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**SWAPO YOUTH LEAGUE'S VIEW POINT  
ON**

**THE LAND QUESTION**

## INTRODUCTION

Land is a fundamental component of property relations in every Society, (Namibia is no exception) since it is one of the natural resources essential for social existence. Its distribution is of vital concern to every Namibian citizen as it affects their basic human rights.

Whoever owns the land, controls access to it; determines the use to which it is put; the economic, social and political beneficiaries of production on it, and how the wealth below it is to be exploited.

The struggle for the ownership, distribution and/or reform in Namibia is a complete web of interrelated national, class, race and gender issues which arise out of the legacy of apartheid and colonialism. Together they provide the yardstick to evaluate the implications on landownerships/distribution and/or reform.

Land affects the political and social status of the majority of Namibians as much as their economic position. Whites have monopoly of ownership and access to land-both as individuals and through the state and they empowered themselves politically land socially by laying exclusive claim to the land.

The black majority of our country have been denied both ownership and access to most of the land. Although they have bitterly opposed this usurpation, over the centuries, it had led to their systematic physical, social and political dispossession.

SWAPO Youth League therefore feels that relations on land do not only have a racial and national character, they are underpinned by differentiated class and race interests.

From the perspective of the nationally and socially, oppressed majority, the demand for land reform has always been a demand for:

- a) Political rights;
- b) land on which to live;
- c) land on which to work;

In any case, land reform means to modify relations on land and as such it is not a prerogative of revolutionary transformation.

Rights to land have figured importantly in centuries - old struggle against German and South Africa apartheid colonialism in Namibia. From the early days of the occupation of Namibia by German colonial administration, land robbery and dispossession became part and parcel of the colonialisation process. In this connection, the ownership and control of land, the extent of such ownership and control, the quantum of interests in land, and the appointment of its product were central in the struggle for national liberation in Namibia and will be of crucial importance in the solution to problems currently facing independent Namibia.

Accordingly, land should be subjected to public control in the interests of the Namibia Nation and as such ownership of land should be brought in the hands of the State.

## LAND OWNERSHIP • DISTRIBUTION • REFORM AND OR USE: ARE WE ON TRACK?

It is imperative to state from the outset that, the struggle for the genuine independence of Namibia,

was essentially and for all intents and purposes, a struggle for land which was robbed and confiscated from our forefathers and as such our independence without the return of this land to the rightful owners is meaningless.

This historic land Conference should/must be viewed in a serious light because to many Namibians, it means nothing else but the return of the confiscated land to its rightful owners. Equally, it means return, restoration, reparation, and redress of the injustices of the past, the right of apartheid victims for restitution, etc. etc...

The majority of the Namibian people are yearning to return to their lost lands and more critically, preparing to reoccupy and/or reposes them.

In view the above, as well as our present constitutional dispensation which makes property rights as a cornerstone of independent Namibia, SYL finds it almost impossible for the above aspirations and dreams of the majority of our people to be realised.

It is the considered opinion of SYL that, the founding fathers of the Namibian Constitution could have shown concern for the rights of those dispossessed by German and apartheid colonialism, besides upholding the rights of those who purport to have "title deeds". Strictly speaking even in a narrower legal sense, our former colonisers and their off springs as well as "heirs", did and still do not have good title to the land they had robbed us. This, therefore, means that they cannot claim any right of ownership in land and even when it comes to the constitutional requirements for compensation, this cannot be justified because if you do not have good title in the property, you cannot transfer ownership but possession to the other person. What these people have is possession and use and not ownership. Ownership in the view of SyL still lies

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with the majority of our people from whom the land was robbed and/or confiscated.

SYL would like to submit further that, the majority of the Namibian people were not consulted during the drafting of the Constitution by the Constituent Assembly. In other words, not enough public debate was accorded to this important document and as such, one would like to put it on record that, in some major respects the present Namibian Constitution is not a clear testimony of reflection on the aspirations of the majority of the Namibian people.

Without further ado/delay we would hasten to state that the battle over the Constitution was as and still is vital for the Namibian people as their battle for independence was.

The Namibian constitutional dispensation should not necessarily had been viewed in the context of the conventional vocabulary of the type of state Namibia should become. For example, is democratic Namibia going to be a unitary state, or federation, or a confederation, or a tricameral or a bicameral, or a constellation, or a three-tier governments?

In our view, the Namibian constitution dispensation should have been viewed in the context of five basic constitutional themes/schemes namely:

1. Open apartheid colonialism
2. Reform apartheid colonialism
3. Multi-racial apartheid colonialism
4. Hidden or democratic apartheid colonialism
5. Anti-apartheid Colonialism (non-racial democracy and independence)

The first four constitutional proposals and/or chemises have one thing in common and that is, the desire to preserve a constitutionally privileged position for the

white minority and this is totally unacceptable. Hidden democratic apartheid colonialism prima facie seems not to show noticed apartheid clauses. Such provisions would definitely impose a neo-colonialism as well as restricting the competence and supremacy of Parliament. In essence they would institutionalise conservative and white dominated machinery to guarantee that such competence is not exceeded. This would mean that under the guise of protecting minority and individual rights, many of the apartheid institutions and structures would remain intact, especially those in the economic sphere.

Article 16 of the Namibian Constitution by implication constitutes what may be termed as "hidden" or "democratic" apartheid colonialism.

Protecting from discrimination is one thing and this is normally what is meant by constitutional protection of minority rights; but protection of minority rights is not sine qua non to protection of individual rights as long as the latter means the guarantee of equal right and dignity for all.

One however questions the so-called right not to be deprived of one's property without full and pre-empt compensation as implied under Article 16 of the Namibian Constitution. This right and many other similar rights could in fact be a means of using the law to keep alive in perpetuity social distinction on the basis of race. How, for instance, can the majority of the Namibian people evicted over the years by forced removals be expected to pay in thousands or millions of Rands, let alone dollars, to recover their ancestral lands? How can the mass of Namibians kept impoverished by land hunger, the pass law and migrant labour, find the finance to buy back the land that was seized from them over centuries by force of arms, taxation, casspirs and bulldozers? It is obvious

that if the constitution protects the fruits of colonialism and apartheid while purporting to knock down the tree, it is preserving important elements of the apartheid colonial system rather than dismantling it. This therefore means that, the whites will remain rich and powerful, at the expense of the poor and dependent blacks. A Bill of Rights far from fulfilling its function of protecting the formerly oppressed against further abuse, would be turned to an instrument preserving the privileges of the former oppressors. To make matters worse, or to add insult to injury the Namibian Constitution makes the amendment of chapter (iii) almost absolutely impossible if not absolutely impossible. This is unheard of, why should a document be made sacred or untouchable. It was drafted and adopted by the people and the same people should have the full right to amend the same constitution.

The only acceptable constitutional theme or scheme is the fifth one - non-racial democratic constitution. This is the constitution which embodies the principle of democracy and genuine independence. All what one can say is that, the struggle over the constitution would be as difficult and protracted as the liberation struggle in the jungles, mountains, hills and streets. It is unfortunately unthinkable "inherent" right unthinkable that the majority of the people will accept that the land in Namibia, between 87% - 90% of which was and still is legally reserved to the whites - shall not be returned and/or redistributed.

The burning issue is not the manner in which the Human Rights have been incorporated by the existence of conditions conducive to the enjoyment of those rights.

History has it that in most constitutions only civil and political liberties are protected and are justifiable. It

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would indeed be futile to purport to protect socio-economic and cultural rights especially in the adverse conditions of underdevelopment existing in Africa, Namibia in particular where not enough resources are available to ensure that each individual enjoys such rights.

Yet the paradox lies in the fact that the enjoyment of the political and civil rights itself depends on the fulfillment of socio-economic rights. As Dr. Ohonbamu asked, "What is a class illiterate? What is 'one man one vote' to a hungry unemployed citizen?"

It is therefore imperative for governments to improve the socio-economic conditions of the masses' rapid economic development and equitable distribution of wealth and Namibia is not an exception.

It should/must be borne in mind that, what the majority of our people want is not land use/utilization, distribution as a compromise between the haves and the have nots. The policy of reconciliation should be seen to permit across all sectors of our socio-political and economic life.

All in all, SYL sees the solution to this burning issue in the amendment of the Namibian Constitution with a view to accommodating the the interests of the haves and have nots or to finding a "balance" between the interests of the haves and have nots, or otherwise we will be cheating the majority of our electorate if not the majority of the Namibian people.

SWAPO Youth League believes that all Namibian citizens by birth, descent or naturalisation have the right to live and acquire land and properties anywhere

in this country.

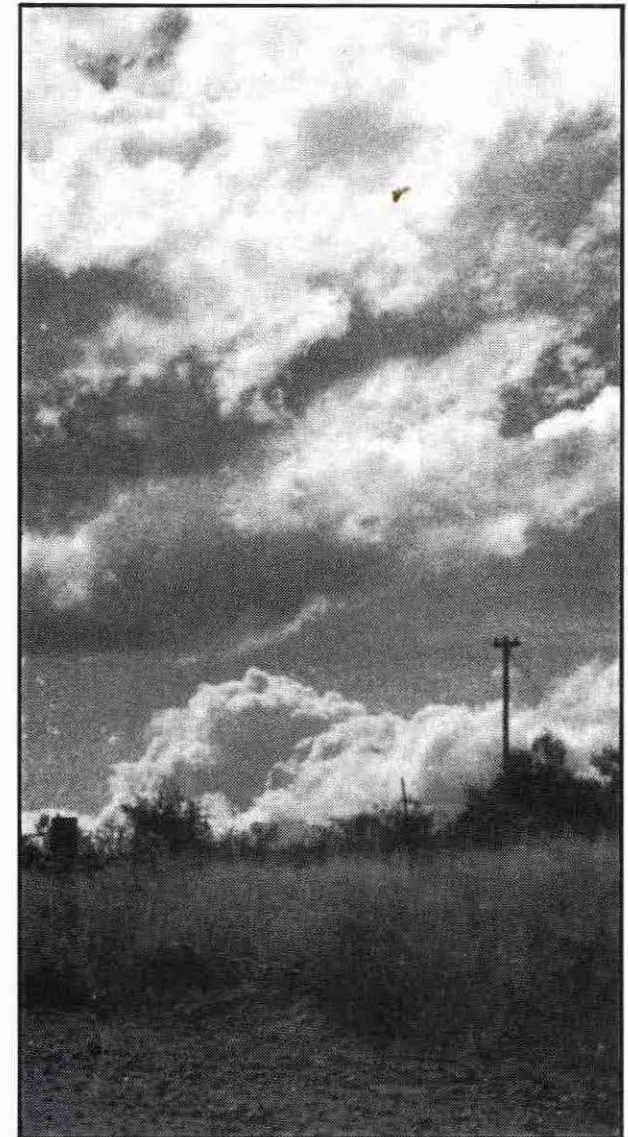
The heroes and heroines of Namibia who fought and liberated this country did not fight for a particular region or village, they fought for the whole of Namibia. All Namibians should therefore as a matter of right acquire properties and live where they want to live without any hindrance.

Finally, SWAPO Youth League strongly believes that, those who are entrusted with the responsibility of settling the land question will do so immediately and in accordance with the interest of the Namibian people. It is our conviction that half solution to this problem will not serve this country any good. Half solution to the land problem will result into the unforeseen consequences. It is the hope of SWAPO Youth League that this question will be resolved by peaceful means, rather than through another bloody struggle which preceded the independence of this country.

SWAPO Youth League representing the progressive youth and students, the landless and unemployed youth, Ex-PLAN Combatants, War victims and Orphans who vest high interest in the future peaceful development of this country will not rest until the stolen land has been restored to its rightful owners, THE NAMIBIAN PEOPLE.

**THE STRUGGLE FOR LAND AND  
DEVELOPMENT CONTINUES!**

**VICTORY IS CERTAIN!**



**THE LAND MUST BE RETURNED TO THE RIGHTFUL OWNERS**