

# **The Land Question in Namibia: Still unresolved**

**Barney Karuuombe**

**Labour Resource and Research Institute (LaRRI)**

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## **Abbreviations and Acronyms**

CAs	-	Communal Areas
CLT	-	Community Land Trust
GDP	-	Gross Domestic Product
GRN	-	Government of the Republic of Namibia
MLRR	-	Ministry of Lands, Resettlement and Rehabilitation
NANGOF	-	Namibia Non-Governmental Organisations' Forum
NAU	-	National Agricultural Union
NGOs	-	Non - Governmental Organisations
NNFU	-	Namibia National Farmers' Union
NUNW	-	National Union of Namibian Workers
ROs	-	Resettlement Officers
SWAPO	-	South West Africa People's Organisation
TAs	-	Traditional Authorities
VCF	-	Veterinary Cordon Fence

## **Summary**

*This paper starts with an illustration of how indispensable land is to both rural and urban livelihoods, as rural-urban migration has become a popular coping strategy which the poor adopt to escape their misery. These livelihoods interconnectedness warrants poverty solutions that do not solely confine themselves to land-based poverty solutions. HIV/AIDS, which is haunting many of the Southern African nations, is also bolstering the argument for livelihoods diversification.*

*Colonial occupation left Namibia with an unequal land ownership between commercial farmers (including absentee landlords) and communal farmers. Land is significant to both rural and urban livelihoods. The willing-seller/ willing-buyer concept is stalling the land reform process, but the laws to bypass this constraint are not sufficiently used. Communal livelihoods are further constrained by land enclosures and the VCF, but government does not seem to take any decisive action in addressing these problems. The interests of large-communal farmers, who have the means to erect private fences on communal areas, are all taken care of in the land reform policy process. The same applies to the interests of NAU which is against radical land reform, as opposed to NANGOF, NNFU and NUNW, who are insisting on speedy land acquisition and redistribution. Resettlement targets seem to undermine landlessness in Namibia and the management of settlement schemes does not contribute to settlers' self-sufficiency. Lastly, the MLRR lacks capacity to manage land reform and its land policy is not in harmony with those of other line ministries. The government's intention to retain the role of traditional authorities in customary land matters is found to be gender-insensitive rather than giving communities the option of forming community land trusts (CLTs).*

*Considering the costs and complexity of implementing land reform (particularly land settlements), the paper reiterates the call for poverty solutions that go beyond land. Whilst land reform is not a panacea for poverty, land reform protagonists will continue to give it a lot of attention at the expense of other equally important development approaches. This can in part be attributed to political expediency on the part of politicians, bureaucrats and donor agencies.*

# 1. Introduction

## 1.1 Rationale for land reform

'I have the seed and the hoe in my hand but where is the land?' (Nanjundaswamy, 1997, quoting a landless peasant in India). Many may take this question as no more than a rhetorical one, but it clearly illustrates the importance of land to the landless and the poor. Inevitably, the question also calls on governments and development planners to prioritise land reform in such a way that the needy and the poor primarily benefit. Land, as will be argued in this paper, is not only crucial to those in the rural areas, but also to those in the cities and towns who are increasingly facing joblessness, casualisation of labour, and other hardships. The interconnectedness of rural and urban livelihoods calls for policies that look beyond land reform.

The emerging evidence that smallholders, if given adequate support, are efficient users of land not only counters anti-land reform sentiments but also justifies land reform as a policy and development strategy (Aliber, 1996: 573). Land reform also significantly improves the livelihoods of beneficiaries, as was experienced in Zimbabwe (see Appendix). In spite of the efficiency and equity arguments for land reform, land has some socio-political and historical importance that may often override the economic rationale of land reform as a policy. The dilemma, on the other hand, is that land reform, and particularly land settlements, are costly, very complex to implement and failure-prone (Hulme, 1988: 55). This warrants poverty solutions that go beyond land reform and necessarily justify an approach and strategy that looks at the land question, both in the individual countries and within the Eastern and Southern Africa region, from a livelihood perspective.

## 1.2 Land and livelihoods

It is important at this juncture to link land to the concept of livelihoods and to illustrate why land needs to be seen as but just one part of what people need to improve their livelihoods. Zimbabwe's astonishing settler performance during the initial phases of resettlement (see Appendix) is an indication of the role land plays in improving the livelihoods of the poor. Experience from the Philippines also supports this.<sup>1</sup> There is also general consensus that land and tenure reform play an essential role in the livelihoods of poor households and individuals (Adams et al., 2000; Hangula, 1998; Crow, 1992; Quan, 2000). More recently, the pertinent link between land and livelihoods has been uncovered by the inverse relationship that exists between farm size and land productivity (although this cannot be generalised). While land may remain as important to livelihoods as it is, there are also other equally significant non-natural-resource-based livelihood strategies which people tend to adopt in order to cope with vulnerability.

Rural-urban migration is one such coping strategy. People in the CAs as well as in the urban centres use this strategy to escape from their different vulnerabilities, be they of a temporary or longer-term nature. Cash remittances are therefore becoming an important source of household income in the CAs of both countries. Those in the urban centres, most

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<sup>1</sup> It was observed that 'land reform beneficiaries have invested more in their children's education than non-beneficiaries and increased their levels of assets at about three times those of non-beneficiaries' (Deininger et al., 2000).

of whom are faced with vulnerability and uncertainty, are in turn, relying on their rural landholdings as a livelihood strategy. Palmer and Mulins (2000) add that AIDS/HIV will increase people's dependency on the land and land-based resources, and Zimbabwe and Namibia, both with an estimated 25% infection rate, are faced with this challenge (Shaoul, 1999; NPC, 1995: 366). The conclusion to be drawn from this is that land is crucial for the sustenance of rural and urban livelihoods, but is by no means the only strategy. Policy should therefore look at how land reform complements and/or is complemented by other development policies (Cousins, 1993: 32). The poverty perception study in Zimbabwe found that many of the poor primarily attributed their poor living conditions to poor salaries, poor retrenchment packages, etc. The World Bank is now moving away from the orthodox view of treating land reform and land settlements as a panacea for poverty-afflicted communal areas (World Bank 1997: 83). In fact, land reform is now only part of an array of poverty alleviation strategies. Cousins (1993: 32) rightly concluded that 'part of the social and economic reality that land reform policies have to take into account, therefore, is the continuing strength of these linkages between the urban and rural sectors of Zimbabwean society.'

## Land in Namibia

Map: Namibia



From the Internet: <http://www.sas.upon.edu/African>

## **2. Land dispossession**

### **2.2 Historical context**

The Germans came to Namibia in 1883 and signed the so-called ‘friendship treaties’ with indigenous communities, which later led to the colonisation of these communities (Hangula, 1998: 18). The central and southern parts of the country were soon proclaimed a Police Zone, thus dividing Namibia into two parts. The north of the country suffered relatively less land dispossession and direct colonial rule. This was partly because of its low mineral potential and the fact that over half of the native population lived in this area, constituting a military force to be reckoned with. In 1915, South African colonial troops overpowered the Germans and, as a result, South Africa’s homeland policies and other discriminatory policies were extended to Namibia. First, there was the Native Reserves Commission of 1920, which advocated the continuation of the German-created native reserve system (Werner, 1991: 20). In 1964 followed the Odendaal Commission report that favoured an extension of several reserves and ultimately their consolidation into ethnic Homelands (Pankhurst, 1996: 18-9). Pass laws and the contract labour system were introduced to confine the majority of blacks to their designated ethnic reserves and to ensure that they were only recruited as cheap labour.

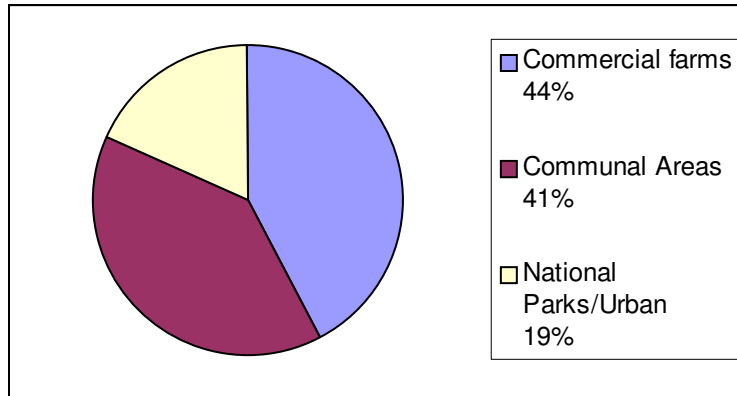
The above colonial practices and particularly the expropriation of land from the natives led to several revolts and wars. Notable was the disastrous native resistance of 1904-1907 against the Germans, in which almost 80% of the Herero community were exterminated and most of the remainder sought refuge in neighbouring Botswana (Hangula, 1998: 5). A substantial number of people from the Nama community were also killed in that revolt. The quest for expropriated land also led to the war of liberation from the 1960s to 1989 (Werner, 1991: 12).

## **3. Post- independence land reform**

### **3.1 Colonial land legacy and significance of land for livelihoods**

Colonial history left Namibia with a dual and unequal land tenure system that favours commercial farmers rather than communal farmers. The unequal land ownership between these two groups is clearly demonstrated in Figure 1 below.

**Figure 1: Land ownership in Namibia at independence 1990**



Compiled from GRN (1995: 205); Pankhurst (1996: 14).

Having a surface area of 82.4 million hectares (Rihoy et al., 1999: 32) and only a small population of 1.8 million, Namibia is one of the largest but least densely populated countries in sub-Saharan Africa. Namibia is also the driest country in the region, with ‘only 34 % of the country receiving on average more than 400 mm of rain, which is considered [the] minimum for reliable rainfed crop production’ (Werner, 2000: 29). Not only do commercial farmers own more land than communal farmers, they also hold freehold titles to 74% of the potential arable land (Pankhurst, 1996: 14). Given that there are only 6,300 commercial farms owned by just 4,200 commercial farmers (NPC, 1995: 205), it is obvious that some farmers own more than one farm. Up to 382 or 6.1 % of commercial farms are estimated to be the private properties of 272 foreigners, most of whom are alleged to be absentee landlords (Pankhurst, 1996: 29). A World Bank study noted that at independence the average size of a white-owned farm was 7 836 hectares, 23 times larger than the average black-owned cattle farm (World Bank 1991: 21).

On the other hand, the already overcrowded Communal Areas (CAs) are increasingly facing private enclosures by wealthier communal farmers, and this has become a threat to poor farmers’ livelihoods (Tapscott and Hangula, 1994; and Werner, 1997b). Although agricultural contribution to GDP is only 9.4% (mostly derived from commercial agriculture), subsistence farming is the principal source of income of up to 41% of all households in the country (NPC, 1995: 160; SIAPAC, 1998: 54). Up to 200,000 farmworkers and their dependants (or roughly 22% of the total population) are believed to derive their livelihoods from working on commercial farms (MAWARD, 1991: 107; Pankhurst, 1996: 29). With unemployment estimated at 41% (Pomuti & Tvedten, 1998: 120), and 53% of all households in Namibia classified as ‘poor’ or ‘very poor’ (SIAPAC, 1998: 1), people adopt different livelihoods strategies. One such strategy is rural-urban migration, such that it is estimated that 3.6% of rural households rely on cash remittances as a source of household income (CSO, 1993: 157). Urban migrant workers as well as those who are working on commercial farms send remittances to their families and friends in the CAs. In addition to the high unemployment figures and the percentage of households in poverty given above, Namibia’s average annual household income is N\$ 17,198 (CSO, 1993: 157). This meagre income makes it imperative for the majority of urban households to rely on land and land-based resources as a safety net (fallback mechanism). This household income, however, masks the vast inequality in the income distribution of different households, as wealth in Namibia is mainly concentrated in the hands of 5.3% of

the population (CSO, 1993: 14). The effectiveness of land reform, therefore, will be seen in whether it addresses the unequal land ownership shown in Figure 1 above in a manner that takes cognisance of the different coping strategies landless and poor people adopt. The different legislation to redress the unequal colonial land legacy are discussed in the next section.

### **3.2 The legislative framework**

The Namibian Constitution is based on the 1982 Constitutional Principles (Daniels, 1999: 52), which provided for the entrenchment of property rights, including land, under fundamental human rights and freedoms. Land transactions therefore have to be based on the willing-seller/ willing-buyer principle, and this is believed to have increased land prices since independence (Land Alliance, 1999: 3). The Ministry of Lands Resettlement and Rehabilitation (MLRR), having the right of first refusal in the event that any farm is on sale, is then left with no option but to purchase poor-quality land that is not very favourable for resettlement.

On the other hand, the Constitution does provide for compulsory acquisition of property, although this is subject to the payment of just compensation.<sup>2</sup> The compensation is clearly a constraint on how far government can go in acquiring and redistributing land, but it should not be used, as is often the case, to suggest that there is no opportunity to implement land reform. For instance, government is constitutionally free to establish minimal compensation in the case of expropriation of unutilised or under-utilised land (Pankhurst, 1996: 116). In addition, the Commercial (Agricultural) Land Act, by establishing Lands Tribunals, has given the Minister of Lands recourse to the law in the event that a farmer wants to sell his/ her farm for more than what the government wishes to pay for it (MLRR, 1995: 26). Despite allegations that commercial farmers are artificially inflating their farm prices when offering them to government, the available literature does not show any price disputes that have reached the Lands Tribunal to date. Even if there are cases, they will be very few. The lack of clarity on what an economic unit constitutes and the reliance on pre-independence ecological zone measurements of the various regions makes the identification of unused or under-utilised land almost an impossible mission (Pankhurst, 1996: 136). Thus, compulsory expropriation or taxing holders of such land remains more of a piece of political rhetoric. The emphasis here is that, whilst not negating constitutional limitations, there is ample room for manoeuvre if government wants to accelerate the pace of land reform and deliver on its promise of giving land to the landless.

In spite of the colonial-born land problems discussed earlier, communal livelihoods are increasingly threatened by illegal fencing<sup>3</sup> or private land enclosures of CAs and the

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<sup>2</sup> 'The State or a competent body or organ authorised by law may expropriate property in the public interest, subject to the payment of just compensation, in accordance with requirements and procedures to be determined by an Act of Parliament' (GRN, 1990: 11).

<sup>3</sup> The distinction between legal and illegal fencing is however complex (in instances where compensation or priority for leasehold allocation is contemplated), as it considers "legal fencing" to be that which has been approved by a local authority, thereby excluding the de facto situation in which chiefs and their headmen continue to approve fencing (NANGOF, 1996: 26-27).

veterinary cordon fence (VCF), also known as ‘the red line.’<sup>4</sup> The VCF is basically a veterinary measure to curb the spread of foot-and-mouth disease, which is prevalent in the north, to other parts of the country. An unintended consequence of the VCF is that it stops communal farmers north of the line benefiting from exporting beef to South Africa and the European Union.

Both the National Land Conference of 1991 and the Mariental Peoples’ Land Conference of 1994 strongly advocated urgent action on land enclosures and the VCF (GRN, 1991; NANGOF, 1994). However, there seems to be no sign of any gradual removal of the VCF as recommended by these two important conferences, whilst the Communal Land Reform Bill (1999) offers little prospects for the review or possible removal of private enclosures on communal lands. Section 18 (a) of the bill states that, ‘subject to such exemptions as may be prescribed, no fences of any nature shall after the commencement of this Act be erected or caused to be erected by any person on any portion of land situated within communal land area’ (MLRR, 1999: 11). In evading a full retrospective evaluation of the fences (whether legal or illegal) and their social, economic and environmental impact, the bill fails to meet the interests and needs of the poor. An implicit interpretation of Section 18(a) above is that those with the means to erect fences are free to do so and can await their approval once the Land Boards are in place. Land Boards in Botswana took up to three years to be established (NANGOF, 1996: 26) and in Namibia, the process is already three years behind schedule according to NDP1 targets (NPC, 1995: 214). The increased fencing of CAs by the few well-off farmers ‘remove [s] resources from a community pot to which the poor have rights, thus actually worsening the problems of need’, argues Pankhurst (1996: 131). Also see Werner (1997b) for an analysis of land enclosures in Herero reserves and Tapscott and Hangula (1994) for a similar analysis in the northern reserves of Namibia. The next section explores further how these powerful individuals and influential organisations direct the course of public policy and, in fact, benefit from the policy process.

### **3.3 Interest groups and pressure for land reform**

Different organisations and interest groups with diverse interests are all competing to have their interests taken care of in the implementation of land reform. Notably, the Namibia Agricultural Union (NAU) (mainly representing white commercial farmers) is one such interest group. The organisation does not have much leverage on government decisions because commercial agriculture in Namibia contributes less than 10% of GDP (Werner, 2000: 29). However, the 36,000 jobs provided by the sector (GRN, 1995: 160), and the perceived environmental consequences that may result from any radical transfer of commercial farms to communal farmers, do to some extent bolster the NAU’s argument. These arguments found favour with the joint report of the World Bank and the Food and Agricultural Organisation on Namibia’s agricultural priorities (Pankhurst, 1996: 113-4).

On the other hand, the Namibia National Farmers’ Union (NNFU) (1998), the Namibia Non-Governmental Organisations’ Forum (NANGOF) (1994; 1996; 1997) and the National Union for Namibian Workers (NUNW) (1991), in all their respective position papers, are strongly advocating an accelerated land redistribution process. Noting the lack of progress on the land issue since the 1991 national land conference, the non-governmental

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<sup>4</sup> The VCF is a health requirement of the South African and the European Union beef markets and it has to be adhered to if Namibia wants to continue her beef exports to both these markets (Elkan et al., 1992: 21).

organisations (NGOs), under the leadership of NANGOF, convened another large conference in September 1994. Surprisingly, ‘as if adding insult to injury, the Minister of Lands tabled the Agricultural (Commercial) Land Reform Bill in the National Assembly while NGOs were discussing the land question’ (Werner, 1997: 7a). Procedurally, the move was unsound as it led to a situation of having an Act in the absence of a national land policy framework (at least a written one) on the basis of which such an act ought to be formulated. In the case of the Resettlement Policy, which also preceded the Land Policy, the MLRR admits this procedural incorrectness and the fact that it resulted in idle legislation (Kanyemba, 1999: 5). Suffice it to say, therefore, that all of these procedural inaccuracies are attributable to political expediency more than anything else. Tracing past land legislation processes, it can legitimately be argued that all major land legislation and policies are linked to elections (Daniels, 1999: 53). For example, the findings of the Technical Committee on Commercial Farmland were released before the first local and regional elections in 1992. Secondly, the Commercial (Agriculture) Land Reform Bill, discussed above, was tabled in the National Assembly just before the second national elections in 1994. Thirdly, the Communal Land Reform Bill was tabled in June 1999, a few months before the third national elections.

The urgency of land reform also emanates from the popular opinion that the liberation struggle was fought for the return of land lost to white settlers during the colonial period (NUNW, 1991: 1). Notwithstanding the truth of this statement, the argument should not be treated as given. Land expropriation together with direct colonial rule affected communities in the central and south of Namibia (probably no more than 20% of the national population) more than it affected northern communities, as already indicated. On the other hand, more than 50% of the population - which form the political base of the ruling South West Africa’s Political Organisation (SWAPO) - live in the northern parts of Namibia. ‘It is thus questionable, on historical grounds, whether the land question was as central to the liberation movement as politicians have made it out to be’ (Werner, 1997: 16a). The ‘snail’s pace’ at which land reform is moving can therefore be attributed to a lack of political pressure on the ruling party to deliver land reform (Pankhurst, 1996: 111; and Hangula, 1998: 22).

### 3.4 Land acquisition

**Table 2: Farms purchased by GRN for resettlement**

<b>Period</b>	<b>Total farms acquired</b>	<b>Ha</b>	<b>Farms acquired and left unoccupied</b>	<b>Ha</b>
1990 - 1995	18	89 576,00	8	39 651,00
1996 - 1998	30	194 590,00	25	184 054,00
<b>Total</b>	<b>48</b>	<b>284 166,00</b>	<b>33</b>	<b>223 705,00</b>

Calculated from NNFU (1998a) Annex 1 pp. 1-2

Table 2 above shows that land acquisition was slow during the first five years after independence, but accelerated from 1996. The number of people who were resettled during the first period was about 2000 but then started to increase in 1996 (NNFU, 1998: 2a). Governments’ promise to spend N\$ 20 million per annum on land redistribution up to the year 2000 (NPC, 1995: 214) can be attributed to this increase in resettlement. This amount

of money is 70% more than the total spent on land acquisition during the first five years (Werner, 1997: 11a). Government, according to its first National Development Plan, has a target to acquire 150,000 hectares of commercial farmland and redistribute it to 14,000 households (NPC, 1995: 214). By acquiring over 284,166 hectares of land (see Table 2 above) and resettling between 19,000 to 20,000 people by 1998, it is evident that government overwhelmingly achieved its target, both in terms of the number of people resettled and the amount of commercial farmland acquired. In addition, a total of 72 government-owned farms were also transferred to the MLRR for redistribution.

The targets of land to be acquired and the total number of people to be resettled cannot be left unquestioned. Both targets were set in the absence of a national policy on land and, secondly, the estimates of people in need of land in 1995 were put at 90,000 (Werner, 1997: 12a). Thirdly, the figure for the total number of people resettled seem not to exclude a community of Hereros repatriated from Botswana and settled in the CAs (Gam reserve). The figure thus obscures the genuine number of settlers who were settled on acquired commercial land. In addition, Table 2 shows that, as the speed of acquiring land was accelerating, more and more farms were purchased and left unoccupied. Some communal farmers in need of more grazing land illegally occupied some of these unoccupied farms (The Namibian, 1998). The matter ended in a bitter court battle, after the illegal squatters defied a court order to vacate the farms.

Although the MLRR ultimately managed to remove the illegal squatters, the incident shows that MLRR does not plan its land acquisition and redistribution thoroughly. For instance, eight of the unoccupied farms shown in Table 2 remained unoccupied for nearly eight years. It is thus evident that realistic targets based on assessed need are missing in the resettlement planning process. Measuring the steady progress being made on land acquisition and redistribution is, therefore, a difficult task. Tied to this is the difficulty of ascertaining the qualitative gains or losses being made by settlers, due to a lack of data. Nonetheless, although the cost per settler is still unknown 'on the assumption that eight households will be settled on a 5,000 hectares farm [as proposed by the Technical Committee on Commercial Farmland], the cost of buying land for one household amounts to N\$ 81,250 (Werner, 1997: 14a).

For communal farmers who want to farm commercially, government implemented the Affirmative Action Loan Scheme, which gives subsidised loans to historically disadvantaged communal farmers, mainly large communal farmers, to by commercial farms. Initially, loans were only given to full-time communal farmers but this was changed to include part-time farmers (mostly people in employment). Some 130 communal farmers were granted loans amounting to N\$ 52,5 million, an average of N\$ 400,000 per farmer (Werner, 2000: 40). Comparing what it cost to resettle large-communal farmers with the equivalent cost of resettling the poor and landless quoted above, it is clear that the former scheme is four times more expensive than the latter. Given the fact that the Affirmative Action Loan Scheme accommodates fewer people, the expenditure may arguably not be equitable but the scheme is likely to increase in popularity given the neo-liberal macro-policy environment, which discourages state intervention. However, resettlement (whether for genuine or merely political reasons) will continue to be a preoccupation of land reform in Namibia. Section 3.5 will therefore review and analyse the programme, especially with a view to assessing the prospects for settlers to attain self-sufficiency.

### **3.5 Land redistribution**

Land redistribution (mainly rural land resettlement) in Namibia is aimed at redressing past colonial imbalances in the distribution of land, whilst giving beneficiaries an opportunity to work towards their self-sufficiency (MLRR, 1997: 3). The San community, ex-soldiers, landless and destitute, people with disabilities, and people expelled from commercial farms, constitute the categories of people targeted for resettlement. They can be settled either on individual or co-operative holdings. Individual pastoral holdings are more popular because of the non-viability of crop-based co-operative holdings on most of the poor-quality farmland being acquired, as well as due to the poor ecological capacity of Namibia.

While farmworkers are listed as resettlement beneficiaries above, the land acquisition process is increasing their vulnerability, in that they do not have automatic right to be resettled on the farms where they are found. This led to the illegal settlement of former farmworkers at Seeis (near Hosea Kutako International Airport), all of whom eventually had to be resettled in 1997, after five years of illegal squatting on a roadside. It has been found that the goal of uplifting the economic status of settlers and making them self-sufficient is presently threatened by food handouts, lack of security of tenure and the absence of income-generating projects on settlement schemes (UCT, 1998: 20). In an attempt to assist settlers during their initial settlement stages, the MLRR adopted the Food for Work Programme with the intention that it would only last for the initial five-years of settlement. It was recently found that the programme has a negative impact on schemes running for more than 5 years: 'There was evidence that it [the programme] had the effect of creating a degree of settler dependence on the government, constrained settlers in the choices that they could make and to some extent reduced the incentive to become self-sufficient' (UCT, 1998: 22).

Until today, almost all settlers are unclear about their status on the schemes, as they have not received any certificate of ownership or leasehold on the plots they occupy. Constrained by this insecurity of tenure, absence of income-generating projects and lack of access to off-farm employment, some settlers reportedly resorted to leasing out their landholdings (Inambao, 2000). Others are not prepared to renounce ownership of their communal landholdings and as such continue to practice dual grazing. Although not much can be said about the general performance of the settlement schemes, the Minister of Lands admitted that some of the acquired farms have deteriorated with the arrival of settlers (Ithana, 1999). A classic example is the citrus farm in the south, which used to export to European markets, but is alleged to be in a critical state since the arrival of settlers (UCT, 1998). There are also allegations of corruption in the resettlement programme. Some people, including parliamentarians, who do not qualify for resettlement or who are in non-priority categories, have allegedly been resettled at the expense of the poor and landless (The Namibian, 1998). The next section will look at the role of land reform institutions and their different approaches (whether top-down or bottom-up) and how all these impact on the creation and running of land settlements.

### **3.6 Institutional issues**

Since independence, the MLRR is the principal agent implementing land reform in Namibia. Other important role-players include the Ministry of Agriculture, Water and

Rural Development, Ministry of Regional, Local Government and Housing, as well as the health and education ministries. Another important institution is the state-owned Agri-Bank, which provides agricultural loans (MLRR, 1997: 12). Lack of proper co-ordination and communication between the above-named bodies has been observed (UCT, 1998: 8). This is also seen in the discrepancy between the proposed Communal Land Reform Bill (MLRR, 1999), on the one hand, and the Communal Water Policy (MAWRD, 1995) and the Nature Conservation Amendment Act of 1996, on the other. While communities under the Water policy and the Wildlife Amendment Act can, to some extent, own and control their resources, the Communal Land Bill does not encourage such autonomy. This is a sign that the different actors tend to take a sectoral or even a departmental approach to policy-making, instead of harmonising the different policies with each other. The MLRR admits this weakness and attributes it to the absence of an authoritative body such as a cabinet committee on resettlement to co-ordinate and harmonise the work of the different role-players (Kanyemba, 1999: 9).

The MLRR, being a relatively new institution, does not have the required capacity to implement and follow through all land reform processes. For instance, of the N\$ 20 million annual allocation for land acquisition, the Ministry was only able to spend a total of N\$ 47 million by 1999, with the result that the rest reverted back to the national treasury (Daniels, 1999: 54). Lack of capacity is also attested by the farms that were purchased and left unoccupied (Table 1) as well as the year-long suspension of the national resettlement programme between 1997 and 1998 (The Namibian, 1999). Settlement schemes were also found to be run in a centralised top-down manner and the prospects of settlers' own institutions are inhibited by the caretakers who have been put in charge of settlements (NNFU, 1998b; UCT, 1998).

Based on the above lack of capacity of the MLRR, as well as the lack of co-ordination noted earlier, NANGOF (1996; 1997;) and NNFU (1998b) are both advocating Community Land Trusts (CLTs) as an alternative institution and system of landholding. This position is also based on the problems inherent in the Traditional Authorities (TAs) as an institution, as will be discussed below. The advantages of CLTs is that they are more democratic, at least in theory, and that power and decision-making are easily devolved to the communities themselves. This is also in line with the decentralisation policy of government (NPC, 1995).

The proposed Communal Land Bill will establish Land Boards, consisting of various government representatives and traditional leaders. It is envisaged that traditional leaders will retain their role of allocating customary land rights, whilst the boards will basically approve and register the allocations (MLRR, 1999: 4). An appeals tribunal to be appointed by the Minister will deal with appeals against traditional leaders' decisions or rather those of the boards. Retaining traditional leaders in the Land boards will serve to minimise conflict that would otherwise erupt if their role in customary law were totally undermined. Another advantage is that, while land boards will tap the traditional leaders' experience of customary land rights allocation and administration, the difficulties of creating and legitimising a totally alien institution are avoided. A fundamental disadvantage of the traditional authorities, as an institution, however, is that they are patriarchal by nature and have created a male-biased land ownership system. Women more than men have access but no control or ownership over the land they cultivate and the endorsement of traditional leaders' historical role in customary land rights is simply a perpetuation of the status quo.

It should also be borne in mind that the popularity and, indeed, the legitimacy of traditional leaders vary from community to community and the monetary reward from government for their positions after independence has led to an increase in conflicts and disputes.

Based on all of the above, there is therefore some merit in the NANGOF and NNFU's insistence on CLTs as an alternative institution. Government, however, does not support CLTs, for fear that people might be excluded from land under the jurisdiction of a CLT, on the basis of their ethnic identity. However, there are legal provisions in the Namibian Constitution to deter such discriminatory exclusions,<sup>5</sup> although they are in themselves not sufficient to direct the practice on the ground.

#### **4. Concluding remarks**

Learning from colonial history, governments should bear in mind that there are costs, for example for extension services, training and credit (as received by commercial farmers during colonial rule) that will have to be incurred to make land reform a viable strategy. Unless governments envisage supporting the beneficiaries of land reform, giving land to settlers will mean no more than giving someone a car with no petrol or keys. Secondly, the intensifying link and interdependence between the rural and urban sectors warrant poverty solutions that look beyond land.

Policy planners should see land reform as just one poverty alleviation strategy amongst many. Intensifying population control programmes in CAs may reduce population pressures in these areas and thus reduce demand for land and land-based resources. The agrarian reform of opening-up of new areas in CAs as tried in Zimbabwe is an option but needs to be thoroughly planned in a participatory manner.

History has taught us that governments and policy-makers often fail to learn from history.<sup>6</sup> Land reform is significant for rural and urban livelihoods and is also inevitable because of its socio-political importance. What is equally important is that land reform is not a panacea for poverty reduction and neither is it the most rational (economic) policy option. However, because of the political expediencies of politicians and other protagonists of land settlements, and also due to the self-interests of the elite groups and individuals who benefit at the expense of the landless and the poor, this cardinal truth might be ignored. The World Bank's proposed alternative of redistributing land through the market, as in South Africa, excludes the very landless and poor and is thus not an equitable policy option. Unless there is a state intervention of some kind, pure market-led land reform inevitably results in a slow land redistribution process and have little prospects, if any, of solving the skewed land ownership in Namibia, Zimbabwe or South Africa. In the final analysis, the land issue will always resurface as it does in Zimbabwe, until governments stop treating symptoms of poverty and landlessness by putting a few settlers on resettlement schemes. A more lasting solution, as already argued in this paper, is to integrating land reform into a broader development strategy.

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<sup>5</sup> No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social status' (GRN, 1990: 8).

<sup>6</sup> See Hulme (1989) 'Learning and not learning from experience in rural project planning'.

## 5. Appendix

**Table 1: Comparison of household characteristics for resettled and communal households living in natural region II**

<i>Means for 1996/7 – 1996/97</i>	<i>Resettled Communal</i>	
Total real household income	4442	959
.... of which		
.....real agricultural income	3771	546
.....real gross business revenue	197	36
.....real income from sale of livestock products	87	18
.....real remittances	151	270
.....real female income	189	99
.....real off farm income	46	30
Yield per acre for maize	765	420
Acreage of maize	4.6	2.7
Total acreage cultivated	8.9	4.1
Number of residents in the household	11.6	6.1
Head of cattle	11.5	6.2

*Source:* Calculated from Kinsey (1999)

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