

CONF/0002, 8

FEDERAL CONVENTION OF NAMIBIA

STATEMENT SUBMITTED BY MR. K.H.CONRADIE
TO THE NATIONAL CONFERENCE ON LAND REFORM.

25 JUNE - 1 JULY 1991

A LITTLE MORE THAN A YEAR AGO PARTIES WHICH HAVE BEEN ENGAGED IN A BITTER STRUGGLE AGAINST EACH OTHER FOR DECADES MET IN A CONSTITUENT ASSEMBLY AND TO THE SURPRISE OF MANY PEOPLE ALL OVER THE WORLD SUCCEEDED IN WRITING AND ADOPTING A CONSTITUTION WITHIN A PERIOD OF APPROXIMATELY TWO MONTHS. THE CONSTITUTION WRITTEN WAS ACCLAIMED BY LEADERS ALL OVER THE WORLD AS ONE OF THE MOST DEMOCRATIC CONSTITUTIONS IN THE WORLD. IT WAS HAILED BY MANY AS THE EMERGENCE OF DEMOCRACY AND THE RESPECT FOR FUNDAMENTAL HUMAN RIGHTS IN AFRICA. CRITICISM AND RESERVATIONS EXPRESSED BY MY ORGANIZATION REGARDING SOME PROVISIONS OF THE CONSTITUTION~~S~~ WERE REGARDED AS UNREASONABLE AND UNPATRIOTIC. WHEN WE EXPRESSED CONCERN THAT DOMINATION OF THE MAJORITY BY A MINORITY GROUP COULD BE SUBSTITUTED BY DOMINATION OF MINORITY GROUPS BY A MAJORITY.

ALTHOUGH WE AGREE THAT IN A DEMOCRACY THE MAJORITY PRINCIPLE SHOULD APPLY, OUR SUPPORT FOR THIS PRINCIPLE WILL DEPEND ON THE RESPECT BY THE MAJORITY OF THE FUNDAMENTAL RIGHTS OF EVERY CITIZEN AND THE RIGHT OF INDIVIDUALS TO EXERCISE THOSE RIGHTS COLLECTIVELY.

THIS CONFERENCE WILL, DURING THE COMING DAYS, DISCUSS MAINLY ONE FUNDAMENTLE RIGHT AS CONTAINED IN ART. 16 OF OUR CONSTITUTION, WHICH PROVIDES AS FOLLOWS:

"ALL PERSONS SHALL HAVE THE RIGHT IN ANY PART OF NAMIBIA TO ACQUIRE, OWN AND DISPOSE OF ALL FORMS OF IMMOVABLE AND MOVABLE PROPERTY INDIVIDUALLY OR IN ASSOCIATION WITH OTHERS AND TO BEQUEATH THEIR PROPERTY TO THEIR HEIRS OR LEGATEES....."

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DOES THIS PRINCIPLE AND FUNDAMENTAL RIGHT ONLY APPLY TO NEW OWNERS?
WHAT ARE THE LAND RIGHTS TO THOSE WHO HAVE COLLECTIVELY ACQUIRED RIGHTS IN
LAND IN THE PAST? WILL THESE RIGHTS NOW BE IGNORED?

THE FCN OF NAMIBIA WILL SUPPORT EVERY EFFORT BY THE GOVERNMENT TO SETTLE
FARMERS FROM THE DISADVANTAGED GROUPS ON COMMERCIAL FARMS BUT WE ALSO REALIZED
THAT THIS SOLUTION WILL BE COSTLY AND THAT ONLY A RELATIVELY SMALL NUMBER OF
PEOPLE WILL BENEFIT. THEREFORE, AND WITHOUT IN ANY WAY OPPOSING THE ACQUI-
SITION OF COMMERCIAL FARMS BY COMMUNAL FARMERS WE SUPPORT THE PRINCIPLE OF OWNER-
SHIP OF COMMUNAL LAND AND THE INHABITANTS OF REHOBOTH BY THE TRADITIONAL INHABI-
TANTS OF THOSE AREAS. IT IS OUR SUBMISSION THAT EVEN IN THE PRE-COLONIAL DAYS
DIFFERENT GROUPS OCCUPIED SPECIFIC AREAS ESTABLISHING LAND RIGHTS WHICH CANNOT
BE TAKEN AWAY FROM THEM ARBITRARILY OR EVEN IGNORED BY SETTLING MEMBERS OF OTHER
GROUPS IN THOSE AREAS AGAINST THE WILL OF AND TO THE DETRIMENT OF THE LOCAL POPU-
LATION.

THE QUESTION TO BE ANSWERED DURING THIS CONFERENCE IS WHETHER IT IS REALLY NECES-
SARY TO INTRUDE UPON THE TRADITIONAL LAND OF GROUPS WHILE ALL THE DIFFERENT AREAS,
ESPECIALLY IN THE NORTH, HAVE VAST AREAS OF VACANT LAND WHICH COULD BE DEVELOPED
FOR THE UPLIFTMENT OF THE LOCAL POPULATION.

MY PARTIES POSITION IS THEREFORE THAT, AS A STARTING POINT, EXISTING LAND RIGHTS,
INDIVIDUAL AND COLLECTIVE, SHOULD BE GIVEN LEGAL STATUS, AND LET US THEN PROCEED
FROM THERE.

I NOW WANT TO DISCUSS A FEW PROBLEMS WHICH MUST BE ADDRESSED IMMEDIATELY:

1 LAND TENURE

THE FCN'S DECLARED POLICY ON THE ISSUE OF LAND TENURE READS AS FOLLOWS:

9.1 EACH NAMIBIAN INHABITANT WILL HAVE THE RIGHT TO PRIVATELY OWNED LAND.

9.2 THE PROPRIETORSHIP OF COMMUNAL LAND WILL BE ACKNOWLEDGED. .

9.2.1 ALL COMMUNAL LAND WILL BE OPTIMALLY DEVELOPED.

9.2.2 THE (FEDERAL) GOVERNMENT WILL PLAY, IMPLEMENT AND MONITOR DEVELOPMENT PROGRAMMES IN RESPECT OF COMMUNAL LAND AND TO THIS END A SPECIAL FINANCE CORPORATION WILL BE FOUNDED.

9.2.3 ECONOMICAL DEVELOPED LAND UNITS (i.e. FARMS, SMALL HOLDINGS, PLOTS etc.) WITHIN COMMUNAL AREAS WILL BE INHERITABLE.

9.3 PRIVATE LAND WILL NOT BE EXPROPRIATED OR NATIONALIZED UNLESS THIS IS TO HAPPEN IN THE BEST INTEREST OF THE COUNTRY IN WHICH THE OWNER WILL RECEIVE FAIR COMPENSATION.

9.4 A REAL EFFORT WILL BE MADE TO DEVELOP A DYNAMIC RURAL INFRASTRUCTURE.

BASED ON THESE PRINCIPLES I NOW WANT TO MAKE SPECIFIC RECOMMENDATIONS:

1 THE RIGHT TO LAND OWNERSHIP

ONE OF THE MAIN DISADVANTAGES THAT THE MAJORITY OF NAMIBIANS SUFFERED OVER THE YEARS WAS THAT THEY COULD NEVER OWN IMMOVABLE PROPERTY WITH THE RESULT THAT THEY HAD TO INVEST THEIR LIMITED FUNDS IN SECONDHAND MOTOR VEHICLES AND OTHER MOVABLE PROPERTY, WITH NO PROTECTION AGAINST INFLATION WHATSOEVER. THEY NEVER HAD THE OPPORTUNITY TO PARTICIPATE IN THE INCREASE IN VALUE AND PRICE OF LAND. THEY COULD NEVER BORROW WORKING CAPITAL WITH FIXED PROPERTY AS SURETY. OWNERSHIP OF FIXED PROPERTY SHOULD THEREFORE BE THE PRINCIPLE AIM OF THIS GOVERNMENT IF THEY DO NOT WANT THE BLACK PEOPLE OF NAMIBIA TO REMAIN POOR FOREVER. WE ARE TIRED OF PAYING GRAZING FEES AND RENTS. WE WANT TO OWN PROPERTY AND IT IS FOR THIS GOVERNMENT TO PROVIDE FUNDS FOR THE ACQUISITION OF FARMLAND AND RESIDENTIAL ERVEN IN TOWNS.

2. COMMUNAL OWNERSHIP

FOR THOSE WHO MIGHT NEVER BE IN A POSITION TO OWN PROPERTY ON AN INDIVIDUAL BASIS, CO-OPERATIVES AND FAMILY ENTERPRISES COULD BE A SOLUTION AND LEGAL

AND FINANCIAL PROVISION SHOULD BE MADE FOR SUCH SMALL FARMERS. COMMERCIAL FARMING IN COMMUNAL AREAS SHOULD BE ENCOURAGED AND UTILIZED AS A STEPPING STONE TOWARDS THE ACQUISITION OF A FARM IN THE COMMERCIAL AREA.

3 SUBSISTENCE FARMERS

IT WOULD BE UNREALISTIC TO BELIEVE THAT EVERY FAMILY IN THE RESERVES WOULD BECOME COMMERCIAL FARMERS. IT REMAINS PREFERABLE TO HAVE OUR POOR AND OLD PEOPLE LIVING IN THE RESERVES RATHER THAN TO HAVE THEM LIVE IN POVERTY AND FAMINE IN THE UNHEALTHY AND UNHYGENIC CONDITIONS OF SQUATTER CAMPS AROUND CITIES. COMMUNAL AREAS MUST THEREFORE, BE DEVELOPED TO ACCOMMODATE ALL THE DIFFERENT CATEGORIES OF PEOPLE CLAIMING THESE AREAS AS THEIR HOME.

4 EDUCATION AND TRAINING

MANY PEOPLE CONSIDER FARMING AS A MEANS OF LIVELYHOOD FOR THOSE WHO ARE NOT SO INTELLIGENT AND LAZY TO GO TO SCHOOL. LAND IS A VERY SCARCE AND VALUABLE NATURAL RESOURCE WHICH MUST BE UTILIZED OPTIMALLY. LAND CANNOT BE WASTED AND LAND CANNOT BE ALLOWED TO DETERIORATE. ~~LE OTHER AREAS~~ LARGE AREAS CANNOT BE ALLOWED TO LIE IDLE WHILE OTHER AREAS ARE OVER-POPULATED AND OVER-GRAZED. MANY PARTS OF OUR COUNTRY HAVE REACHED OPTIMUM PRODUCTION WHILE OTHER AREAS REMAIN UNDEVELOPED. NEW AREAS MUST BE OPENED FOR PRODUCTION. GIVE OUR YOUNG PEOPLE PROPER TRAINING AND LET THEM ACCEPT THE CHALLENGE TO DEVELOP THESE AREAS. THEY MUST NOT BE SADDLED WITH ABNORMAL DEBTS BY SETTLING THEM ON OVER-CAPITALIZED FARMS. LET THE RICHER FARMERS FROM THE RESERVES BUY DEVELOPED FARMS. MANY OF THEM WILL BE ABLE TO BUY FARMS WITH VERY LITTLE ASSISTANCE FROM THE GOVERNMENT.

5 MARKETING

IT IS ABSOLUTELY NECESSARY THAT OUR RURAL PEOPLE SHOULD NOW BECOME PART OF A MONEY ECONOMY. FOR TOO LONG OUR PEASANT FARMERS PRODUCED JUST ENOUGH TO FEED THEIR FAMILIES. CASH INCOME WAS LIMITED TO PENSIONS AND THE EARNINGS OF THE YOUNG MAN SEEKING EMPLOYMENT IN THE CITIES. NO WONDER THAT COMMUNAL FARMER'S CONTRIBUTION TO THE G.D.P. WAS MINIMAL.

6 AGRICULTURAL LABOUR FORCE

IT IS OFTEN FORGOTTEN THAT HUNDREDS OF THOUSANDS OF PEOPLE ARE DEPENDENT ON THE PROCEEDS OF COMMERCIAL FARMING. THE PLIGHT OF THESE PEOPLE MUST RECEIVE SPECIAL ATTENTION. NOT ONLY IS IT NECESSARY FOR FARM WORKERS TO ORGANIZE THEMSELVES FOR THE PURPOSE OF COLLECTIVE BARGAINING, BUT IT IS EQUALLY NECESSARY TO KEEP IN MIND THAT THE EMPLOYER, WHETHER IT IS A NEW OR EXISTING COMMERCIAL SHOULD BE IN A FINANCIAL POSITION TO SECURE A HIGH STANDARD OF LIVING FOR HIS WORKERS.

7 WOMEN IN AGRICULTURE

IT IS A WELL KNOWN FACT THAT WOMEN IN NAMIBIA HAVE ALWAYS BEEN VERY ACTIVE IN AGRICULTURE ALTHOUGH THEY HAD TO PLAY A SUBORDINATE ROLE AND FOUND THEMSELVES AT A DISADVANTAGE LEGALLY. THE SITUATION SHOULD BE CORRECTED IMMEDIATELY.

8 LAND LOST AND LAND HUNGER

I MIGHT BE ACCUSED FOR HAVING LEFT THE ISSUE OF LOST LAND AND LAND HUNGER FOR LAST. THE EXPLANATION IS THAT I SIMPLY DO NOT BELIEVE THAT EVERYBODY CAN BECOME A FARMER OR SHOULD BECOME A FARMER, ALTHOUGH FOR A LONG TIME TO COME NAMIBIA WILL REMAIN DEPENDENT ON AGRICULTURE, INDUSTRIAL DEVELOPMENT AND OTHER SECONDARY INDUSTRIES MUST BE DEVELOPED TO CREATE JOBS FOR OUR YOUNG PEOPLE. FARMING ITSELF MUST BE SO COMMERCIALIZED THAT IT CAN OFFER JOB OPPORTUNITIES FOR TRAINED MANAGERS AND ASSISTANTS.

AS FAR AS LOST LAND IS CONCERNED F.C.N. WILL WELCOME EVERY REALISTIC SOLUTION TO THIS EMOTIONAL ISSUE.

WE CAN ONLY HOPE THAT OUR GOVERNMENT WILL BE ABLE TO ASSIST THOSE WHO HAVE LOST LAND FINANCIALLY TO RETURN TO THE LAND OF THEIR ANCESTORS.