



STATEMENT

BY

CDE SOPHIA SHANINGWA

SECRETARY GENERAL OF THE SWAPO PARTY

DURING THE 2ND NATIONAL LAND CONFERENCE

01ST OCTOBER 2018.

SAFARI HOTEL, WINDHOEK



Our Land, Our Pride, Our Future – Our Namibia!

Chairperson of the 2nd National Land Conference, Rt. Hon. Dr. Saara Kuugongelwa-Amadhila, Prime Minister of the Republic of Namibia

Your Excellency Comrade President, Dr. Hage G. Geingob, President of the SWAPO Party, President of the Republic of Namibia, Commander-in-Chief of the Namibia Defence Force and Madame Monica Geingos;

Your Excellency Comrade Dr. Nangolo Mbumba, Vice-President of the Republic of Namibia and Madame Siskie Mbumba;

Your Excellency Comrade President, Dr. Sam Nujoma, Founding Father of the Namibian Nation and Madame Kovambo Nujoma;

Your Excellency Comrade Dr Hifikepunye Pohamba, Former President of the Republic of Namibia and Madame Penhupifo Pohamba;

Honorable Netumbo Nandi-Ndaitwah, Deputy-Prime Minister and Minister of International Relations and Cooperation and Lieutenant-General Denga Ndaitwah;

Speaker of the National Assembly, Professor Dr. Peter Hitjevi Katjavivi and Madame Jane Katjavivi;

Chief Justice of the Republic of Namibia, Your Lordship Justice Peter Shivute and Lady Justice Shivute;

Compatriots from all walks of life;

- 1. Ladies and Gentlemen, permit me to stand by the Order of Protocol established by the Director of Ceremonies and previous eminent speakers in acknowledging all of you here with the time honoured etiquette that says: All protocols observed.**
- 2. First and foremost, let me express my appreciation to the Government of the Republic of Namibia, through the Office of the Prime Minister and the Ministry of Land Reform, for organising the 2nd National Land Conference. At the same time, the SWAPO Party, as the governing political party, welcomes this opportunity to share with the Namibian people its position on the land question.**

· Delivered at the 2nd National Land Conference, Safari Hotel, Windhoek, Khomas Region by the Secretary General of the SWAPO Party, Hon. Sophia Nahango Shaningwa, MP on behalf of the SWAPO Party Political Bureau, Central Committee and entire rank and file of SWAPO Party.



3. I feel honoured and privileged to be here, on behalf of the rank and file of the SWAPO Party, Namibia's only truly mass based organization with structures in all 121 constituencies¹, to participate in this important Conference, aimed at taking stock and reviewing the implementation of the 1991 Land Conference Resolutions, so as to suggest how, collectively, we can accelerate the land reform agenda² in a democratic and sustainable manner for the benefit of all Namibians. Indeed the land question is at the heart of social justice in Namibia, and its treatment in a manner that seeks to foment a *common purpose and collective destiny among the Namibian people*³ is very close to the principles upon which the SWAPO Party is founded.
4. Before and after Independence, the SWAPO Party emerged as the only true representative of the Namibian people, because it became the only political home to many Namibians that could accommodate a vision for a non-racial, non-tribal, non-sexist, non-chauvinist, non-regionalist and unified Namibia.
5. At Independence, that early morning of March 21st, 1990 our leader, our first President, Comrade Sam Nujoma made the following remarks, and I quote:

Our achievement of Independence imposes upon us a heavy responsibility, not only to defend our hard-won liberty, but also to set ourselves higher standards of equality, justice and opportunity for all, without regard to race, creed or colour. These are the standards from which all who seek to emulate us shall draw inspiration.

[my emphasis]

End of quote.

6. These words of our Founding Father, our Founding President, should be instructive to all of us. All of us are Namibians equally. No one is less Namibian than the other. All of the rights enshrined in the Namibian Constitution apply to all Namibians, and non-Namibians equally, except where the Namibian Constitution makes specific exception, such as with Article 16 on Property Rights. As leaders, it is our collective responsibility to provide solutions to problems we

¹ Namibia is divided into 14 administrative regions and 121 electoral constituencies wherein constituency councillors are elected, and 3 from each region sit in the National Council, the review chamber of Parliament.

² The Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995) and the Communal Land Reform Act, 2002 (Act No. 5 of 2002) embody the legal provisions through which the agenda is being pursued hitherto.

³ See Article 3(A)B.(3) of the SWAPO Party Constitution as adopted by the First Congress of SWAPO Party in an Independent Namibia, December 6 – 12, 1991 and amended by the SWAPO Party Extra-Ordinary Congresses, August 27 – 28, 1998 Windhoek and June 21 – 23, 2013 Swakopmund, Republic of Namibia.



inherited from the legacy of a colonial, Apartheid, fascist, imperialist and minority white South African regime.

7. It is therefore regrettable that some leaders from our society⁴ chose to deliberately withhold their input to resolving a key issue to the attainment of social justice as far as land is concerned. By their boycott, they deny all of us the opportunity to honestly, and with due regard to the sensitivities of the matter, interrogate ourselves and the preconceptions we hold, in an atmosphere of rational disputation, so as to arrive at the common purpose intimated by the SWAPO Party Constitution.
8. I therefore condemn in the strongest terms such attitudes as these are grand standing political ploys aimed at seeking to delegitimize the 2nd National Land Conference, stoke the flames of tribalism and ultimately destabilize a peaceful, democratic and exemplary governance which Namibia is to many across the globe. One wonders if after this 2nd National Land Conference, whether they will still be calling the SWAPO Party Government as unwilling to accommodate divergent views? It is a pity. SWAPO Party and its Government do not have the land. In this conference we are going to discuss where the land is, how to get it and the mechanisms, how we are going to redistribute the land.

Compatriots,

9. By and large, the SWAPO Party has won a mandate to govern this country by over two-thirds majority consistently since 1994.⁵ This mandate empowers us to determine the destiny of the Namibian people, to implement the resolutions of the SWAPO Party Congresses and Conferences, which are representative of every corner of our motherland, and with or without those that wish to side track and distract from this national effort, the SWAPO Party and its Government, comes here with an open mind to listen, debate, resolve and ultimately through its democratic governance structures, provide the leadership this country needs from the sections, branches, districts, regions, its Central Committee, Political Bureau and right through to its Cabinet and the Parliament.

⁴ Be referred to the reported newspaper stories on the matter, for instance the story by Sakeus Ikela on September 9, 2018 posted on The Namibian website at <https://www.namibian.com.na/71760/read/Boycott-the-sham-conference> last viewed on September 29, 2018.

⁵ In 1989 SWAPO of Namibia attained 57.32% of the electorate.



10. Therefore, I want to speak to every Namibian individually, that in your heart, if you care about the future of Namibia, if you are a true patriot, do not escape your responsibilities as a leader by choosing to simply stay away. Land and its related matters are important matters, and they require our collective leadership.
11. Inspired by the spirit of Kaptein Hendrik Witbooi, Chief Samuel Maharero, Chief Kahimemua Nguvauva, Kaptein Jacob Marengo, Chief Nehale Iya Mpingana, Chief Mandume ya Ndemufayo, Chief Ipumbu ya Tshilongo, Chief Hosea Kutako, Meme Kakurukaze Mungunda and many other gallant sons and daughters of Namibia, young men and women of Namibia paid the ultimate price and sacrificed their lives.
12. Many battles were fought, both in Namibia and in the jungles of Angola, against the racist colonial and apartheid forces for the total liberation of our motherland. Blood was shed, many rivers of blood were crossed, and many lives were lost. That is why we in the SWAPO Party do not take it lightly, as people died for this country to be liberated. Not for parts of Namibia, but the whole of Namibia as a unitary State.

Compatriots,

13. Before the advent of colonialism, we know that our history speaks of many instances in which our African peoples wrestled for control over the resources, including the land. For instance, it is viewed that the declared local authority area of Windhoek is a cultural and traditional area of the //Khomani Traditional Authority⁶, whereas the OtjiHerero speaking Namibians call it *Otjomuise*, the Damara people call it */Ai-//Gams*⁷ and this complicates the issue of ancestral land.⁸ The same can be said of Okahandja and other now urban areas or commercial farm lands in the hinterland of Namibia.

⁶ As a matter of fact, the //Khomani claim great portions of the //Khomani (Khomani) Region as their traditional and ancestral land. //Khomani means mountains in the Damara language. It is settled history that the Damara people settled in the Territory before the Nama people.

⁷ Means 'fire' and 'water' from the Khoikhoi (and in both Damara and Nama) language meaning hot springs.

⁸ It must be understood that in the pre-colonial era, communities lived alongside one another in various areas today either declared local authorities or commercial farms. That fluidity allowed communities to move from one area to another. Kindly take notice that a case has been enrolled in the High Court of Namibia seeking that the Etosha Park be declared ancestral land of the San. See the case of



14. Gone are the days of the Homelands⁹ when the colonialists had divided us into Bantustans, whilst the minority colonialists owned freehold titles,¹⁰ which constituted over 36.2 million hectares of the arable land while 33 million hectares were deemed communal and 70% of the population were confined to the communal land.¹¹
15. At Independence, the SWAPO Party led Government organized and held the 1st National Land Conference in 1991, here in Windhoek to discuss the Land Question, redress the imbalances created by the past discriminatory policies, laws, and practices in respect of ownership and access to land, and forge the way forward in which the Namibian land should be governed through 24 adopted Resolutions. Since then, land related matters have become a top priority of the SWAPO Party.
16. Since the inception of the Land Reform program (immediately after the 1st National Land Conference in 1991), the SWAPO Party has noted with great concern the challenges that were being encountered during the implementation of the Land Reform Program. The challenges include among others, the slow pace in land acquisition, escalation of land prices for both agricultural (commercial) and urban land. In this regard, the Political Bureau of the SWAPO Party directed Cabinet in 2013, to review the implementation process and come up with solutions that will resolve the stated land related matters. In order to bolster the implementation efforts on land reform the Special Cabinet Committee on Land and Related Matters was established. The Committee came up with 86 Resolutions, which necessitated and contributed to the amendment to the current laws as articulated in the Draft Land Bill, 2017.
17. During the SWAPO Party Policy National Policy Conference, 2016,¹² Land Reform was among the critical policy issues that were discussed. Last year during the 6th SWAPO PARTY Congress, the issue of land also featured prominently in the discussions and several resolutions were taken. It is in this respect that the SWAPO Party reflects and promotes the ideology of socialism with Namibian

⁹ Whilst local laws were later promulgated in the *Territory*, the Group Areas Act, 1950 (Act No. 41 of 1950) was the genesis of the homelands in South Africa and Namibia.

¹⁰ As opposed to communal land (Bantustans reserved for the tribes), title in the area South of the Police Zone was perpetual in nature and could be monetized, bequeathed and owned. In the communal areas, black people could only use the land and it reverted to the community upon the death of the person who had applied initially – it was always the *pater familia*.

¹¹ Ministry of Land Reform document titled *The State of Land Reform Since the 1991 National Conference on Land Reform and the Land Question*, (October 2018) at page 3. See participant package.

¹² It took place during the period 30th – 3rd October 2016, Windhoek, Khomas Region.



Characteristics, whereby our issues are discussed and addressed within the parameters of our own national situation and national needs.

18. It is unquestionable and naturally so, that whenever you seek to address an issue, you obtain successes, you encounter challenges and sometimes, you generate unintended consequences, even harmful ones, from a well-intended implementation. One of the unintended consequences of the land reform program from the Ministry has been the creation of a captive market which ballooned the price of land per hectare whenever the Government intends to acquire land and resettle communities.
19. Regrettably, a sizeable number of Namibians who have land in abundance do not head to the call and hence they were reluctant to offer and contribute to the land reform process. In some instances, the land offers were slow and were mainly from Regions that the Government had already purchased land, leaving some landlords in other regions completely not responding to the call. This situation stalled the land acquisition process and did not allow Government to acquire land, hence the need for land by the majority continues.
20. Painfully, the exorbitant prices of farms are not sustainable and Government is unable to acquire all the land that is offered. It is this conundrum which compromises the *Willing Seller, Willing Buyer* principle. Therefore, notwithstanding the strides made, and much has been achieved, still, many previously disadvantaged Namibians, descendants of communities which have been oppressed, or dispossessed and marginalized are still in need of resettlement and the restoration of dignity from the past.
21. What we have learnt over the years is that land owners offer the best land to Government only when the Government budget is exhausted, very well knowing that the offer has an expiry date, and Government will have to waive¹³ the farm to offer it to the former advantaged Namibians, who are the only ones who can afford those prices. It is unfortunate that Government will have no alternative, but to allow the farm to be sold to previously advantaged people.

¹³ By virtue of section 17 of the Commercial (Agricultural) Land Reform Act, 1995 (Act No. 6 of 1995) Government has a preferential right to buy all agricultural land when it becomes available and if it does not exercise its preferential right, then it shall issue a waiver under the hand of the Minister.



22. The SWAPO Party is therefore advocating that this gathering consider the adoption of advanced systems that complement the *Willing Seller, Willing Buyer*¹⁴ policy by allowing previously disadvantaged Namibians to purchase the land whenever the Government is unable acquire land at the prices determined by the Valuer-General, and not by the sellers. We can then proceed to the Courts for the adjudication of the difference in price between that which is valued and that which is tendered.
23. We learnt that there are agricultural zones which are deemed productive, yet individual farms in those zones are not at the relevant expected productive capacity either by reason of lack of infrastructure or lack of investment to realize the potential of the land, yet, they (farmholders) continue to demand over valued prices.
24. Furthermore, our understanding is that a specific amendment into the law is required to ensure that when land is offered, the offer must not be put on an open waiver, rather, the waiver must be made strictly to the benefit of previously disadvantaged Namibians to obtain equity. This is the only way the land will change hands from the haves to the have nots. This is the only way we can obtain social justice.

Compatriots,

25. The expropriation of land is sanctioned in the Namibian Constitution. We have had cases such as the case of *Günther Kessl v Ministry of Lands and Resettlement and 2 Others*¹⁵, the case of *Kambazembi Guest Farm CC trading as Waterberg Wilderness v The Minister of Lands and Resettlement and 6 Others*¹⁶ which have laid down principles for the expropriation of land and for the validity of price valuations of farm lands, the basis upon which land tax is payable.
26. We would urge Government to expropriate more land. This is the best alternative method of land acquisition and it is provided for in both the Namibian Constitution and the legislation in the interests of the public. Foreign absentee landlords, under-

¹⁴ According to my understanding, the government does not first expropriate land, but waits for an owner who is willing to sell his farm to offer it and government is the first in line to buy the farm. This embodies the principle of *willing seller, willing buyer*.

¹⁵ Case No. 27/2006 and 266/2006. This case challenged the expropriation of land and *inter alia* pronounced that government ought to do so based in the public interest, offering an opportunity for the owner of the targeted land to be given an opportunity to be heard and that such *audi* should be genuine and not a mere charade.

¹⁶ Case No. (A 295/2013) [2013] NAHCMD 260 (18 September 2013). This case challenged the validity of the evaluation roll in which the values of farms are published and upon which basis land tax is charged.



utilized land, farms upon which our people have their grave sites should be targeted,¹⁷ either expropriated and/or servitudes registered to ensure access to bury and visit the sites. This is no different from the rights that the communications and power utilities (Telecom and Nampower) have over commercial farms today, therefore, this should not be controversial, as long as the visitors confine themselves to the designated areas.

Compatriots,

27. We should also not be shy of expropriating land that once belonged to communities but is now commercial land for the purposes of creating or enlarging communal land so long as we commit ourselves to ensuring that in the long run, we make all usages of land productive and contributing to the Gross Domestic Product (GDP) of our country, food security, employment creation and poverty alleviation. The greater good to be achieved is when all of us have a sense of belonging in our country.
28. Let us rather deal with the interests of a few commercial land owners who are being expropriated in accordance with the law, whilst we gain a larger benefit of Namibians who are no longer living in the corridors and are being rendered destitute once chased off the farms they have lived all their lives. This is social justice. Wherever there is a traditional or community relationship to a relevant area, these areas, these farms should be the obvious targets for expropriation with just compensation.
29. However, not all of us can be farmers. Not all of us want to be farmers. Some of us just want to be dignified with a title to my house which I can pass over to my children, and they can pass over to their children. Therefore, the SWAPO Party urges the Government to operationalize the Flexible Land Tenure Act, 2012 (Act No. 12 of 2012) which will ensure that our people are able to acquire ownership over land in the urban areas.
30. Government must continue to address the backlog in the development and availability of serviced land as a prerequisite for affordable housing to our people,

¹⁷ A farm is underutilized when it is too large relative to its productivity. Absentee landlordism is evinced by those foreigners who own tracks of land, pay the taxes, pays employees but rarely (if at all) productively utilize the land – or even visit it for that matter. This may include estates of deceased persons who once owned such lands.



especially the ultra-low and low income groups. In this regard, support to Regional Councils and Local Authorities to maintain and increase the delivery of serviced land and provision of basic infrastructure and services at the grassroots level cannot be overemphasised. Private sector investments into infrastructural development aimed at availing serviced urban land must be intensified, and resources must be utilised for the targeted purposes.

31. In terms of Article 95 of the Namibian Constitution, the Government of the Republic of Namibia has an obligation to adopt and implement policies and programmes that will actively promote as well as to maintain the welfare of the people of Namibia. One of the top national development sectors and priorities that have been designed to promote the welfare of the people of Namibia is access to land and the provision of decent and affordable housing. Urban Land Reform was not discussed during the 1991 Land Conference and it is hoped that this conference deliberate upon this issue and provide some suggestions for implementation, supporting and boosting the development and availability of housing, basic infrastructure and services as well as ensuring proper and sustainable urban and regional planning and development in the country.

Compatriots,

32. Leading into this 2nd National Land Conference, I received a number of suggestions aimed at the Veterinary Cordon Fence (VCF). The opinions are vast. Some advocate for the total removal of the VCF. Some advocate for the moving of the VCF to the Angolan border. There is a notion being used by some people aligning the cordon fence to race, which should not be the case. I would like to share with you that it is my understanding that the VCF was considered for agricultural purposes way before it was used as a racial and divisive tool by the *Apartheid* regime. The only remaining remnant of racial undertones preserved by the VCF is the issues of marriages over the Red Line being automatically out of community of property. Nothing else about this Veterinary Cordon Fence is racial.
33. It is also my understanding that the solution to the VCF does not lie in either of the extreme positions, rather, in the middle ground of compromise. If it is feared that our access to the European meat market would be comprised, then let us create a quarantine zone to buffer the movement of hooved animals to and from the areas North and South of the VCF. Prudent measures will ensure that we do not



compromise the quality of our meat, yet we create our own markets with high sanitary and phytosanitary¹⁸ standards equal to those demanded of our meat in the international market.

34. Meanwhile, mechanisms must be in place to open abattoirs and mobile abattoirs to facilitate meat markets in the Northern Communal area as this indeed is long overdue. Namibians North of the Veterinary Cordon Fence must also be able to market their animals South of the Veterinary Cordon Fence and in the international markets, including into the Angolan market. We must understand that apart from Beef, Namibians from the East, North East, and North survive also from crops which they harvest in the communal areas. The produce of these crops must also be able to find a domestic market, and only then can we open the borders for the short supply from the domestic production.

Compatriots,

35. My honest assessment is not that we do not have the laws or that we do not know what needs to be done. On the contrary, we have beautiful and commendable policies. The challenge has been in our implementation of these policies.

36. Resources and technical know-how somehow just ensures that we progress slowly. For example, the resettlement programs are noble ideas, yet, their implementation has been below satisfactory. Government has enacted the laws, yet the law alone cannot bring about that change. The Urban and Regional Planning Bill will replace the Town Planning Ordinance, 1954 and the Townships and Division of Land Ordinance, 1963. Yet they on their own will not solve the problems. Our hearts and our objectives must also align to the national agenda. Therefore, SWAPO Party is calling upon all participants in this conference to participate with open hearts. Women and the youth should become the center stage of our objectives. This is what Vision 2030 envisages.

¹⁸ Relating to the standards for animals and plants, in relation to additives, contaminants, toxins or disease-causing organisms in food etc. *Vide* the Agreement on the Application of Sanitary and Phytosanitary Measures of the Uruguay Round of the Multilateral Trade Negotiations of the World Trade Organization (WTO), particularly, the 2012 classification of the non-tariff measures (NTMs) developed by the Multi-Agency Support Team (MAST).



37. This conforms squarely with the principles of economic order in the Namibian Constitution, which envisages that whatever we do, *secures economic growth, prosperity and a life of human dignity for all Namibians*. Therefore, when we proceed after this 2nd National Land Conference, we should not repeat our mistakes of resettling people without the necessary capacity and backup in terms of skills and extension services, otherwise we will make land formerly productive unproductive and this is not good for anyone. Hence, let us channel agricultural graduates into the land reform program and make their skills a condition of AgriBank funding. Cooperatives, trusts and other corporate vehicles can be emulated. Let us learn from others and improvise our own solutions.

Compatriots,

38. In conclusion, I would like, on behalf of the SWAPO Party to applaud the Government for conducting the successful Regional Consultations on the 2nd National Land Conference. The SWAPO Party believes in consulting and listening to all Namibians from the grassroots level up to the top, in order to formulate informed policies.

39. I therefore wish to congratulate the Government of the Republic of Namibia under the leadership of His Excellency Dr. Hage G. Geingob, the President of the Republic of Namibia, the President of the SWAPO Party and the Commander-in-Chief of the Namibia Defence Force, for hosting this 2nd National Land Conference.

40. Lastly, the SWAPO Party wishes the Namibian Nation successful discussions and deliberations during the 2nd National Land Conference. We look forward to Conference Resolutions that will respond to the current land challenges in the Spirit of *One Namibia One Nation*.

41. It is also our fervent hope that the outcome and Resolutions of the Conference will be evaluated by experts and presented in implementable programs which will move the whole country forward as *One Namibia One Nation*.

With these remarks, I thank you for your kind attention!

End.



