917

The German settlement plan initially only gave land to the concession companies that were supposed to developed the land. Much of the land given to these companies was along the railway lines that went as far North as Otavi. By 1902, these companies held 29.2 million hectares. These companies did not develop the land, apparently preferring to hold on to it until prices increased.

Speculation by land companies prompted attempts by the colonial administration to settle individual farmers. Initially, land was bought from indigenous leaders who received goods at inflated prices in exchange for large tracts of land. This practice quickly degenerated into blatant land grabs on the part of settlers that took place with the tacit approval of the colonial administration. Indigenous reaction to what was perceived as the theft of land escalated quickly from protests to the declaration of war against the colonial administration. The war of 1904-1911 had disastrous consequences. German expeditionary forces killed over 60% of indigenous Namibians south of the Etosha Pan. The aftermath of the war saw an increase in settlement; by 1913 there were 1331 settler farms totalling 13.4 million hectares. In contrast, the German colonial administration established seven Native Reserves totalling 2.7 million hectares.
2.5.2 South African Resettlement 1919 – 1989

Resettlement under the South African government was well funded and had a strong sense of purpose - placing as much land as possible in the hands of poor whites. Officially called the Land Settlement Programme, the programme, which began in 1920, had the aim of solving the “poor white problem” in South Africa. Settlers were enticed with easy repayment terms for loans and minimal qualification regulations. In addition, large grants were made available for settlers to purchase farms. From 1920 to 1932, a total of £1,123,993 was advanced to farmers. Added to this was an additional amount of £450,000 in grants by the Irrigation Department and £300 by the Department of Agriculture. Hence the total amount given to white settler farmers in the form of grants and investments in infrastructure was £1,873,933 over the first 12 years of the programme. In 2004, these would be approximately £75,931,675 or N$635,249,416. This is an annual expenditure of approximately N$69,604,118.

By 1926, 880 holdings with 1,106 settlers covering 7.5 million hectares were established. This number increased to 1,261 holdings by the end of 1932. Each holding received, on average, £1,486 - in today’s terms, £60,212 or N$662,339. Added to this were 150 farms allocated to the Angolan Boers. Each of these families received an average grant of £1,500 – worth £60,780 or N$668,580 today. It is no wonder that this programme was once called “the most generous land settlement programme in the world.” It is also worth noting that through the 1930s, settlers did not pay any income tax.

After 1932, there is very little information on record about the Land Settlement Programme. It is probably safe to assume that spending levels did not remain at these high levels due to the Great Depression. What effect the financial constraints of the decade had on the refinancing of debt or the forgiveness of debt as a means of assisting settler farmers is unknown, though certainly this was taking place throughout the 1930s. In the post-World War II era, the National Party victory and the imposition of apartheid may have seen an increase in the amounts of spent, but during the apartheid era, records became increasingly hard to obtain as South African officials sought to limit knowledge about the effect of apartheid. It is reported, however, that in the 1950s, a programme to assist settler farmers with soft loans saw an increase in the number of boreholes from 16,000 in 1950 to 34,015 in 1960. The number of dams also doubled.

By the middle of the 1950s, the number of settled farms had reached just over 5,200 and occupied 3.6 million ha. This is approximately the same number as there are today. Government policy appeared to shift toward investment in settler farming to make it profitable. As the number of settler farms increased, the policy of moving Africans onto “native reserves”, through the removal of “Black Islands” and the policy of forced removals, continued. These policies and attitudes were not simply a feature of the apartheid era; they were prevalent throughout all of Namibia’s colonial period. The Bantu Land Policy was implemented during the late 1960s, which, when coupled with Group Areas Act, removed all land rights from non-whites in the freehold farming areas.

It is noteworthy that no land used for settlement purposes was purchased under the German and South African Administrations, rendering the current colonial
legacy of racially unequal land control a direct result of settler occupation effected through conquest, fraud and trickery, in some cases resulting in near extermination of indigenous people.

Table 2.11: Summary of Namibia’s resettlement scheme, 1992-2004

<table>
<thead>
<tr>
<th>Resettlement Objectives Achieved in Selected Schemes 1992-2004</th>
<th>Objective Achieved</th>
<th>Objectives Achieved: Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Model / Scheme / Category Studied</strong></td>
<td><strong>Land area until 2004 = HA</strong></td>
<td><strong>Beneficiaries</strong></td>
</tr>
<tr>
<td><strong>1. NRP Freehold Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1. No livestock, no income and no land</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1.2. Some livestock, no income and no land</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>1.3. Some livestock, has income and no land</td>
<td>320</td>
<td></td>
</tr>
<tr>
<td><strong>Total Individual Resettlement Scheme</strong></td>
<td>530,477</td>
<td>326</td>
</tr>
<tr>
<td><strong>2. NRP Group Resettlement Freehold Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1. Commercial</td>
<td>195,369</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>3. Land Under Additional Categories</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1. Land area still pending official resettlement</td>
<td>117,782</td>
<td></td>
</tr>
<tr>
<td>3.2. Land area donated to Unam and / used as cooperative</td>
<td>16,631</td>
<td></td>
</tr>
<tr>
<td>3.3. Land area unaccounted for</td>
<td>13,896</td>
<td></td>
</tr>
<tr>
<td><strong>1/2/3 Total Freehold Resettlement Scheme</strong></td>
<td>874,155</td>
<td>1,526</td>
</tr>
<tr>
<td><strong>4. NRP Group Resettlement Communal Areas</strong></td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td><strong>5. Land Transferred from MAWRD to MLRR</strong></td>
<td>398,859.94</td>
<td>700</td>
</tr>
<tr>
<td><strong>6. Land Bought by AALS buyers</strong></td>
<td>3,435,656</td>
<td>625</td>
</tr>
<tr>
<td><strong>National Figures Total</strong></td>
<td>4,708,671</td>
<td>2,851</td>
</tr>
</tbody>
</table>

Notes and assumptions

- MLRR has communal resettlement projects, however land in communal areas not surveyed, thus hectarage cannot be confirmed.
- The figures used here were derived from the database created by NEPRU on behalf of PTT/MLRR.
- NRP=National Resettlement Programme; AALS=Affirmative Action Loan Scheme
### 2.5.3 Examples of post-settlement support schemes

1. **People with no income, no livestock, no land**

   **Settlement support model for Category 1**
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (N$)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Direct Establishment Grant</td>
<td>20,000.00</td>
<td>Restocking, Tilling Support, Beneficiary Support Assistance</td>
</tr>
<tr>
<td>2. Infrastructural Maintenance Grant</td>
<td>20,000.00</td>
<td>Infrastructural development over three years</td>
</tr>
<tr>
<td>3. Technical Assistance Grant</td>
<td>10,000.00</td>
<td>Technical Support over 3 years</td>
</tr>
<tr>
<td><strong>Total Grant</strong></td>
<td><strong>50,000.00</strong></td>
<td></td>
</tr>
<tr>
<td>4. Credit Facility Limit</td>
<td>20,000.00</td>
<td>Credit limit with 25% subsidy</td>
</tr>
<tr>
<td>5. <strong>Total Support Entitlement</strong></td>
<td><strong>70,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

2. **People with no land, no income, few livestock**

   **Settlement support model for Category 2**
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (N$)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Direct Establishment Grant</td>
<td>15,000.00</td>
<td>Restocking, Tilling Support, Beneficiary Support Assistance</td>
</tr>
<tr>
<td>2. Infrastructural Maintenance Grant</td>
<td>15,000.00</td>
<td>Infrastructural development over three years</td>
</tr>
<tr>
<td>3. Technical Assistance Grant</td>
<td>10,000.00</td>
<td>Technical Support over 3 years</td>
</tr>
<tr>
<td><strong>Total Grant</strong></td>
<td><strong>40,000.00</strong></td>
<td></td>
</tr>
<tr>
<td>4. Credit Facility Limit</td>
<td>60,000.00</td>
<td>Credit limit with 25% subsidy</td>
</tr>
<tr>
<td>5. <strong>Total Support Entitlement</strong></td>
<td><strong>100,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

3. **People with land, income and livestock**

   **Settlement support model for Category 3**
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (N$)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Infrastructural Maintenance Grant</td>
<td>10,000.00</td>
<td>Infrastructural development over three years</td>
</tr>
<tr>
<td>2. Technical Assistance Grant</td>
<td>10,000.00</td>
<td>Technical Support over 3 years</td>
</tr>
<tr>
<td><strong>Total Grant</strong></td>
<td><strong>20,000.00</strong></td>
<td></td>
</tr>
<tr>
<td>3. Credit Facility Limit</td>
<td>100,000.00</td>
<td>Credit limit with 25% subsidy</td>
</tr>
<tr>
<td>4. <strong>Total Support Entitlement</strong></td>
<td><strong>120,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>
These support models assume beneficiary support based on the international best practice benchmarks of subsidising resettlement beneficiaries at 2/3 of the land acquisition cost. These targeted support packages represent a policy option that has not been considered in post-independence Namibia.

2.5.4 Post-settlement support cost projections and their purpose

Cost projections are used to anticipate future resource requirements and to provide decision-makers with a yardstick when deciding on policy interventions. Cost projections enable decision-makers to predict shortfalls and to adjust their plans or solicit appropriate assistance.

The following calculations assume a 15% annual increment to cater for general inflation and unforeseen circumstances. The calculations also assume that general support packages could be co-implemented with private sector partners who would provide the human resources and skills required to meet our objectives. The forecasting further assumes a concurrent three-year loan/grant cycle per beneficiary.

<table>
<thead>
<tr>
<th>Ratio of Costs to Settle</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Category 1 Farmer</td>
</tr>
<tr>
<td>One Category 2 Farmer</td>
</tr>
<tr>
<td>One Category 3 Farmer</td>
</tr>
</tbody>
</table>

Using following figures:

1. $70,000
2. $67,000
3. $51,000

1: 2: 3 = 1.4 : 1.3 : 1.0
Cost Projections of post-settlement support packages in freehold areas

Cost projections for MLRR to resettle 133 Category 1 farmers

<table>
<thead>
<tr>
<th>Support categories</th>
<th>Beneficiaries</th>
<th>Months</th>
<th>Allocation</th>
<th>Cost / Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restocking facility over three years @ 75% establishment grant</td>
<td>133</td>
<td></td>
<td>15,000</td>
<td>1,995,000</td>
</tr>
<tr>
<td>Beneficiary support</td>
<td>133</td>
<td>12</td>
<td>3,600</td>
<td>478,800</td>
</tr>
<tr>
<td>Tilling support over three years</td>
<td>133</td>
<td></td>
<td>1,400</td>
<td>186,200</td>
</tr>
<tr>
<td>Total direct establishment grant</td>
<td></td>
<td>20,000</td>
<td></td>
<td>2,660,000</td>
</tr>
</tbody>
</table>

Total infrastructural maintenance grant

Infrastructural development over three years

|                  | 133 | 20,000 | 2,660,000 |

Technical Assistance grant

Technical Assistance over three years

|                  | 133 | 10,000 | 1,330,000 |
|                  | 133 | 50,000 | 6,650,000 |

Credit facility

Application @ 25% of total loan

|                  | 133 | 20,000 | 2,660,000 | 665,000 | 665,000 |

Monitoring & Evaluation facility lump sum @ 30% total grants

|                  |     |        | 2,660,000 | 1,995,000 |

* IE. NO CATTLE, NO LAND, NO CASH.
## Component 2: Economic sustainability of land reform

### Cost projections for MLRR to resettle 67 Category 2 farmers

<table>
<thead>
<tr>
<th>Support categories</th>
<th>Beneficiaries</th>
<th>Allocation</th>
<th>Cost / Unit</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restocking facility over three years @ 75% establishment grant</td>
<td>67</td>
<td>10,000</td>
<td>670,000</td>
<td></td>
</tr>
<tr>
<td>Beneficiary support</td>
<td>67</td>
<td>12</td>
<td>3,600</td>
<td>241,200</td>
</tr>
<tr>
<td>Tilling support over three years</td>
<td>67</td>
<td>1,400</td>
<td>Lump sum</td>
<td>93,800</td>
</tr>
<tr>
<td><strong>Total direct establishment grant</strong></td>
<td></td>
<td>15,000</td>
<td></td>
<td>1,005,000</td>
</tr>
<tr>
<td><strong>Total infrastructural maintenance grant</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructural development over three years</td>
<td>67</td>
<td>15,000</td>
<td>N$20,000</td>
<td>1,005,000</td>
</tr>
<tr>
<td><strong>Technical Assistance grant</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Assistance over three years</td>
<td>67</td>
<td>10,000</td>
<td>670,000</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>40,000</td>
<td></td>
<td>2,680,000</td>
<td></td>
</tr>
<tr>
<td><strong>Credit facility</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application @ 25% of total loan</td>
<td>67</td>
<td>60,000</td>
<td>4,020,000</td>
<td>1,005,000</td>
</tr>
<tr>
<td><strong>Monitoring &amp; Evaluation facility lump sum @ 30% total grants</strong></td>
<td></td>
<td></td>
<td></td>
<td>804,000</td>
</tr>
</tbody>
</table>

\[\text{Note: No land or income, some livestock}\]
Cost projections for MLRR to resettle 40 Category 3 farmers

<table>
<thead>
<tr>
<th>Support categories</th>
<th>Beneficiaries</th>
<th>Months</th>
<th>Allocation</th>
<th>Cost / Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total infrastructural maintenance grant</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructural development over three</td>
<td>40</td>
<td>10,000</td>
<td></td>
<td>400,000</td>
</tr>
<tr>
<td>years</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Assistance grant</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Assistance over three years</td>
<td>40</td>
<td>10,000</td>
<td></td>
<td>400,000</td>
</tr>
<tr>
<td></td>
<td>40</td>
<td>20,000</td>
<td></td>
<td>800,000</td>
</tr>
<tr>
<td>Credit facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application @ 25% of total loan</td>
<td>40</td>
<td>100,000</td>
<td>4,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Monitoring &amp; Evaluation facility</td>
<td></td>
<td></td>
<td></td>
<td>240,000</td>
</tr>
<tr>
<td>lump sum @ 30% total grants</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall Programme Costs less M &amp; E cost</td>
<td></td>
<td></td>
<td></td>
<td>12,800,000</td>
</tr>
<tr>
<td>PSSS Admin. Facility @ 20% Overall Programme Costs + M &amp; E Cost</td>
<td></td>
<td></td>
<td></td>
<td>5,599,000</td>
</tr>
<tr>
<td>Grand Total MLRR and Donor PSSS Annual Cost</td>
<td></td>
<td></td>
<td></td>
<td>18,399,000</td>
</tr>
</tbody>
</table>

*Some livestock, land and cattle.*

*PSSS - Post Settlement Support Services.*
### Cost Projections of Total MLRR PSSS over 15 years

<table>
<thead>
<tr>
<th>Grants / Credit Facility</th>
<th>Beneficiaries</th>
<th>Total grants</th>
<th>Total Loan Cost MLRR</th>
<th>M &amp; E cost</th>
<th>Subtotal</th>
<th>Facilitation Cost</th>
<th>Total Forecasted Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1 PSSS Allocation</td>
<td>240</td>
<td>10,130,000</td>
<td>2,670,000</td>
<td>3,039,000</td>
<td>12,800,000</td>
<td>5,599,000</td>
<td>18,399,000</td>
</tr>
<tr>
<td>Year 2 PSSS Allocation</td>
<td>240</td>
<td>11,143,000</td>
<td>2,937,000</td>
<td>3,342,900</td>
<td>14,080,000</td>
<td>6,158,900</td>
<td>20,238,900</td>
</tr>
<tr>
<td>Year 3 PSSS Allocation</td>
<td>240</td>
<td>12,257,300</td>
<td>3,230,700</td>
<td>3,671,190</td>
<td>15,908,000</td>
<td>6,774,790</td>
<td>22,682,790</td>
</tr>
<tr>
<td>Year 4 PSSS Allocation</td>
<td>240</td>
<td>13,483,030</td>
<td>3,553,770</td>
<td>4,044,909</td>
<td>17,036,800</td>
<td>7,452,269</td>
<td>24,489,069</td>
</tr>
<tr>
<td>Year 5 PSSS Allocation</td>
<td>240</td>
<td>14,831,333</td>
<td>3,909,147</td>
<td>4,449,400</td>
<td>18,740,180</td>
<td>8,197,496</td>
<td>26,937,676</td>
</tr>
<tr>
<td>Year 6 PSSS Allocation</td>
<td>240</td>
<td>16,314,466</td>
<td>4,300,662</td>
<td>4,894,340</td>
<td>20,614,528</td>
<td>9,017,245</td>
<td>29,631,773</td>
</tr>
<tr>
<td>Year 7 PSSS Allocation</td>
<td>240</td>
<td>17,945,913</td>
<td>4,730,668</td>
<td>5,383,774</td>
<td>22,725,681</td>
<td>9,918,970</td>
<td>32,644,651</td>
</tr>
<tr>
<td>Year 8 PSSS Allocation</td>
<td>240</td>
<td>19,740,504</td>
<td>5,203,875</td>
<td>5,922,151</td>
<td>24,943,579</td>
<td>10,910,867</td>
<td>35,854,446</td>
</tr>
<tr>
<td>Year 9 PSSS Allocation</td>
<td>240</td>
<td>21,714,555</td>
<td>5,723,382</td>
<td>6,514,366</td>
<td>27,437,937</td>
<td>12,001,954</td>
<td>39,439,891</td>
</tr>
<tr>
<td>Year 10 PSSS Allocation</td>
<td>240</td>
<td>23,888,010</td>
<td>6,295,720</td>
<td>7,165,803</td>
<td>30,181,730</td>
<td>13,202,149</td>
<td>43,383,880</td>
</tr>
<tr>
<td>Year 11 PSSS Allocation</td>
<td>240</td>
<td>26,074,611</td>
<td>6,925,292</td>
<td>7,822,383</td>
<td>33,199,903</td>
<td>14,522,364</td>
<td>47,722,266</td>
</tr>
<tr>
<td>Year 12 PSSS Allocation</td>
<td>240</td>
<td>28,902,072</td>
<td>7,617,622</td>
<td>8,670,622</td>
<td>36,591,894</td>
<td>15,974,600</td>
<td>52,494,494</td>
</tr>
<tr>
<td>Year 13 PSSS Allocation</td>
<td>240</td>
<td>31,792,279</td>
<td>8,379,604</td>
<td>9,537,684</td>
<td>40,171,883</td>
<td>17,572,060</td>
<td>57,743,944</td>
</tr>
<tr>
<td>Year 14 PSSS Allocation</td>
<td>240</td>
<td>34,971,507</td>
<td>9,217,564</td>
<td>10,491,452</td>
<td>44,197,072</td>
<td>19,329,267</td>
<td>63,518,338</td>
</tr>
<tr>
<td>Year 15 PSSS Allocation</td>
<td>240</td>
<td>38,468,658</td>
<td>10,139,321</td>
<td>11,540,597</td>
<td>48,607,979</td>
<td>21,262,193</td>
<td>69,870,172</td>
</tr>
<tr>
<td><strong>Total Forecasted Cost</strong></td>
<td><strong>3,600</strong></td>
<td><strong>321,855,240</strong></td>
<td><strong>84,832,526</strong></td>
<td><strong>96,556,572</strong></td>
<td><strong>406,877,766</strong></td>
<td><strong>177,894,125</strong></td>
<td><strong>584,581,891</strong></td>
</tr>
</tbody>
</table>

**All figures are based on 10% annual inflation rate.**
Component 2: Economic sustainability of land reform

Recommendations

- That start-up grants and subsidised credit be provided to resettlement beneficiaries at the time of initial resettlement in order to put the beneficiaries on an ascending path of development.
- That support is coordinated to assist beneficiaries to use funds productively by providing market (input) information prior to resettlement.
- That farms be equipped with adequate and appropriate infrastructure prior to resettlement in order to assist new beneficiaries to become self-reliant.
- That regular maintenance is ensured during the initial stages of resettlement until beneficiaries are self-sufficient.
- That the current Ad Hoc Cabinet Committee is mandated to coordinate resettlement support amongst line ministries to ensure systematic planning and procedures to replace the currently uncoordinated support provided by different line ministries.
- That the non-governmental sector be encouraged to assist government resettlement initiatives, especially with institutional and organisational support. MLRR should take the lead by negotiating with farmers' organisations on national and regional levels to coordinate such support.

The National Resettlement Policy (RoN, 2001) clearly recognises the need for extensive support to be given to beneficiaries. However, the nature of the support and the anticipated timeframe of such support remain unclear.

2.6 Using lease agreements as collateral

When beneficiaries are resettled through the National Resettlement Programme they are required to enter into a 99-year lease agreement with the State, which specifies rights and obligations to the beneficiaries. Specifically, the lease agreements effectively enforce certain forms of agriculture, regardless of the skills, abilities and/or needs of the beneficiaries. In addition, even investment in social capital like housing is subject to approval. This inflexibility discourages beneficiaries from really taking ownership of the land and there are no real incentives to improve the land, let alone take responsibility for its maintenance. Studies by the PTT and others (Kruger, 2004 & Kambatuku, 2004) have shown that tenure insecurity reinforces this mindset as several beneficiaries have not received their lease agreements, and none have been registered at the Deeds Office. Leases can be revoked without the beneficiary having a right to appeal. Risk of cancellation would give financial institutions no legal recourse and so leases cannot be used as collateral – the leases de facto have no value. Commercial banks have indicated that a 99-year lease may not in itself be sufficient collateral for credit.

To rectify this situation, the government could create a loan guarantee fund for leasehold farmers. This fund could be similar to the AALS, and could be
administered by Agribank or another financial institution. Different loan packages could be designed. Guaranteed leasehold loans could also apply to residents of non-freehold areas who have complied with the requirements of a lease in the communal areas as stipulated in the Agricultural (Communal) Land Reform Act of 2002.

By law, individual allotments must be surveyed before a lease can be registered with the Deeds Office. There is a massive backlog of farms (94 out of 137) to be surveyed. In total, some 581,000 hectares (or 66.4% of acquired resettlement land) still need to be surveyed. In addition, the individual allotments need to be valued for loan purposes. Financial institutions base their loan arrangements on the value of collateral, as well as the risk associated with it. This situation has caused a bottleneck at a crucial early point in the process.

The inflexibility of the lease agreements is an enormous obstacle for some people. Some beneficiaries cannot utilise their land productively as they have neither livestock nor capital (whether their own or in the form of access to credit). Others are living with HIV or AIDS. In many cases, this has led to beneficiaries seeking alternative sources of income from their land. The most common strategy employed to generate alternative income seems to be the subleasing of land to outsiders, either family members or other people. This, however, illegal in terms of the provisions of the resettlement policy and the lease agreements which beneficiaries have entered into with the Ministry of Lands.

Beneficiaries are thus faced with a dilemma. As mentioned, some beneficiaries have opted for subleasing the land. However, in many cases, beneficiaries were left at the mercy of their sublessees. Beneficiaries had no bargaining power and no recourse to justice should the sublessee default. People feared losing their access to the land. Hence, in most cases, rental fees were far below the market price. Non-payment was of rental fees was a big problem. Also, once livestock were on the land, their numbers were not effectively controlled by the beneficiaries—again because they had no recourse against the sublessees.

Allowing subleasing would give such beneficiaries a much-needed source of income and would also benefit the people using the land. Off-farm incomes are a vital source of livelihood for beneficiaries, but subleasing also poses some challenges. These need to be considered.

**Economic Advantages:** If a family is resettled with little or no livestock, it is difficult to earn a living from the allocated land. Allowing the family to rent out the land at market-related prices would enable them to earn an income. Below is a simple calculation of what such a family could earn from subleasing their land.

<table>
<thead>
<tr>
<th>Rent/LSU/Month (N$)</th>
<th>Number of LSU</th>
<th>Income/Month (N$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>100</td>
<td>2,000</td>
</tr>
</tbody>
</table>

*Why not make the sub-lessee the original settlers? Then they wouldn't have to pay rent to another. Only the poor are permitted to become settlers, they may only use their land to make money, not to live on it.*
Component 2: Economic sustainability of land reform

This implies an income of at least N$24 000 per annum. The current average net income per beneficiary from own production on the farms, according to the resettlement survey, is some N$7 000 per annum. This would offset the need for post-settlement support.

In addition, the land is used productively, ensuring that little to no production losses occur, whilst benefiting those allocated the land. Another valuable advantage of legal subleasing may well be that it gives the land/allotment an economic value, which could be beneficial in the case of credit access.

**Challenge:** Lease fees charged by the MLRR will have to be paid from these rental incomes.

**Administrative advantages:** If subleasing were allowed, MLRR’s administrative control could be far more time and cost-efficient. Legal contracts that protect the beneficiary and the MLRR could be drawn up, stipulating the amount to be paid, the time period, the number of livestock allowed. Beneficiaries would be less vulnerable to sublessees and subleasing could be firmly controlled by the ministry.

**Environmental advantages:** Sustainable usage or resources could be controlled more efficiently.

**Challenge:** May increase the administrative duties of regional offices, although this could be offset by the advantage of having better control.

**Social advantages:** Given the increase in HIV and AIDS, some families may lose their “farmers” and hence be faced with loss of income and eventually lost access to land. Subleasing land could prevent such families from having to give up the land, because income is generated for the family, whilst productive use of the land is also ensured.

**Challenge:** Would it be in the spirit of land reform if beneficiaries were to allowed to sublease their land and not use it directly? Should beneficiaries be able to utilise the land themselves in order to qualify? This would exclude many people, especially the poor, who are clearly a target group under the current resettlement programme. Either the government should provide significant post-settlement support, including start-up capital, or the poor will effectively be denied access to land and only those beneficiaries with productive capital will be eligible.

**Recommendations**

- Current lease agreements need to become more flexible to allow beneficiaries to use their land as best they can. It is recommended that leases be made partially tradable in order to allow beneficiaries to obtain an income from the land if they are not able to utilise it productively themselves. This increased tradability could be subject to review in order to protect the beneficiary against exploitation and to allow for sustainable use of resources. Such agreements could be valid for a prescribed period, perhaps
Component 2: Economic sustainability of land reform

renewable, to encourage the principal beneficiaries to use the land themselves. The regional offices of the MLRR could assist with the drafting of legal sublease contracts and also act as mediators in cases of dispute.

- Partial tradability of leases would encourage beneficiaries who do well to extend their operations by leasing land from those who are less successful, or from those who default on repayments. This would avoid increasing individual allotments to sizes that comply with the AALS minimum criteria.

- Surveying bottlenecks need to be cleared – if necessary by using private sector surveyors, until such time as the ministry has resolved internal capacity shortfalls.

- The reformulation of lease agreements should be done in collaboration with financial institutions in order to ensure that leases are acceptable to financial institutions as collateral.

- Both the Resettlement Policy and the Resettlement Act provide for mixed forms of tenure on resettlement farms. Those provisions provide for increased flexibility of the resettlement scheme and for creative land use regimes. Leases provided by the government must recognise and encourage this facility.

- Through the MLRR, the State could introduce a loan guarantee fund for resettlement beneficiaries for the purpose of obtaining farming credit based on the lease as collateral.

2.7 Freehold title

During the resettlement survey, some beneficiaries expressed a desire to purchase their allotments. This was partly due to their tenure insecurity — they wanted to secure their tenure through freehold title.

Concern was expressed that such land should not be privately owned. If a beneficiary who bought his or her land felt forced to sell, it could prevent poor farmers from having access to land once again. Those wishing to expand were encouraged to graduate to schemes like the AALS.

It is respectfully suggested that there are more flexible ways of ensuring that such land is not converted into privately-owned land. Partial tradability is such an option.

Recommendation

- Beneficiaries should be allowed to purchase their allotments from government if they wish. However, the MLRR should obtain a similar right of first refusal as with the sale of commercial farmland. This right could then be waived or exempted in favour of a new or existing beneficiary wishing to purchase the land; alternatively, the MLRR could purchase the unit in order to
Component 2: Economic sustainability of land reform

reset a new beneficiary. Such an option would also give a value to the lease for collateral purposes.

- It is recommended that this process be applied to the third recommendation made by the Commission of Inquiry into Labour-Related Matters discussed above to develop feasible models for equity-share partnerships in the freehold sector.

- It is also recommended that the MLRR and Ministry of Labour clarify their respective mandates with regard to farm labour. Labour issues and tenure issues should be dealt with separately as far as possible. Since the issues are of necessity linked and thus not always easily separated, this will require some negotiation between the two ministries.

- Against this background, the proposed role of regional boards in mediating disputes should be reconsidered. The efficient implementation of more secure tenure rights for farm workers requires that the respective mandates of both ministries do not overlap and are unambiguous.
Component 3: Financial sustainability

3.1 Background

The costs of acquiring and providing land for previously disadvantaged Namibians are currently borne by the State. Land reform beneficiaries are required to pay grazing fees according to the number of livestock they graze on allocated land.

With regard to the financial sustainability of resettlement, the PTT was requested to investigate three matters: grazing fees, land tax and the Land Acquisition and Development Fund.

3.2 Grazing and rental fees

The PTT investigated the following:

- On what basis grazing fees were determined and whether this is an adequate way to recover costs.
- Whether grazing fees are collected consistently and effectively.
- Whether all beneficiaries can afford to pay grazing fees or any other fees recommended by the consultants.

The Agricultural (Commercial) Land Reform Act No. 6 of 1995 provides for rentals to be determined on market-related principles and not grazing fees per se. Whilst the Directorate of Valuation and Estate Management determines the rentals for allotments, grazing fees have been established.

In terms of the lease agreement, lease fees per LSU are N$1.50 and 50c per SSU. This is in terms of a resolution passed by the LRAC, on the recommendation of the National Resettlement Committee.

Apparently there is no specific formula was used to come up with these lease fees. It was merely agreed with the National Resettlement Committee that all resettled beneficiaries would be able to afford these amounts.

Officially, the payment of grazing and rental fees has not commenced. The MLRR submitted its treasury authorisation requests for the collection of lease fees to the Ministry of Finance in December 2003. These were approved and forwarded to the LRAC for implementation. Whilst conducting the resettlement survey, it was found, however, that some beneficiaries had started paying grazing fees.
The principle of paying grazing fees seems to be accepted by the resettlement beneficiaries. Some 95% of resettled beneficiaries interviewed during the resettlement survey indicated their willingness to pay grazing fees. The beneficiaries feel, however, that they should be involved in consultations, rather than be informed of a decision by the MLRR staff. This is a sign of commitment from the resettlement beneficiaries to land reform success. In some cases, specific conditions were mentioned, for example with regard to water infrastructure maintenance. Also, the suggestion was made that the (0,0,0) category of beneficiaries should perhaps be exempted, at least initially.

The revenue from leasing fees is to be deposited into the current Land Acquisition and Development fund to be utilised not only for land acquisition, but also for maintenance of water infrastructure, fencing and other necessary improvements to the farming units.

The grazing fees may represent an important source of government revenue to be used for the obligatory maintenance of resettlement farms. In light of the absence of land tax, grazing fees represent an alternative to ensure productive utilisation of the resettlement farms. However, given the current inflexibility of the lease agreements, a beneficiary would have to pay even if he or she has no income. This could be perceived as unjust, but may also call the eligibility of that beneficiary into question. Again, a balance between supporting the needs of beneficiaries and the need to maintaining current units is required.

Concerns were also expressed that if grazing fees are paid into a central fund, they will not benefit those beneficiaries who pay them. Some beneficiaries and other stakeholders have expressed the need to utilise the funds among themselves for farm development.

Recommendations

- The regional offices of the Ministry of Lands should determine grazing fees in consultation with the beneficiaries concerned. Factors to be considered include the availability of water, grazing and infrastructure (such as camps), as well as maintenance costs. Individual ability should be considered as well. This would be similar to the way in which grazing fees are determined in the private sector, where fees vary according to the services included.

- Rather than individual negotiations, a specific land fee per geographical region could be calculated to take differences in infrastructure and resource availability into account. The categories of beneficiaries should also be taken into consideration when determining reasonable grazing fees.

- Lease agreements should encourage beneficiaries to develop alternative sources of income, which would make higher fees more affordable whilst ensuring productive use of the land and revenue for the State to fulfil its obligations in terms of the lease.

- Where possible, fees received from a specific farm should be used for the maintenance or provision of services on that farm. This would encourage
beneficiaries to pay and would also encourage a great sense of responsibility and ownership of the land.

- Resettlement farmers could form a community-based organisation and collect the fees amongst themselves in order to use them for maintenance purposes. The regional offices of the ministry could monitor this.
- In order to reduce the costs of collecting various fees throughout the year, fees could be combined into a once-yearly payment.

3.3 Land taxation

The PTT was requested to evaluate the aims, objectives and implementation of the land tax with a view to assessing the costs of collecting the tax and its impact on land sales, particularly with regard to owners of excessively large land holdings.

The following legal provisions for land tax are in place:

The Agricultural (Commercial) Land Reform Act 6 of 1995:

"(1) ...the Minister...may...impose a land tax to be paid by the owners of agricultural land and prescribe the rates, method of calculation and the time and manner of payment or collection of such tax and penalties for any failure to pay such tax or to comply with any provision of such regulation.

"(2) Different rates of land tax may be prescribed under subsection (1) for different agro-ecological zones."

The Land Valuation and Taxation Regulations, 2001:

- The basis for valuation for the tax is unimproved site value (ie excluding any infrastructure on the site).
- Re-valuations will be undertaken every five years.
- An appropriately qualified valuer appointed by the Minister will undertake valuation.
- A valuation court will be established for appeals to valuation.
- Owners have to provide data in tax returns.
- Provisions are made for collection and recovery of the land tax.

During NDP1, the MLRR prepared the Land Tax Regulation. During the NDP 2 period, the following should be accomplished:

- The implementation of a Land Tax on Agricultural Land.
- The establishment of a Land Acquisition and Development Fund.

A Valuation and Estate Management Unit was established in the MLRR in October 2002. The unit's priority is the implementation of the land tax according
to the ACLRA. The unit determines the value of land; the value of land determines the amount of tax to be paid. \[ \frac{\text{NF}}{\text{ha}} \times 0.75\% \]

Calculation of land tax: size of farm x unimproved site value of farm x tax rate

The unimproved site value of the farm is derived from its geographical location and its production potential. Improvements on the land (for example, infrastructure) are not included in the calculation. The taxable value of the land does not change within a five-year period. However, the tax rate may change every year. An annual amendment is presented in the regulations, decided upon by the National Assembly and gazetted thereafter.

The first land valuation took place in April 2002. Land tax for commercial farmers was levied from that date onwards. The tax rate for Namibian landowners amounts to 0.75% at present. A proposal to tax foreign absentee landowners at 1.75% was debated but initially stalled, as no Act authorised the right to tax on the basis of nationality. The ACLRA was subsequently amended and the Amendment Agricultural (Commercial) Land Reform Second Amendment Act, Act 19 of 2003 was gazetted on the 23 December 2003. This has paved the way for the initial presentation of the first draft valuation roll as per the land tax regulations of 2001.

The land tax applies only to the freehold areas in which farmers have title deeds over their land. As communal land falls outside the scope of the ACLRA, land tax does not apply to these areas, regardless of whether the farms are traditional communal farms or effectively large-scale commercial farms using communal lands. In case of leaseholds in communal areas or on government farms in the freehold areas, farmers pay grazing fees (user fees) and rent (for houses, cattle-handling facilities etc) instead of tax.

Farmers who obtain finance through the AALS may apply for exemption from land tax. The conditions of the exemption and the selection criteria are still being determined, but in general, applicants will be assessed according to their financial status. Exemptions, on a case-by-case basis, may also be given to other landowners in times of hardship such as excessive and severe droughts and/or other natural disasters.

The introduction of an efficient land tax in Namibia would benefit the land market in terms of quantity of land and price, and would also encourage productive land use. The legal framework is in place, but no land tax has yet been demanded although the process is in the final home stretch. The draft valuation roll was publicised and awaits final approval from the land valuation court. The objectives of the land tax are to discourage excessive land ownership and to promote the full utilisation of land in Namibia. In addition, the land tax presents a source of revenue for land reform initiatives.

There are, however, some limitations within the proposed system of land taxation that may hamper its effectiveness. Firstly, the current land tax is to be levied per title deed farm, based on the bare land value of the land. The tax is then progressively increased for each additional title deed farm. If one person (or legal entity) owns more than one title deed farm measuring in total 6 000 ha, the tax levied would be calculated at 0.75% of the bare land value on the first
farm and 1% in the case of the second farm, going up progressively by 0.25% per additional farm. However, a person (or legal entity) owning a single title deed farm in the same land value zone measuring 8 000 ha would only be paying 0.75% tax per hectare, although more hectares are owned. So proportionately per hectare, the smaller landholder pays more tax, although the objective is in fact to discourage large landholdings.

Table 3.1 below illustrates the problem.

<table>
<thead>
<tr>
<th></th>
<th>Land owner A</th>
<th>Land owner B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm 1</td>
<td>3 000 ha</td>
<td>8 000 ha</td>
</tr>
<tr>
<td>Farm 2</td>
<td>3 000 ha</td>
<td>-</td>
</tr>
<tr>
<td>Total land area owned</td>
<td>6 000 ha</td>
<td>8 000 ha</td>
</tr>
<tr>
<td>Bare land value (N$/ha)</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Land Tax on farm 1 at 0.75% (N$/year)</td>
<td>N$4 500</td>
<td>N$12 000</td>
</tr>
<tr>
<td>Land Tax on farm 2 at 1% (N$/year)</td>
<td>N$6 000</td>
<td>-</td>
</tr>
<tr>
<td>Total Land tax payable</td>
<td>N$10 500</td>
<td>N$12 000</td>
</tr>
<tr>
<td>Proportional land tax paid (%)</td>
<td>0.88%</td>
<td>0.75%</td>
</tr>
</tbody>
</table>

This gives rise to concern that the constitutional principle of equality and fairness is not upheld and that a "smaller" landholder may seek legal recourse through the courts. This has been recognised by the competent authorities, but land tax will be implemented in this way until a more appropriate system based on agro-ecological zone (AEZ) and hectares can be established. The long and delicate process of establishing scientifically determined AEZ is something that needs urgent support from both government and donor organisations. The successful completion of the AEZ programme would yield significant advantages in many areas relating to land reform, such as economic units and fair land tax.

Secondly, land tax is to be levied on all freehold agricultural land owned by individuals by legal entities, apart from the State. This is done in order to also gain revenue for land reform initiatives and/or to develop the land. The current redistributive land reform programme however sees the State acquiring more and more land for resettlement purposes. Effectively, this land is taken out of the tax base and decreases potential tax revenue. This may be offset partially through the collection of grazing and other user fees on resettlement farms.

Calls have been made for AALS beneficiaries to be exempted from land tax (National Assembly, 2004). Currently, the land tax regulations only provide for case-by-case applications and assessment for possible exemption, and then only in part. If exemptions are given across the board to formerly disadvantaged people who acquire land through the AALS or other means, the
tax base would be further eroded, bearing in mind that the AALS has redistributed nearly four times as much land as the State, and this pattern is likely to continue. This would put the financial viability of the land tax system in jeopardy, as collection costs would increase vis-à-vis the smaller number of taxable units. Hence, the need to assist emerging AALS farmers and the need to generate revenues for land acquisition must be balanced.

Land tax is also levied to bring under- or unutilised land into production. Given the increasing trend towards part-time farming, land tax would be needed to secure productive use of agricultural land beyond recreational use.

To implement land taxes effectively, an accurate cadastre and a capacity assessment are critical. Personnel shortages – especially in the Directorate of Valuation and Estate Management – may have a negative impact on implementation. These explain in part why the implementation of a land tax in Namibia has been delayed, as was discovered during a TNA Analysis conducted on behalf of the PTT.

**Recommendations**

- Land tax should be implemented with immediate effect, but amendments should be considered as new information and experience becomes available. Capacity shortfalls of the Directorate of Valuation and Estate Management must be critically examined and addressed in order to ensure efficient implementation.
- In future, the land tax should be brought in line with the income tax system in Namibia, meaning that given a certain AEZ, land size brackets are determined and tax is levied progressively as the land size increases.

**An example of a progressive land tax system for AEZ 1**

<table>
<thead>
<tr>
<th>Land size brackets (ha)</th>
<th>Tax rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 500 ha</td>
<td>0.75%</td>
</tr>
<tr>
<td>501 - 1,500 ha</td>
<td>1%</td>
</tr>
<tr>
<td>1,501 - 3,000 ha</td>
<td>1.25%</td>
</tr>
<tr>
<td>3,001 ha and above</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

Determination of such land size brackets would be dependent on the AEZ being fully determined. If tax were levied in this way, the objective of discouraging excessive landholdings would become more attainable.

- Land tax should be levied on all farms except those owned by government. Exemptions should only be made in specific circumstances such as droughts or other disasters.
- If exemptions are made for land ownership under the AALS, such exemptions should be made on a case-by-case basis and then only for the
Component 3: Financial sustainability

grace period given to beneficiaries for interest repayment, or a maximum of five years.
Component 4: Institutional sustainability

Land reform is not a simple matter; it is complex and multidimensional. The challenge is for us to identify critical areas and put together a package that will meet the objectives of promoting sustainable economic growth, distributing land on an equitable basis, lowering income inequalities and reducing poverty.

The Namibian land reform process has obstacles to overcome. Growing numbers of land units have placed the Ministry of Lands, Resettlement and Rehabilitation and other agricultural institutions under enormous pressure. Land use planning, land survey and registration, and resettlement functions are affected by structural inadequacies and insufficient qualified or experienced staff. Many institutions have remained largely unresponsive to the needs of resettled farmers and lack coordination and integration. Delivery of relevant services is ineffective due to inadequate infrastructure and insufficient resources to support land reform.

4.1 Institutional responsibilities and coordination

This section presents the results of research into various institutions’ responsibilities with regard to land reform, and will discuss the degree to which their efforts are coordinated. In addition to their standard mandates, line institutions were also assigned various land reform-related tasks.

<table>
<thead>
<tr>
<th>Table 4.1: Land reform responsibilities of line ministries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ministry of Lands, Resettlement and Rehabilitation (MLRR)</strong></td>
</tr>
<tr>
<td>MLRR’s mission is to eradicate inequitable access to land resources through efficient and participatory land reform, land management, administration, resettlement, rehabilitation as well as the integration of disadvantaged citizens.</td>
</tr>
<tr>
<td><strong>Ministry of Agriculture, Water and Rural Development (MAWRD)</strong></td>
</tr>
<tr>
<td>In implementing the Resettlement Policy, MAWRD was tasked with providing the following: (1) veterinary services, (2) assistance with the valuation of farms offered for purchase as well as on-going monitoring and evaluation of existing resettlement farms, (3) agricultural extension services and training, (4) support to cooperative schemes, (5) identification of markets, (6) water installation and maintenance; servicing of water points.</td>
</tr>
</tbody>
</table>
Component 4: Institutional sustainability

<table>
<thead>
<tr>
<th>Ministry of Environment and Tourism (MET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistance with the planning of wildlife based-resettlement schemes and ensuring environmental soundness of plans.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ministry of Local, Regional Government and Housing (MLRGH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In implementing the National Resettlement Policy, the MLRGH was instructed to ensure that resettlement areas are proclaimed as settlements if and when necessary.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-governmental organisations (NGOs)/non-State actors (NSAs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where relevant, the NGOs will be invited to assist with the provision of planning, training, extension services, material inputs and outsourcing of projects.</td>
</tr>
</tbody>
</table>

Source: National Resettlement Policy, 2001

4.1.1 Responsibility for overall coordination, design, implementation and review of land reform strategy

Land reform impacts on social, agricultural and environmental issues. For this reason, many different stakeholder institutions are involved in the land reform process, although land reform may not fall directly within their mandates. Careful coordination is necessary in order to draw appropriate expertise from these institutions.

Despite statements in the National Resettlement Policy recognising the need for coordination between line ministries, the MLRR has primary responsibility for consulting and coordinating with line institutions and service providers, designing and reviewing land reform strategies and to some extent, implementing these strategies. It is a difficult task as the ministry is not able to compel other institutions to comply with the provisions of the National Resettlement Policy.

4.2 Coordination of different institutions

There is little institutional coordination of line ministries’ contributions towards land reform. Although line ministries' land reform tasks are spelt out in the National Resettlement Policy of 2001 and the Resettlement Programme (2001-2005), the tasks are not integrated in ministerial work plans and are only performed as ad hoc tasks. No specific tasks are assigned to NGOs/NSAs.

Consultations with employees of line ministries and NSAs revealed varying degrees of awareness (and implementation) of tasks assigned to them. It also became apparent during the study that line ministry and NSA employees were not formally informed of the tasks assigned to their organisations. Employees
from such institutions were not shown policy documents. What is more, the suggestion was made that land reform policies were formulated with minimal consultation with line ministries and NSAs, and limited interest from their staff.

4.3 Institutional roles in land reform and land administration

4.3.1 Ministry of Lands Resettlement and Rehabilitation

The mission of the MLRR is to eradicate inequitable access to land resources through an efficient and participatory land reform, management, administration, resettlement and rehabilitation process. Since its inception in 1990, the MLRR has managed to resettle some of the landless Namibians on the principle of willing seller-willing buyer.

Structure and land reform-related achievements

A permanent secretary supported by two under secretaries, heads the MLRR. The ministry comprises a number of directorates and divisions. The MLRR employs approximately 545 staff. The number of filled and vacant positions varies greatly from directorate to directorate. During the course of NDP1, the MLRR achieved success in land policy and legislation development, land acquisition, resettlement of landless Namibians, development of integrated land use guides, human resources development, and the development of formerly neglected remote areas of communal land. Despite these achievements, about 240 000 Namibians are still in need of resettlement.

The MLRR plans to resettle 36 families (216 people) per year or 180 families over the five-year NDP 2 period. This add up to approximately 1 080 people being resettled over the five-year period. At this rate, it would take about 1 111 years for the MLRR to resettle the 240 000 people in need of land resettlement. However with the land acquisition budget being increased from N$20 million to N$50 million per year and the government’s approval of farm expropriation, it is anticipated that these statistics will improve.

Implementation mechanisms

All directorates are guided by business plans, which are in fact annual work plans.

The business plans have the following components:

- objectives;
- activities to be undertaken;
- resources;
- cost of the activity;
- primary role players;
Component 4: Institutional sustainability

- collaborators (line ministries and NSAs);
- a timeframe; and
- expected results.

It is of concern that the business plans are prepared in isolation from other ministries and NSAs, making it difficult to budget for unexpected activities.

Monitoring mechanisms

Directorates within the ministry undertake the monitoring and evaluation of land reform programmes and projects. However, the overall internal evaluation of MLRR development projects is the responsibility of the Directorate of Planning, Research, Training and Information Services.

Duration of resettlement procedures

Resettling people on acquired land involves a series of 20 different activities involving different directorates in the ministry and include land valuation, demarcation into allotments, advertising, gazetting, and selecting beneficiaries – to name but a few. Each activity is assigned a number of days over which it should be completed. The total numbers of days taken by these 20 activities adds up to a minimum of 411 and a maximum of 441. Of the minimum 411 days, 38.8% is the time directly spent by the MLRR. Of this 38.8%, the ministry’s technical departments use 15.8%. The departments’ activities include land assessment for suitability, valuing land to determine the purchase price and surveying to determine individual plots. Activities performed by the Land Reform Advisory Commission (LRAC) take up 25% of the total time. Details of these activities are outlined in the table below.

Approximately 66% of the posts at the MLRR Directorate of Valuation and Estate Management have not been filled creating a critical bottleneck in resettlement procedures, as the directorate is fourth on the list of activities. Other activities cannot be undertaken if valuation is not done first. The other directorates such as Land Reform, Surveying and Mapping, Resettlement and Regional Offices also have vacancies, but these are not as high as those of the Directorate of Valuation and Estate Management.
<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
<th>Responsible organisation or directorates</th>
<th>Days</th>
<th>% of total process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Farm offer</td>
<td>The time allocated for owner to complete standard offer forms and return them to MLRR</td>
<td>Farm owner</td>
<td>20 days</td>
<td>4.9</td>
</tr>
<tr>
<td>2. Land acquisition</td>
<td>Land acquisition committee (LAC) meets to deliberate on the offer</td>
<td>LAC is made up of members drawn from the MLRR, MAWRD, MWTC, MRLGH, MET and Agribank</td>
<td>14</td>
<td>3.4</td>
</tr>
<tr>
<td>3. Assessment</td>
<td>Land use planners assess the suitability of the land</td>
<td>Directorate of Land Reform (Land use planners)</td>
<td>14</td>
<td>3.4</td>
</tr>
<tr>
<td>4. Valuation</td>
<td>Valuer values the land to determine possible purchase price</td>
<td>Directorate of Valuation and Estate Management</td>
<td>21</td>
<td>5.1</td>
</tr>
<tr>
<td>5. Land Reform Advisory Commission (LRAC)</td>
<td>LRAC deliberates and fixes purchase price and makes recommendations to the Minister of MLRR</td>
<td>LRAC made up of members drawn from the MLRR, MAWRD, Namibia National Farmers Union, Namibia Agricultural Union, Ministry of Justice and the members representing their communities</td>
<td>30 - 60</td>
<td>7.3 - 13.6</td>
</tr>
<tr>
<td>6. Deed of transfer or deed of sale</td>
<td>LRAC meets with farm owner to negotiate purchase price</td>
<td>LRAC</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>7. Demarcation</td>
<td>Land surveyors determine individual plots</td>
<td>Directorate of Survey and Mapping</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>8. Verification</td>
<td>LRAC sits to verify sizes of demarcated plots</td>
<td>LRAC</td>
<td>14</td>
<td>3.4</td>
</tr>
<tr>
<td>9. Legal procedures</td>
<td>Legal drafters prepare legal documents for gazetting</td>
<td>Legal drafters</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>10. Advertisement &amp; Application</td>
<td>Forms are advertised and prospective settlers apply</td>
<td>MLRR and settlers</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>11. Regional selection</td>
<td>Regional Resettlement Committee (RRC) sits and makes recommendation to LRAC</td>
<td>RRC</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>12. National Selection</td>
<td>National Resettlement Committee (NRC) sits and makes recommendation to LRAC</td>
<td>NRC (MLRR, MAWRD, MWTC, MRLGH, MET, MBEC, MWACW, Agribank and NDC)</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>13. Final recommendation</td>
<td>LRAC sits and makes final recommendations</td>
<td>LRAC</td>
<td>30</td>
<td>7.3</td>
</tr>
<tr>
<td>14. Approval</td>
<td>Minister of LRR approves LRAC recommendations</td>
<td>Minister of MLRR</td>
<td>7</td>
<td>1.7</td>
</tr>
<tr>
<td>15. Notification</td>
<td>Chairperson of NRC notifies the applicants</td>
<td>Chairperson of NRC</td>
<td>7</td>
<td>1.7</td>
</tr>
<tr>
<td>16. Approval by PS</td>
<td>Permanent Secretary of LRR approves notification letter</td>
<td>PS of MLRR</td>
<td>2</td>
<td>0.5</td>
</tr>
<tr>
<td>17. Correspondence to Regions</td>
<td>Notification letter delivered to relevant regional offices for approved candidates</td>
<td>MLRR</td>
<td>21</td>
<td>5.6</td>
</tr>
<tr>
<td>18. Ratification 1</td>
<td>Lessee signs lease agreement</td>
<td>Lessee and MLRR</td>
<td>14</td>
<td>3.4</td>
</tr>
<tr>
<td>19. Ratification 2</td>
<td>Minister of LRR signs lease agreement on behalf of GRN</td>
<td>Minister of MLRR</td>
<td>7</td>
<td>1.7</td>
</tr>
<tr>
<td>20. Physical resettlement</td>
<td>Resettlement officers resettle beneficiaries</td>
<td>Directorate of Resettlement</td>
<td>30</td>
<td>7.3</td>
</tr>
</tbody>
</table>

Total Days: 411 - 441 | 100% |
Implementation of land reform activities at directorate level

Different directorates have different land reform objectives to achieve – all are in line with the overall mission of the MLRR. During interviews and discussions, most individuals interviewed were able to explain how their functions tied in with the overall role of their ministry.

Overall responsibilities

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division of General Services</td>
<td>Forms the backbone of the administrative services in the ministry and is responsible for support services such as: financial management and control, human resources development.</td>
</tr>
<tr>
<td>Directorate of Land Reform</td>
<td>To establish and protect the inalienable right of access of every needy citizen to settle on, develop and use land. Activities include land acquisition, evaluation of natural resources and planning of proposed resettlement areas and development of planning guidelines for different land use practices.</td>
</tr>
<tr>
<td>Directorate of Valuations and Estate Management</td>
<td>To fulfill the land reform programme. The Agricultural (Commercial) Land Reform Act requires that any land acquired by government should be valued and that the State should pay fair and reasonable market value for land which is acquired for resettlement and other purposes.</td>
</tr>
<tr>
<td>Directorate of Survey and Mapping</td>
<td>To facilitate land allocation and utilisation by providing land survey and mapping services. When implementing policy objectives, should also make provision for mapping and aerial photography at appropriate scales.</td>
</tr>
<tr>
<td>Directorate of Deeds Registry</td>
<td>To establish property assurance through provision of services in the areas of registration of lease agreements and the safekeeping of related documents.</td>
</tr>
</tbody>
</table>

DeLARP - DEPT OF LAND MANAGEMENT ADMINISTRATION, HEADED BY UNNOD SHARMAL.

MLRR - OFFICE OF LAND REFORM & RESSETLEMENT, HEADED BY MARRY TIBORE.
Component 4: Institutional sustainability

<table>
<thead>
<tr>
<th>Directorate of Resettlement and Regional Offices</th>
<th>To facilitate resettlement of displaced and landless citizens. Activities include planning and coordination of the Resettlement Programme, human resources development, implementation of the projects, supervision of resettlement projects, and monitoring and evaluation of projects.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate of Planning, Research, Training and Information Services</td>
<td>The identification, assessment and appraising of new projects, drafting project proposals and evaluation and assessments of projects.</td>
</tr>
</tbody>
</table>

Different directorates are experiencing a number of bottlenecks such as inadequately qualified and/or motivated staff, as well as inadequate resources, which could undermine effective service delivery. The chronic situation of unfilled positions in the Directorate of Valuation and Estate Management means that 16 other activities must be placed on hold until the land has been valued to determine the possible purchase price. Other crucially important directorates involved in this process are the Directorates of Resettlement and Rehabilitation and Land Reform.

After passing the bottleneck at the Directorate of Valuation and Estate Management, the next stage is the Directorate of Surveying and Mapping. Thirty-seven percent of the posts at this directorate are unfilled. This directorate is the seventh stage in the resettlement process. At least 14 other activities cannot be undertaken until this directorate has completed its tasks. Other crucially important directorates in the resettlement process that have high vacancy levels are the Directorate of Resettlement and Rehabilitation and the Directorate of Land Reform.

Staffing situation within the MLRR

<table>
<thead>
<tr>
<th>Table 4.4: Vacancies according to MLRR division/directorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Directorate</td>
</tr>
<tr>
<td>Division of General Services</td>
</tr>
<tr>
<td>Directorate of Land Reform</td>
</tr>
<tr>
<td>Directorate of Valuations and Estate Management</td>
</tr>
<tr>
<td>Directorate of Survey and Mapping</td>
</tr>
</tbody>
</table>
Component 4: Institutional sustainability

<table>
<thead>
<tr>
<th>Directorate</th>
<th>58</th>
<th>44 (75.8%)</th>
<th>14 (24%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate of Deeds Registry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directorate of Resettlement and Regional Offices</td>
<td>217</td>
<td>134 (61.8%)</td>
<td>83 (38%)</td>
</tr>
<tr>
<td>Division of Rehabilitation</td>
<td>9</td>
<td>8 (89%)</td>
<td>1 (11%)</td>
</tr>
<tr>
<td>Directorate of Planning, Research, Training and Information Services</td>
<td>24</td>
<td>19 (79%)</td>
<td>5 (20.8%)</td>
</tr>
</tbody>
</table>

These figures speak for themselves and clearly demonstrate possible reasons for the process not moving as quickly as it should.

Table 4.5: Qualification of informants interviewed (MLRR)

<table>
<thead>
<tr>
<th>Directorate/Division</th>
<th>No. interviewed</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the PS</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Division of General Services</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Directorate of Land Reform</td>
<td>13</td>
<td>6 7</td>
</tr>
<tr>
<td>Directorate of Valuations and Estate Management</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Directorate of Survey and Mapping</td>
<td>3</td>
<td>1 1 1</td>
</tr>
<tr>
<td>Directorate of Resettlement and Regional Offices</td>
<td>17</td>
<td>2 7 5 3</td>
</tr>
<tr>
<td>Division of Rehabilitation</td>
<td>5</td>
<td>1 1 3</td>
</tr>
<tr>
<td>Directorate of Planning, Research, Training and Information Services</td>
<td>5</td>
<td>1 1 3</td>
</tr>
</tbody>
</table>

Source: Nesongano and Kalunduka, 2004

Key: (a) Grade 7-12 (b) Certificate (c) Diploma and post-graduate diploma (d) Bachelor's degree (e) Masters degree (f) PhD (g) Unspecified
Division of General Services

Current and desired qualifications

Qualifications levels in this division range from Grade 12 to a Master of Business Administration (MBA). Holders of Grade 12 are in the majority and they appeared to be coping, although it emerged that a tertiary qualification would be preferable for most of these positions.

Directorate of Land Reform

Current and desired qualifications

Qualifications of this directorate include: Masters of Arts (MA), MBAs, Masters of Science (MSc) and various diplomas. Areas of specialisation for degree holders include city planning and urban design, urban and regional planning, social economic development, natural resource management, corporate strategy economic policy and land management. Overall, holders of post-graduate degrees are the minority. The directorate wishes for specialisation in natural resource management, land management and agriculture. These qualifications are in line with their functions, which were presented in table 3.

Cooperation from colleagues and other agencies

A number of issues emerged; for example, most of the resettlement committee meetings are ad hoc. Mechanisms in place for collaborating with other ministries and non-State actors are not working because of budgetary constraints experienced by these institutions.

Resources

It was found out that the government garage rarely provides 4x4 vehicles for fieldwork although most land reform officers work in the field.

Directorate of Valuations and Estate Management

Current and desired qualifications

Qualifications of employees of this directorate: PhD, MSc and diplomas. Most staff members have diplomas. Areas of degree specialisation include property valuation, property economics, property law and land reform. Applications are invited from qualified people outside Namibia.

Currently there is only one valuer – the rest are still being trained and will be graduating with diplomas in 2005. This is a critical problem. The coordinator of the Technical Training Programme at the Polytechnic of Namibia informed consultants that about 20 land measurers and assistant valuers are currently being trained at the Polytechnic of Namibia.

Cooperation from colleagues and other agencies

Cooperation from management and colleagues is regarded as very good. Support from non-State actors was applauded and well appreciated.
Component 4: Institutional sustainability

Directorate of Survey and Mapping

Current and desired qualifications

Staff qualifications include a PhD, MSc, BSc and diplomas. Degree holders have the following areas of specialisation: surveying, mapping, cartography, photogrammetry and computer science, statistics, geodesy and geographical information system (GIS). Most senior and qualified personnel have been employed from outside Namibia.

Most staff members have diplomas, although degrees are preferable. There was a capacity-building programme facilitated by the directorate but this function has now been transferred to the Ministry of Higher Education. Through the programme, the directorate was able to develop a number of staff members, including two people who are currently being trained in surveying at universities in the UK and South Africa.

Skills gap

Staff turnover is high because of better salaries in the private sector. Private surveyors are contracted, but they are very expensive. Of the 120 farms that need surveying, the directorate has managed to survey only 18. The majority of staff members need a lot of supervision. It emerged that only five out of 32 (15.6%) can work without constant supervision, while the rest require close supervision in order to perform duties effectively.

Resources

Limited budgets for transport, subsistence and travel allowance for fieldwork are a problem.

Directorate of Resettlement and Regional Offices

Current and desired qualifications

Qualifications include post-graduate diplomas, MADA, MA, and MSc. Areas of specialisation varied and include rural development, land reform, human resource management, theology, development studies, agriculture, land management, administration, and foreign relations. Specific qualifications related to land reform are limited.

Policy directives

The National Resettlement Policy states that after the selection and registration of settlers, they will be moved to their respective resettlement areas. Depending on the category of beneficiaries, they are required to be self-reliant and self-sufficient within four years of resettlement, except in the event of natural phenomena like drought or other disasters. However, most beneficiaries are seen to require more time to adopt new technology and to run their farms as businesses.

There is currently no policy on training resettlement beneficiaries pre-resettlement in agriculture, the environment, farm structures or maintenance of farm equipment.
Component 4: Institutional sustainability

Division of Rehabilitation

Current and desired qualifications

Qualifications include MAs, Honours degrees, diplomas and one Grade 7. Areas of specialisation for those with degrees included public policy, social policy, participatory methodologies for development and nursing management.

Cooperation from colleagues

Concern was expressed that people living with disabilities are less privileged. Women with disabilities in particular are not recognised as equal to others in society. The top-down approach and poor communication within the ministry was cited as a major barrier to achieving the division’s goals.

Directorate of Planning, Research, Training and Information Services

Current and desired qualifications

Qualifications include: MSc, BEcon and diplomas. Areas of specialisation include education, public administration, economics and management science, social welfare, administration, planning and photojournalism.

Skills gap

The directorate would like to see each staff member equipped with the skills to fulfil their job requirements, particularly the practical aspects of data collection, capture, analysis and production of technical reports as this directorate is responsible for research and impact assessment on behalf of the MLRR.

4.3.2 Line ministries

The National Resettlement Policy states that each designated ministry will implement programmes and projects to bring about the intended goals.

The following factors were considered in assessing the capacity of these line ministries:

- Infrastructure and employees;
- Qualifications;
- Involvement in land reform; and
- Bottlenecks, which could undermine effective service delivery in land administration.

Ministry of Agriculture, Water and Rural Development

Infrastructure and employees

Two acting under secretaries of the Departments of Agriculture and Water Affairs support the permanent secretary. Employee statistics indicate only categories of staff. Professional and technical staff of MAWRD constitute 55.7% of the ministry’s employees.
Table 4.6: Employment categories of the MAWRD

<table>
<thead>
<tr>
<th>Category</th>
<th>Existing posts</th>
<th>Posts filled</th>
<th>Vacant positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managerial staff</td>
<td>38</td>
<td>31</td>
<td>7 (18.5%)</td>
</tr>
<tr>
<td>Professional staff</td>
<td>240</td>
<td>167</td>
<td>73 (30.4%)</td>
</tr>
<tr>
<td>Technical staff</td>
<td>1 098</td>
<td>819</td>
<td>278 (25.3%)</td>
</tr>
<tr>
<td>Administrative staff</td>
<td>736</td>
<td>631</td>
<td>105 (14.2%)</td>
</tr>
<tr>
<td>Labourers</td>
<td>1 918</td>
<td>1 596</td>
<td>322 (16.9%)</td>
</tr>
<tr>
<td>Total</td>
<td>4 029</td>
<td>3 244</td>
<td>785 (19.5%)</td>
</tr>
</tbody>
</table>

Source: MAWRD report, 2001

Bottlenecks in the land reform process

Bottlenecks described below undermine service delivery on land reform.

Policy directives

From data collected and analysed it is apparent that there is no liaison between the MLRR and other ministries with regard to policies and legislation.

MLRR does not always indicate assistance it requires, for example Rural Water Supply (RWS) was not requested to provide services to resettled farms.

The willing seller-willing buyer approach is seen to delay the process of resettling people, thus causing much frustration.

Resources

The ratio of staff to farmers is high. Although this differs from region to region, in some areas it is as high as one extension technician to 2 000 farmers. This problem is compounded by the fact that distances between farms are vast, particularly in the south.

Lack of transport and insufficient funds prevent employees of some directorates from reaching the objectives set out in the Resettlement Policy. Subsistence and travelling allowances are inadequate and distances that can be covered in one month are limited.

Coordination

Ministries and NSAs are implementing too many community action plans with minimal coordination.

A concern about the poor communication between MLRR and the Directorate of Veterinary Services at the regional level was raised. The following example was cited: farmers present themselves at veterinary offices with stock cards that declare lower stock numbers than are in fact kept on the farms. It is suggested that many farmers are subleasing their land – this is in breach of their lease agreements.
Information about new settlers is not communicated to line ministries to enable them to target these farmers. The responsibilities of the various role players need clarification and coordination.

**Skills gap**

One area of major concern is that there are few Namibian veterinarians in the employ of the directorate and so the directorate depends on outside experts.

**Ministry of Environment and Tourism**

**Infrastructure and employees**

Directors of different directorates support the permanent secretary of the Ministry of Environment and Tourism (MET). The ministry employs approximately 2000 staff.

**Qualifications**

Employee qualifications are presented in the table below.

**Table 4.7: Qualifications of MET staff interviewed (MET)**

<table>
<thead>
<tr>
<th>Organisations</th>
<th>No. interviewed</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a</td>
<td>b</td>
</tr>
<tr>
<td>Office of the PS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Directorate of Parks and Wildlife Management</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Directorate of Environmental Affairs</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Directorate of Tourism</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Directorate of Forestry</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Nesangano and Kalunduka, 2004*

Key: (a) Grade 7-12; (b) Certificate (c) Diploma and post-graduate diploma (d) Bachelor’s degree (e) Masters degree (f) PhD (g) Unspecified

Qualifications of those interviewed: PhD, MSc, diplomas and Grade 12. Areas of specialisation of graduates include forestry, environment and wildlife. The ministry would prefer senior staff members to have an MSc in environment management, science, planning, etc. A Grade 12 with some years’ experience is preferable for the positions of warden and ranger.
Component 4: Institutional sustainability

Involvement in land reform

The promotion of sustainable development through environmental management and protection, environmental planning and environmental coordination, as well as the CBNRM approach to communal lands fall within the domain of the MET. MET has a series of active programmes aimed at harmonising development programmes and the maintenance of environmental health, biodiversity and ecosystem functioning. MET supports a major programme to do with conservancies and community forests, and has initiated complementary programmes on adding value to natural resources, empowerment through tourism, sustainable land use, and the recovery of degraded land and resources (for example, through desertification and bush encroachment). Many of these programmes have funding constraints and are hampered by insufficient specialised staff at the regional level. MET has, however, successfully negotiated considerable external funding for these programmes, much of which will become available in the next few years. MET’s capacity to assist the land reform programme needs therefore to be strengthened. MET indicated a need for additional economists, regional environmental officers and planners, also for tourism development in the ministry.

Resettled farmers could benefit from diversifying their production or income base by concentrating not only on agriculture-related activities, but by considering other non-agricultural options like game farming as well. The wildlife breeding stock loan scheme of MET is an example of a good support programme. As with MAWRD, it was not possible to determine the level of success or impact of programmes as there is no document which specifies targets for activities related to land reform.

Bottlenecks in the land reform process

Better resources are required to facilitate the work of MET to reach out to more resettled farmers. These resources include:

- 4 x 4 vehicles; and
- funds to cover the distances that staff are required to cover on a monthly basis.

Coordination

Coordination of land reform issues is usually done at meetings, but there is no mechanism in place to compel institutions to attend.

Ministry of Regional and Local Government and Housing

Structure and staffing

A permanent secretary heads the ministry with the support of a deputy permanent secretary. The ministry implements its mandate including the tasks that were assigned to it by the Resettlement Policy through a number of
directorates. Figures extracted from the ministry's 2002/2003 report indicate a total staff complement of 761. The report indicated a surplus of 20 people.

The Directorate of Decentralisation and Coordination has the highest percentage of vacant posts at 47.8%.

Table 4.8: Ministry of Regional and Local Government and Housing (MRLGH) staff

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Total current</th>
<th>Surplus</th>
<th>Total future posts</th>
<th>Posts filled</th>
<th>Posts vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS, DPS and internal audit</td>
<td>12</td>
<td>1</td>
<td>11</td>
<td>5</td>
<td>8 (67%)</td>
</tr>
<tr>
<td>Directorate RLGTA</td>
<td>63</td>
<td>-</td>
<td>63</td>
<td>45</td>
<td>18 (29%)</td>
</tr>
<tr>
<td>Directorate HHTS</td>
<td>54</td>
<td>5</td>
<td>49</td>
<td>42</td>
<td>7 (13%)</td>
</tr>
<tr>
<td>Directorate of DC</td>
<td>23</td>
<td>3</td>
<td>20</td>
<td>15</td>
<td>11 (48%)</td>
</tr>
<tr>
<td>Directorate of FHRA</td>
<td>91</td>
<td>11</td>
<td>80</td>
<td>96</td>
<td>6 (7%)</td>
</tr>
<tr>
<td>Labourers at RCs &amp; LAS</td>
<td>518</td>
<td>-</td>
<td>518</td>
<td>504</td>
<td>14 (3%)</td>
</tr>
<tr>
<td>Total</td>
<td>761</td>
<td>20</td>
<td>741</td>
<td>707</td>
<td>64</td>
</tr>
</tbody>
</table>

Source: MRLGH report 2002/2003

Qualifications

Table 4.9: Qualifications of MRLGH staff interviewed

<table>
<thead>
<tr>
<th>Organisations</th>
<th>No. Interviewed</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a</td>
<td>b</td>
</tr>
<tr>
<td>Office of the PS</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Governors</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Councillors</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Regional officers</td>
<td>7</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Nesongano and Kalunduka, 2004

Key: Key: (a) Grade 7-12; (b) Certificate, (c) Diploma and post-graduate diploma (d) Bachelor's degree (e) Master's degree (f) PhD (g) Unspecified
Qualifications of informants who were interviewed in this ministry include BTech, BComm, BSc and diplomas. Areas of specialisation include public administration, agricultural management, biology, economics, business management, urban development planning and regional development.

**Involvement in land reform**

The ministry is represented on the Land Acquisition and the National Resettlement committees, however the degree of participation cannot be assessed.

The ministry contributes to land reform by:

- Coordinating the regional and local government councils and traditional authorities at regional level.
- Implementing the decentralisation and housing policies.
- The minister chairs the Cabinet Committee on Land and Social issues.
- Representatives of the regional councils and traditional authorities serve on the land boards and committees.
- Assisting communities with project proposals and linking them to some financial institutions.
- Drafting and implementing regional plans for development programmes such as building schools, roads and clinics
- Drafting and implementing grassroots level plans, including resettled farmers. Resettled farmers also benefit from some economic projects at regional level, especially in Karas and Hardap Regions. An example is the clay factory.
- Through the regional council, the ministry makes decisions on land allocation to different beneficiaries such as land for youths and land for general service for the community.

Land reform activities have not been fully decentralised to regional councils. The ministry wants a wider mandate in future, particularly so as to be involved in the policy-making process. The ministry also wants to be allocated specific responsibilities that could be accommodated in individual directorate plans.

**Bottlenecks in the land reform process**

Land reform requires streamlining and better coordination for resettlement to progress smoothly. Regional officers need to be empowered. Some functions need to be decentralised.

**4.3.3 Non-State actors**

Non-State actors (NSAs) have no explicit role to play in the issue of land reform, neither in terms of the Act nor in terms of the MLRR policy document. There is, however, willingness and varying degrees of capacity to support land reform by NSAs.
In assessing the capacity of NSAs to support land reform, the following factors were considered:

- Functions and involvement in land reform;
- Staffing situation;
- Perceived future role; and
- Capacity to support land reform.

<table>
<thead>
<tr>
<th>Table 4.10: Qualifications of NSA individuals interviewed</th>
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<td>Organisations</td>
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<td>Omaheke San Trust</td>
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<td>Namibia National Farmers' Union</td>
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*Source: Nesongano and Kalunduka, 2004*

Key: (a) Grade 7-12 (b) Certificate in banking (c) Diploma and post-graduate diploma (d) Bachelor's degree (e) Master's degree (f) PhD (g) Unspecified

**AgriFutura**

**Current function**

AgriFutura strives to be the best training institution in Namibia, to provide relevant but customised training, to be totally mobile by taking its services to the people and to be as independent and financially self-supportive as possible. One of its aims is to bring about social upliftment of rural communities through training.

**Staffing**

The organisation has a permanent staff complement of six people and 30 associates specialised in various fields. The associates facilitate most of the training.

**Future role in land reform**

AgriFutura has not been actively involved with training resettled farmers but has in the past worked closely with the Division of Rehabilitation of the Ministry of
Lands Resettlement and Rehabilitation in the training of disabled people. Agrifutura would like to reach out and train more resettled farmers.

Some of the training that it could facilitate for resettled farmers includes: crop production, animal husbandry, farm structures and human relations. It has mobile equipment for training and it can also run the courses in local languages. It could take the training to the people.

The organisation believes that resettled farmers would benefit greatly if they could attend pre-settlement training and post-settlement training. This training should be evaluated continuously and in cases of changing circumstances, the farmers should once again be retrained in order to continuously manage the farms productively.

**Omaheke San Trust**

**Current functions**

The Omaheke San Trust (OST) was founded in March 1999. Since then, it is increasingly recognised by government officials, regional councils and NGOs as representing the San people’s interests in Omaheke through the OST’s membership of various regional committees. The OST is involved in activities related to land reform, but focuses on the San people. In addition to other achievements, the OST made a grant to the Skoonheid farmers to help them finance their farming activities.

**Staffing**

The OST has a staff complement of ten, including a coordinator, community workers, a paralegal, administrators, specialists and community crafts officers.

**Bottlenecks**

The OST requires two more community workers and one person for the position of a community crafts officer. Apart from the coordinator and specialists, most staff members are in possession of a Grade 10 or Grade 12 certificate, but diplomas related to community development would be preferable.

**Namibia Agricultural Union and affiliates**

**Current functions**

The Namibia Agricultural Union (NAU) is currently involved and will continue to be involved in issues of land reform. To this end, NAU has produced a document entitled “A Framework for Sustainable Land Use and Land Reform in Namibia”. The document spells out four broad objectives, one of which includes the formulation of a framework in terms of which meaningful negotiations between the Government of the Republic of Namibia and the NAU on land use and land reform in commercial farming sector can take place. This document also outlines some of their strategies, which they would use to assist resettled farmers.

**Staffing**
NAU prides itself on being “doer” and not a “talker”. It has offices in Namibia’s ten regions. It employs ten Windhoek-based staff and eight commodity officers. It has 80 farmers’ associations around the country.

**Bottlenecks**

None. They are constantly in touch with the Ministry of Lands, Resettlement and Rehabilitation.

**Agribank**

**Functions**

In the National Resettlement Policy of 2001, Agribank is classified as a semi-government institution. It was assigned specific tasks relating to land reform. The policy states, "Therefore, Agribank’s role, as part of implementing this policy, should include the provision of the credit loans and assisting in the valuation of farms."

In general, Agribank strives to be the leading financial institution in Namibia providing products and services that add superior value to client business. Some of its objectives are to provide effective, efficient and sustainable financial services to agriculture and agriculture-related industries in Namibia, provide financing to all Namibians who demonstrate willingness and capacity to engage in agriculture or agricultural related activities, and to judiciously implement the government’s agricultural policy regarding the financing of farmers.

With regard to land reform activities, Agribank is a member of the LRAC, Land Acquisition and National Resettlement Committees. Despite this, Agribank is not in a position to provide loans to resettled farmers because the resettled farmers do not own the farms on which they are resettled. As a result, they cannot use these farms as collateral. Agribank is waiting for the MLRR to finalise a mechanism that will enable the farmers to use these farms as security.

**Future role in land reform**

Some individuals indicated willingness to contribute to the land reform process by participating in farm valuations.

**Land boards**

Communal land boards were established in 2003. At present, twelve land boards are functional in each of the twelve regions. Land boards are required to exercise control over the allocation and cancellation of customary land rights by the chiefs or traditional authorities. Secondly, they consider and decide on applications for a right of leasehold under the Act. Thirdly, they establish and maintain a register and a system of registration for recording the allocation, transfer and cancellation of customary land rights and rights of lease under the Act. Lastly, they advise the minister, either on its own initiative or at the request of the minister, in connection with the making of regulations or
any other matter pertaining to the objectives of the Communal Land Reform Act.

The minister appoints board members on the following basis:

- One representative from each of the traditional authorities within the board’s area is nominated by his or her own authority.
- One representative from the organised farming community within the board’s area.
- The regional officer of the relevant regional council and, if the board's area extends over the boundaries of two or more regions, the regional officer of each such region.
- Four women, two of whom are engaged in farming operations in the board’s area and two of whom are women who have expertise relevant to the functions of the board.
- Staff members in the Public Service, of whom one must be nominated by the minister responsible for regional government, one nominated by the minister responsible for land matters, one nominated by the minister responsible for environmental matters and one nominated by the minister responsible for agriculture.
- If any conservancy (or conservancies), declared under Section 24(a) of the Nature Conservation Ordinance, 1975 (Ordinance No.4 of 1975), exist(s) within the board’s area, one person must be nominated by the conservancy or, where applicable, by the conservancies concerned, jointly.

Bottlenecks

The concept of land boards is new to Namibia and most of the members are still unfamiliar with their functions. It will take some time and effort to train and guide the members before they actually understand their roles as spelt out in the Communal Land Act of 2002. The low level of education of most members of land boards means that many find it difficult to understand the provisions of the Act, and the general request is that the Act be translated into local languages.

In regions where traditional leaders are not recognised, the implementation of the Act is likely to be delayed. The Act requires that only traditional authorities recognised under the Traditional Authorities Act of 2000 participate in the implementation of the Act. It is envisaged that such a requirement will further hinder the implementation of the Act and this should be taken into consideration.

The Act states that all community members who claim to hold customary land rights should apply in a prescribed manner to the relevant boards within a period of 3 years. The application should be accompanied by various documents, including a letter from the recognised chief and in areas where the chiefs are not recognised, the land boards do not exercise their functions as custodians of communal assets.
Other impediments were inadequate financial support to implement the Act and a lack of transport. Most board members reside in different towns within the regions and have to travel to attend meetings. The boards do not have offices or office equipment. Members of land boards are not equipped with skills to solve problems arising from conflicting land rights or claims caused by the traditional authority before the Communal Land Act was enacted.

**Traditional authorities**

The traditional leaders had the power to allocate or cancel customary land rights. They did not keep any records of allocations and cancellations and did not take cognizance of the need to develop the communal areas. Despite provision in the Act that “the primary power to allocate or cancel any customary land right in respect of any portion of land in the communal area of a traditional community vests in the chief of that traditional community”, in some regions, traditional authorities felt that their authority had been taken away because the land boards exercise control over the allocation and cancellation of customary land rights made by the chiefs or traditional authorities.

In some communities, the involvement of the land boards in dispute resolution over customary land rights was contested.

In most cases, members of land boards do not live close to their communities and are unable to enforce good management of shared resources. Community members appear to believe that responsibility for sustainable management of resources has been taken away from the community and handed to the land boards. There is an urgent need to clarify the roles of traditional authorities and land boards.

### 4.4 Conclusion and recommendations

Coordinating the land reform tasks assigned to line ministries is the responsibility of the MLRR. As stated, the MLRR is not in a position to compel other institutions to attend meetings or to provide services to the resettled farmers as urgently as the MLRR would wish.

It is recommended that a team of MLRR staff with a sound track record in project coordination be put together. The team could be responsible for coordinating operational matters such as post-resettlement support packages and other specific tasks given to line ministries. The team could report through the Project Steering Committee (PSC) to the Permanent Cabinet Committee on Land Reform which is due to be appointed by Cabinet. Some of the responsibilities of this team could include the following:

- Make an inventory and create a database of all stakeholders who are willing and have the capacity to contribute to the land reform activities. The stakeholders could be grouped according to their geographical location and type of service they can provide.
Component 4: Institutional sustainability

- Identify needs of institutions that could undermine effective service delivery in land reform.
- Assess the social and financial implications of inputs of different institutions.
- Undertake research on alternative strategies for the implementation and monitoring of roles and responsibilities of the different stakeholders in land reform.
- Keep and update information on land reform in general and resettled farmers in particular.
- Create platforms/forums for discussing issues related to land reform.

The coordinating team, in consultation with MAWRD, MRLGH, MET and NSAs, should identify needs of resettled farmers and cost implications for the provision of required services. Provide and coordinate administrative support to the management and implementation of programmes.

4.4.1 Coordination of different institutions

It is recommended that senior managers of all stakeholders (MLRR, line ministries and NSAs) involved with land reform meet and discuss the tasks that were assigned to them. This forum could also be used to decide on targets and Objectively Verifiable Indicators (OVIs) for land reform activities assigned to them. Specific mechanisms and a timeframe for monitoring and evaluating activities should be agreed on at the same forum. The institutionalisation of this process is outlined below.

Targets established by the MLRR for the five-year NDP2 period project that 36 families will be resettled every year or 180 families over the planned five-year period. Based on these figures it would take about 1,111 years to resettle 240,000 people. It is recommended that this figure be reviewed in light of the number of people needing land resettlement.

The resettlement process has 20 different stages involving many different organisations. The total minimum number of days required to complete all 20 stages is 411. It is recommended that stakeholders who are directly involved in the process of resettling people come together, revisit their activities and rationalise the duration of each activity.

No details exist about how resettled people will be provided with expertise, pre- or post-resettlement, by different line ministries and NSAs to help them manage their farms productively. The expertise referred to here could be pre-training on agricultural or environmental issues, managing farms as businesses, or servicing of equipment, for example. The coordinating team proposed above could draw up a detailed work plan for service provision.

Too many key directorates (such as Valuation and Estate Management, Land Reform, and Mapping and Surveying) have too many vacant positions. It is recommended that the vacant positions be filled as a matter of urgency; alternatively, the ministry should outsource services that could be efficiently and
Component 4: Institutional sustainability

effectively provided by the private sector. This would reduce the current bottleneck.

It would be beneficial for each directorate to evaluate the qualifications of its staff and to assess its own long-term training requirements.

The lack of a statutory document obliging individual institutions to demonstrate their commitment to land reform is critically important. It is recommended that the government of Namibia, through the MLRR, prepare a document that will allow stakeholder institutions involved in land reform to set targets and to commit themselves to achieving these targets. This activity could be allocated to the proposed coordinating team.

- **Regional land boards**

  The regional land boards are newly established institutions and still require strengthening. Insufficient training undermines service. It is recommended that training members of the land boards about the Act should be a first priority. A mentorship scheme could be introduced for land board members.

  Land boards should respond to violations of land use laws and regulations. They should be trained to set up proper information management systems (which includes keeping records, registers of all claims and local inventory maps stating land allocated and not allocated.)

- **Line ministries**

  The MAWRD’s expertise in water infrastructure development and maintenance, technical crop and livestock production and animal health is one of the prerequisites for increased agricultural productivity for resettled farmers. In general, MAWRD has human resources in most of the regions to support resettled farmers. However, MAWRD’s key mandate is to serve small-scale and communal area farmers.

  In some regions, the extension technician:farmer ratio is 1:2 000. Regional officers of the Department of Rural Water Supply and the Directorate of Extension and Engineering suggested that the MLRR should make provision for S &T allowances in order for them to reach more resettled farmers.

  It is recommended that a coordinating team, in consultation with the MAWRD, identify needs of resettled farmers and the cost implications relating to the provision of required services. These cost implications could be discussed at a meeting of senior managers.

**Ministry of Environment and Tourism**

The promotion of sustainable development through environmental management and protection, environmental planning and environmental coordination is the domain of the MET.
Component 4: Institutional sustainability

With the assistance of MET, resettled farmers could benefit from diversifying their production or income base by concentrating not only on agriculture-related activities, but also non-agricultural alternatives.

It is recommended that a coordinating team, in consultation with the MET, identify needs of resettled farmers and the cost implications related to the provision of required services. These cost implications could be discussed at a meeting of senior managers.

Ministry of Regional Local Government and Housing

This ministry has performed a number of land reform-related activities, for example, the minister chairs the Cabinet Committee on Land and Social issues and regional councillors and traditional authorities serve on the land boards and committees. It is recommended that a coordinating team, in consultation with the MAWRD and the MET, identify needs of resettled farmers and the cost implications relating to the provision of required services. These cost implications could be discussed at a meeting of senior managers.

• Non-State actors: Capacity to support land reform

NSAs are willing and able (in varying degrees) to support land reform, although they have no explicit role to play in land reform. It is recommended that all NSAs be invited to discuss ways in which they could contribute to land reform. Coordinating the contribution of NSAs to land reform could form part of the portfolio of the TOR.

Performance management

The introduction of an appraisal system would probably increase motivation and commitment to work. The launch of a pilot management system this year (2004) by the Office of the Prime Minister might alleviate this problem.

Capacity building of non-State actors

Capacity building of NSAs to assist in the implementation of government development programmes, including land reform, is missing in Namibia. This is of great importance. There is a need for deracialisation and depoliticisation of farmers’ representative groups such as the NAU. The capacity of NNFFU as a representative body of communal farmers and small-scale resettled farmers must be strengthened.

Institutional framework for implementing land reform

It is also recommended that the ministry consider the possibility of implementing a devolved land administration structure similar to that being implemented in Tanzania and elsewhere. A devolved land administration system would allow for participatory land policy formulation. It would also remove direct State control from land administration, thus creating a basis for democratic land governance which is essential for Namibia. The devolved system would expedite resettlement, reduce transaction costs, improve turnaround time for
Component 4: Institutional sustainability

decision-making, and increase accountability and transparency. Key functions regarding land administration that relate to identification of beneficiaries, identification of land for resettlement, allocation of land rights, land demarcation, land use planning, liasing with outside bodies on land matters and implementation of resettlement and other support programmes should be earmarked as areas that show potential for a devolved land administration system.

To this end, it is recommended that the ministry commission a study to establish the viability of implementing such a devolved land administration structure system. Staff from the MLRR should undertake trips to Tanzania and elsewhere to explore the prospects of setting up a devolved land administration system for Namibia.
Component 5: Environmental sustainability

The importance of an environmentally sustainable land reform programme is highlighted in the PTT’s terms of reference. The team was required to consider, investigate and make recommendations regarding the following environmental issues which are linked with land reform and hence resettlement in Namibia.

- Water

Issues included the extent to which the water potential on farms acquired for allocation was assessed scientifically, whether beneficiaries are advised on the agricultural potential under specific sustainable yields of water and whether any mechanisms are in place to monitor the use of water on allocated farms. The PTT was required to come up with recommendations on how the link between sustainable land and water utilisation could be established.

- Flexible rangeland management

Due to the size of land allocations, the opportunities for small-scale farmers to practise flexible range management are limited and yet such strategies are important in mitigating the impact of drought on grazing areas, livestock and ultimately, people. The PTT was asked to review and evaluate range management practices on as many farms as possible and to make recommendations on sustainable utilisation of grazing areas.

- Alternative land uses

Economic activities relating to land reform need not be limited to agriculture. Diversifying into non-agricultural economic activities, such as community-based tourism, conservancies, game farming and in some cases small-scale mining may also increase employment opportunities. A diversified approach was to be investigated and proposals made for diversified land management practices that could secure household income and at the same time, be environmentally sustainable.

5.1 Water and rangeland management on resettlement farms

5.1.1 Background

Availability, accessibility and quality of water are at the centre of agro-pastoral development and economic output of any farming unit and dictate both
potential and limitations of land uses and hence the ability to sustain livelihoods. Given Namibia’s arid to semi-arid climatic conditions, water is the most limiting factor encountered, which in turn results in land being scarce in terms of potential although not necessarily size. The sustainable utilisation of land is therefore intrinsically linked to the sustainable exploitation of water resources (Kambatuku, 2004).

With the above in mind, the PTT was required to review the water situation on as many resettlement farms as possible. The objectives were:

- A scientific appraisal of the water situation on farms prior to allocation and/or resettlement.
- Information dissemination on potential water yields and uses to beneficiaries on farms.
- Mechanisms for monitoring water use on resettlement farms.
- Possible options for linking sustainable water and land utilisation on farms.

In order to do this, the PTT engaged the services of the DRFN to conduct a water study on resettlement farms. The following facts and findings represent the work done by Kambatuku (2004) from the DRFN. The consultancy work was carried out in two phases. The first stage involved a comprehensive desktop study to gather existing data and information on the geo-hydrological and water supply situation on resettled farms (by consulting the DWA database), the hydro-geological regions in which the farms falls, water development on the farms as well alternative sustainable usage of water.

The second stage of the consultancy entailed fieldwork in the form of visits to selected farms to verify data from the DWA database, to gather new and additional information on the water situation and to solicit the opinions of the resettled farmers concerning the matter. Twenty-three farms were visited, resulting in 39 allotments and 59 boreholes being surveyed.

In addition, a short questionnaire was used to record opinions of a defined group of stakeholders including ministerial departments and directorates, NGOs and parastatals concerned with biodiversity and/or water.

5.1.2 Findings

Borehole information recorded on the geo-hydrological database maintained by the DWA is at best incomplete, out of date and inconsistent with current conditions on the resettlement farms.

Many beneficiaries reported poor quality water on farms, which according to the database had good (A to B class) water. The probability of water deteriorating over time due to continuous abstraction does not seem reasonable. However, making a meaningful analysis of information from the database is difficult for a number of reasons. Merely identifying the boreholes on the ground from the boreholes in the records is challenging. Scrutiny of the DWA database and the information gathered from interviews reveals disparities between what
Component 5: Environmental sustainability

is officially recorded and what farmers know about the water situation on the farms they now occupy. It appears that most boreholes were drilled privately and little or no information was passed on to DWA for entry into the database.

Groundwater (and thus boreholes) constitutes the main source of water on resettlement farms. The pattern of resettlement is such that a single farm is divided among many families without each household necessarily having its own source of water. Sharing water points, the linked infrastructure, equipment and associated costs, together with the social organisational necessary to share, becomes unavoidable on almost all resettlement farms.

Little or nothing was done to prepare, equip or support newly resettled beneficiaries. Little or no information was provided to the beneficiaries to teach them about managing their water resources in an economically and environmentally sustainable manner.

It is unknown whether the availability, accessibility and quality of water resources were thoroughly assessed, either in isolation or in relation to potential land use options on the farm. What is certain is that no information was passed on to resettlement beneficiaries. Combined with a lack of financial resources and compounded by insecurity of tenure, this gives rise to over-usage, inappropriate operation and lack of maintenance or sustainable management of water sources and resources.

Poor groundwater quality and unreliable water supply prevent the full utilisation of available farming areas leading to poor economic performance and an inability of resettlement beneficiaries to be self-sufficient. Water in itself is a key determinant of agricultural potential, but the inability to reticulate it to other parts of the farm from one source, poor quality water, the breakdown of infrastructure and lack of financial resources are further limitations. Mechanical breakdown of engines and borehole installations, intermittent yields, dependence on wind, the collapse or drying up of boreholes and poor quality water are among the primary reasons for inadequate water supply. Boreholes drilled decades ago serve most farms. Other than being old, such boreholes were often drilled, designed and constructed inappropriately leading to the high incidence of breakdowns, failure and dysfunction of water points. But above all, it is the conception and perception of groundwater as an infinite resource that can be better exploited simply repairing broken engines, deepening installation depths or drilling more boreholes that is problematic. Beneficiaries do not seem to comprehend the notion of finite water resources or poor water quality.

An alarmingly high number of boreholes fall into disuse after the resettlement of beneficiaries because equipment is not regularly maintained or because it was old and obsolete to start with. The cost of regularly repairing and replacing water point equipment is prohibitive for poor farmers, but a distinct lack of cooperation and pooling of resources amongst beneficiaries sharing a farm is another factor associated with this sad state of affairs. Although failing water points mean that more and more people are obliged to share the remaining functional sources, this does not lead to increased cooperation. Beneficiaries
demonstrate little or no initiative and wait for government assistance, handouts and subsidies.

Groundwater resources on many of the farms may be under threat due to excessive abstraction rates, wastage through leakages, contamination by oil and diesel, and nitrate pollution from animal waste. Unsustainable use of water resources stems from a lack of information and understanding of the water resource condition on the farms, but more specifically as a result of problems with infrastructure.

Group and individual small-scale resettlements were the most prevalent types of resettlement. However, in all cases, an acute lack of support on any level has led to a breakdown in cooperation. Each beneficiary looks after his or her own interests and conflict levels are high. Large swathes of land have been turned into patchy subsistence farms that have a detrimental effect on the holistic management of natural resources on farm level and the national economy at large.

The criteria for qualification as a deserving beneficiary have become so blurred that relatively well-off individuals in full-time employment who are eligible for the AALS have been accepted as resettlement beneficiaries. A transparent procedural mechanism with the necessary legal and institutional machinery is needed to ensure strict compliance with the criteria set out in the National Resettlement Policy.

The government appears to buy farms in poor, run-down conditions as they are ("voetstoots") and then pass them on in the same condition to people who have neither the financial resources nor the support services to repair broken equipment or run down buildings, let alone make improvements. The reason for many such farms being offered for sale or donated to the government is probably because they could not be run at a profit due to poor range conditions, difficult terrain, low yields, poor quality groundwater or expensive maintenance of water infrastructure resulting from scaling and corrosion. Anecdotal information suggests that another reason for little investment in repairs and maintenance of infrastructure by the previous owners of the farms was due to uncertainty over the land issue in general. The end result is a continued deterioration of infrastructure and diminished prospects of the farm being run profitably in order to support the resettled beneficiaries.

Socio-economic and wealth disparities, divergent expectations, competition, jealousy and to a degree, differing cultural backgrounds amongst beneficiaries are obstacles to cooperation and coordination at farm level. In the legal and institutional vacuum created by the absence of a monitoring agency to oversee the smooth implementation of resettlement, illegal occupation, abuse of positions and political clout cloud the situation. Consequently, most people do not gain any sense of ownership over their land and in particular the water points and related installations, making them reluctant to invest in their repair and maintenance. No attempt is made at all to monitor and regulate the abstraction and usage of water on the farms by the beneficiaries - even those with water meters do not read or record consumption rates.
Recommendations

- A regularly updated database of information about prevailing conditions on the farms is needed. This could either be a DWA database or a database set up by the MLRR to support service organisations working with the MLRR on the resettlement farms. Beneficiaries could be encouraged to take regular samples of their water for hydrochemical analysis on a quarterly basis. It should be obligatory for analytical results to be passed on to the relevant government department every six months and for these results to be included in the national database. To circumvent prohibitive cost implications, the collection of baseline data on the ground needs to be entrusted to people who are on the farms daily.

- Namibia’s arid environment and limited natural resources mean that smallholdings are barely viable as economic units and a vast amount of land is needed to break even on investment in primary production. Support to resettlement beneficiaries needs to extend beyond the financial and technical aspects of water point maintenance to cover the broader aspects of integrated land use management and community mobilisation. This would foster cooperation amongst beneficiaries sharing a single farm and encourage them to manage the farm and its natural resources, including groundwater, as a single unit. Conflict and detrimental competition amongst beneficiaries could be eliminated in this way. Cooperation and coordination is also to be encouraged at ministerial and departmental level.

- There has been a marked shift amongst the donor communities operating in Namibia from funding training, services and institutional development to channelling funds into infrastructure development. The MLRR could tap into this donor pool to secure funding for the refurbishment, repair and development of infrastructure on newly acquired farms prior to resettling beneficiaries. Heavy subsidisation of primary production by emergent farmers is an absolute necessity if beneficiaries are to have a realistic chance of making a living and improving their livelihoods on the new farms.

- The provision of information and training to newly resettled farmers on the availability, quality and suitability of water for certain land use and agricultural practices ought to precede the resettlement of all beneficiaries on any farm. For this to happen, it will be necessary for information to be gathered and documented from both official and private records on all target farms. A thorough scientific evaluation of water resources could then be carried out for each farm to determine appropriate water uses. Relevant information on the water situation should be shared with the resettlement beneficiaries, with clear explanations of its implications.

- Mobilisation, organisation and sensitisation of all farming communities on the new farms to integrated land use planning and management as well as to the environmentally sustainable usage of water and land should be part of the resettlement mechanisms.

- Support and training about establishing of farm committees for water, grazing and rangeland monitoring and management need to be provided. The establishment of a Forum for Integrated Resource Management (FIRM)
Component 5: Environmental sustainability

or equivalent approach at each farm, or a group of neighbouring farms, to facilitate and coordinate such activities in association with a host of support service organisations could be investigated. Through FIRM, local level monitoring (LLM) activities could be initiated.

- The government, through its purchasing division, should undertake comprehensive inspection, evaluation and analysis of the water situation on the farms prior to purchasing the farms and resettling beneficiaries. As the MLRR may not yet have the capacity to carry out a comprehensive environmental, hydrogeological, infrastructural and economic evaluation, the evaluation of farms prior to purchase could be referred out to professional agencies or individuals. Institutions such as NamWater have expressed willingness to volunteer data and information on areas where they have data. With the introduction of land tax, it should be easier to obtain information on infrastructure and all improvements on farms. This would not only be useful with regard to needs assessments for repairs and improvements, but would provide benchmarks for conditions in which farms are bought in comparison with conditions following resettlement.

- All defects, breakdowns and shortcomings of water infrastructures as well as other physical infrastructures should be fixed and in good working condition before being handed over to beneficiaries. The hand-over of water points to communities for community-based management should be done only when the water points have been improved and the community members mobilised and trained to look after the water point. Such an approach is imperative – not only as far as the water points are concerned, but for the management of the farm as whole. This is in line with existing MLRR policy guidelines, but appears not to be implemented.

- Appropriate pumping rates and abstraction regimes should be determined for each farm, either from existing data or through fresh tests, and passed on to beneficiaries who should be required to adhere to such recommendations. Water meters should be installed at all water points and beneficiaries must be required to take regular readings of this. With the planned water meter factory in Arandis by Nossob River System, it could be possible to equip all functional boreholes with water meters and encourage regular monitoring and recording of meter readings. It would be difficult and expensive for meter reading information to be collected by anyone other than the persons living on the farm. Government, or any other central agency, could then be responsible for collating and analysing such data on a quarterly or yearly basis. A way must be found to provide affordable meters that work, as failure to measure, monitor and regulate water use on farms may result in unanticipated source failure.

- Where more than one household is resettled, it would be ideal in the long run to consider the installation of pre-paid system on the farm to ensure minimal wastage. While recognising water as a basic need that cannot be denied to citizens, its provision has cost implications that need to be shouldered by someone. The majority of resettled farmers are not in the position to afford cost recovery bills for water. Thus, clear and unambiguous criteria and guidelines on the payment for water supply on new farms should be developed and implemented.
There could be a need for a major shift in paradigm as far as determining the carrying capacity of farms is concerned. Instead of only using grass biomass and vegetation indices, water could become part of a standard reference point for determining carrying capacity. A measure of how many animals or hectares of cultivated fields could sustainably be watered from the groundwater resources on a given farm together with the available grazing could equate to that farm’s carrying capacity.

5.2 Rangeland management and livestock production on resettlement farms in Namibia

5.2.1 Background

Due to the size of land allocations, small-scale farmers do not have much opportunity to practise flexible range management. Such strategies are important in mitigating the impacts of drought on the grazing areas, livestock and ultimately to the people.

Lease agreements set limits on the number of livestock a beneficiary may graze on an allotment. These limits are not always enforced. As a result, the PTT was requested to review and evaluate range management practices on as many farms as possible and to make recommendations to enable sustainable utilisation of grazing areas to improve or maintain livelihoods of beneficiaries. Stocking rates on allocated units were to be reviewed and the PTT was to establish whether adequate mechanisms are in place to control livestock access to these units. Where overstocking is taking place, reasons were to be established. The PTT engaged the services of Mr B. Kruger from DRTN to conduct the study on its behalf. The following sections reflect the findings of Kruger (2004).

5.2.2 Findings

In promoting livestock production and rangeland management, the following prerequisites are of paramount importance:

- Secure tenure of land and grazing.
- Sufficient competence of farmers.
- Strong and well-functioning community-based structures.
- Sustainable off-take of livestock.
- Maintenance of farm infrastructure.
- Application of proper animal husbandry practices.
- Application of appropriate breeding and selection practices.
- Improvement and maintenance of livestock health.
Component 5: Environmental sustainability

- Flexible and adaptive range management systems.
- Access to credit.

Using these prerequisites as guidelines, the PTT drew the following conclusions.

- **Tenure security**

  Although the vast majority of farmers indicated that government gave them permission to occupy the farms, less than 30% of them could provide any written proof of that. Of the documentation that could be provided, most indicated only the camp(s) allocated to them and other related information; very few could actually provide a valid, signed contract from the MLRR. Although more than 50% of the respondents believed that they have exclusive user rights to the areas, they could not produce any official documentation as proof. Although nearly 80% of respondents indicated that nobody else could use their areas without their prior consent, numerous examples were given where other more powerful and better-connected residents invaded grazing land without consent of the intended settler. For these reasons, a considerable number of settlers still feel insecure on the farms as far as access to and control over land and rangeland resources are concerned.

- **Knowledge, skills and attitudes of farmers**

  Most settlers interviewed in both high and medium potential areas originated from urban areas, although 65% of them indicated that they have more than ten years' relevant experience. It is assumed that people originating from urban areas have less competence and experience in livestock production and rangeland management than those resettled from communal areas and other commercial farms. More than 60% of respondents indicated that they don't know the name of the local agricultural extension officer (AEO) and therefore didn't benefit much from agricultural extension services. More than 90% of respondents indicated that they don't belong to any farmers' organisation and had not benefited from one.

- **Strong and well-functioning community-based structures**

  On any commercial title deed farm, decision-making is vested in a single person (the owner or manager). The farm is managed as a unit and all resources are utilised in such a way as to achieve the goals and objectives of the owner or manager. When more than one individual family is settled on one farm (which is normally the case with resettlement beneficiaries), certain specific resources are allocated to each family individually. This means that the farm as a management unit is fragmented and resources are utilised in a fragmented manner in line with the goals and objectives of the new settler(s). This in itself is not wrong, but problems arise with the sustainable management of the resources (grazing and water) and the maintenance of infrastructure (boreholes, fences, crushpens). Decision-making on these aspects is now vested in several individual settlers, each with his or her own priorities, without a common policy and or a strategy on how to deal with the situation in a sustainable manner for the farm as a whole.
Merging livestock herds of individual settlers, managing the veld and water resources on the farm as a unit and making use of a CBO on the farm, could overcome this problem. Most of the farms visited were not overstocked, but continuous overgrazing takes place due to insufficient camps for rotational grazing.

- **Maintenance of farm infrastructure**

In most cases, water quality and quantity have not declined since resettlement. Inadequate water supply is to a large extent the result of poor maintenance of water infrastructure. Buildings, fences and water installations need to be maintained to secure optimal functioning and sustainable rangeland management and livestock production. People lack the ability to maintain their own infrastructure and are still largely dependent on government support. Some farmers, mostly in the medium potential areas, are increasingly taking responsibility for maintenance of water infrastructure themselves.

- **Proper animal husbandry practices**

Application of mating seasons enables farmers to concentrate the birth of offspring during a certain time of the year. Proper mating seasons start at a specific time, usually after the first good rains, and continue for a fixed period of time. There are various advantages to applying mating seasons, such as being able to plan other husbandry practices like dehorning, castration, branding, vaccination and parasite control since all offspring are born at the same time of year. It also helps the farmer to make sure bulls and rams are in good condition and tested by a veterinarian for libido and fertility. Cows and ewes can be checked to ensure high sexual activity. Although some farmers indicated that they apply mating seasons (mainly in the high potential areas) it is not clear if their practice is effective, or if they mean an absence of males from the female stock at any time. Most respondents do not apply any form of mating season.

Weaning of calves and lambs is an extremely important practice for livestock farmers. Weaning reduces the stress that a calf or lamb puts on the mother and enables the mother to recover body condition more quickly prior to the next pregnancy period. If no weaning practices are applied, bigger calves and lambs keep suckling and may even deny milk to newborn animals, causing loss of offspring. During droughts, female animals still suckling are the most vulnerable to fodder shortages and will die first. In high potential areas, most farmers seem to apply weaning systems, while in the medium potential areas, only a small percentage of farmers do this.

Supplementary feeding is extremely important to maintain body weight and fertility status of female animals, especially during the dry season and droughts. Most farmers in both high and medium potential areas claim to provide supplementary feeding. This study did not attempt to determine the kind of supplementary feed that farmers give, but it is assumed that in most cases ordinary salt blocks are provided. These are better than nothing, but far from adequate.
• Superior breeding and selection

Inbreeding reduces production, adaptability, hardiness and reproduction ability of livestock. A significant number of farmers in both high and medium potential areas, never use breeding material from outside their own herds, while the rest of them use it from time to time. Over extended periods of time, absence of outside stock definitely leads to inbreeding. Use of appropriate outside breeding stock is one of the quickest ways to improve productivity in any herd.

• Improvement and maintenance of livestock health

Settlers’ access to veterinary advice and drugs was not established in this study. It is unclear what knowledge settlers have of livestock disease control and access to veterinary drugs and vaccines. Apart from the active role that the Directorate of Veterinary Services should play, established farmers acting as mentors have many years of practical experience in this regard and could provide valuable support.

• Flexible and adaptive range management systems

Rainfall, and therefore fodder availability, is highly variable in both time and space in an arid environment. Rangeland management should therefore be highly adaptive to track variation in fodder availability. This strategy is called “opportunistic management” because opportunities are seized and hazards are avoided. Opportunistic management is based on the timely availability of correct and relevant information on livestock condition, fodder availability, veld condition, rainfall and bush densities. Farmers should be in a position to use this information as an early warning to make informed decisions regarding opportunistic management options. The DRFN has considerable experience in supporting farmers with the development and implementation of such local level monitoring systems.

Opportunistic management also involves the implementation of rotational grazing systems during years of good rainfall to avoid overgrazing and to maximise plant vigour and growth. In the high potential areas, most settlers indicated that they apply some form of rotational grazing, while only a few apply it in the medium potential areas. The most common argument was that farmers don’t have enough camps to do proper rotational grazing because more than one family is usually settled at a water point. Although stocking rates do not seem to exceed carrying capacity on most of the farms, veld deterioration still takes place due to continuous overgrazing. If herds were merged and the whole farm managed as a unit, maximum advantage could be gained from all camps available on the farm. A representative and competent CBO at farm level could be a possible mechanism to facilitate this process.

The ability of farmers to supplement fodder needs of livestock during droughts is illustrative of their ability to cope with variable environments. A considerable number of respondents indicated that they could do very little to cope during droughts and let animals die. Some farmers also indicated that they bought
fodder during droughts, while only a few indicated that they sought additional grazing somewhere else. Buying fodder for large stock is not considered to be economically viable and should not be encouraged since additional pressure is then put on already degraded rangelands. Farm fences and other obstructions don’t allow “tracking” any more. A strong CBO, supported by organised agriculture, like the Namibia National Farmers’ Union (NNFU), could facilitate a process of obtaining alternative grazing elsewhere. During droughts, government could subsidise transport to and from emergency grazing areas.

5.2.3 Recommendations

- The MLRR should, in line with the implementation of the ACLRA, speed up the process of issuing 99-year lease deed documents to all authorised settlers.
- The MLRR should put mechanisms in place to ensure that illegal settlers and other powerful and better-connected people don’t invade land allocated to authorised settlers.
- Agricultural Extension Services (AES) should pay special attention to newly resettled farmers through provision of appropriate training, mentoring and facilitation services, with special emphasis on livestock production and rangeland management.
- AES should investigate and test a mentorship programme in terms of which selected established and experienced farmers work closely with agricultural extension staff to support resettled farmers. A similar programme is currently under joint implementation by the NNFU, the Namibia Agricultural Union (NAU) and emerging farmers under the AALS.
- MLRR should ensure that suitable candidates are selected for resettlement to ensure that people with proper knowledge, experience, positive attitudes and the right aptitude for livestock farming receive preference.
- Appropriate CBOs should be established at farm level, representing all settlers. These CBOs should receive training in organisational management and leadership to enhance their capacity to manage the farm as a single entity. These CBOs would initially be responsible only for sustainable water and rangeland management, maintenance of infrastructure and other related livestock activities. Later on, the same CBO could be used to coordinate other support services to the settler community on the farm (like education, health and pensions).
- Increased livestock off-take rates on resettlement farms should be promoted. This could be achieved through increasing access to markets, improving quality of livestock offered for sale, improving access to market information, exposing farmers to different marketing technologies and infrastructure (like auctions and abattoirs), organising farmers to ensure enough livestock at auctions to warrant enough buyers.
- MLRR should assist settlers to develop their own capacity (both competence and financial) to maintain infrastructure.
Component 5: Environmental sustainability

- MLRR should support settlers (perhaps with outside funding) to repair already degraded infrastructure on existing farms.

- Farmers should have increased access to superior breeding stock. Research stations, private breeders and the Meatboard's current bull scheme are initiatives to be explored in this regard.

- Directorate of Veterinary Services should assist farmers with selection of fertile breeding stock and regular pregnancy testing to improve fertility rates.

- Extension Services, together with mentor farmers and staff at research stations, should train farmers on proper breeding and selection techniques, both theoretical and practical. Support from various stud breeders associations should also be explored.

- Farmers should be trained in livestock disease control.

- Directorate of Veterinary Services, with the support of mentors from experienced communal and commercial farms, should provide professional advice to farmers.

- Access to veterinary drugs and vaccines should be improved. Again, experienced farmers acting as mentors could play an invaluable role in this regard. They could help settlers with correct diagnosis of diseases, and provision of correct drugs in appropriate quantities.

- Local level monitoring systems, based on relevant indicators as determined by farmers themselves, should be developed and implemented by settlers on their farms.

- With the support of external facilitation, farmers should create representative and competent CBOs at farm level to facilitate proper resource management. The FIRM approach could be adapted to local circumstances.

- Farmers should be supported to adjust stocking rates to available fodder sources and to find alternative emergency grazing during times of disaster droughts. A strong and competent CBO at farm level is needed to facilitate this process.

- Government should subsidise transport of livestock to and from emergency grazing areas during and after disaster droughts.

5.3 Alternative land use

The agricultural sector in Namibia, especially the commercial sector, has started to diversify into other non-agricultural land use options. This is in part brought about by the relative exhaustion of the livestock potential on commercial farms due to increasing global competition that slowly erodes profitability, declining land productivity due to more erratic rainfall patterns, as well as bush encroachment. This has seen an increase in alternative, often more sustainable land use options like tourism (consumptive and non-consumptive) and game farming.
In fact, several studies (Barnes, 1998; Barnes & Humavindu, 2003; Erb 2003) have indicated that alternative land use activities, especially tourism activities, have increased income potential from land. One study by Erb (2003, quoted by Sherbourne, 2003), estimates that the real growth of income measured at farm level had increased by some 17.7% over the last decade mainly due to diversification into hunting and guest farming.

Not only do these activities seem to boost income from agricultural land, it may even indicate that such land is used more environmentally sustainably over time when compared with traditional livestock farming.

Areas with lower and more erratic rainfall, and hence lower agricultural potential, especially along the western and southern areas of Namibia, are characterised by tourism and alternative land use activities. Erb (2003) indicated that some 20% of commercial farmland in the northwestern region is registered as hunting farms.

Conservancies in communal areas have also shown great promise in increasing livelihood options for poor people. However, land use options like game farming and tourism require special skills and in many cases, large capital outlays. Special support programmes would have to be in place. MET recently obtained approval for an innovative wildlife breeding stock loan scheme aimed at formerly disadvantaged farmers, principally resettled farmers, to facilitate their access into wildlife farming and tourism to complement other forms of land use and diversify economic activities on farm land. Major potential in complementary forms of land use has not yet been fully explored or developed, like indigenous plant crops, traditional medicines, marula etc. Both MAWRD and MET are active in this field and their programmes should be further supported. MLRR should link up more closely with these ministries in order to develop alternative strategies.

Skill and knowledge transfer through potential joint ventures between resettlement beneficiaries and other interested investors should be encouraged. A problem faced, however, is that resettlement farms are often bought across the whole country. No clusters of farms are acquired at one time, which may present better opportunities for options like conservancies, etc.

An interesting observation was made during the resettlement survey when beneficiaries were asked whether they utilised game for own consumption or for market purposes. Some beneficiaries answered that there were no animals on the farm. Enquiries into the possible reasons for this revealed that most beneficiaries are resettled at the only water points available on the farms. Because of the presence of humans, it is thought that game moved to other areas where animals were less likely to be disturbed by humans. If this is true, then it should be taken into account, as it may lessen the possible options for beneficiary livelihoods.

Opportunities may also exist in high value, intensive cropping activities under irrigation and, in some cases, dry land farming. Success with olive, date and table-grape farming has been achieved at both individual and project level on farms across the country. The MAWRD Green Scheme promises to become an important income provider in the long run. Resettlement initiatives should be
linked with Green Scheme initiatives, as it may provide sustainable resettlement models.

Land-based activities do not only apply to the most common and known aspects of land use activities as mentioned above. Interesting options for resettlement could include aquaculture (or "fresh water fish farming"), which was initiated recently by the Ministry of Fisheries and Marine Resources through its Strategic Plan for Aquaculture Development. Although most projects are currently planned for the areas bordering the perennial rivers along the borders of Namibia, some projects for inland dams are also on the cards. The recent opening of the Omahenene Aquaculture Project saw tilapia and catfish fingerlings (or juveniles) being sold at nominal prices to local people in Oshakati and Ondangwa. The fish are raised in homemade fishponds and dams for selling and/or home consumption. While in need of water, land is less important. Initiatives like these need to be investigated to determine how they could fit into the resettlement programme. Options here could include smaller settlements on municipal land around larger towns and cities. This would have the advantage of proximity to markets (both input and output), lower transportation and service costs, etc. Active involvement of town and city councils in this regard would be most advisable.

Developing alternative and more sustainable income streams in light of the ever-present risk of drought, should be considered a good survival strategy. Policies should therefore encourage a more flexible and hence adaptable approach to land use and reward those that succeed. The important thing to remember is that policies should be facilitative and not restrictive and prescriptive. Communities expressing needs for alternative income generation should be supported. Thinking and doing outside the traditional box should be encouraged.

Recommendations

- Policies such as the proposed Land Use Planning Policy and the National Resettlement and Land Policy should recognise the importance of flexible land use options. The flexibility of lease agreements in this regard needs to be encouraged and strengthened.

- Alternative incomes and land use models should be developed as part of the planning involved with the setting up of resettlement schemes. Beneficiaries should be informed about all possible land use options for their specific allotments and farms, and supported if requested. Coordination in this regard with the MET, the MAWRD and other ministries and institutions should be actively sought and implemented.

5.4 Bush encroachment

Bush encroachment has resulted in agricultural land productivity declines in certain areas of up to 100%. This partly forced the horizontal expansion to occur (size of farms/farming operations increasing).
Component 5: Environmental sustainability

The Bush Encroachment Study by De Klerk (2004) indicated that land reclamation through bush clearing could lead to productivity increases in the long-term. Long-term advantages are not always popular, however, and uncertainty over land reform policies may have also contributed to a rather short-term investment horizon of landowners (De Klerk, 2004).

Bush encroachment was further indicated as a problem for redistribution as farms were often waived because of it. However, bush encroachment may also offer alternative income opportunities for beneficiaries themselves, as well as those looking for low skill employment.

The Bush Encroachment Study calls for State support to farmers to encourage de-bushing, especially through labour intensive methods (De Klerk, 2004). This may represent an opportunity to encourage large landowners to participate in land redistribution in return for financial incentives, whilst also creating possible employment in rural areas. Higher land productivity will eventually lead to higher incomes and may result in smaller farms being more viable in terms of livestock production, in other words land may become available for redistribution.

Recommendations

- That bush-clearing incentives be used to encourage landowners to part with some of their land, in return for higher subsidies. This could be used under negotiated land reform.
- That resettlement beneficiaries are given access to bush-clearing incentives like subsidies as proposed under the Bush Encroachment Research, Monitoring and Management report.
Component 6: Cross-cutting issues

6.1 Gender

Women play a pivotal role in Africa as farmers responsible for a very substantial share of food production, as primary managers of natural resources and as caregivers (Cleaver and Schreiber 1994). However, women have been largely ignored in attempts to raise farm productivity and to reduce general vulnerability to technical and economic changes (Mehra 1995). Many studies have demonstrated that unfair property rights through customary tenure systems in Southern Africa prejudice women (Mushunje 2001, Walker 2002). But in addition, it now appears that with the conversion to private property tenure systems, land rights are becoming concentrated in the hands of persons like community leaders and male heads of households who successfully exert their ownership over land, whilst many women unable to participate fully in the land market and lose the few rights they had (Lastarria, 1997).

In Namibia there is strong formal and public commitment to gender equity, in particular to the notion that women have the same rights as men to own and control land. This is borne out by key policy documents. Article 23 of the Namibian Constitution stipulates that legislation providing for the advancement of people who have been previously disadvantaged should have regard to the fact that women have suffered special discrimination and that “they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.” (RoN 1990:15). In terms of Article 95(a) of the Namibian Constitution, the government will enact legislation to ensure equal opportunities for women and to enable them to participate fully in all spheres of Namibian society.

Gender equality was also discussed extensively at the National Conference on Land Reform and the Land Question in 1991. Recognising that women form the majority of agricultural producers but suffer discrimination both under statutory and customary laws, participants passed a lengthy resolution supporting equal rights for women.

The resolution includes the following points:

- Women are accorded the same status as men with regard to all forms of land rights, either as individuals or as members of family land ownership trust.
- Every widow or widower is entitled to maintain the land rights she/he enjoyed during the spouse's life time.
6.1.1 Women and property rights

Namibia’s women have greater access to land and other resources through land allocation administered by the government and to some extent, through inheritance, despite the fact that gender issues do not feature at all in the National Resettlement Policy.

The government advertises for people who want to be allocated land for small-scale commercial farming, giving preference to female applicants. It is necessary, however, to ensure that women landowners are in fact the operators and managers of the land they acquired. There is evidence to suggest that men demand that their wives apply for land and then step in as de facto landowners or decision-makers.

Since the introduction of the AALS in 1992, the number of land purchases registered in women’s names and financed through Agribank has been minimal. Of the 553 AALS beneficiaries, only 38 are women and 213 married couples. Of the 38 female beneficiaries, only 28 are managers and have single ownership. Individual female owners and managers still represent a small percentage of all landowners. Though small, this still counts as positive news for Namibia’s land reform process because it suggests that women are successfully acquiring land. It also shows that they are doing so through private market mechanisms and not only with government assistance.

| Table 6.1: Total beneficiaries by gender under government resettlement programme |
|---------------------------------|-------|--------|
| Sex                             | Count | Col %  |
| Male                            | 4 081 | 47.9%  |
| Female                          | 4 441 | 52.1%  |
| Total                           | 8 522 | 100%   |

Female beneficiaries constitute slightly more than half (52%) of the group or cooperative beneficiaries. Other evidence suggests that whilst women are indeed gaining sole access to land through government resettlement schemes, few have legal rights or title deeds (NEPRU).

| Table 6.2: Total applicants by marital status |
|-----------------------------------------------|-------|--------|
| Marital Status                                | Count | Col %  |
| Married                                       | 970   | 19.1%  |
| Single                                        | 3 993 | 78.8%  |
| Divorced                                      | 29    | 0.6%   |
| Widowed                                       | 77    | 1.5%   |
| Total                                         | 5 069 | 100%   |
The majority of the beneficiaries resettled on the group or cooperative schemes are single; only 19% of the group or cooperative scheme beneficiaries are married. Fewer than 3% of the beneficiaries on the schemes are widowed or divorced.

6.1.2 Land administration and women's land rights

Despite the fact that the rights of women in Namibia are enshrined in the constitution and the National Land Policy, women still come up against age-old traditions that resist change. The national government needs to review existing land policies and laws that disadvantage women to bring them in line with changing the changing socio-economic situation of the twenty-first century. Although considerable progress has been made in promoting gender equality, there are still challenges facing the land administration system – in particular the fact that women are under-represented in decision-making positions. Most women are unaware of laws, policies and opportunities. Laws that give women legal rights on paper are meaningless unless they are both socially recognised and enforced. Marital status often determines women's rights and access to land. The growth of Islam in some Africa countries is likely to have a negative impact on women's rights, as men's control over the women in the family is unrelenting. A high illiteracy rate amongst African women is a contributing factor. Rural societies remain highly patrilineal and men dominate decision-making. Women often stay at home when men move with their cattle in search of grazing or as migrant labour. Social support networks rely almost exclusively on women and girls to care for the young and the old. Food insecurity and social insecurity mean that women are often more concerned with fulfilling short-term needs (like surviving from day to day) than thinking of long-term sustainable development and management of natural resources.

6.1.3 Problems specific to women

Whilst it is true that some women are gaining land ownership through resettlement, they still face obstacles that hamper the productive use of their land. As most resettlement beneficiaries have not yet received title deeds to their land, they are unable to access formal credit facilities.

Women tend to lack farm management experience and access to advice. This problem may stem from low female enrolment levels in agriculture colleges and training courses.

Recommendations

- All gender-based laws and policies must be enforced.
- Women need to be appointed to key decision-making positions.
- All regulations which disadvantage women in any way should be reviewed to provide for a non-segregatory approach, particularly to land. Equal access to land by women must be enforceable and secure against any
gender discrimination. This would encourage change in the lending practices of financial institutions.

- Women need to be informed of their rights and of opportunities available to them.

### 6.1.4 Capacity development

Working in association with the Ministry of Basic Education, Sports and Culture (MBESC), MLRR should work to develop the capacity of women to negotiate issues concerning their lives and properties by incorporating gender issues into school curricula.

### 6.1.5 Conceptual framework for women and property rights

It is difficult to monitor the impact of government policies on gender issues in Namibia because there is no disaggregated baseline information. Such information would be useful for monitoring women’s access to land.

A framework for action should include formal and statutory protection for women’s rights, affordable land administration, dispute resolution infrastructure and legal education, gender training, and programmes to encourage social and economic development.

Where gender inequality is referred to in the land policy documents, it is usually the result of external pressure rather than the government’s strong commitment to increase women’s access to land and legal rights.

**Recommendations**

- Women should have the right to own the land they cultivate and to inherit and bequeath land and fixed property.
- A programme of affirmative action should be introduced to assist women by providing training, low interest loans and other mechanisms so enable them to compete with men.
- All discriminatory laws (whether statutory or customary) and all discriminatory practices which disadvantage women should be abolished or amended with immediate effect.
- Women should be fairly represented on all future district councils, Land Boards or other bodies which deal with the allocation and use of land in the communal areas (RoN 1991a: 36-37).

The TCCF adopted these resolutions in its findings and recommended that ‘females’ should be beneficiaries of land reform (RoN 1992a: 142-143).

NDP 2 (2002d) sets out a number of objectives in terms of gender and development. The overarching aim of NDP 2 is for women and children to participate fully and benefit equally from development. Sector objectives
include the removal of all social and legal barriers that impede women’s full and equal participation in economic activities (Ibid: 619).

Under the specific objective of “Gender, poverty and rural development”, NDP 2 describes some important measures to reduce poverty in considerable detail. Amongst other things, women will be encouraged to utilise natural resources in a sustainable manner for economic profit and to gain property rights over traditionally produced medicines and other products (Ibid: 621).

Ensuring equal access to and control over resources, including land, is regarded as an important element of promoting equal economic rights between men and women (Ibid: 625).

The National Land Policy is more specific on women’s rights to land. Based on Article 95(a) of the Constitution, the policy accords women “the same status as men with regard to all forms of land rights, either as individuals or as members of family land ownership trusts...Every widow (or widower) will be entitled to maintain the land rights she (or he) enjoyed during the spouse’s lifetime.” The policy goes on to state that in practical terms this means the following:

- Women will be entitled to receive land allocations and to bequeath and inherit land.
- Government will actively promote the reform of civil and customary law which impede women’s ability to exercise rights over land.
- Policy will promote practices and systems that take into account women’s domestic, productive and community roles, especially in regard to housing and urban development, agricultural development and natural resources management (RoN 1998a: 1-2).

The draft National Land Tenure Policy states that the head of the family will hold customary rights for arable, residential and grazing land in trust for the rest of the family. Such rights may not be disposed of without the consent of their spouses and dependant children. It refers to the Constitution and the Married Persons Equality Act in respect of the protection of the rights of women, particularly with regard to inheritance practices. In addition, traditional authorities and Land Boards are called upon to ensure that gender discrimination does not occur in inheritance cases involving communal land. The possibility of appealing against a decision of a traditional authority to the Regional Land Board is also provided for.

Gender issues do not feature at all in the National Resettlement Policy. In considering applications for resettlement neither the LRAC nor the minister are obliged to “have particular regard to the needs of women, especially single or divorced women heads of households in the allotment of or succession to land under the ACLRA” (McAuslan 1995: 33).

Neither the National Land Policy nor the Resettlement Policy refer to the need to ensure equal participation of women on boards and councils tasked with land administration. The relevant legislation, however, makes stipulations in this regard. ACLRA stipulates that only two of approximately 16 members of the LRAC must be women. With regard to communal land boards, four members of
at least 12 must be women. No policy directives on the participation of women on the national and regional resettlement committees seem to exist.

The policy framework on gender in general, and women and land in particular, provides the general framework for addressing gender equality. However, it does not adequately reflect "the link between reforming and modernising domestic relations in land-holding on the one hand and sustainable development...on the other" (Odida 1999: 2). A major limitation of current land policy is that it is too legalistic in its conceptualisation of gender issues. While the removal of legal barriers to women's equality is of fundamental importance, laws in and of themselves are unlikely to overturn social structures, beliefs and divisions of labour which structure women's access to and control over land (Hargreaves and Meer 2000: 267). Providing for gender equity in law is one thing, but implementation at village level another, as socio-cultural pressures make it difficult for women to assert their legal rights (Hilhorst 2000: 190).

Land and resettlement policies need to spell out the importance of gender equity in more detail to clarify the link between gender and land matters. From this, a vision of gender equity in relation to land matters needs to be developed.

As Hargreaves and Meer (2000: 269) point out, it is important to be very clear on whether land policies aim for "equal participation and equal access" or "equal and independent control and the transformation of unequal power relationships". The latter implies a shift in gender relations at the institutional level: households, family, community and the market. This means that practices that inhibit women's full participation in land reform need to be challenged. Policy implementation must therefore allow for a process of extensive discussion of gender equity and the status of women. This is time-consuming and expensive, and is not easily reconciled with the pressure to deliver land as speedily as possible to as many people as possible (Walker 2001: 9596: 103).

It must also be stated clearly that land policy and land reform are not appropriate vehicles to transform gender relations. This transformation process will continue long after the MLRR has transferred land, but transforming gender inequalities involves issues that fall outside the mandate of the MLRR.

The unit of analysis in land policy has to be the individual and not the household or "people". Households are often assumed to be homogenous and egalitarian. This view ignores the power relationships in patriarchal households that keep women in marginal and vulnerable positions. Women's rights to land are determined by their "marital status, by the laws on inheritance and divorce and by institutions that are themselves deeply embedded within local perceptions of the role women play in society" (Hilhorst, 2000: 182). Membership of households is important particularly to poor women, as it provides them with access to resources. Land policy and legislation thus need to seek mechanisms to protect and extend the rights of women within households (Walker, 2001: 100).

Current land policy and legislation provide for the individualisation of land rights in the form of long-term leases. The possible impact of this on women's rights is not clear. However, evidence from other parts of Africa suggests that
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Individualisation of customary rights frequently implies the erosion of traditional obligations which often constitute important social security value for certain sections of society. This makes it more difficult for "secondary rights" holders to assert their rights to land and other natural resources (Hilhorst, 2000: 183).

Also, registration programmes are frequently designed as a rapid, simplifying procedure in which the wide variety of secondary claims surrounding access to resources is collapsed into a single category of tenant. Secondary rights of women and younger men, for example to collect fruits, fuel wood and other forest products, have often been neglected in favour of rights to cultivate (Hilhorst 2000: 188). "Registration of land rights in the name of individuals may also weaken local institutions and mechanisms that used to provide economic security to all members of village communities, and hold economic differentiation in check. Recognising customary secondary rights will require that forms of legal ownership must be devised, which make room for 'collective' use rights and overlapping claims" (Ibid: 189).

Recommendations

These recommendations are heavily indebted to the work of Walker (2001); Hargreaves and Meer (2000) and Hilhorst (2000).

- Policy statements need to be made concrete by including gender principles in guidelines for project approval, training materials, generic consultants’ briefs etc.
- In addition, policies need to be translated into operational tools such as checklists, and guidelines for staff and consultants to assist people working at the project level. Gender-sensitive project management tools such as participatory methodologies and indicators are essential to monitor and evaluate the impact of policies on women and make appropriate adjustments where necessary.
- The minister and senior management of the MLRR should be held accountable to parliament and the public at large in terms of fulfilling gender policy goals. As the current aim is to redress racial imbalances and disparities, the MLRR currently reports on land reform only.
- Institutional support for the implementation of gender policies in the resettlement sector needs to be provided. Gender awareness should be strengthened in the MLRR through workshops and gender training.
- Resettlement projects should allow more time for facilitation and capacity-building amongst women. Success should be measured not only by the number of people settled on redistributed land, but also by social process.
- NGOs should be encouraged to facilitate access by poor, disorganised groups to services in remote areas and assist them to negotiate the unfamiliar requirements of the land reform programme. They also have an important role to play in disseminating information on the rights of women to land and services and in providing support to exercise those rights.
- Efforts to promote stronger, more grounded gender analysis through research, debate and interaction within and between government and civil
society needs to be supported. Research capacity and expertise on gender issues in the Legal Assistance Centre and the Gender Training and Research Programme of the Multi-Disciplinary Research Centre at UNAM should be utilised more consciously in developing gender sensitive land policy.

- Awareness-raising of gender issues among civil servants and those responsible for land administration such as traditional leaders is needed. Dialogue with customary authorities on women’s rights in order to build bridges between customary and modern is preferable to a confrontational approach.
- And finally, gender balance on the LRAC, Land Boards, resettlement committees and any other bodies involved in land administration needs to be improved.

6.2 Land reform and HIV & AIDS

Like gender, the HIV pandemic cuts across the entire social and economic fabric of society. The devastating impact of HIV and AIDS on families and communities has been well documented and does not have to be discussed in detail here. The specific impacts on the rural economy can be summarised as follows:

Loss of labour and drainage of local farming skills: The most direct impact of HIV and AIDS is that the workforce available to households is reduced. Worker-deficient households cultivate fewer hectares, have fewer cattle, earn less from non-farm sources and consequently enjoy lower welfare (Matanyaire, 1999: 13; MAWRD 1999: 9).

Decline in crop yields: Matanyaire (1999: 13) argued that due to short seasons and sandy soils of low moisture-holding capacity in the north-central regions, critical tasks such as sowing and weeding have to be done as quickly as possible. Where morbidity and deaths have diminished the available labour force, low yields and consequently low household production result.

A shortage of labour may force small-scale farmers to move to crops that require less labour. Frequently this implies a shift away from cash crops to food crops. In Oshana Region, however, the range of crops grown by HIV- or AIDS-affected households is the same as unaffected households. The main reason for this is that there is little scope to diversify into less labour intensive crops as a result of climatic and soil conditions. In Caprivi, affected households have shifted away from maize to small grains (mahangu and sorghum). Maize is both a food and cash crop, while the market for small grains is not guaranteed. These are cheaper to produce as they do not require seed purchases and are better adapted to “no fertiliser-input situations” (Matanyaire 1999: 17).

Loss of skills: AIDS-related deaths deprive communities of skills in the fields of education, health and religion, but also in agricultural production. In the northwestern and north-eastern regions, Matanyaire (1999: 16) found that artisans'
skills such as building, hoe making, granary- and basket making, thatching, yoke making and pot making are gradually being lost. If these skills are not passed down to other community members, such losses are likely to impact negatively on rural livelihoods.

Social and cultural factors related to AIDS deaths further contribute towards diminished labour productivity. Mourning, for example, results in no work being done on cultivated fields. In both Oshana and Capriví Regions, relatives mourn for between four and eight days. Due to the fact that weeds grow very fast in those regions, weeding delays as a result of mourning can lead to losses of up to 50% of potential yields. Caring for the sick also diverts labour away from farming. If losses in extension time are included, Matanyaire estimates that up to 25% of the short and critical production periods such as sowing and weeding may be lost (Matanyaire, 1999: 16).

**Asset stripping:** Forced disposal of households' assets such as livestock and land to meet increasing medical and other costs (Driemie 2002: 15). Matanyaire (1999: 11-12) reports from north-central and northeastern Namibia that HIV- and AIDS-affected households are covering costs associated with the pandemic by selling livestock first, "...followed by the sale of crops, medical aid, insurance and family contributions." No information is provided on whether land plays a role in defraying costs related to HIV and AIDS. The sale of livestock clearly diverts resources away from investment in agriculture towards meeting medical care and deprives households of products such as milk and meat.

HIV- and AIDS-related deaths lead to increased vulnerability to loss of land, particularly for widows and orphans (FAO/SARPN 2002: 3). Inability to use the land as a result of HIV or AIDS may endanger households' rights to land. Inheritance issues following the death of a male household head are particularly important: widows frequently face loss of land after the death of their husbands. Traditional authorities, while trying to protect the rights of widows, are not always effective in enforcing their decisions when relatives take the land. For some people, like elders, HIV and AIDS present an opportunity to accumulate land from which women and orphans are excluded (Ibid: 13).

**Social exclusion:** Affected households are likely to become socially excluded. In addition, prolonged illness and death are likely to change social relations and social institutions. The terms and conditions under which individuals and households hold, use and transact land may change as a result, further diminishing their ability to cope (Driemie 2002: 24).

**Impact on tenure:** The impact of HIV and AIDS on the availability of household labour may encourage new forms of tenure such as sharecropping, renting of land and even selling of land (Seeing Ways 2003: 11). These new forms of tenure may enable affected households to derive an income from land rights without physically working the land.

The loss of land by widows is particularly acute in matrilineal societies such as in north-central Namibia. Government tried to stop this practice by enacting the Married Persons Equality Act of 1996. Evidence of its effectiveness in bringing about a more just dispensation for widows is contradictory. Matanyaire (1999: 17) found that widows continued to cultivate land after their husbands have
died, however, he also reported that relatives of a deceased husband claim all livestock from a widow and her offspring, leaving them with no draught power or source of organic fertiliser. In addition, in some cases relatives lay claim to “cuca” shops or the building materials of these shops, depriving widows of an important off-farm income source (Ibid: 18).

Land administration: HIV and AIDS also affect people running institutions that support land reform. The implications of AIDS need to be considered in relation to institutional capacities to carry out functions, particularly in terms of its impact on productivity, finances, human resources and long-term workforce planning (Mullins, 2001: 1). Extension staff in the north-central regions lose an estimated 10% of their time for the purpose of attending funerals. In Caprivi, this loss is estimated to be much higher (Matanyaire 1999: 16).

While these general points provide an impression of the likely impact of HIV and AIDS on rural households, there is as yet little empirical evidence on how the pandemic affects land issues specifically. Against this background it is perhaps not surprising that land policies in the southern African region in general and Namibia in particular seem to neglect the impact that this epidemic will have on land issues. More specifically, “there is often an inadequate conceptualisation of the impact of the pandemic on the land reform process (for example on the implementing agencies and on the beneficiaries) as well as within an integrated strategy that links the objectives of land reform with the context of the impact of HIV/AIDS” (Drimie and Mbaya 2001: 9).

Land reform on its own is not likely to have much impact in ameliorating the effects of HIV and AIDS on rural livelihoods. There is a need, however, to coordinate land reform programmes with those of other ministries and institutions involved in dealing with HIV and AIDS.

Recommendations

- Tenure policy should be more flexible to allow household affected by HIV and AIDS to allow for different forms of tenure and land use such sharecropping, temporary renting of land etc. Policy and legislation should ensure that the rights to land should not be threatened when households resort to these forms of land use and tenure.
- The land rights of vulnerable groups need to be protected, including provisions for sure leasing, incentives for guardians to care for orphans without usurping their land rights, and innovative coping strategies at community level.
- Procedures to promote the land rental market, including simple standardised contracts that could be registered by land owners and renters at local Land Boards should be developed.
- Policy needs to address problems experienced primarily by women including:
  - land-grabbing;
  - decision-making about land use without consultation;
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- uncertainty about inheritance;
- no formal wills; and
- polygamous marriages.

- Land-related departments need to adopt an intersectoral approach to land reform that addresses legal, economic, social and cultural issues and coordinates the provision of services like health care, education, water and sanitation. Land policy needs to incorporate HIV and AIDS issues, and HIV and AIDS policy needs to deal with land issues.

- Awareness creation about gender issues needs to be encouraged in the following ways:
  - training for officials and community leaders about land policy, procedures, rights, gender equality, HIV and AIDS and stigma;
  - development of regulations to guide and monitor land officials' performance;
  - monitor official performance and discipline transgressions; and
  - put in place a pro-active communications policy to create public awareness about policies, rights, procedures and means of recourse.

- Support the development and testing of knowledge and technologies that enable cash-poor and labour-poor households to cope with the demands of farming more effectively. Special attention needs to be paid to the particular requirements of women (MAWRD 1999: 14).

6.2.1 The impact of HIV and AIDS on agriculture and land tenure

In the light of the fact that Namibia has one of the highest HIV and AIDS infection rates in the world, with a total of 160 000 people already affected by the year 2000, the need for key stakeholders to work together against the spread of disease is apparent. Several institutions are directly involved in the fight against HIV/AIDS in Namibia, but stakeholders in the Namibian agricultural sector have only recently recognised the impact of HIV and AIDS on the future of the economy. Organisations like the Namibia Agricultural Union, the Namibian National Farmers' Union and the Namibian Farm Workers' Union have raised concern about the prevalence and spread of HIV and AIDS in the agricultural sector, but no practical initiatives have thus far been implemented by any of these institutions.

More than 90% of respondents interviewed indicated that they had lived on the same farm for longer than two years. This indicates a strong sense of security and permanence, reinforced by responses regarding social contact, community participation and psychological well-being.
Most households on resettlement farms are relatively small when compared with the average household size in Namibia. Although one household had seventeen people, this was by far the exception.

Apart from farming expenses, which amounted to some 15% of monthly expenses (an average of N$150 per month), household expenditure was mostly on food, medical expenses, school fees and transport. A high percentage of 11.6% of monthly expenses was attributed to school fees. Education of young children was clearly important to respondents.

Most respondents felt they could work harder, plan better or be more productive on the farm in order to improve their financial situation. Extension staff could be of assistance. Traditionally, the extended family plays an important role, but caring for the sick and for orphans and other vulnerable children is placing a heavy burden on caregivers.

The inaccessibility of health care services is a problem. Mobile clinics that visit resettlement farm areas would be of great assistance.

More than 90% of respondents described their personal health status as “satisfactory”, “good” or “excellent”. Only one person reported poor health. Any admission of less-than-peak physical health was allegedly no more than tiredness – although this had lasted more than a year. Clearly, no real conclusion can be drawn from this.

Despite their “good health”, more than 60% of respondents feared they may be suffering from an unidentified long-term illness. This could be attributable to a general fear of HIV and AIDS, rather than an indication of real health problems. This fear should be addressed in any future programmes or campaigns focusing on HIV/AIDS awareness. Perhaps HIV/AIDS campaigns have created awareness rather than added to people’s understanding, especially if sexual partners have been long-term relationships, as applied to most relationships indicated in the survey.

On the other hand, many resettlement farms are very isolated and their occupants marginalised, preventing them from access to national education programmes and policies. Although the survey did not suggest any cause for concern, the high infection rates in the country as a whole suggest that this situation should be monitored.

A high proportion of respondents indicated HIV and AIDS as major concerns for the community. However, when compared with other concerns, HIV and AIDS ranked last after other more short-term concerns like stock theft, poverty, isolation, lack of medical services, alcohol abuse and crime. Of the respondents interviewed, 17.4% knew of someone living with AIDS. Only 8.3% knew anyone who had died of AIDS and in each case, the person who had died was a family member. Long-term hospitalisation of people living with AIDS is not possible in the Namibian context – not only could our health care infrastructure not cope with this, but it would also lead to increased isolation and stigmatisation. The importance of relatives and friends as caregivers should be recognised and supported.
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Of the respondents interviewed, 91% indicated that they had never been tested for HIV. This may be an indicate respondents' confidence about the fidelity of their sexual relationships, but could be attributed to little knowledge or the absence of accessible testing facilities.

An HIV/AIDS support group has been established on one farm only. This may be a further indication of the low levels of HIV/AIDS infection on the farms surveyed, however it will become cause for concern if more farm residents are infected with the virus.

No respondents felt that HIV or AIDS have an impact on farm productivity; however, almost 50% of respondents expressed the fear that HIV/AIDS might, in future, affect their land rights.

Recommended actions

- Set up a mobile testing clinic to enable residents to undergo voluntary testing for HIV/AIDS.
- Land rights should be clearly explained to resettlement beneficiaries to calm their fears about future security in the event of a primary beneficiary dying.
- High HIV infection rates continue to affect various aspects of Namibian society. Those most vulnerable often live with HIV or AIDS as well as high food insecurity and extreme poverty. Interventions need to take an holistic approach to resolving this national crisis.
- Attention should be paid to improving nutrition, reinforcing community-based support mechanisms and strengthening the role of the extension staff to incorporate HIV- and AIDS-related strategies.
- Government and other stakeholders should work together to expand AIDS education programmes to reach marginalised groups.
- Support groups should be established on all farms.
- Prevention programmes should be extended to resettlement beneficiaries.
- Condoms should be made available to resettlement beneficiaries.
- Multi-sectoral collaboration is essential if we are to stop the spread of HIV.
- HIV and AIDS-related matters should be incorporated in all national policies, strategies and programmes.

6.3 Farm workers

The remarks in this section reflect studies conducted by Werner (2004b).

The issue of farm workers constitutes a particular problem for redistributive land reform. On the one hand there is little doubt that concerted efforts need to be made to improve tenure security of farm workers on commercial farms. On the other hand, little thought has been given to how land redistribution will affect them. Frequently, the allocation of land to new beneficiaries means that farm
workers have to leave the farm, thereby losing access to employment and land. The resettlement survey indicated that roughly 16% of beneficiaries were indeed former farm workers. In terms of aggregate impact on poverty reduction, this means that the redistribution solves one problem – satisfying the land hunger of some previously disadvantaged groups – by creating a new problem: unemployed farm labourers. There is thus an urgent need to address the issue of farm labour comprehensively (Werner, 2004b).

In his address to the National Conference on Land Reform and the Land Question in 1991, the then Prime Minister stated, "any land reform programme in Namibia must include the farm workers on the commercial farms." More specifically, he argued that many farm workers enjoyed lower-order tenure rights, such as the right to graze some animals or to cut firewood, through birth or long service, which need to be protected by a land reform programme (RoN, 1991).

The Land Conference passed a resolution on farm workers. It stated that the circumstances of farm workers demand special attention and protection by law and resolved as follows:

- farm workers should be afforded rights and protection under a labour code;
- government should enact legislation providing for a Charter of Rights for farm workers, which should be monitored and enforced by government;
- the charter should include, amongst other things, adequate housing, the right to reside on the farm after retirement and grazing rights for farm workers' livestock free of charge (Ibid).

The TCCF also discussed the plight of farm workers on commercial farms, but did not make any specific recommendations on how they should be dealt with. Farm workers were not explicitly acknowledged as a specific group of beneficiaries (RoN 1992).

The rights of farm workers do not feature in the National Land Policy. In the first Resettlement Policy of 1997, however, farm workers are still listed as the last of five main target groups. The policy relates that many farm workers were dismissed from farms after Independence and "became literally destitute and devoid of food, shelter and land to settle on" (RoN 1997).

In the revised National Resettlement Policy of 2001, farm workers are no longer listed as a specific target group for resettlement. Instead, an oblique reference to thousands of people who have been retrenched from farms and other sectors of the economy and who are forced to seek a livelihood from the land is found under the main target group of "Displaced, destitute and landless Namibians" (RoN 2001). This arguably amounts to a downgrading of the plight of farm workers.

The draft National Land Tenure Policy (2002) deals explicitly with tenure rights of farm workers and farm occupiers. The draft policy draws a distinction between workers and occupiers to acknowledge the fact that some farm workers have rights to land somewhere else, such as a freehold area, and those who have no other place of residence and no rights anywhere.
The draft Tenure Policy encourages farmers to draw up contracts with their workers that specify terms of residence and procedures for denying residence on a commercial farm. Occupiers, on the other hand, should be provided with legally-protected rights of residence and limited production rights on commercial farms until retirement. Regional land boards will be required to identify and create a register of all occupiers in their areas of jurisdiction. Eviction should only be possible where a suitable alternative for occupiers to live has been found.

The draft Tenure Policy further proposes specific rights and obligations of both the agricultural employer and employees. These are designed to protect the basic rights of employer and employee.

It also addresses the issue of eviction of farm workers, but stipulates specific steps that need to be followed. Regional land boards will have the power to investigate disputes between farm owner and occupier in attempts to mediate. In addition, they will have the power “to remove the farm occupier and place him or her in a suitable resettlement area” (Ibid).

Section 38 of the Labour Act of 1992 stipulates that employees who are required to live and reside on agricultural land should be allowed “to keep such livestock and to carry on such cultivation on such land as may be necessary for such employee to provide for the reasonable needs of himself or herself and of his or her dependants.” However, the Commission of Inquiry into Labour-Related Matters affecting Agricultural and Domestic Employees (RoN 1997) found that these provisions were not implemented. It recommended that agricultural employees be encouraged to keep livestock, but that this required further investigation.

The commission made a number of specific findings and recommendations on land issues. It found that generational workers lacked secure tenure rights, and were “caught in a cycle of poverty and dependency” on account of the fact that they did not have the capital to acquire land and that government’s land and resettlement policies did not adequately address these issues.

Farm workers, who enjoyed rights to graze livestock on commercial farms, were particularly vulnerable during times of drought, when they had to remove their livestock without alternatives (Ibid).

**Recommendations**

- That government consider agricultural employees as primary beneficiaries of the land reform policy in order to break the cycle of poverty and dependency from which generational employees in particular suffer;
- That government allocate State-owned land to, or purchase freehold land for, individual or groups of agricultural employees and their families;
- That government and agricultural banks consider granting loans to agricultural employees to buy into, and thereby jointly own, private land, on condition that employees obtain a minimum of 50% share of such property; and
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- That government consider purchasing privately-owned land in selected areas to be used for the resettlement of currently employed or retired agricultural employees and their dependents and to be managed on an individual or collective basis.

A committee chaired by the Minister of Lands was appointed to do the groundwork for the implementation of the recommendations of the commission (The Namibian 15.11.2002).

Recommendations

- In view of the continued tenure insecurity experienced by many agricultural employees, it is recommended that farm workers be reinstated as a distinct category of land reform beneficiaries.

- The provisions of the draft Land Tenure Policy, which address tenure security of farm workers, need to be strengthened and refined. It is recommended that this process should consist of several steps. As a first step it is recommended that a critical evaluation of similar policies in the Republic of South Africa be carried out to avoid possible pitfalls. Adapting policies to the specific needs of farm workers should follow this. Consultations between stakeholders – workers, their trade unions and agricultural employers – should then take place to arrive at policies that enjoy the widest possible acceptance.

- In seeking to strengthen the rights of farm workers it must be remembered that this is likely to encourage increased dismissals of farm workers. Care needs to be taken that no unreasonable dismissals take place.
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