

Ministry of Land Reform

Presentation on the State of Land Reform since the 1991 National Conference on Land Reform and the Land Question

Implementation of the Resolutions

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BACKGROUND & INTRODUCTION

- At independence in 1990, Namibia inherited a skewed land distribution where:
- 69.6 million hectares of agricultural land were distributed as follows:
 - *52% (36.2 million hectares) freehold land/commercial land, occupied by some 4200 (predominantly white) farming households,*
 - *48% (33.4 million hectares) are deemed communal/non-freehold land, 70% of the Namibian population (RoN 1991, 147).*
 - *15% (12,7 million hectares) constituted National Parks, Forest, Mining areas, Agricultural Research Stations and Conservancies.*

BACKGROUND & INTRODUCTION Cont...

Namibia inherited a skewed land distribution pattern at independence in 1990

- Necessitated the National consultation in 1990
- **National Conference on Land Reform and the Land Question**-took place on 25 June to 1 July 1991.

The main aims of the conference were:

- *To act as a forum for presenting and discussing all relevant land issues and grievances from all parts of the country;*
- *To review policy and strategy options on land reform taking account of regional and local factors;*
- *To develop a national policy and programme of action aimed at solving land problems.*

The 1991 Land Conference Resolutions

The conference took 24 Consensus Resolutions which were grouped under commercial land and communal land.

Commercial Land

1	Injustice
2	Ancestral Rights
3	Foreign-owned farmland
4	Underutilized land
5	Absentee Land Lords
6	Farm Size and numbers
7	Land Tax
8	Technical committee on commercial farmland
9	Land tenure
10	Farm Workers
11	Assistance to established commercial farmers

Communal Land

12	The future Role of Communal areas
13	Access to communal land
14	Disadvantaged communities
15	Game conservation and farmers rights
16	Payment for land
17	Rights of women
18	Land allocation and administration
19	The stock control barrier
20	Illegal fencing
21	Dual grazing rights
22	Transfer of large communal farmers to commercial land
23	Access for small farmers to commercial land
24	NGOs and cooperatives

Implementation of the Conference Resolutions

Although the Government established the Ministry of Land Reform back in 1990, many of the resolutions were to be implemented under MLR:

- Address the unequal and skewed land distribution,
- To be the custodian of State Land and
- To facilitate a State-led Land Reform Program.

Aim of Namibia's Land Reform process aims:

- to correct past colonial wrongs,
- to achieve social and economic equity for all,
- To ensure that the Namibian agricultural farming sector mirrors the Namibian society.

The Land Reform programme

Anchored on three pillars namely:

- *Land acquisition,*
- *Resettlement, and*
- *Security of Tenure.*

The three pillars are implemented through the following approaches:

- Acquisition of Agricultural land through Willing-Seller-Willing-Buyer principle and Expropriation
- Acquisition of Agricultural land through Affirmative Action Loan Scheme(AALS) administered by the Agricultural Bank of Namibia
- Tenure Reform on Communal Land through registration of land rights (Customary rights, Rights of Leasehold and Occupational Land Rights)
- Urban Tenure Reforms through the Flexible Land Tenure System by providing Starter Titles and Land Hold Titles that can be upgraded to Freehold Title
- Development of unutilized or underutilized land in Communal Areas
- Implementation of Land Tax on commercial agricultural land.

Enabling Environment

Ministry's Mandate

- to manage,
- Administer, and
- ensure equitable access to Namibia's land resources.

The mandate is implemented in conformity with enacted laws and policies and the Constitution of the Republic of Namibia

Enabling Environment Continues.....

Legal Frameworks

The Ministry was established under the provisions of the Namibian Constitution;

The following legislations were enacted to facilitate Land Reform:

Agricultural (Commercial) Land Reform Act, (Act No. 6 of 1995), as amended;

- National Land Policy of 1998;
- National Resettlement Policy of 2001;
- Communal Land Reform Act, 2002 (Act No. 5 of 2002), as amended;
- Flexible Land Tenure Act, 2012 (Act no. 4 of 2012);
- Land Survey Act, 33 (Act No. 33 of 1993);
- Professional Land Surveyors, Technical Surveyors and Survey Technician Act, 1993 (Act No. 32 of 1993);
- Deeds Registry Act, 1937 (Act No. 47 of 1937);
- Deeds Registry Act, 2015 (No. 14 of 2015);
- Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976)
- Property Valuers Profession Act, 2012 (Act No. 7 of 2012); and
- Sectional Title Act, 2009 (Act No. 2 of 2009)

Discussions of the Resolutions

The following resolutions will be discussed jointly:

1. Resolution 4: Underutilized land, &
Resolution 6: Farm Size and numbers

2. Resolution 9: Land Tenure

Resolution 13: Access to
communal land

Resolution 18: Land allocation and
administration

3. Resolution 11: Assistance to established
commercial farmers

Resolution 22: Transfer of large communal
farmers to commercial land

Resolution 23: Access for small farmers
to commercial land

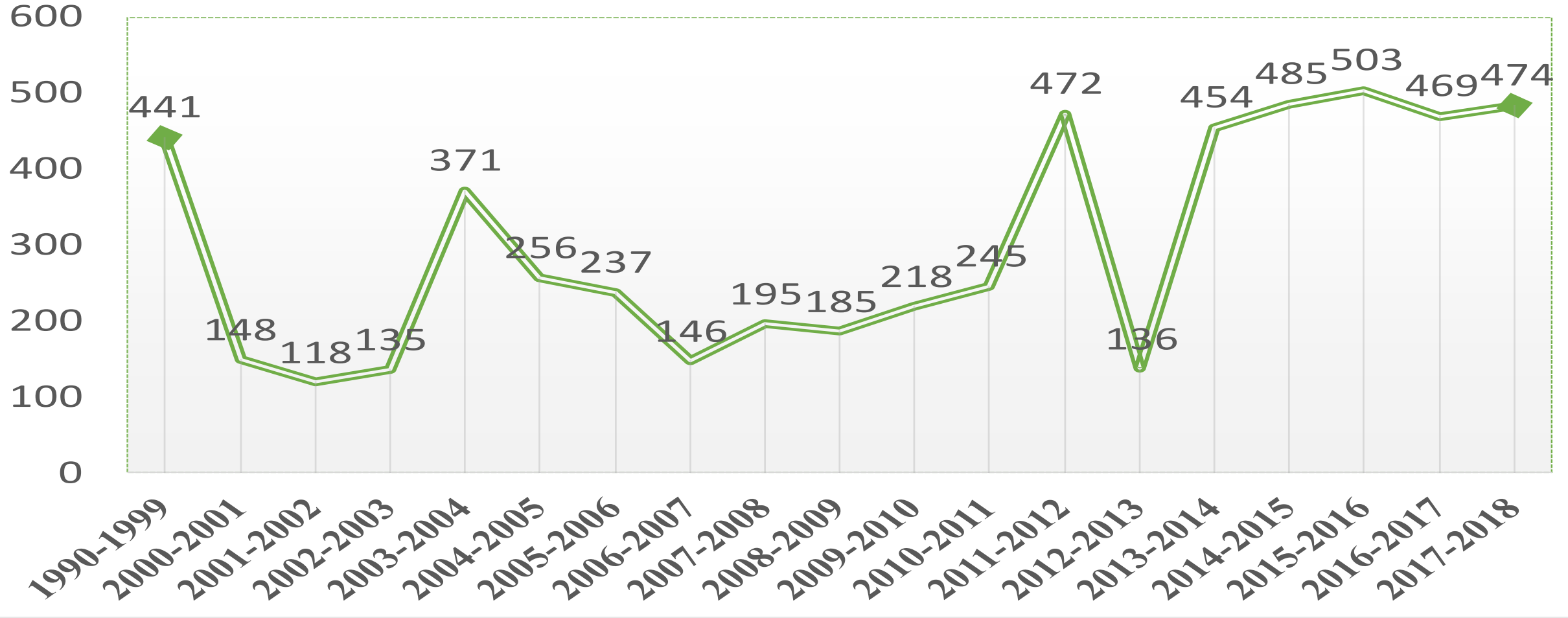
RESOLUTION NUMBER 1: INJUSTICE

“that there was injustice concerning the acquisition of land in the past and that something practicable must be done to rectify the situation”

Correcting Past Injustices

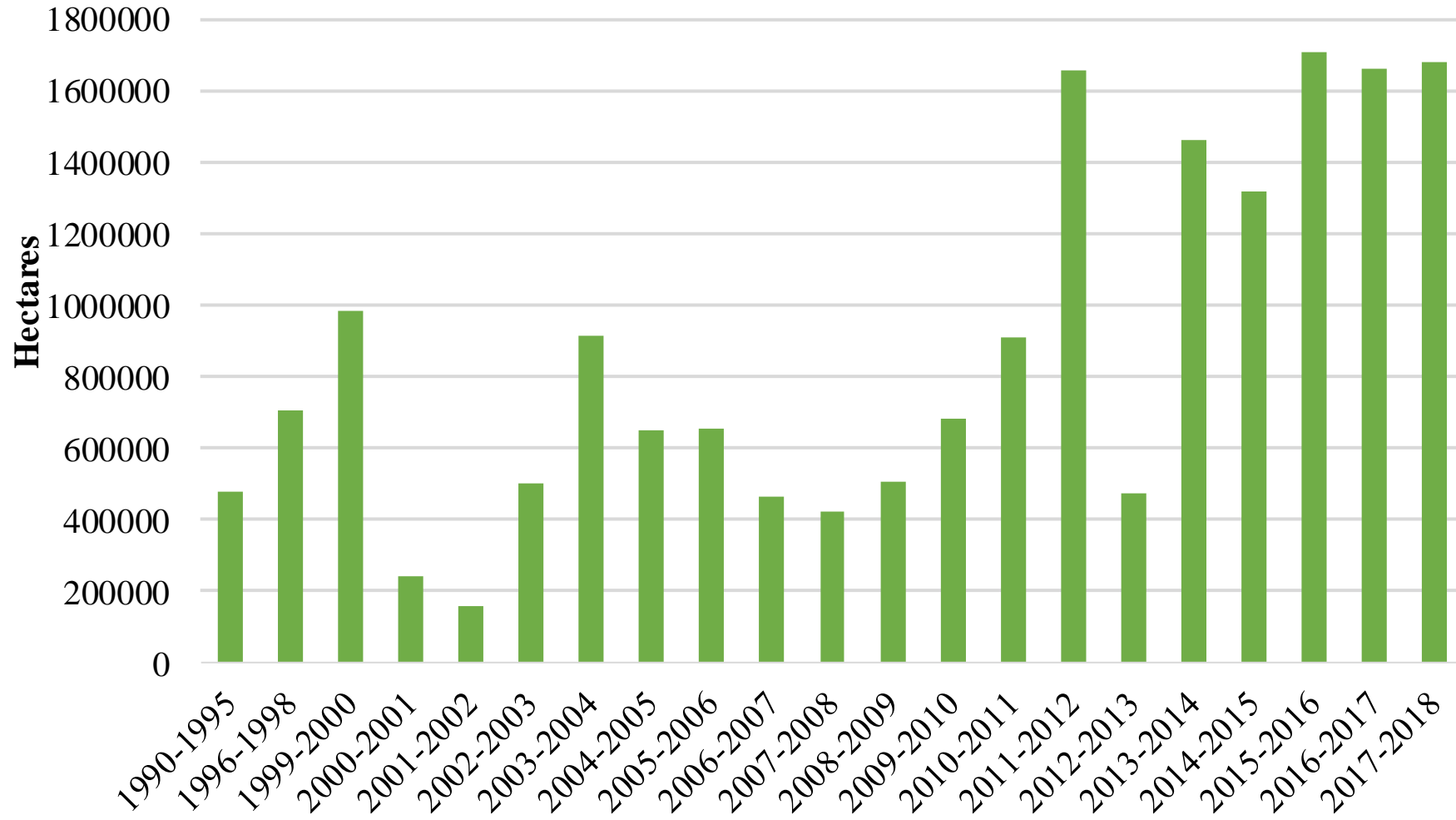
*Land Acquisition
Farms Offered and Farms Purchased
Offers*

Number of Farms Offered 1990-2018



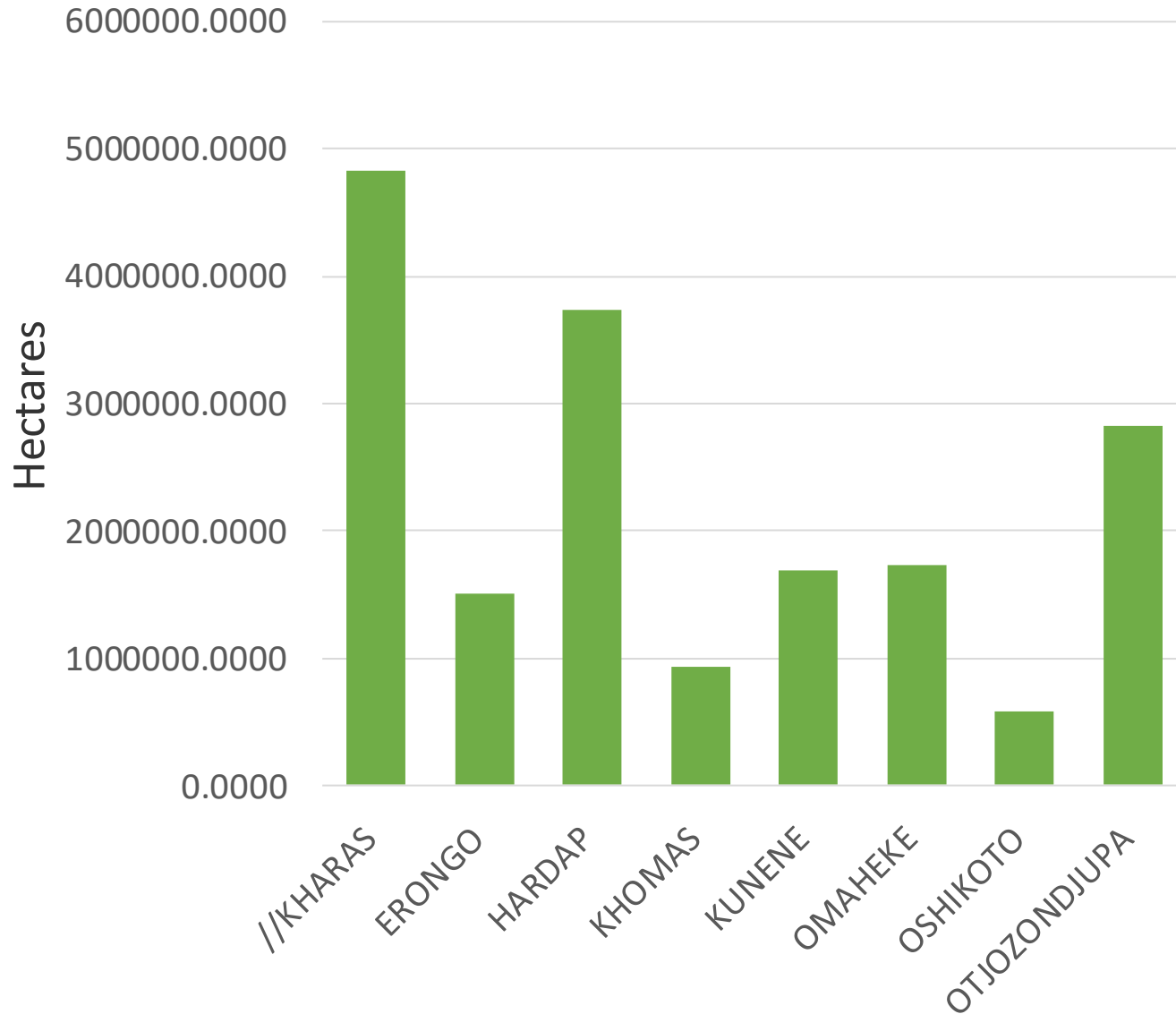
A total of 5688 farms were offered to the State from 1990 -2018

Size of Land offered to the State 1990-2018

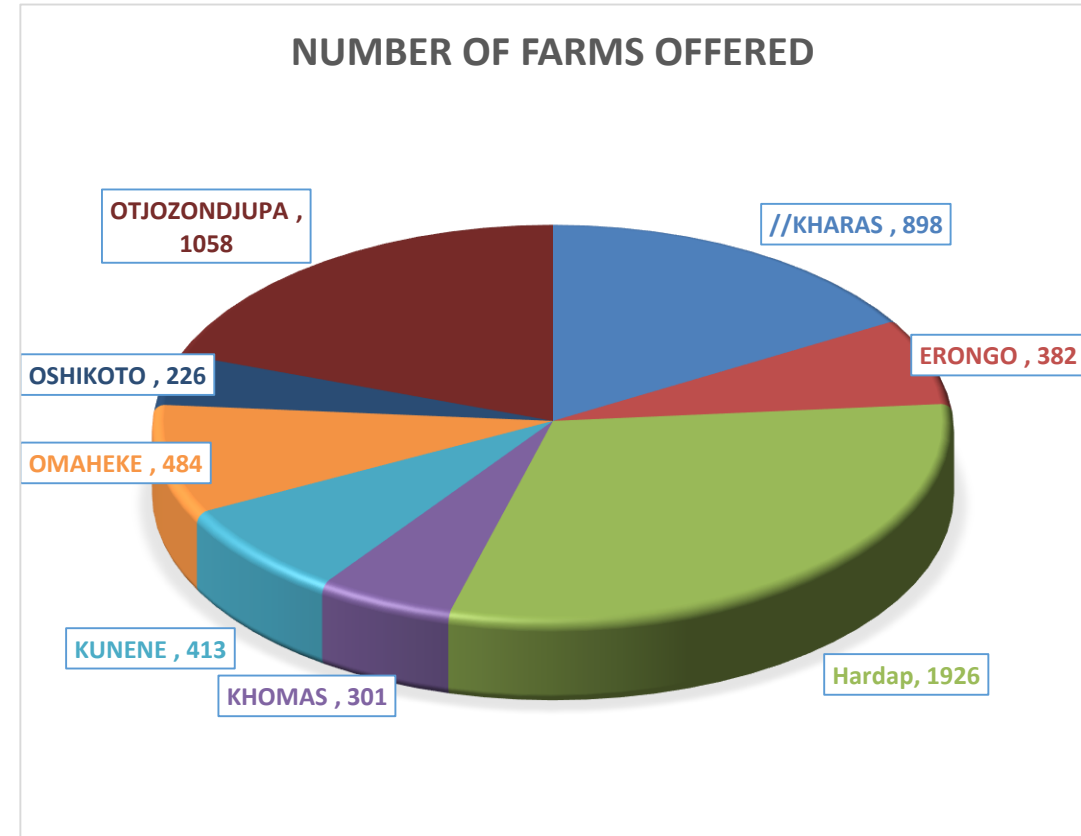


A total of 18, 251, 013. 2401 hectares was offered to the State during the period 1990 - 2018.

Size of land offered per Region



NUMBER OF FARMS OFFERED

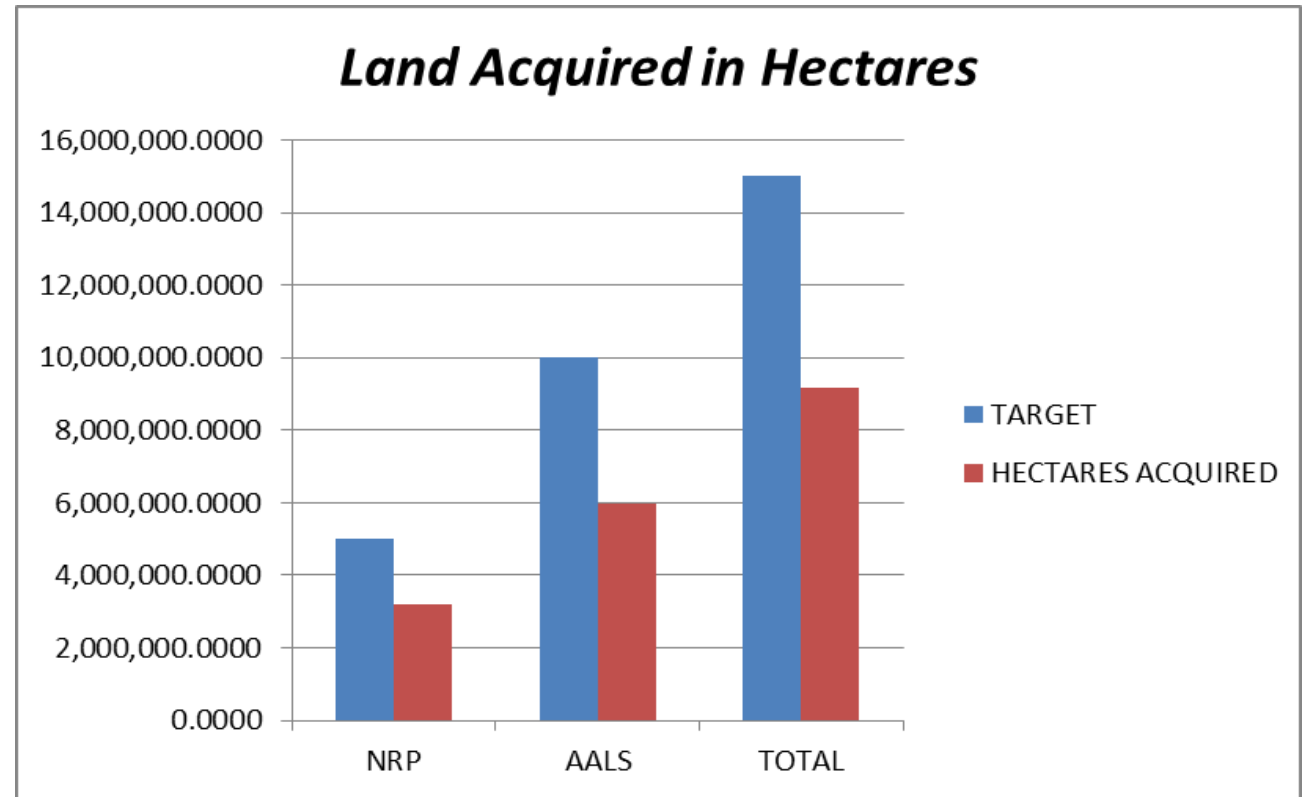


RESOLUTION NUMBER 1: INJUSTICE

FARM PURCHASES

LAND PURCHASE

	NRP (HA)	AALS (HA)	Overall Target (HA)
Target	5,000,000.00	10,000,000.00	15,000,000.00
Delivery	3,194,774.51	5,968,644.50	9,163,419.01
Shortfall	1,805,225.49	4,031,355.50	5,836,580.99



RESOLUTION NUMBER 1: INJUSTICE

Continued

Total hectares acquired: 3,194,774.5054 ha

- A total of 549 freehold farms acquired per region since 1990**

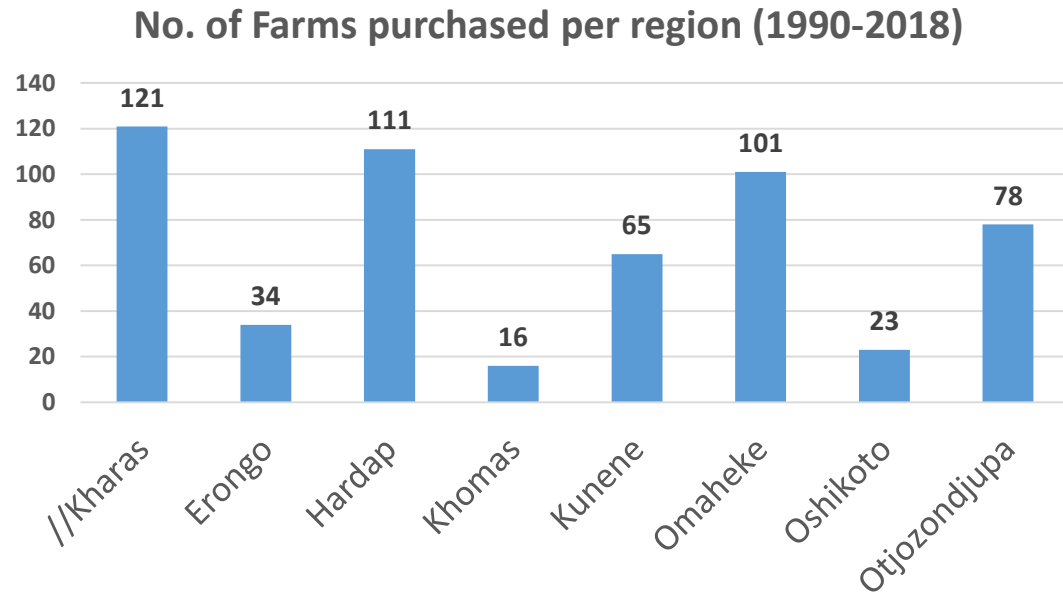


Figure 2: Number of Farms acquired per region

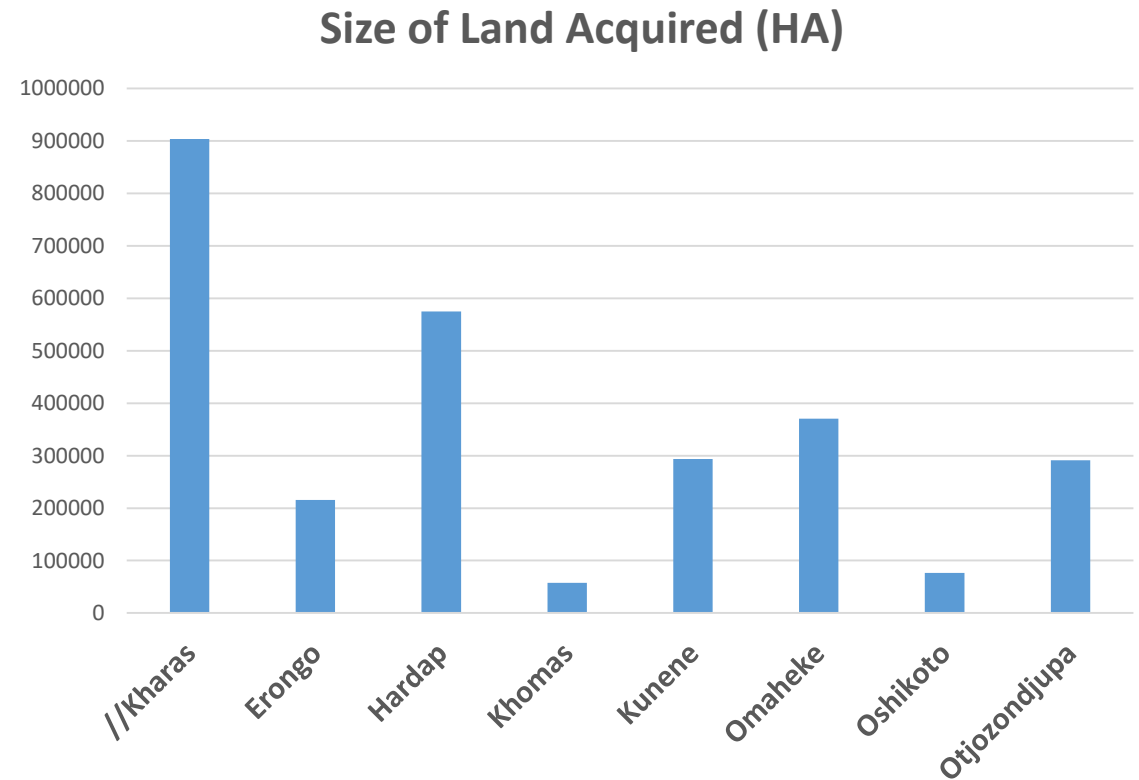
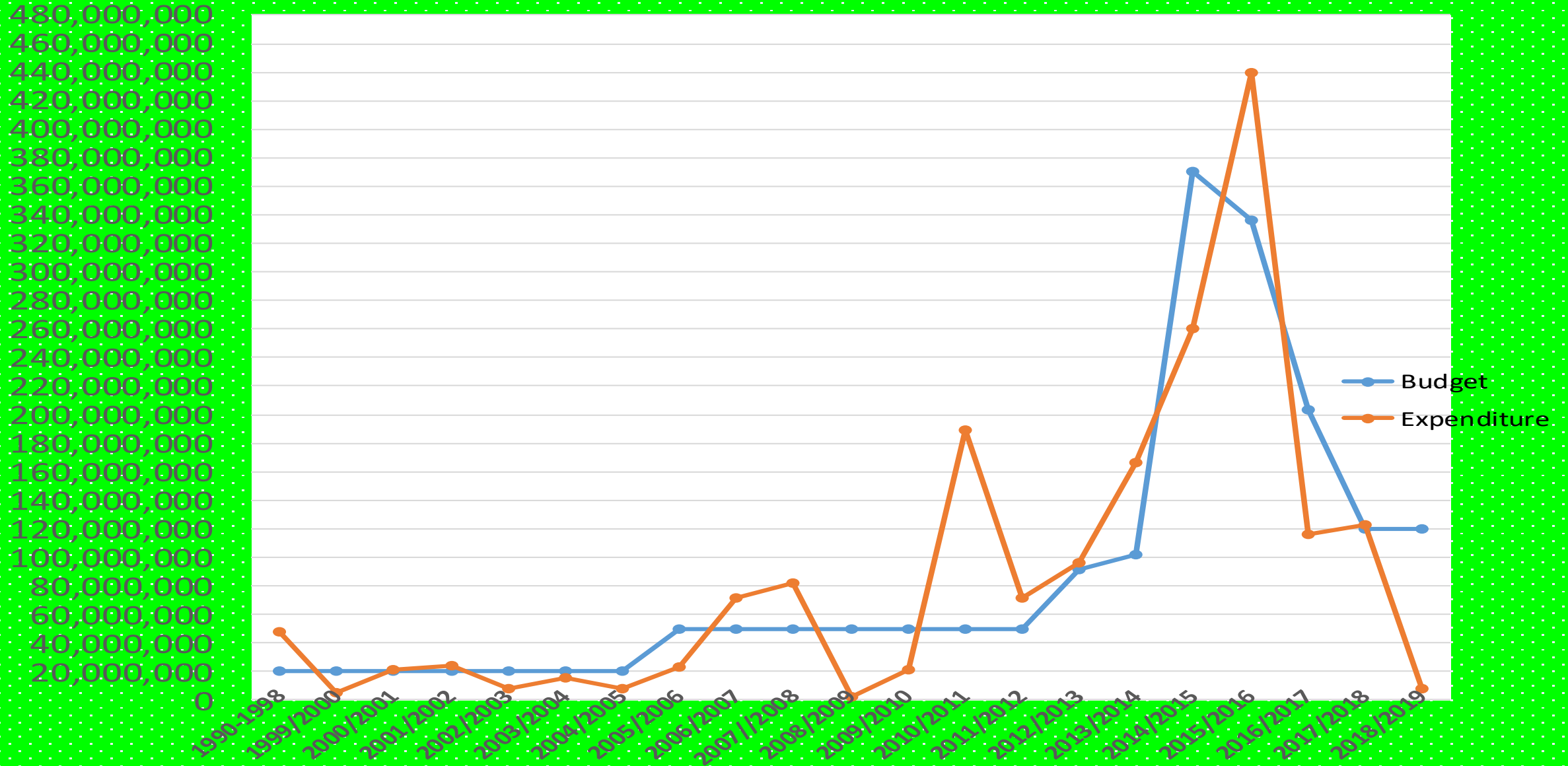


Figure 3: Regional Distribution of Hectares acquired

NRP: Budget Vs. Expenditure (N\$)



RESOLUTION NUMBER 1: INJUSTICE Continues...

Cost of farms Acquired

•**NRP: N\$1,888,700,716.38** was spent on purchasing of farms. (see Figure 4)

•**AALS: N\$ 1,350,199,502.98** involving some 1008 emerging farmers who have benefited from the programme.

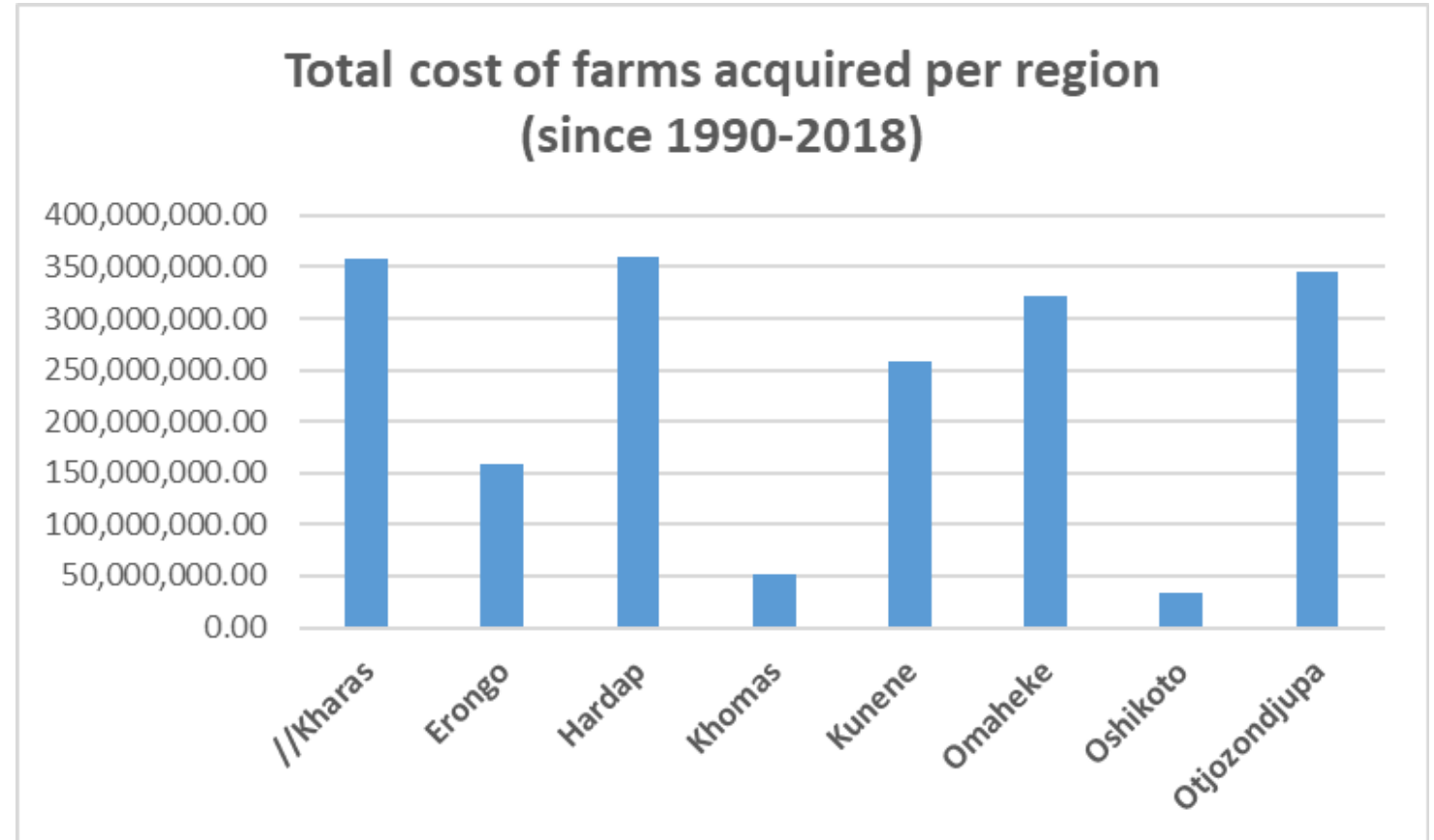


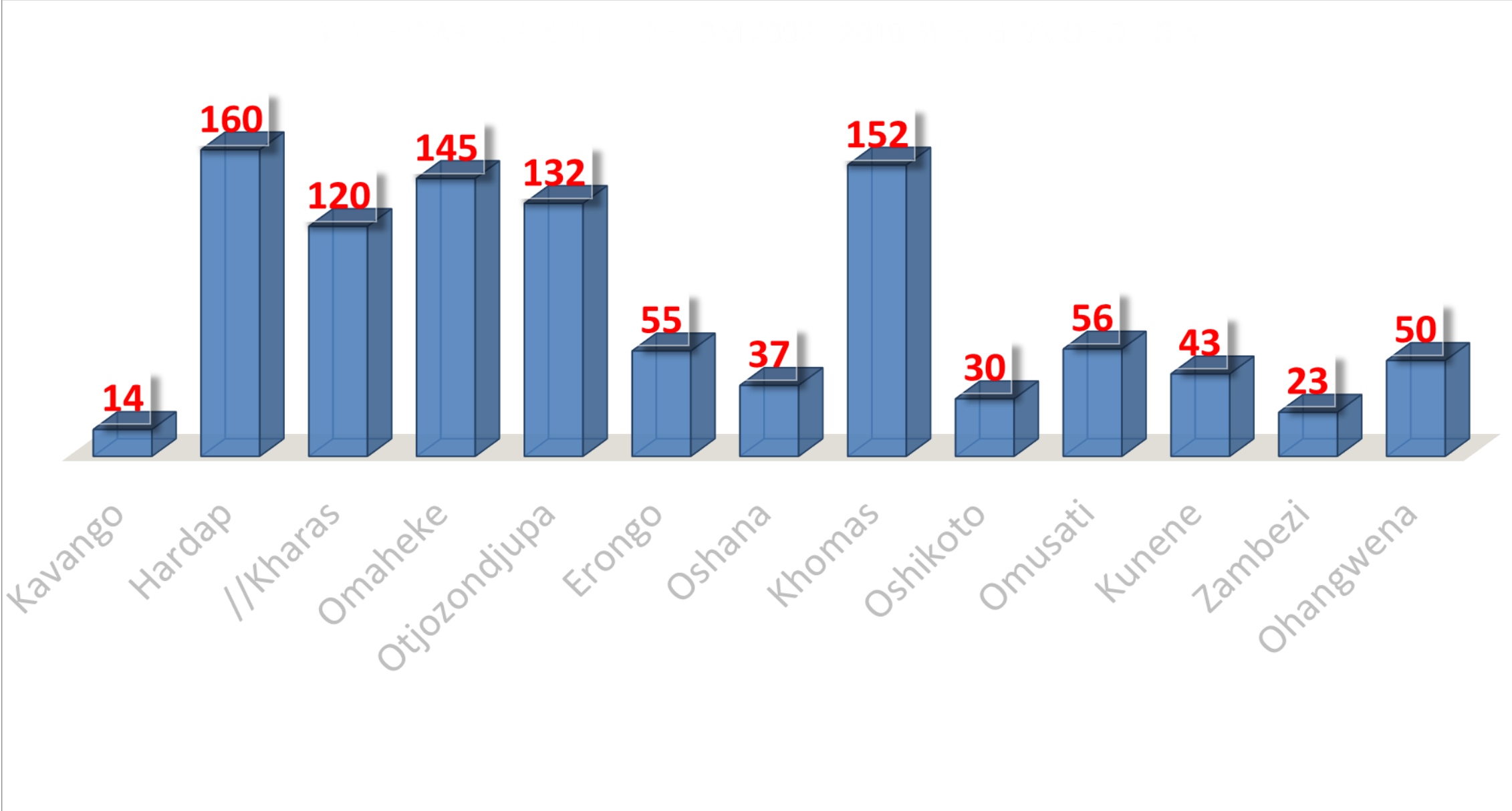
Figure 4: Total cost of farms acquired per region (NRP)

Number of Resettled beneficiaries from each region from 2002- 2018

The resettlement program from 1991-2001, focused on Social integration of:

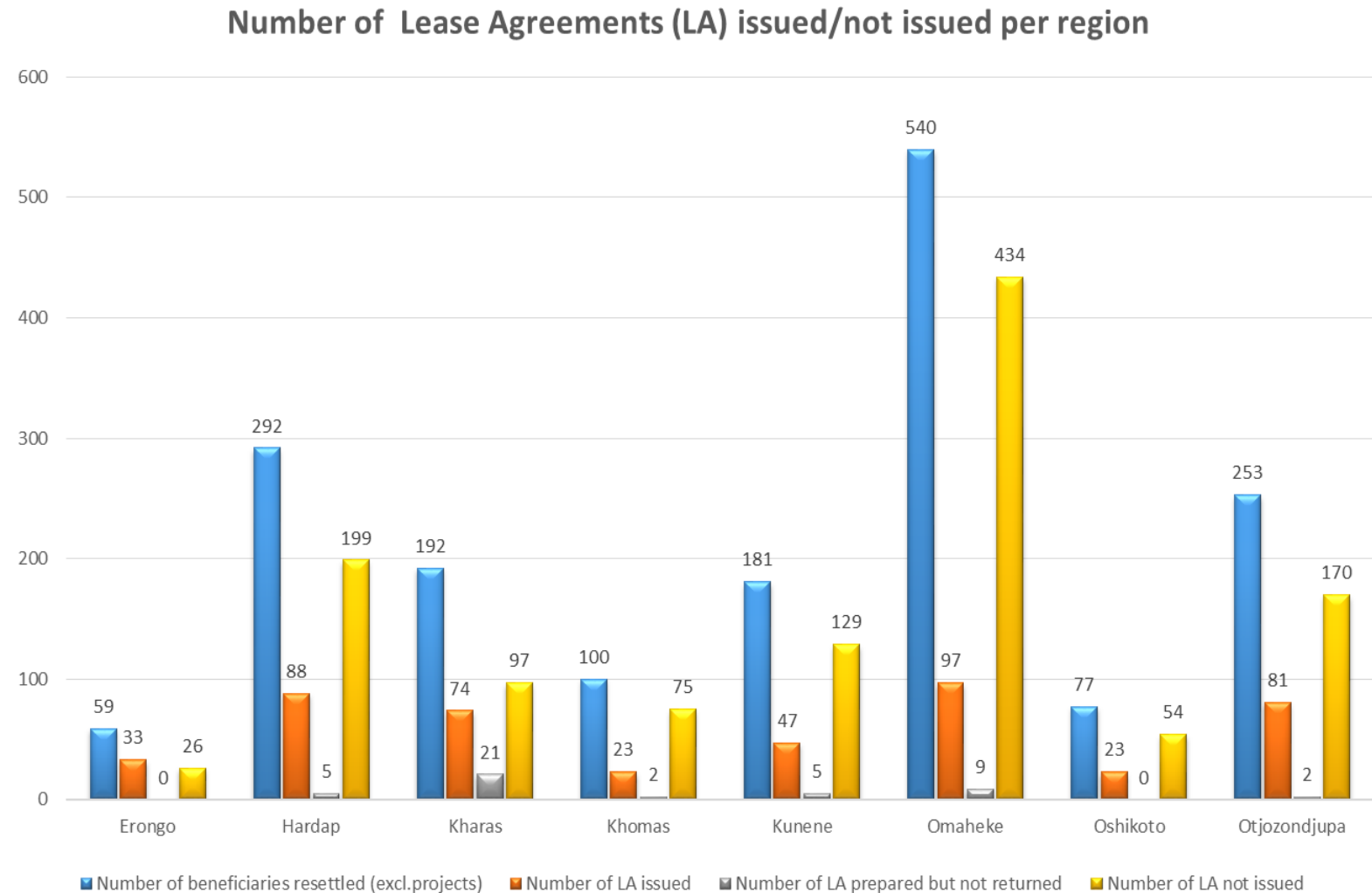
- Former Warring Parties, Ex-Plan Combatants, Ex-Koevoet, displaced people and San people left in Army barracks by the South African Apartheid regime and Farm Workers dumped along road side and Omitara
- Hence the focus for resettlement was more on social and society integration for those groups.
- The registration of beneficiaries per their Regions of origin commenced only in 2002 till to date

Number of Resettled beneficiaries from each region from 2002- 2018



RESOLUTION NUMBER 1: INJUSTICE Continues...

- Number of beneficiaries resettled (excluding projects)
- Number of lease Agreement (LA) issued
- Number of LA prepared but not issued
- Number of LA not issued



RESOLUTION NUMBER 1: INJUSTICE Continues...

Resettlement

- Since the inception, a total number of **5338** beneficiaries are resettled.

- 1755 households are beneficiaries of group resettlement farms in commercial areas, administered by the office of the Vice President.

NUMBER OF BENEFICIARIES RESETTLED IN EIGHT REGIONS SINCE 1991 - 2018

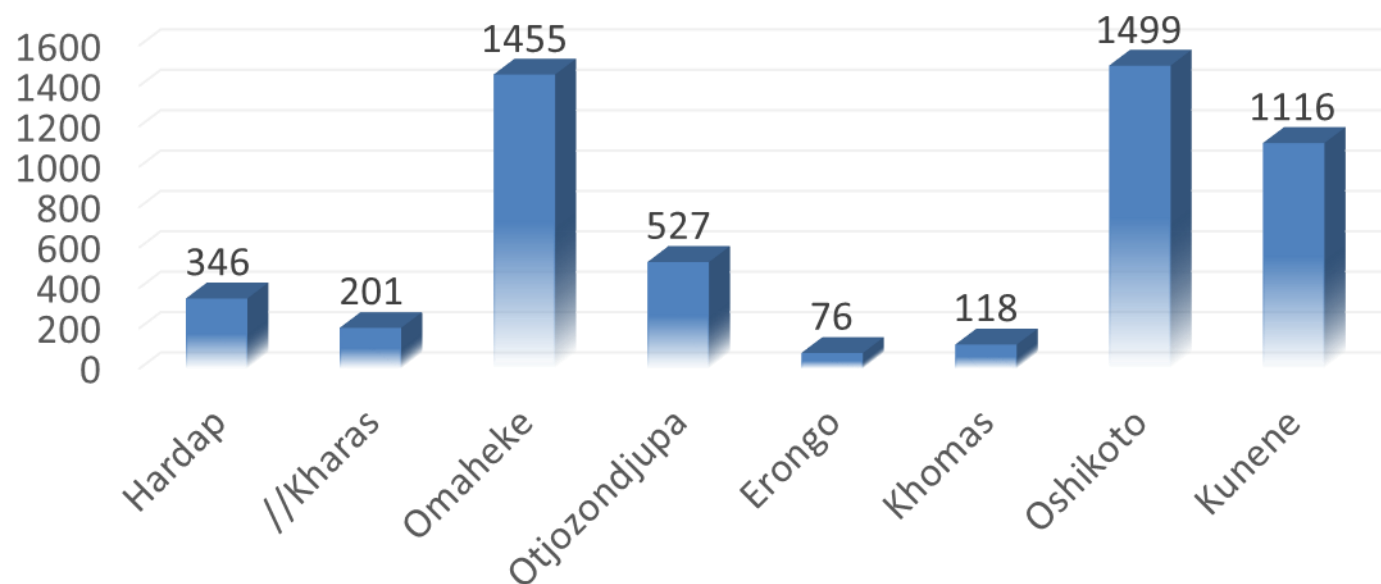


Figure 5: Total number of people resettled in the 8 regions with Resettlement Farms, 1991-2018

RESOLUTION NUMBER 1: INJUSTICE

Continues...

Challenges

- **The exorbitant prices** for agricultural commercial land
- **Uneven distribution of land offers**-most offers are from //Kharas and Hardap while most offers received from other regions are accompanied by requests for exemption by the AALS candidates.
- Competition between Affirmative Action Loan Scheme (AALS) and the National Resettlement programme (NRP) in certain areas
- Expropriation of farms has been legally challenged
- Additional resources are required by MLR to meet the target

RESOLUTION NUMBER 1: INJUSTICE

Continues...

Interventions

- Price Negotiation Committee Established
- Expropriation Criteria developed and gazetted in September 2016
- Lands Tribunal constituted to adjudicate farm price disputes
- National Resettlement Policy reviewed to cater for multiple resettlement models
- The Land Demand study contract is awarded to UNAM

RESOLUTION NUMBER 2: ANCESTRAL RIGHTS

“that given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible”

RESOLUTION NUMBER 3: FOREIGN-OWNED FARMLAND

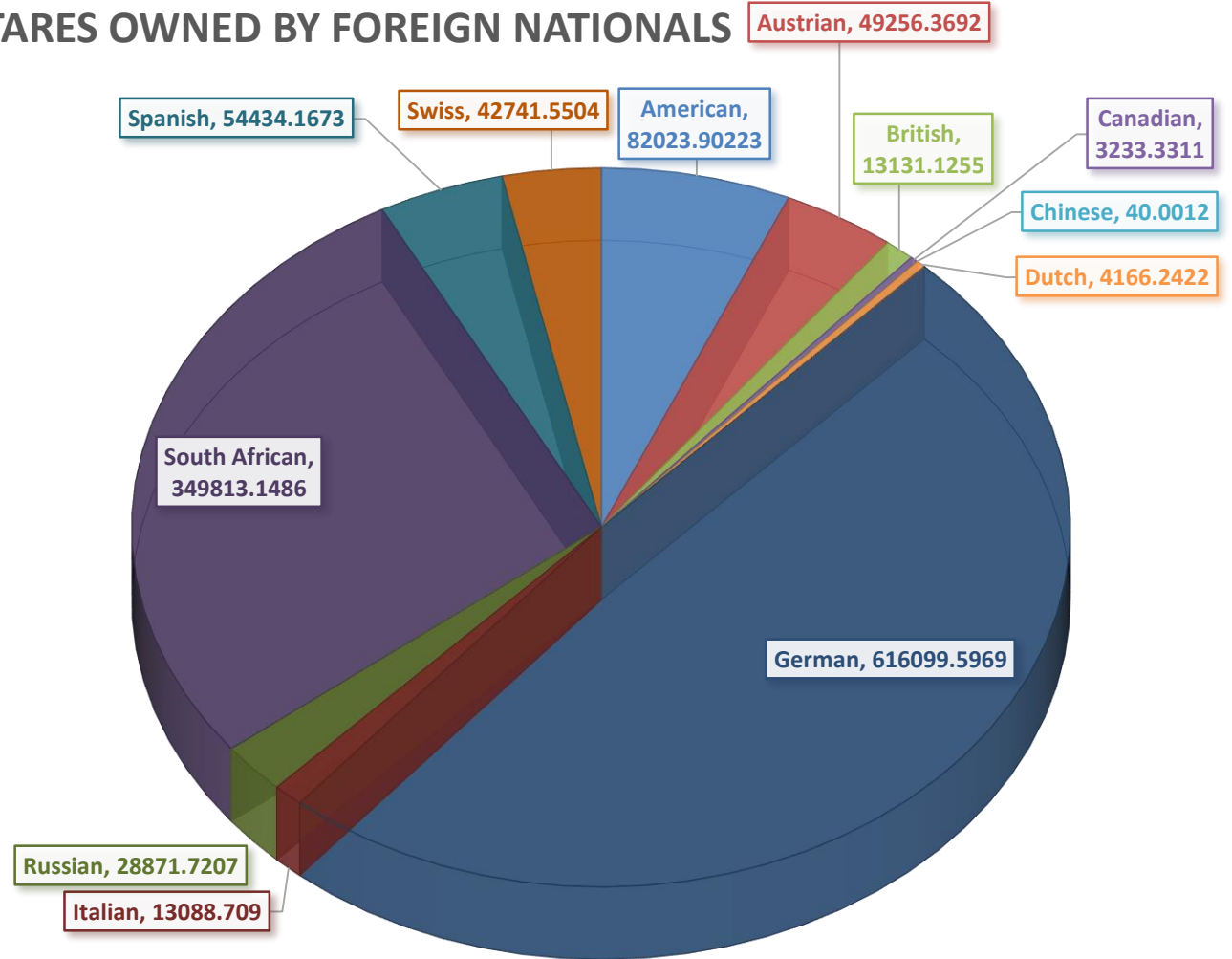
Agricultural land comprising of 281 farms with a combined size of **1,376,086.7010** hectares (**Figure 15**) is owned by foreign nationals some of whom hold such farms for periodic hunting purposes.

Of these about 34 farms comprising of **176,693.3200** Hectares are owned by foreign nationals in conjunction with Namibians.

Achievements

- ACLRA provide acquisition of land by foreigners with a consent of the Minister
- Promulgation of Amendment Act 1 of 2014 to subject the sale or transfer of shares in companies and/or interests in CC to the preferent right of the Minister,

HECTARES OWNED BY FOREIGN NATIONALS



RESOLUTION NUMBER 3: FOREIGN-OWNED FARMLAND

Continues...

Challenges

- Registration of farms into companies, CCs and trusts to circumvent the law: hiding ownership identity, share distribution to avoid the vesting of controlling interest in one person.
- Prolonged enactment of the Land Bill.
- The expropriation process is lengthy when faced by legal challenges, and when other rights are attached to the farm.
- The expropriation process is costly
 - ✓ Disturbance allowance
 - ✓ Market Value, and
 - ✓ Any other associated right attached to the farm

RESOLUTION NUMBER 3: FOREIGN-OWNED FARMLAND

Interventions

- Amendment of section 1(definition of alienation) and section 17 (controlling interest) of the ACLRA
- Prohibition of foreign nationals from owning agricultural land is provided for in the Land Bill-Chapter X, sections 114 - 119
- Consent granted to foreign nationals to enter into lease agreements instead of absolute purchase
- The Deeds Registry Act No: 14 of 2015 has been enacted and its operationalization is pending the Gazettment of Regulations
- Provisions is made in the Land Bill to prohibit acquisition of farm land by foreign nationals

***RESOLUTION NUMBER 4: UNDERUTILIZED
LAND AND RESOLUTION NUMBER 6: FARM
SIZE & NUMBERS***

***RESOLUTION NUMBER 4: UNDERUTILIZED LAND AND RESOLUTION
NUMBER 6: FARM SIZE & NUMBERS***

Achievements:

- MLR Introduced a progressive Land Tax to discourage multiple farm ownership.
- Strict control over double affirmation (farm owners are not allowed to buy a second farm unless under special conditions).
- Expropriation Criteria developed and gazetted in September 2016.
- A land use determination exercise was carried out and found that indeed there were farms that were underutilized.

RESOLUTION NUMBER 4: UNDERUTILIZED LAND AND RESOLUTION NUMBER 6: FARM SIZE & NUMBERS

Challenges

- Delayed approval for the Consultant to carry a study of Agro Ecological Zone and Carrying Capacity map for the determination of Economic Farming Units
- Legal challenges against the criteria for identification of farms for expropriation.
- Alienation of Agricultural Land under companies, close corporations and trusts to circumvent the law.

RESOLUTION NUMBER 4: UNDERUTILIZED LAND AND RESOLUTION NUMBER 6: FARM SIZE & NUMBERS

Interventions

- The Consultant is appointed (Agri-Ecological Services Consultant)
- Agro-ecological Zones and Carrying Capacity maps are being developed
- The definition of the Economic Farming Unit (EFU) will be provided for in the Agro-ecological Zone and Carrying capacity map to be developed
- Stakeholder Consultative workshop on the commencement of AEZ study undertaken on 05 July 2018
- The consultant is in the field and the work is expected to be completed within 18 months

RESOLUTION NUMBER 5 ABSENTEE LANDLORDS

Achievements

- MLR identified 26 farms expropriation
- 7 farms with a combined size of 27,712.23 hectares were expropriated in 2004

Note: 19 of the identified farms were not expropriated because of the High Court judgement for the Kessle Case, 2007

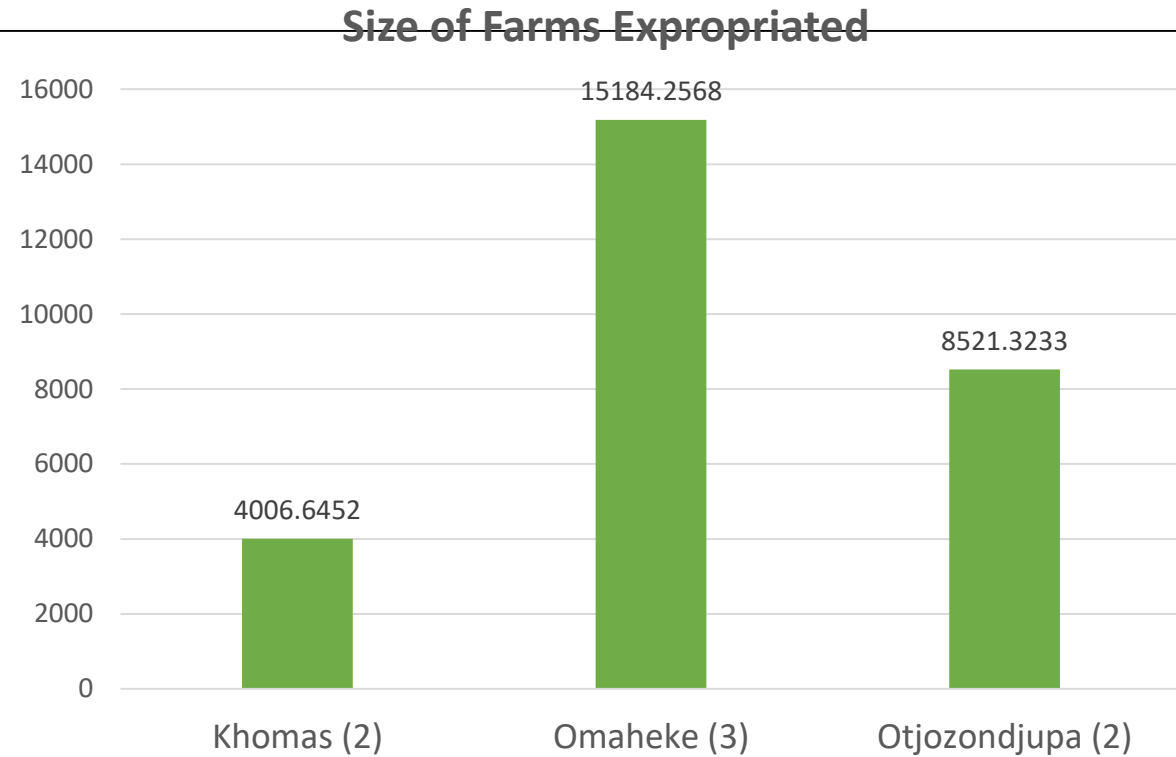


Figure 16. Farms expropriated per region

RESOLUTION NUMBER 5 ABSENTEE LANDLORDS Continues...

Challenges

- Identification of ownership of land owned by absentee foreign nationals
- The method of acquiring farmland through expropriation may be expensive, and lengthy especially when challenged in a Court of law.

***RESOLUTION NUMBER 5 ABSENTEE
LANDLORDS Continues...***

Interventions

- Expropriation Criteria developed and gazetted in September 2016

RESOLUTION 7: INTRODUCTION OF LAND TAX ON FREEHOLD LAND (COMMERCIAL FARMS)

Achievements:

- Cumulative Revenue collected by 1st Quarter 2018: N\$350,043,854.40

Milestones:

- 2005: N\$18 million collected rising to an average of N\$30 million in 2006 and 2007.
- 2008-2012: Land Tax increased to about N\$ 40 million per year;
- 2012: revenue collected had accumulated to N\$ 250 million.
- First quarter 2018: N\$ 12,427,047.00 collected based on the 2012 valuation roll

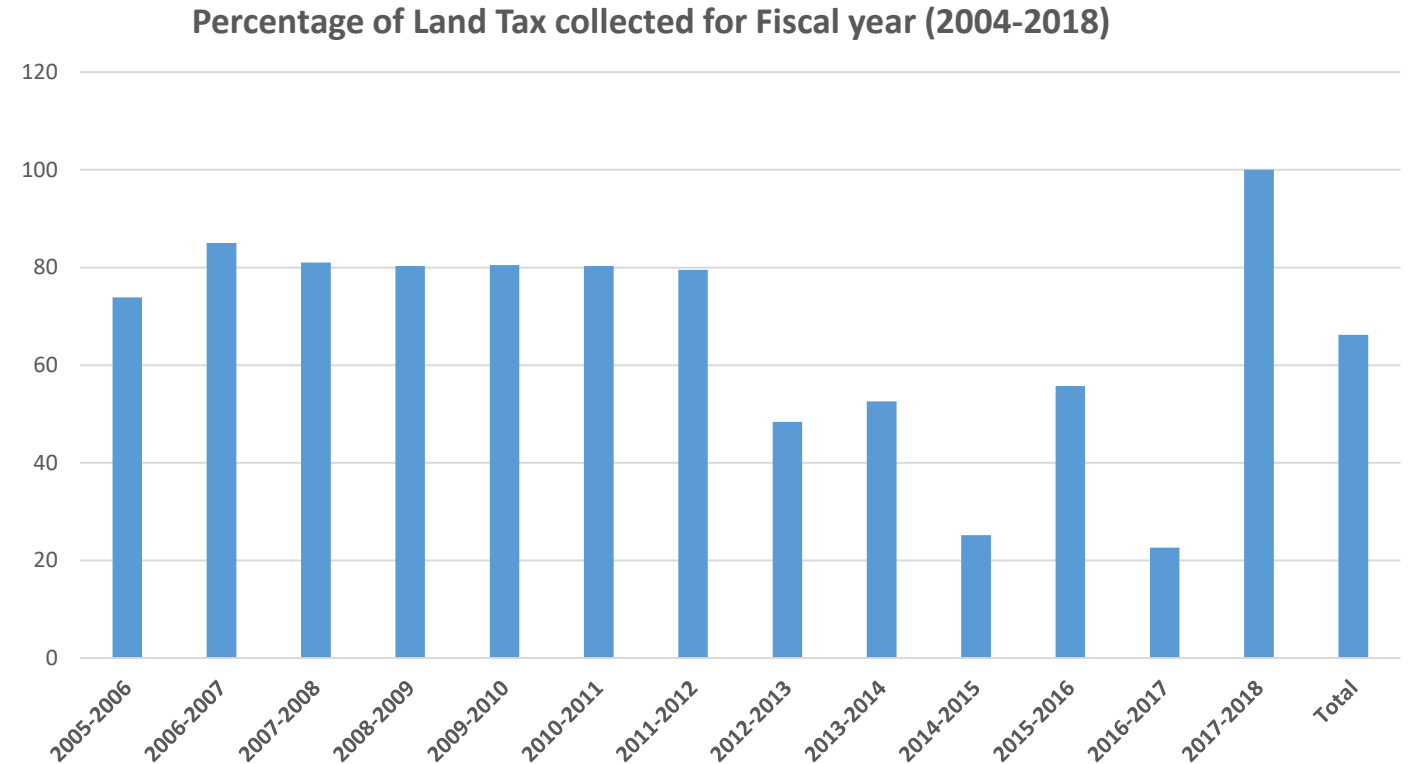


Figure 17: Total Percentage of Land Tax collected for Fiscal year
2004-2018

RESOLUTION 7: INTRODUCTION OF LAND TAX ON FREEHOLD LAND Conti...

Projection vs Actual Collection

•If the land tax assessments were issued, the cumulative expected land tax amount would have been N\$528,640,400 (see Figure 18 on the right).

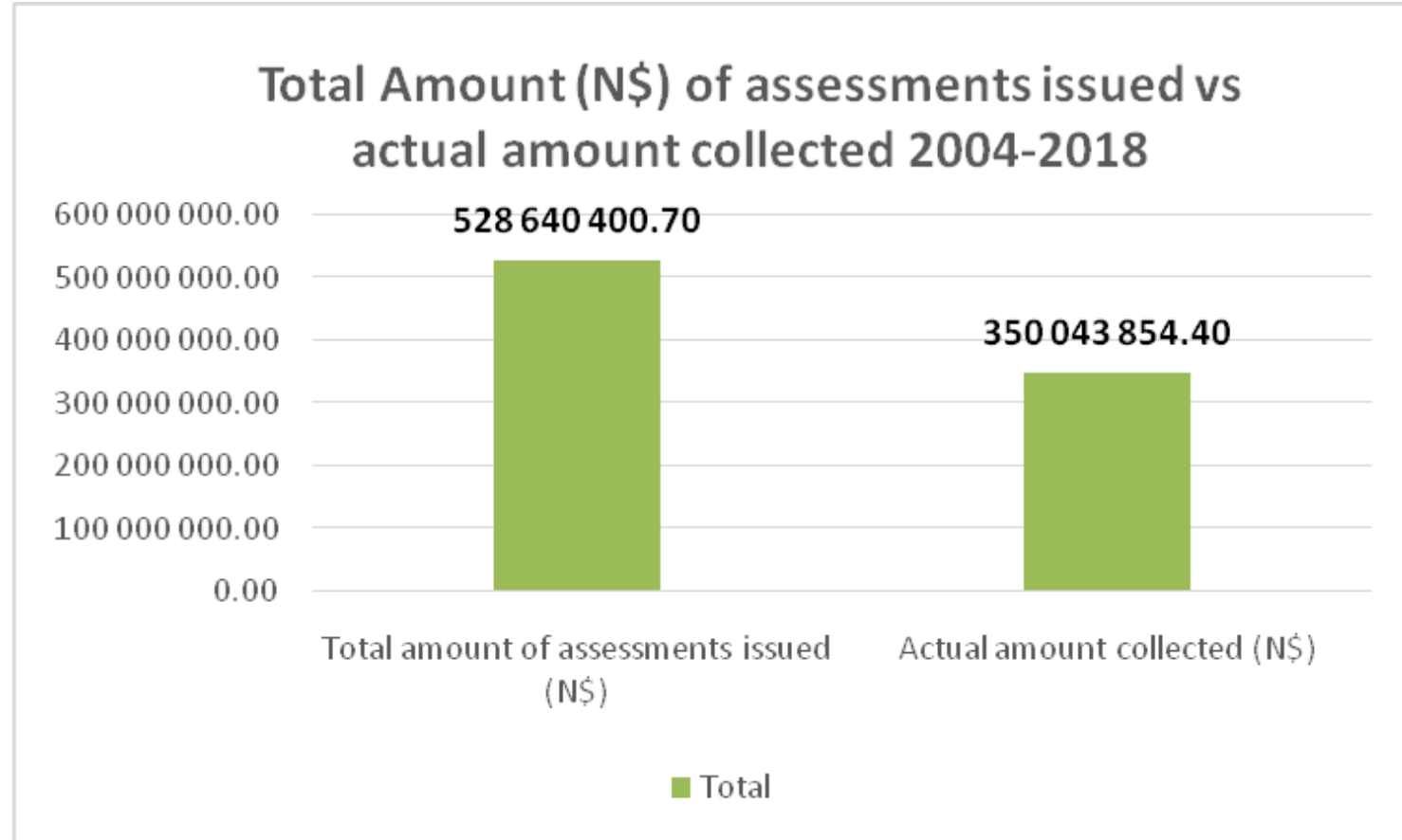


Figure 18: Total Amount (N\$ 528,640,400.70) issued vs actual amount (N\$350,043,854.40) collected.

RESOLUTION 7: INTRODUCTION OF LAND TAX ON FREEHOLD LAND Conti...

Challenges

- High Court Challenges to the land tax:
- Challenges to the 2012 Provisional Valuation Roll.
- High Court Interdict: on implementation of 2012 Valuation Roll

Interventions

- Opposing the Court Applications:
- Land Tax Legislation Review

***RESOLUTION NUMBER 8: TECHINICAL
COMMITTEE ON COMMERCIAL FARMLAND***

***RESOLUTION NUMBER 8: TECHNICAL COMMITTEE
ON COMMERCIAL FARMLAND Continues.....***

Achievements

- An ad-hoc Permanent Technical Team on Land Reform (PTT) was established on 17 August 2003 to formulate a Strategic Plan for Land Reform in Namibia. The committee delivered its report in November 2005.
- PTT Recommendations and Action Plan is implemented

RESOLUTION NUMBER 8: TECHNICAL COMMITTEE ON COMMERCIAL FARMLAND Continues.....

Challenges

- Additional resources needed to implement the PTT recommendations and Action Plan

RESOLUTION NUMBER 9: LAND TENURE

Achievements

- The Ministry initiated the development of Legal Instruments to provide different forms of tenure in form of **Freehold, Leasehold** and **Upgradable Tenure Rights in Urban areas**

Progress on the Implementation of 86 SCCLRM by MLR

Apart from 24 Consensus Resolutions passed by the 1991 Land Conference, In 2015, Cabinet directed the Special Cabinet Committee on Land Related Matters(SCCLRM) to implement 86 Resolutions to unlock challenges that were faced by the Ministry of Land Reform in the implementation of the Land Reform Program

SCCLRM: Resolution No. 1

That the Ministry Land Reform amends Chapter 4 of the ACLRA, 1995 in order to shorten the expropriation processes

Action taken

Chapter (VII) on expropriation is included in the Land Bill under sections 79 - 96.

SCCLRM: Resolution No. 3

That in the case where a foreign national, who owns agricultural land, has offered such land to Government for sale and where the Government issues a waiver, it is directed that:

- a) Government should issue a waiver with the condition that such land can only be sold to a Namibian national
- b) In the absence of a Namibian buyer, such land should be offered back to the State

Action taken

- Sections 58 - 62 of the ACLRA compels the farmland owners to sell only to Namibians as foreign nationals require the Minister's consent.
- Farms that are waived and for which such waivers have expired are required in terms of section 17 of the said Act to offer their land first to the State in order for the State to exercise its preferent right.
- *Section 76 (2) of the Land Bill compels the owner of the waived land to offer it to the State first*

SCCLRM: Resolution No. 4

That foreign nationals who own land before the coming into force of the proposed amendments to the existing laws and the new law will be obliged to only sell it to Namibians with the preferent rights given to the State

Action taken

Section 76 (2) of the Land Bill compels the owner of the waived land to offer it to the State first

SCCLRM: Resolution No. 5

That leasing of Agricultural land for investment purposes by foreign nationals may be allowed under strict conditions, with the express approval of the Minister(s) responsible for Lands in consultation with the Minister of Agriculture, Water and Forestry as prescribed by relevant laws

Action Taken

- Chapter X, sections 114 - 119 of the Land Bill provides for the prohibition of foreign nationals from owning agricultural land but rather allow them to only occupy and develop it on a lease hold basis.
- The Lease application form should make provision for Ministry of Agriculture, Water and Forestry (MAWF) Minister to give consent with regard to the leasing of agricultural land by foreign nationals.
- The intended activities for land use should be in line with the national agricultural priorities e.g. food security (MAWF)

SCCLRM: Resolution No. 9

That the Registrar of Deeds and the Registrar of Companies and Close Corporations be obliged to share information on Companies or Close Corporations that own land on a periodical basis by amending the Deeds Act, 1937

Action Taken

The Deeds Registry Act No 14 2015 has been enacted and the operationalization is pending the Gazettment of the Regulations.

SCCLRM: Resolution No. 10

That where a legal entity acquires land, the legal entity must be required to attach proof of an ownership structure of such legal entity, additional to the documents required for registration of a property into the name of a legal entity, and subsequently, the Registrar of Deeds, in considering such an application, must satisfy himself or herself, prior to registering agricultural land into the name of such a legal entity, whether or not the legal entity is not a foreign national as contemplated by the Agricultural (Commercial) Land Reform Act, 1995

Action Taken

The Deeds Registry Act No 14 2015 has been Passed the operationalization is pending the Gazettment of the Regulations.

SCCLRM: Resolution No. 12

That is in case of a Close Corporations offers its interests in a Corporation which include agricultural land, the State should designate a State owned Enterprise to own those interests, if there is no Namibian with the capacity to buy those shares

Action Taken

Transaction involving any number of shares in a company or close corporation with stake in any agricultural land in terms of ACLR Amendment Act, No.1 of 2014 automatically triggers the sale of such land to the State i.t.o section 17 of the ACLRA, 1995.

SCCLRM: Resolution No. 13

That the MAWF and (MLR) should consider the urgency to address excessive land holdings and combine resources that would enable them to commence work on the Agro-Ecological Zone (AEZ) mapping in 2015/16 Financial Year and seek assistance from the Regional Centre for Mapping of Resources for Development (RCMRD) if need be, of which the work should be completed in eight months commence in February 2015

Action Taken

- The consultant to develop the Agro-ecological Zones and Carrying Capacity maps contracted for 18 months (Agri Ecological Services)
- Inception Workshop conducted on the 05th June 2018
- Field work conducted 24-28 September 2018

SCCLRM: Resolution No. 14

That the Ministries of Lands and Resettlement and Agriculture, Water and Forestry should define what constitute an Economic Farming Unit (EFU) taking into account the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), and any existing instruments

Action Taken

The Consultant is appointed (**Agri-Ecological Zone Consultant**)

Stakeholder Consultative workshop on the commencement of AEZ study undertaken on 05 July 2018

The consultant is in the field and the work is expected to be completed within 18 months

SCCLRM: Resolution No. 19 & 20

19) That Section 62 (1) (b) and c) of the Agricultural (Commercial) Land Act, 1995 (Act No, 6 of 1995) be deleted

20) That Section 62(1)(d) exempting a foreign national married to a Namibian citizen in community of property should be amended to provide that such foreign national who is married to a Namibian citizen in community of property must, subsequent to such marriage, have ordinarily resided in Namibia as the spouse of such a Namibian citizen and must be in possession of a permanent residence permit

Action taken

Section 62 (1) (b) and c) are deleted.

Resolution 20 is covered in Section 61 and 108 A of Land Bill

SCCLRM: Resolution No. 21

That after the coming into operation of the law/amendments, where land is owned by a foreign national and such national dies and where the heirs reside outside Namibia, such heirs should not inherit such land, and such land must be offered to the State or to the Namibian citizens in case where the State waives its preferent right

Action Taken

Provision has been made under section 108 A of the Land Bill, however, these proposals need to be further investigated in order to ensure they do not collide with constitutional provisions on property and inheritance and any investment Agreements.

SCCLRM: Resolution No. 22

That in the event where a foreign national who owned agricultural land have no heirs to the property, such agricultural land must first be offered to the State, and in case where the State waives its preferent right, such waiver must be accompanied by a condition that such land must be sold to Namibian citizens

Action Taken

- Current legal provisions (sections 58 - 62 of the ACLRA, 1995) suffices in that, any land waived by the State may only be sold to foreigners with the consent of the Minister of Lands.
- The Land Bill prohibits foreign land ownership thus. This provision is covered in Section 108A of Land Bill

SCCLRM: Resolution No. 23

That notwithstanding resolution No 22, in the event where heirs of the deceased are foreign nationals and are physically resident on such land at the time of death of such foreign nationals, the Minister responsible for lands should have the discretion to consent to the acquisition/lease of such land by such heirs, provided further that the following conditions are met:

- a) They cannot dispose the property without the consent of the Minister
- b) They cannot bequeath such property to another foreign national

Action Taken

Bequeathing of land by foreign national to another foreign national is prohibited by Section 108A of Land

SCCLRM: Resolution No. 24

That the Ministry of Land Reform should cause an amendment to the Agricultural (Commercial) Land Reform Act of 1995 to give the Minister the power to gazette/publish information on the farms waived and such provision should be made in the Land Bill

Action Taken

It is now provided for under Section 76 (3) of the Land Bill

SCCLRM: Resolution 28

That the resettlement models should be diversified and expanded in order to encompass other agricultural land uses that would enable the State to acquire smaller land parcels of land on offer for resettlement, for example, smallholder farmers or those in need of land for other agricultural uses other than livestock and cropping e.g intensive agriculture such as poultry, aquaculture, piggery, game farming, horticulture and for residential purposes

Action taken

The review of the National Resettlement Policy has commenced to cater for multiple resettlement model, however the finalization is pending inputs from the 2nd National Land Conference

SCCLRM: Resolution 29

That the purchase of land should be matched to the land demand, i.e. the Ministry of Land Reform should carry out a survey for this purpose and introduce a land register from which to select beneficiaries

Action Taken

- The Land demand study contract is awarded to UNAM.
- Preliminary consultation has been done with UNAM but other stakeholders are still to be consulted.

SCCLRM: Resolution No 30 and 32

30) That a clear land acquisition strategy that is linked to the budget should be worked out to enable implementation of expropriation

32) That the expropriation method should be actively and speedily be implemented

Action taken

The Expropriation Criteria has been gazetted in 1 September 2016

SCCLRM: Resolution No 31

That the level of representation of the Land Acquisition Committee should be elevated to include senior officials and be enabled to source expertise from relevant Offices/Ministries/Agencies

Action Taken

- The LAC membership has been revised in November 2014 and now includes senior officials (at the level of Deputy Director) from MLR, MAWF, MoHAI, MTI, MET & Agribank and appointment has been done.

SCCLRM: Resolution 33

That the Ministry of Land Reform should purchase agricultural farmland to be sold to landless Affirmative Action (AA) candidates on a cost recovery basis or alternatively, other methods that target AA buyers should be devised in order to enable them acquire land at affordable levels

Action Taken

This resolution was found to be impossible to implement because MLR does not have capacity to run additional Bank.

SCCLRM: Resolution No 34

That the MLR should create a data base of AA candidates in need of agricultural land in an effort to match them with owners of farms waived.

Action Taken

- This task is covered by the land demand study conducted by UNAM

SCCLRM: Resolution No 35

That Prescriptive Valuation Method for land acquisition, as a price control measure for purposes of land reform should be introduced in the law

Action taken

The prescriptive Valuation Method is included in the Land Bill

SCCLRM: Resolution No 36

The Ministry of Lands Reform should speed up the introduction of the Valuation Standards

Action Taken

- Draft Namibia Valuation Standards developed in line with International Valuation Standard Council
- The Standards were exposed to public for inputs for 30 days
- The Standards are approved by SCCLRM but pending the outcome of the 2nd National Land Conference

SCCLRM: Resolution 37

That the Government should, as a deliberate strategy purchase farms inclusive of expropriation in the areas where farmers are not willing to sell their land in order to induce the sale of farms, especially those adjacent to the resettlement farms

Action taken

The expropriation criteria developed include farms adjacent to GRN farms or communal areas as targets for acquisition

SCCLRM: Resolution 38

That the capacity of Affirmative Action Loan Scheme candidates be improved to enable them to negotiate for better farm prices

Action taken

- MLR made presentation at various farmers association meetings on market prices, valuation approaches

SCCLRM: Resolution 39

That the Namibia Statistics Agency, MURD and MITSMED should collaborate to create the real property index

Action Taken

1. Real Property Index methodology for commercial agricultural land in collaboration with UN-FAO developed in 2016. Final report from FAO Consultant was provided to MLR on 12 October 2016.

Way Forward:

- a) Training to be provided to NSA and MLR staff members on how the index work.
- b) Secondly, MLR and NSA staff to undertake a benchmarking trip to countries with functional Agricultural Property Indices

Due to budgetary constraints, the above two activities could not be undertaken

SCCLRM: Resolution No 40

That the membership of the Farm Price Negotiation Committee (FPNC), which was introduced to negotiate on farm prices, should be expanded to include key stakeholders

Action taken

Membership to the Farm Price Negotiation Committee are prescribed under Section 75 (8) (iii) of the Land Bill.

SCCLRM: Resolution No 42

That the MLR should develop a comprehensive (5 year) land acquisition plan which outlines implementation modalities, the targeted number of hectares of land to be acquired per region per year and the budgetary implications and to ensure periodic reports on the implementation of the plan

Action Plan

This resolution will only be implemented once the Land Demand Study is completed

SCCLRM: Resolution No 45

That the Ministries of Ministry of Land Reform, Agriculture, Water and Forestry, and Environment and Tourism should carry out a study aimed at developing various resettlement models that focus on wider agricultural land use, and review the current Point Scoring Resettlement Criteria

Action taken

The finalization of the reviewed Policy is pending inputs from the 2nd National Land Conference

SCCLRM: Resolution No 51

That close collaboration and involvement of all key players in local authority matters be ensured, particularly the MLR, and MURD, in the implementation of the Flexible Land Tenure Act, 2012 (Act No. 4 of 2012)

Action taken

- The Flexible Land Tenure Act, 2012 Act has been enacted and operationalized, and close collaboration established with MURD established through a Steering Committee where MURD is a members

SCCLRM: Resolution No 52

That the Ministry of Land Reform to expedite the finalisation of the regulations of the above-mentioned Act

Action taken

- The FLTA Regulations are now gazetted on 31 May 2018

SCCLRM: Resolution No 53

That the national unique parcel identifier (UPI) be implemented as a tool to improve integration of land information databases, rolled out nationwide.

Action Taken

- The UPI is already implemented in the Land Information System: This needs to be extended and rolled out to other systems within and outside the Ministry
- MLR to initiate the development of an Action Plan.

SCCLRM: Resolution 75

The farms acquired under Resettlement Programme and allocated to certain Traditional Authorities that are adjacent to communal areas/lands should be de-gazetted as commercial farms and gazetted as communal areas/lands

Action Taken

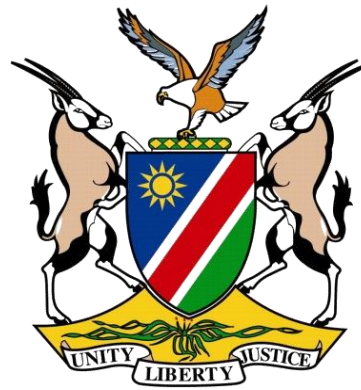
- Government directed that commercial farms must not be de-gazetted to lose their commercial titles but rather be leased to communities
- MLR is implementing the directive as given by the government

SCCLRM: Resolution No 82

That the MLR should undertake training in various professions related to land management, administration, surveying, valuation, mapping, land use planning and registration as well as other supporting professions. While the MLR needs to expand the structure to accommodate additional professionals, e.g Land Registrars are needed for the registration of flexible land tenure in informal settlements when the Flexible Land Tenure Act, 2012 (Act No. 4 of 2012) is fully implemented.

Action taken

- MLR prepared a human resource development plan, after skill gap assessment was conducted
- The Bursary Scheme for training of professionals is created under the LADF, with an initial budget of N\$ 2,000,000.
- The implementation of the FLTS is not fully implemented due to lack of funding. However, a *Land Right Office*, is established in Windhoek. A *Land Registrar, Registration Officer and Land Measurer* are appointed from existing staff members, while PMU positions are funded by GIZ for 2 years only.



Ministry of Land Reform

Presentation on the State of Land Reform since the 1991 National Conference on Land Reform and the Land Question

Implementation on the Resolutions

By: Mrs. Ndiyakupi Nghituwamata

Director: Regional Programme Implementation (RPI)

RESOLUTIONS 9, 13 AND 18
RESOLUTION 9: LAND TENURE

Technical committee should be established to evaluate the legal options concerning possible forms of land tenure consistent with the Constitution.

RESOLUTION NUMBER 9: LAND TENURE

Achievements

- The Ministry initiated legal instruments to provide different forms of tenure in communal and commercial areas in the form of **Leasehold** and **Customary land tenure**,
- Registration of land rights in communal areas for tenure security,
- Provision of security of tenure for the resettlement beneficiaries on commercial farms.

RESOLUTION NUMBER 9: LAND TENURE continues...

Challenges

- Legislations not harmonized to successfully complement collective or mutual requirements. i.e. Traditional Authorities Act, of 2004, Communal Land Reform Act, of 2002, Deeds Registries Act, of 1937,
- Additional resource is needed for the successful implementation of the Land Reform programme
- Lack of funding by some financial institutions on tenure rights in communal land.

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

Conference resolved that:

“as provided by the Constitution of the Republic of Namibia; all Namibian citizens have the right to live wherever they choose within national territory,”

“in seeking access to communal land applicants should take account of the rights and customs of the local community living there,”

“priority should be given to the landless and those without adequate land for subsistence.”

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues...

Achievements

- Commencement of registration in 2003 after the enactment of the Communal Land Reform Act, Act 5 of 2002,
- A total of **119,227 Communal land rights** have been registered, comprising of **118,023** Customary land rights which, consists of **38,118 (new)** and **79,905 (existing)** and **1204 (leasehold)** land rights,
- Progress of **49%** against the estimated **245,000** land rights,
- Development of an information system (**Namibia Communal Land Administration System –NCLAS**),
- NCLAS is operational in all regions for storing and processing of communal land information,
- Providing support to regions through resources required for registration (funds, field equipment's and human resource).

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues...



Figure 20: Total number of Communal Land Rights Registered nation wide

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues...

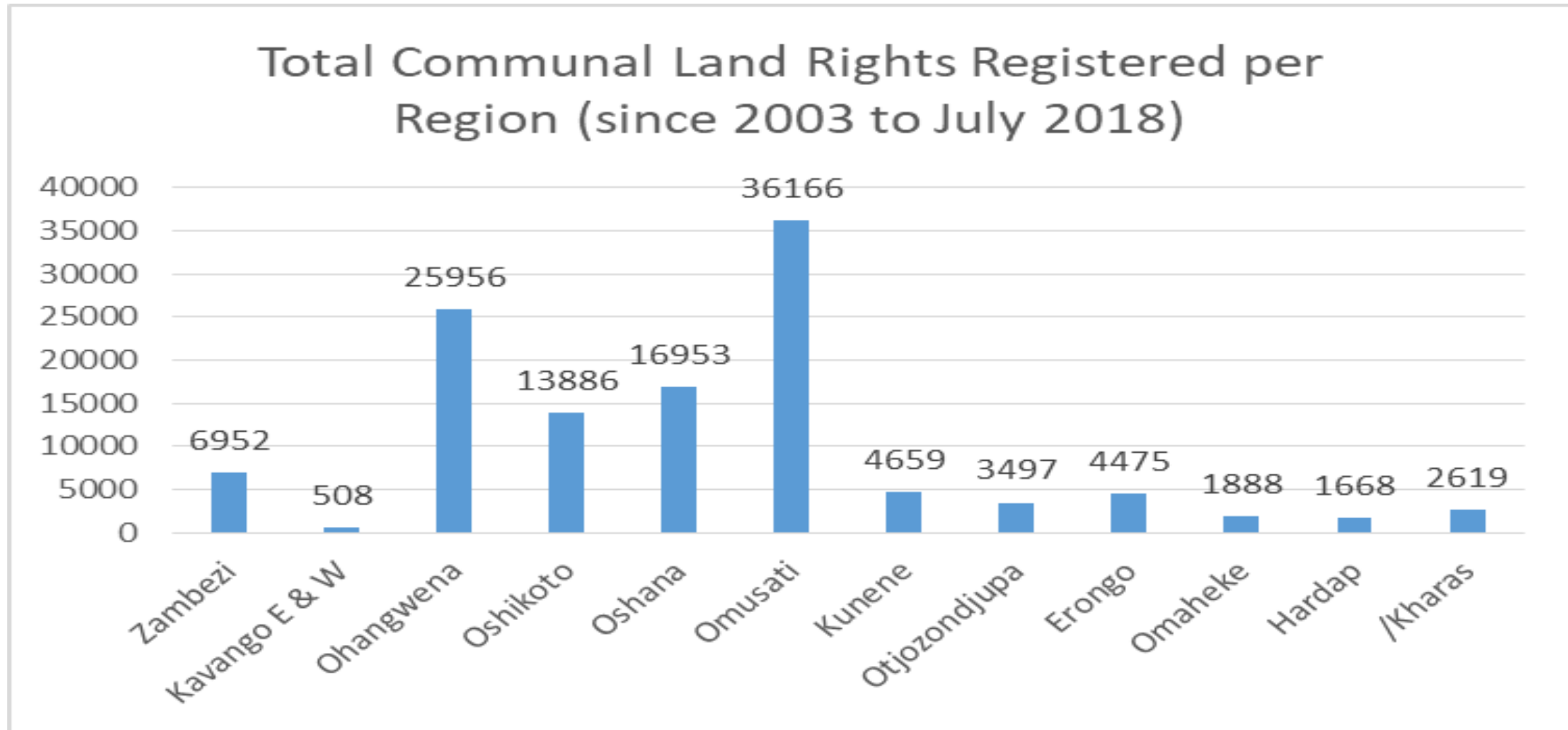


Figure 21: Total of Communal Land Rights Registered per region

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues...

**118,023 Customary Land Rights Registered per region
(since 2003 to July 2018)**

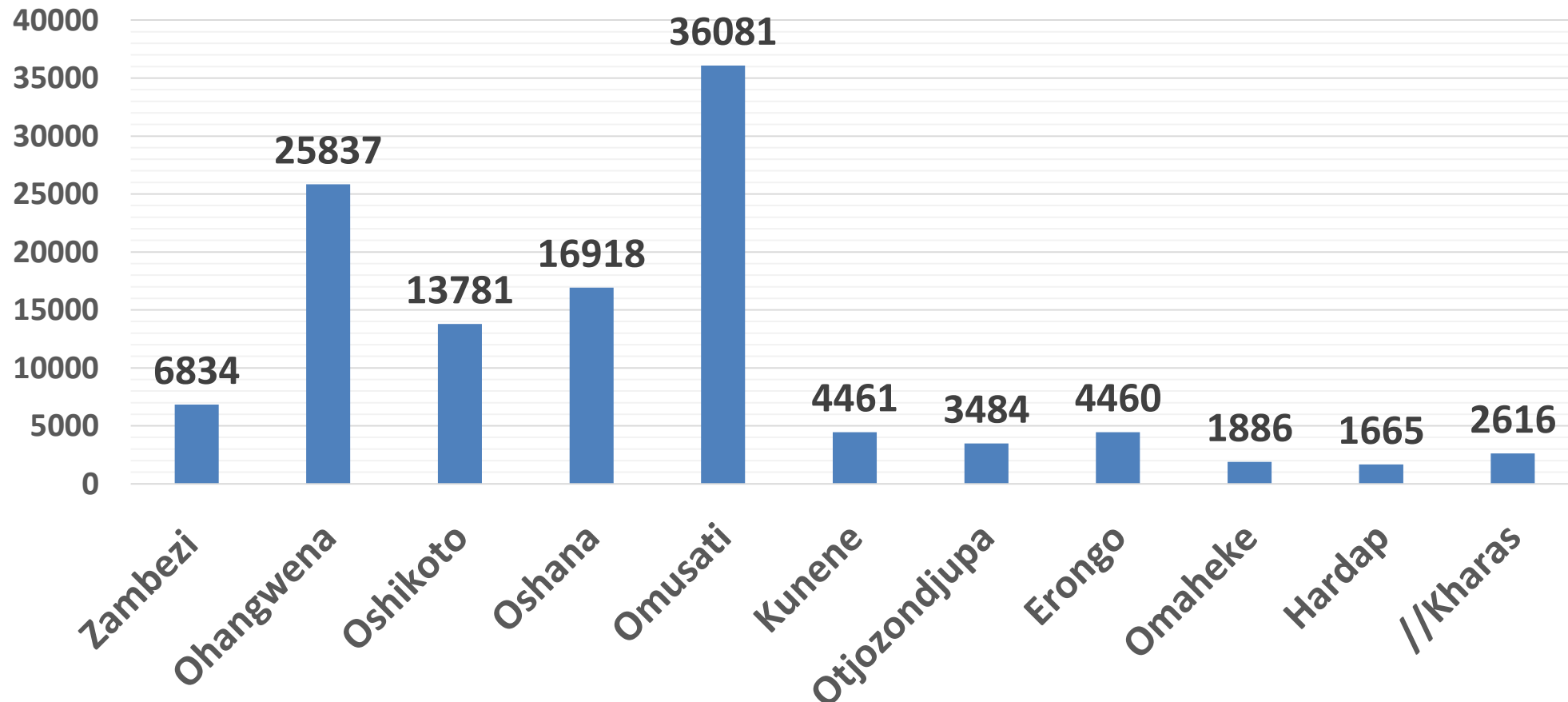


Figure 22: Customary Land Rights Registered per Region to date

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues...

1204 Leasehold Land Rights Registered per region
(since 2003 to July 2018)

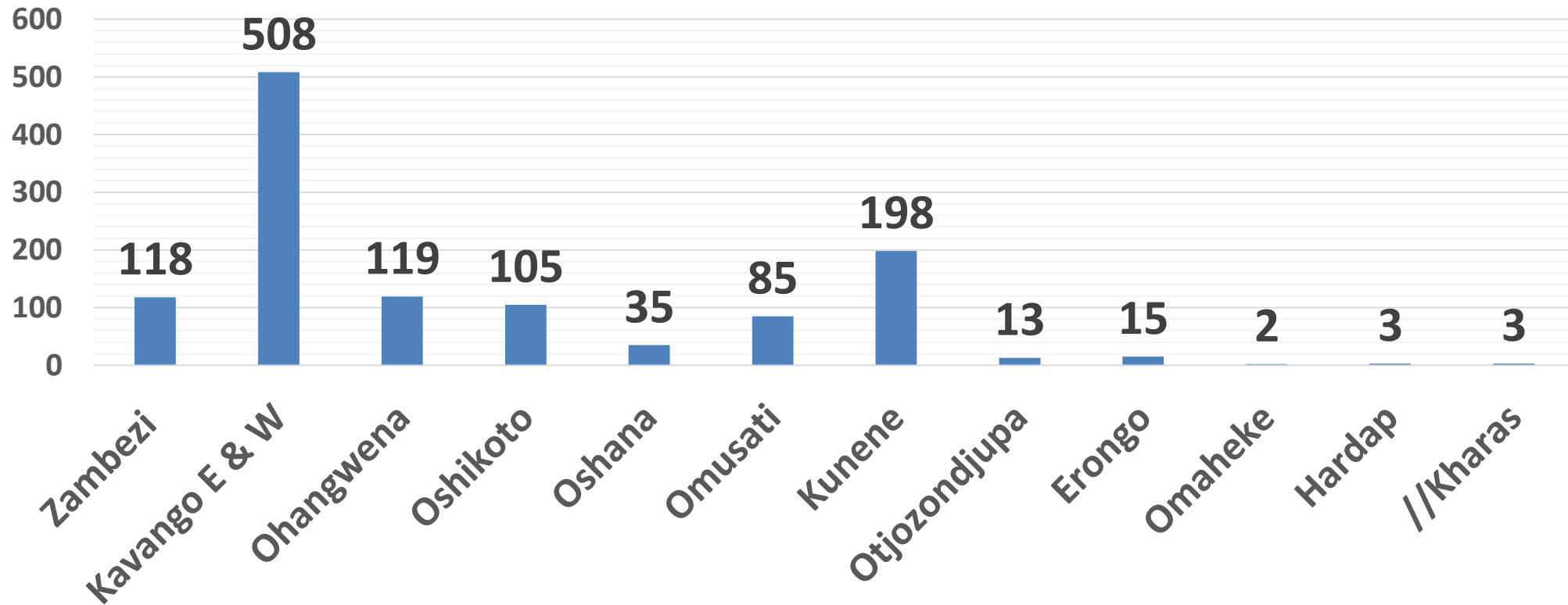


Figure 23: Leaseholds Rights Registered per Region to date

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

•new rights are 38,118

•existing rights are 79,905

continues...

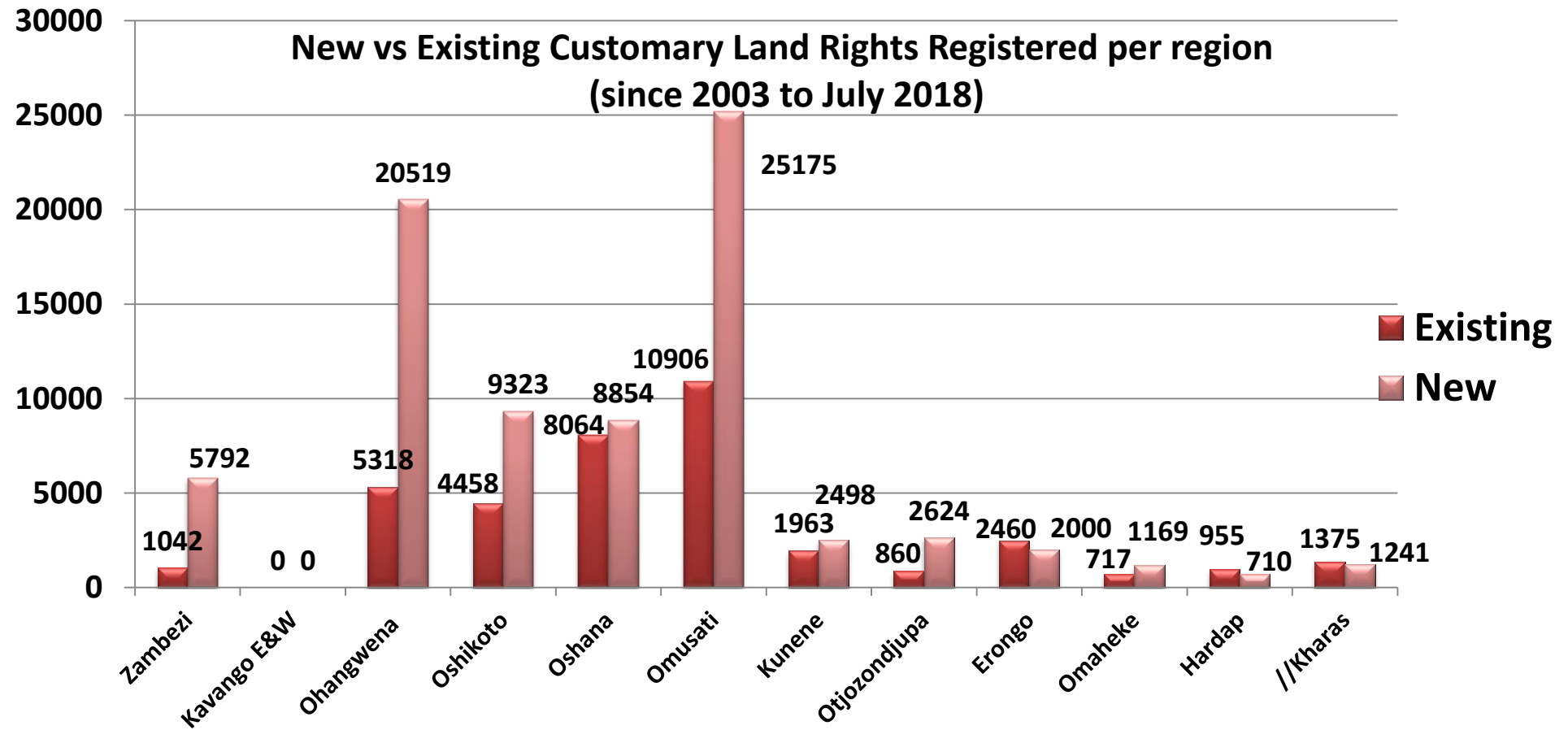


Figure 24: New versus Existing Customary Land Rights Registered

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

Challenges

- Misinterpretation and misinformation of the provisions of the Communal Land Reform Act by different role players,
- High volume of Land disputes between Traditional Authorities that takes long to resolve, disrupts the registration of land rights,
- The Act does not give provision on what should happen in the case the communal area does not have a Traditional Authority nor does it mandate the Land Board to register when there are disputes,

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

continues.....

Challenges

- The issue of unclear boundaries of Traditional Authorities, overlapping areas of jurisdiction for the Traditional Authorities, gazetting and designation of Traditional Authorities over the same area,
- Some Traditional Authorities designated councilors in areas where their people reside but where they do not have jurisdiction over such area,
- Financial constraints for operation of land registration exercise as it's a very costly exercise due to the complexity of it.

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND

Continues.....

Interventions

- MLR has embarked on information campaigns through the print and electronic media to educate the public on the provision of the CLRA,
- Capacity building on interpretation/implementation of CLRA, dispute resolution and record keeping aimed at improved land administration to CLBs and TAs.
- MLR has referred the issue of TAs areas of jurisdiction and boundary disputes to the MURD [in line with advice from the AGs Office] to step in and mediate to resolve the disputes among these TAs as they have failed to reach consensus amongst themselves.

RESOLUTION NUMBER 13: ACCESS TO COMMUNAL LAND continues...

- MLR will remain available to provide technical assistance in surveying and mapping of these boundaries as and when the MURD in collaboration with the Council of TAs provide the necessary delineated boundaries to enable to survey, map and gazette them.
- CLRR has increased with the support of KfW and EU funding.

SCCLRM: Resolution No 78

That the Government should intensify the production of maps for communal land rights and issuing of land rights certificates to people in communal areas

Action Taken

- Land rights registration is an ongoing project for the MLR to intensify the production of maps which requires additional resources (skilled human resource).
- About 81 contract staff are in place to assist with the implementation of this programme which is being implemented as part of the communal land development programme.

RESOLUTION NUMBER 18: LAND ALLOCATION AND ADMINISTRATION

“the role of Traditional Leaders in allocating communal land be recognized, but properly defined under law”

“the establishment of regional and local government institutions is provided under the constitution. Their powers should include land administration”

“Land Boards should be introduced at an early date to administer the allocation of communal land. The said boards should be accountable to the government and their local communities”

RESOLUTION NUMBER 18: LAND ALLOCATION AND ADMINISTRATION

Achievements

- Establishment of Land Boards in all regions except Khomas.
- Clear definition of the powers of the TAs, CLBs and other statutory bodies are provided for in the CLRA.
- Induction and Training of CLBs, TA officials and secretaries on the provisions of the CLRA.

RESOLUTION NUMBER 18: LAND ALLOCATION AND ADMINISTRATION continues...

Challenges

- Refusal of some TAs to implement the registration of customary land rights citing that its against their customs.
- Additional resources required by relevant bodies to adequately perform their duties i.e. land dispute investigations and holding of meetings.

Interventions

- Provided for in the Land Bill to establish Land Administration Committees to administer land where TAs do not want to comply with the Act.

RESOLUTION NUMBER 10: FARM WORKERS

Should be afforded rights and protection under a labour code. legislation providing for a charter of rights for farm workers be enacted; the charter should include provision for maximum working hours, sick leave, annual leave, schooling for children, medical care for workers and their families, adequate housing on the farm, pensions, the right to reside on the farm after retirement and grazing rights for farm workers' livestock

RESOLUTION NUMBER 10: FARM WORKERS

Achievements

- Out of 5338 resettled beneficiaries, 119 generational farm workers have been resettled to date,
- ACLRA prioritise the needs of farm workers when farms are alienated.
- Resettlement criteria consider allocation of land to generational farm workers.

RESOLUTION NUMBER 10: FARM WORKERS

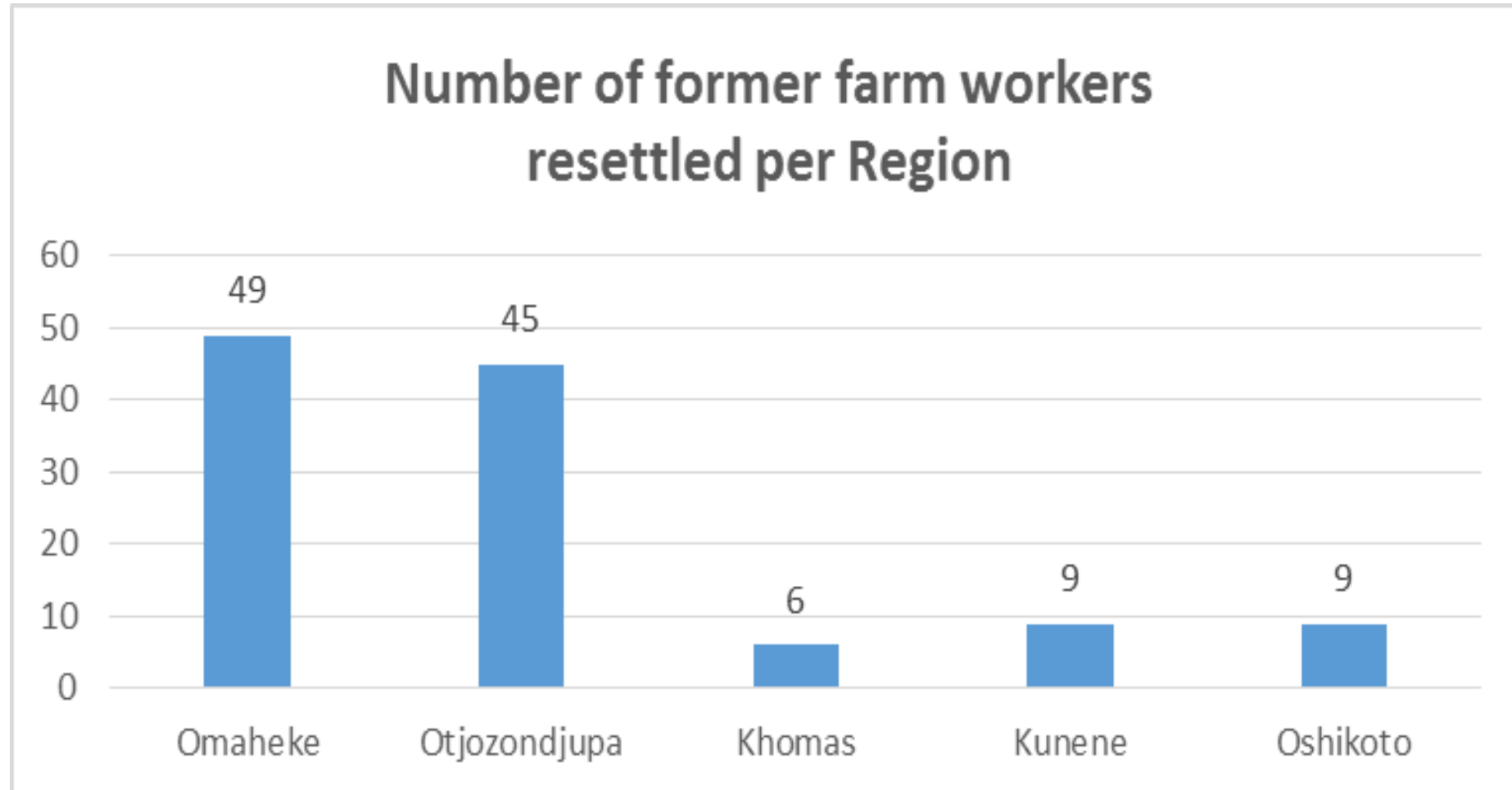


Figure 25: Former Farm Workers Resettled

RESOLUTION NUMBER 10: FARM WORKERS continues...

Challenges

- Generational farm workers are being forced out of commercial farms by farm owners and end up in corridors thus adding to the list of people in need of land against a limited number of farming units to be allocated.

RESOLUTION 11, 22 and 23

RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS

Established commercial farmers should only receive financial assistance from the government in exceptional circumstances, which include natural disasters such as drought.

The government should consider providing assistance to commercial farmers for programmes of affirmative action, such as improving the conditions of farm workers.

RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS

Achievements

- Assistance to commercial farmers with land tax exemption during drought,
- AALs is provided under Agribank and restricted to previously disadvantaged Namibians,
- Agribank established facilities to improve the condition of workers on the farms,
- Various schemes developed to support farmers by Agribank.

Assistance to commercial farmers continues...

Challenges

- The Government foregoes funds accrued from land tax when it exempts farmers from paying land tax thus further diminishing the meager land purchase budget.

**RESOLUTION NUMBER 22,
TRANSFER OF LARGE COMMUNAL FARMERS TO
COMMERCIAL LAND**

*Large communal farmers should be
encouraged to move to commercial areas*

RESOLUTION NUMBER 22, TRANSFER OF LARGE COMMUNAL FARMERS TO COMMERCIAL LAND continues...

Achievements

- The NRP under MLR, complemented by the Resettlement Criteria is in favour of transferring large communal farmers into commercial areas.

Challenges

- Resettlement is a voluntary process, the transfer of large farmers is not compulsory,
- There is a high demand for land in relation to land availability under the NRP,
- Inability to move with the cattle across the redline.

RESOLUTION NUMBER 23, ACCESS OF SMALL FARMERS TO COMMERCIAL LAND

Small farmers in the communal areas should be assisted to obtain access to land in the present commercial zone. Cooperative ownership and provision of state land for grazing schemes should be considered.

Small farmers moving into commercial land should be given training, technical advice and assistance to buy and improve their livestock.

RESOLUTION NUMBER 23, ACCESS OF SMALL FARMERS TO COMMERCIAL LAND

Achievements

- Current Resettlement Criteria is in favor of communal farmers,
- Post Settlement Support training and mentorship is available for both AALs holders' and Resettlement farmers,
- Pre Settlement training is compulsory to Resettlement farmers since 2015,
- MLR in collaboration with Agribank are advancing free collateral loans of N\$200 000 to Resettlement farmers for livestock,
- MLR and Agribank are reviewing the MOU to increase the facilities to N\$ 500 000.

Challenges

- There is a high demand of land under the NRP.

RESOLUTION NUMBER 12, FUTURE ROLE OF COMMUNAL AREAS

*Communal areas should for the present be retained,
developed and expanded where necessary.*

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

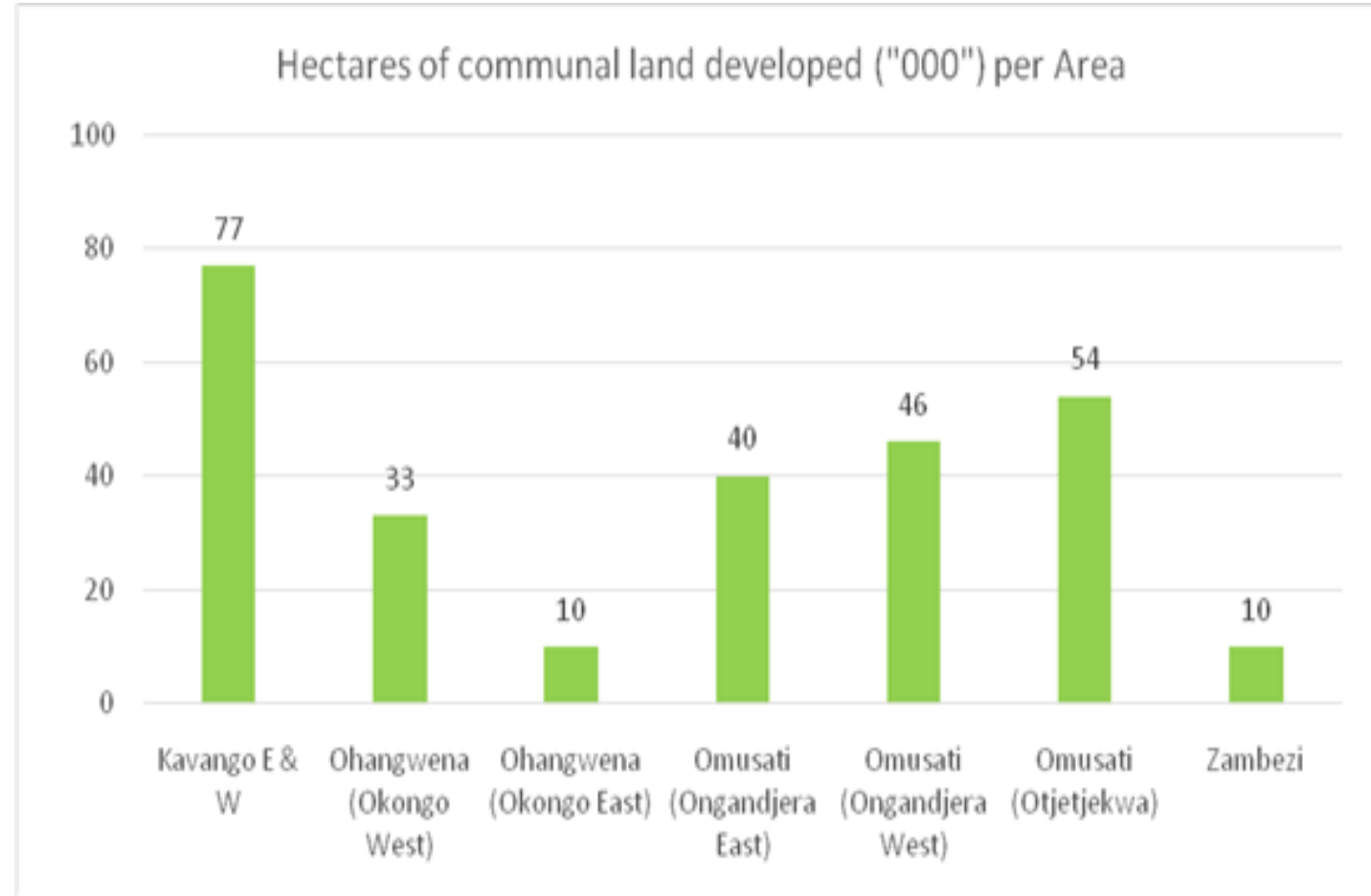
Achievements

- CLRA provides for the establishment of designated areas,
- SSCFU project surveyed farming units in Kavango West, Kavango East and Ohangwena Regions,
- In 2012, MLR established the PCLD to spearhead the development of communal areas,
- Supported through a co-financing mechanism known as the Basket Fund by GRN 14%, KfW & EU 86%.

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

Achievements

- More than 900,000 ha of underutilized land identified in Omusati, Ohangwena, Oshikoto, Omaheke, Otjozondjupa, Kavango East, Kavango West and Zambezi regions,
- Developed infrastructures to date measures 270,000 ha, in Omusati, Ohangwena, Kavango East, Kavango West and Zambezi regions.

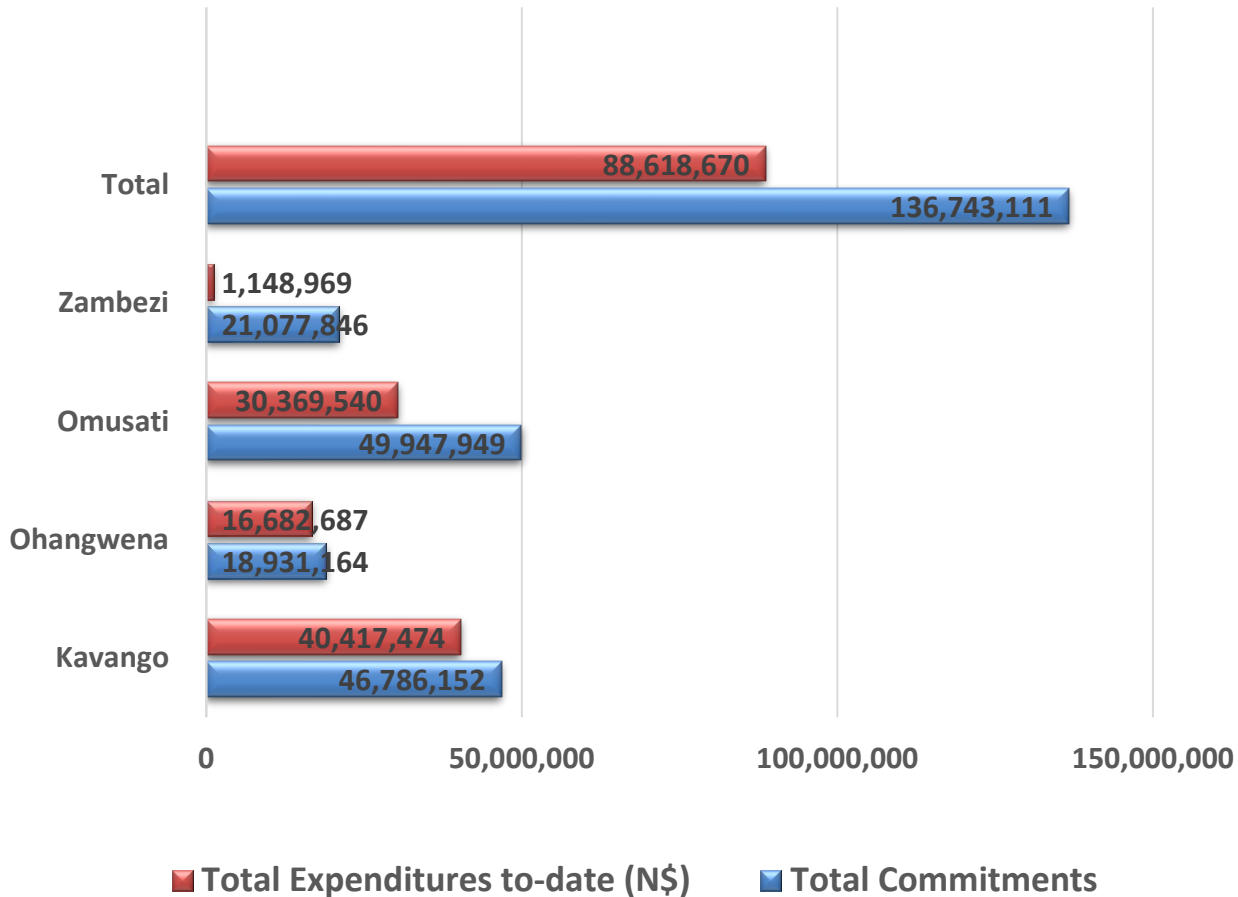


RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

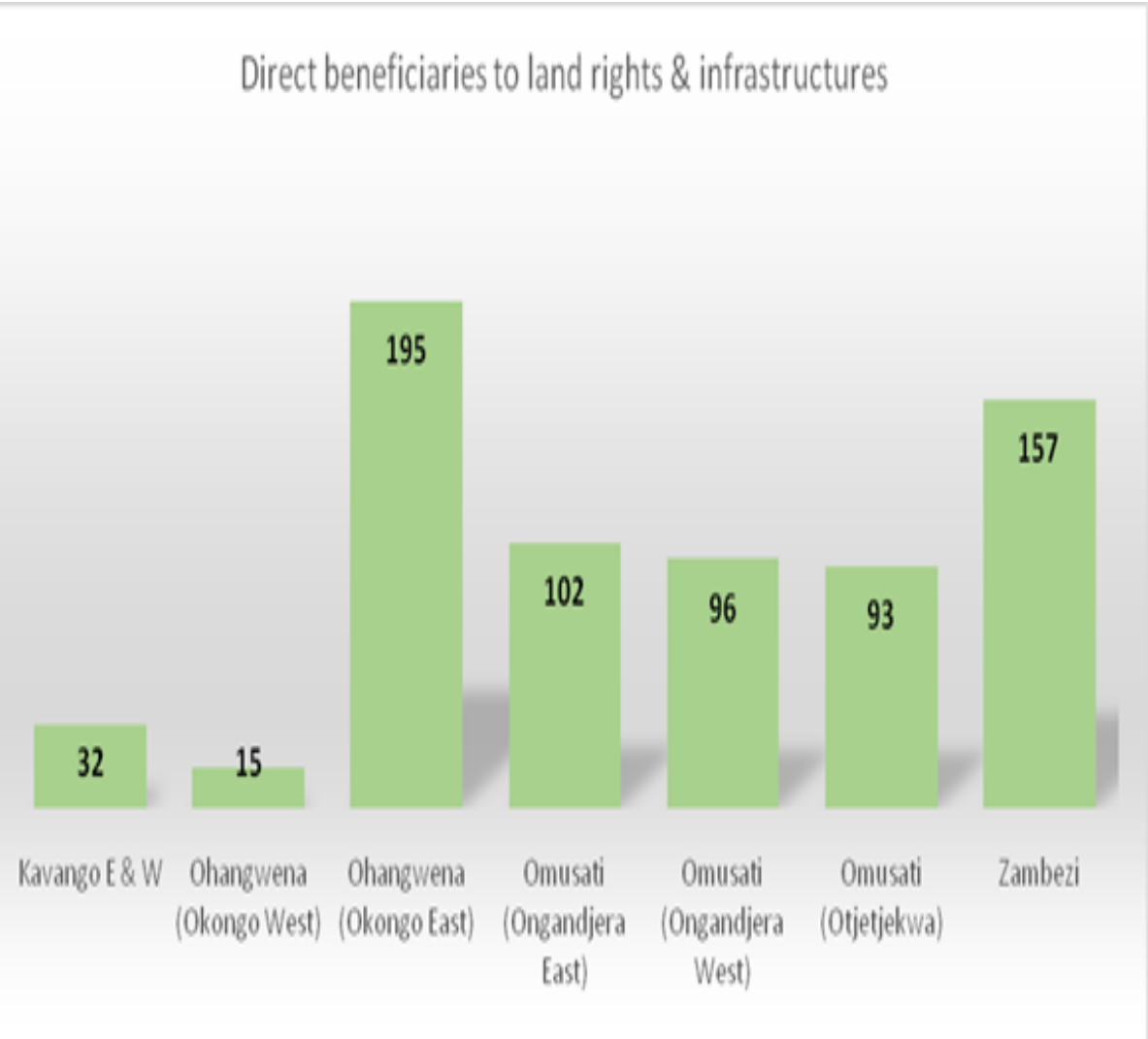
- Totalling to 836km of fences, 20 kraals, 44 new boreholes, 68 water point upgrades and 98km of water reticulation have been developed,
- Allocated budget for PCLD is N\$500 million, of which N\$182 million is for infrastructure development,
- N\$136,743,111.00 is committed,
- N\$88,618,670.00 spend on infrastructure's development,
- 690 farmers in the communal areas have benefited from the program,
- 7,800 members of farming households derive benefit from an enhanced production environment,
- Projects mainly for agricultural purposes.

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

Expenditure on Infrastructure in Communal Areas



Direct beneficiaries to land rights & infrastructures



RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

Achievements

- Cooperatives Established in Designated Areas,
- to administer a group land rights for commonage,
- individual customary land rights inside designated areas are being demarcated and excluded from the group right registration.

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

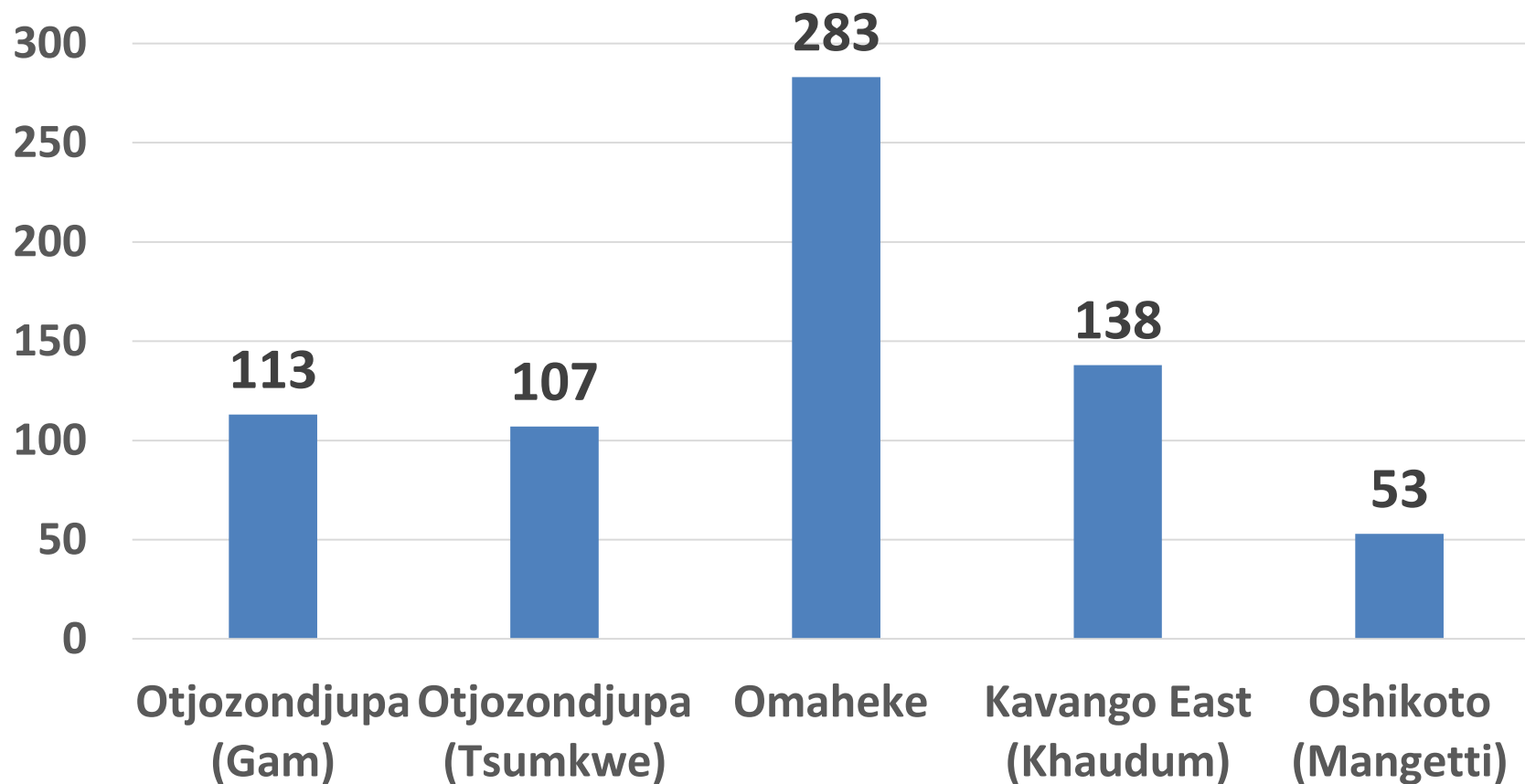
REGIONS	PCLD AREAS	TENURE RIGHTS	NAMES OF COOPERATIVES	AREA SIZES (HA)
ZAMBEZI	Mayeyi Traditional Authority	Group Right of Leasehold	Kadumu Farmers Cooperative	10,000
OHANGWENA	Okongo West	Group Right of Leasehold	Onghalulu Farmers Cooperative	12,000
OMUSATI	Otjetjekwa	Group Right of Leasehold	Otjetjekwa Farmers Cooperative	48,000
	Ongandjera East	Group Right of Leasehold	Amarika Farmers Cooperative	40,000
	Ongandjera West	Group Right of Leasehold	Ohama-Yongwe Farmers Cooperative	46,000

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

- MLR plans infrastructure investment in the following regions: Otjozondjupa, Omaheke, Oshikoto (Mangetti), Otjozondjupa (Tsumkwe West), Kavango East (Khaudum), totaling to 694,000 hectares,
- 500 farmers are expected to benefit,
- LLPP for these regions completed, except Tsumkwe West which is in the final stage,
- LLPP is a planning modality that leads to infrastructure development.

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

Hectares of areas to be developed with infrastructure (000)



SCCLRM: Resolution No 79

That the Government should develop under-utilized and under-developed communal land into small scale commercial farming units and allocate the same to previously disadvantaged Namibians to engage in commercial farming.

Action Taken

- MLR has a programme (PCLD) to develop under-utilised land in various regions where such land was identified and implemented.
- To date 33% of identified land has been developed with support from EU and KfW together with the State.
- MLR is designing a Project Identification Form to determine the cost/resources required and sources of funding to support the initiative to develop the remaining 67% and to identify new state land for development.
- A Local Level Participatory Planning (LLPP) approach has been implemented in order to enable the Ministry to identify and allocate the land to such farmers with involvement of MAWF
- Advisory service is linked to the programme in partnership with MAWF Extension Services.

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS continues...

Plans

- MLR plans to identify under utilized land in Hardap and //Kharas region,

RESOLUTION NUMBER 12: FUTURE ROLE OF COMMUNAL AREAS

CHALLENGES

- Overlapping land uses hamper the implementation of the PCLD,
- TAs boundary disputes delay the commencement of the project,
- Withdrawal of consent letters by TAs towards developmental of infrastructures,
- Additional funds needed to develop all identified underutilised land,
- Lack of marketing of livestock produce in northern communal areas.

RESOLUTION NUMBER 14, DISADVANTAGED COMMUNITIES

*The San and disabled should receive special protection of
their land rights*

RESOLUTION NUMBER 14: DISADVANTAGED COMMUNITIES

Achievements

•MLR established group resettlement projects for the San marginalized communities in both commercial and communal areas.

Communal

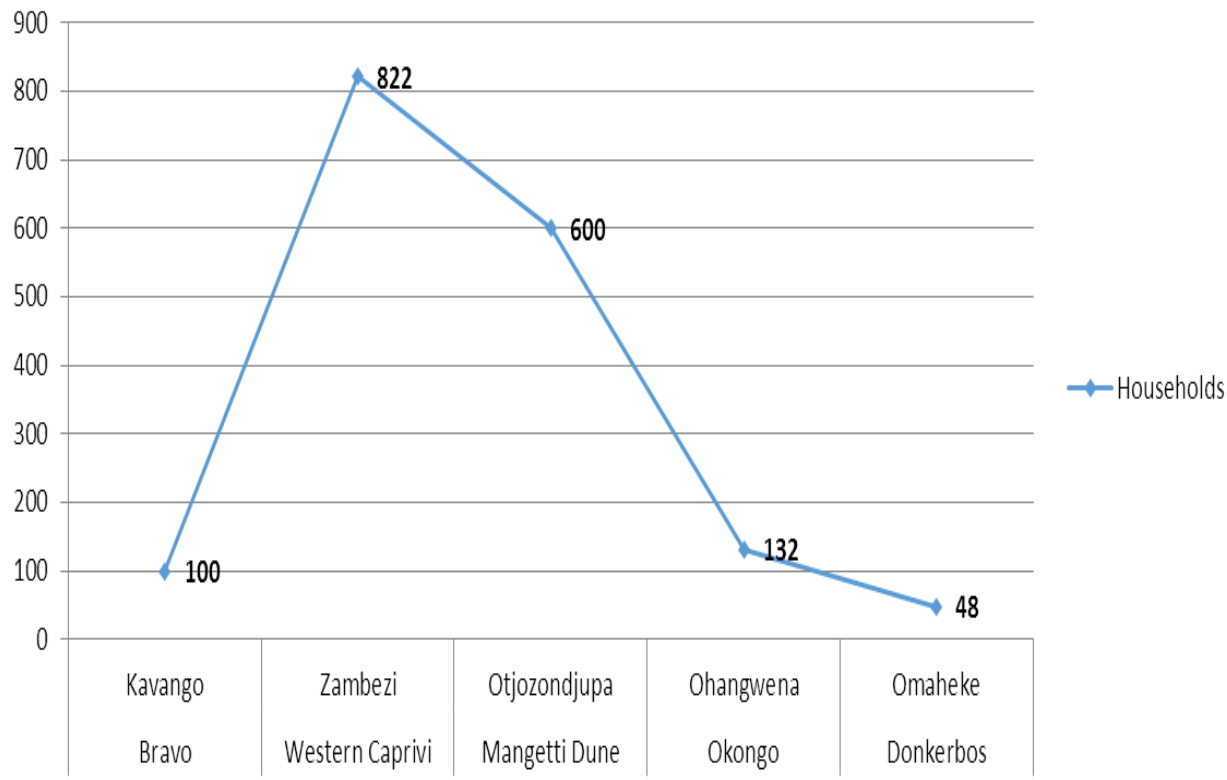
- Kavango: Bravo project
- Zambezi: Western Caprivi Project
- Ohangwena: Okongo area (Oshanashiwa, Onamatandiva, Ekoka and Eendombe)
- Omusati: Oshihau and Onandjandja
- Otjozondjupa: Mangetti dune project
- Omaheke: Donkerboss Sonneblom

Commercial

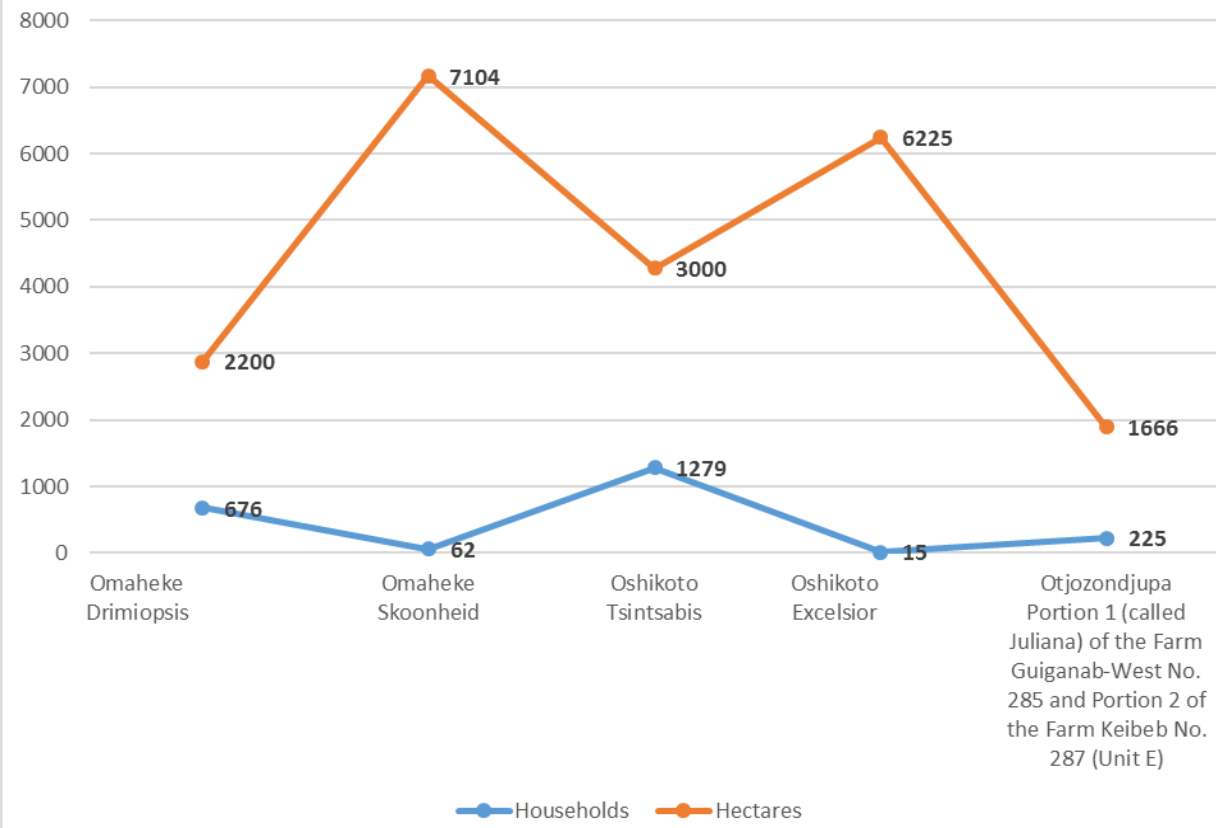
- Omaheke: Skoonheid, Drimiopsis,
- Oshikoto: Tsinstabis, Excelsior
- Otjozondjupa: Unit A & E of Farm Juliana No.285

RESOLUTION NUMBER 14: DISADVANTAGED COMMUNITIES

San Group Resettlement Projects in Communal Areas



San Group Resettlement Projects in Commercial Areas



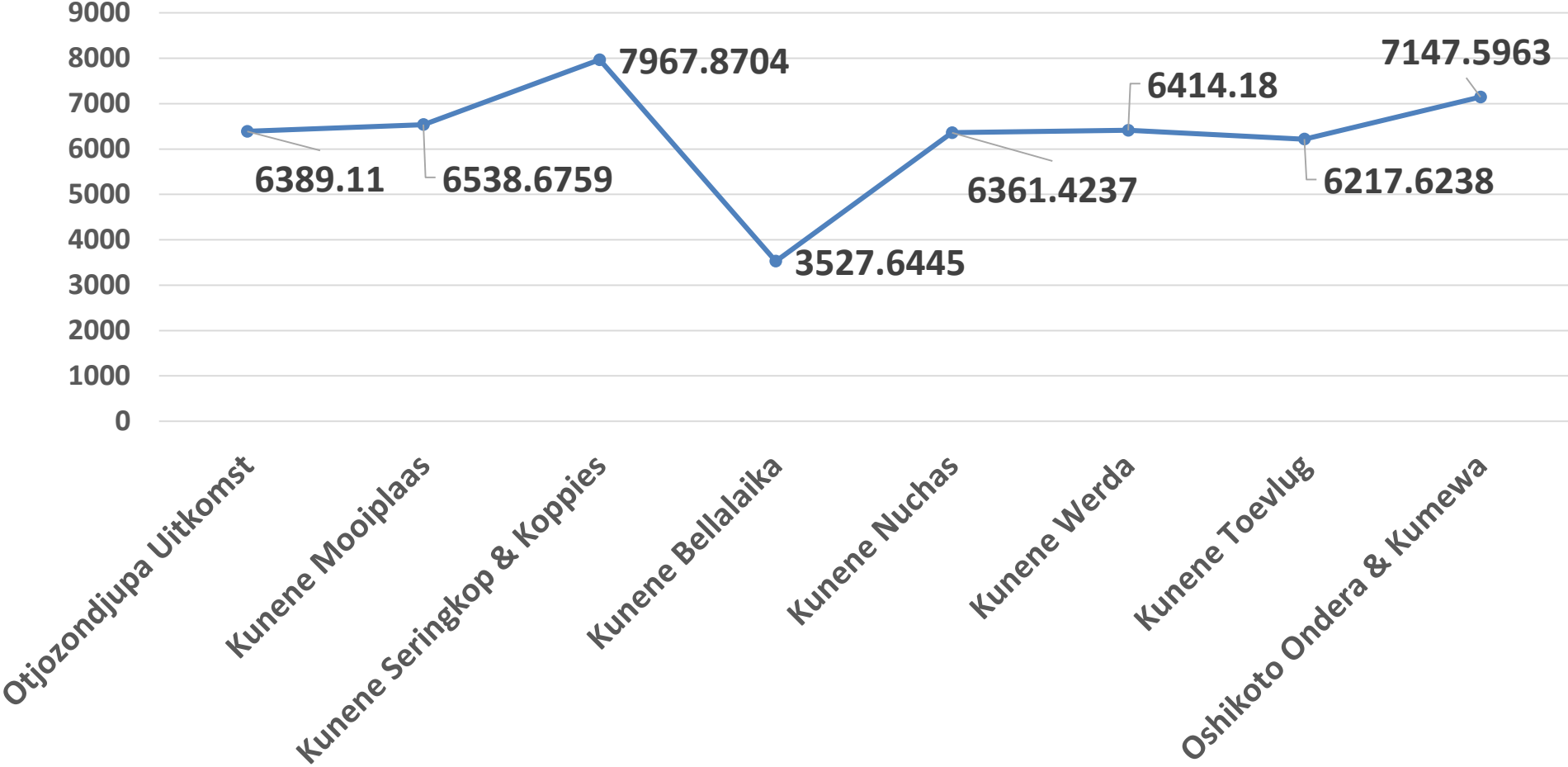
RESOLUTION NUMBER 14: DISADVANTAGED

COMMUNITIES continues...

- Repatriation of the 1172 Batswana of Namibian Descent from Botswana to Gam (Otjozondjupa region) and Eiseb Block areas in Omaheke region.
- MLR acquired & transferred eight (8) commercial farms with a combined size of over 50 000 ha to the Office of the Vice President (2006-2013)
 - For the upliftment of the living standards of the marginalized communities (specific for Hai//Om and Om Communities) :
 - Otjozondjupa: Uitkomst project,
 - Kunene: Mooiplaas, Seringkop & Koppies, Bellalaika, Nuchas, Werda, Toevlug,
 - Oshikoto: Ondera & Kumewa.

RESOLUTION NUMBER 14: DISADVANTAGED COMMUNITIES continues...

Total number of (50564.1246) Hectares transferred to Division of Marginalized Community, (Office of the Vice President)



RESOLUTION NUMBER 14: DISADVANTAGED COMMUNITIES

Challenges

- GRN is challenged with the increased number of beneficiaries on group resettlement project farms, due to;
 - **Overcrowded farming units**
- The number of households and beneficiaries in group resettlement is continuously increasing because some farmers relocate disadvantaged San families whenever they no longer have jobs for them.

RESOLUTION NUMBER 16: PAYMENT FOR LAND

*All payment for land (business purposes) should be to the
GRN rather than Traditional Leaders*

RESOLUTION NUMBER 16: PAYMENT FOR LAND

Achievements

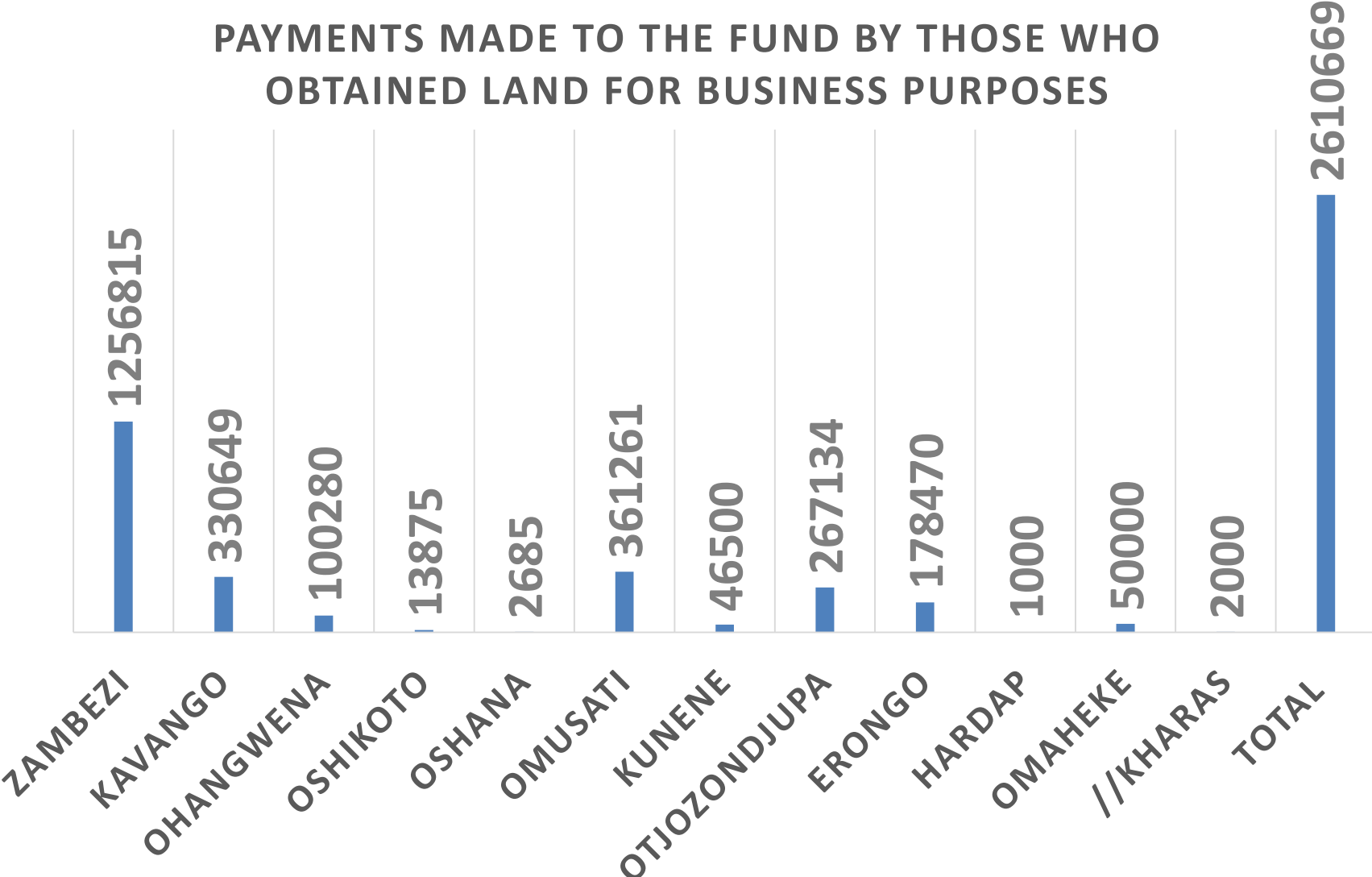
CLRA has provided:

- for rental fees in communal areas in respect of land utilized for business purposes,
- for payment of application fee and issuance of any registration certificate,
- A total of **N\$2,610,669.00** was collected by all Communal Land Boards,

RESOLUTION NUMBER 16: PAYMENT FOR LAND

continues...

PAYMENTS MADE TO THE FUND BY THOSE WHO OBTAINED LAND FOR BUSINESS PURPOSES



RESOLUTION NUMBER 16: PAYMENT FOR LAND

continues...

Challenges

- Some TAs are demanding payment of rental fees in respect of business purposes into their own funds, which is contrary to the provision of the CLRA.

RESOLUTION NUMBER 17: RIGHTS OF WOMEN

*Women should have the right to own the land
and to inherit*

Achievements

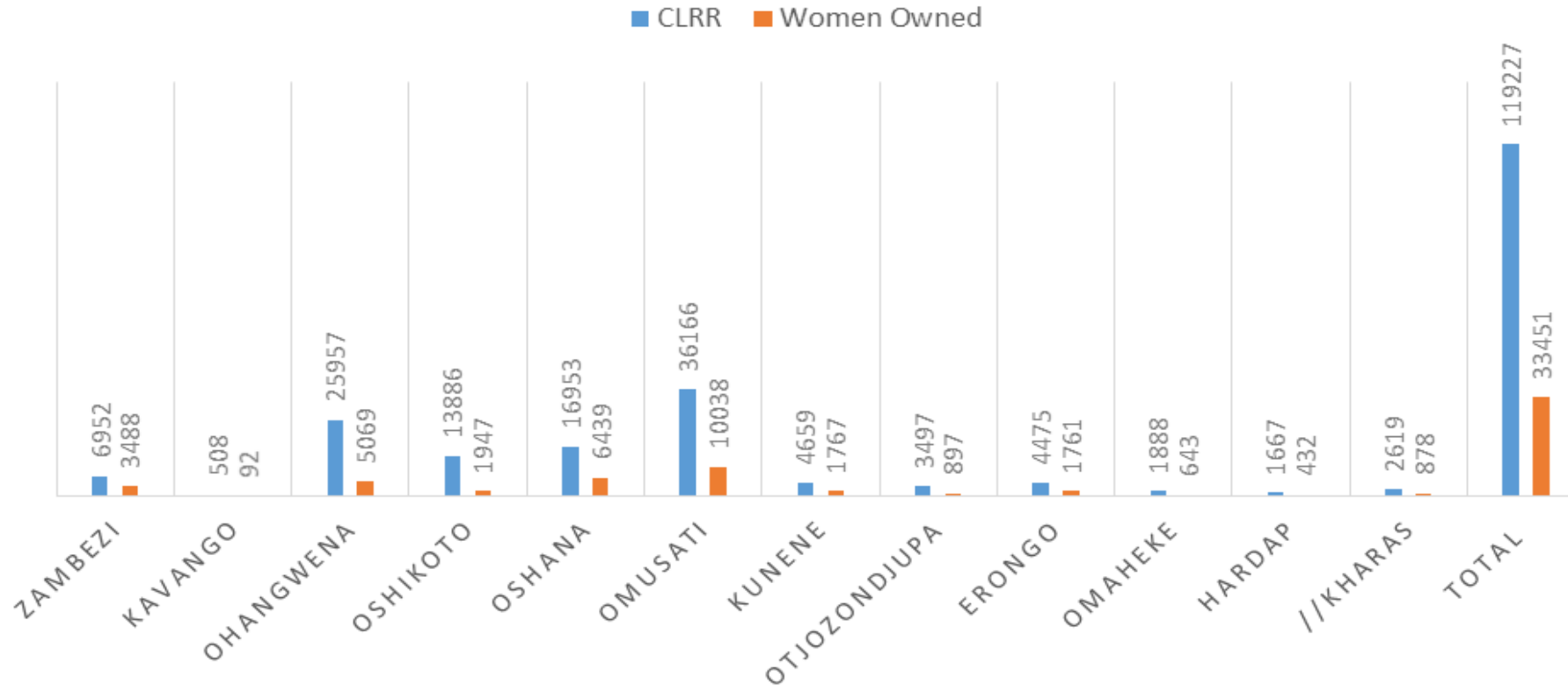
- CLRA provides:
 - for equal rights for women to acquire communal land.
 - Women can also have their own land rights registered into their names.
 - provides for mandatory (4) women representation in CLBs
- ACLRA
 - Gives Women preference in Resettlement Programme,
 - Provides for mandatory (2) women representation in the Land Reform Advisory Commission and Resettlement Committee

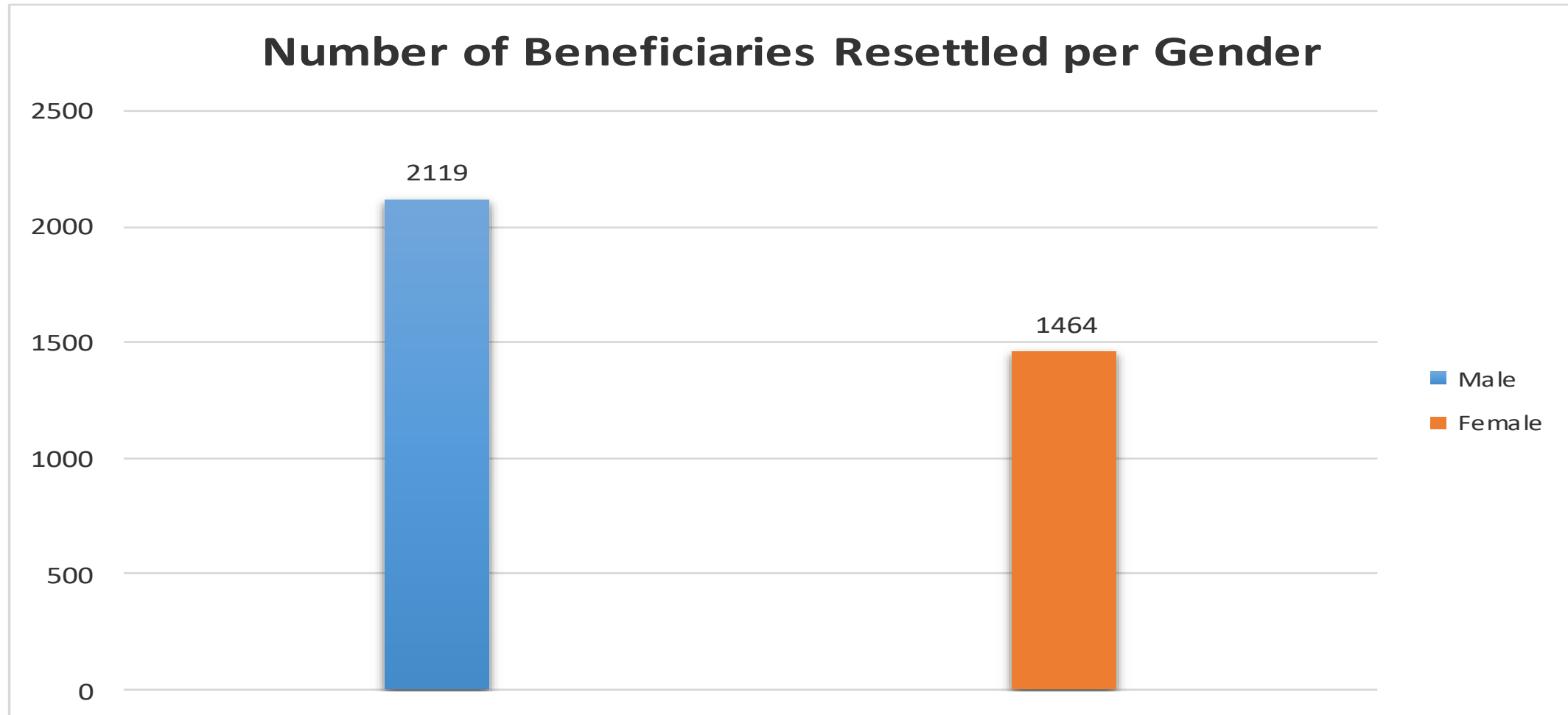
- Noting that discriminatory law did not allow women to own Land,
 - To-date: women own 23% of Commercial farms against their male counterparts who own 77%,
 - Women own 28% Communal land rights against 72% their male counterparts,
 - Women owns 41% of Resettlement farms against 59 their male counterparts,

RESOLUTION NUMBER 17: RIGHTS OF WOMEN

continues...

**(119,227) COMMUNAL LAND RIGHTS
REGISTERED AGAINST (33,451) 28 % OWNED BY
WOMEN**





RESOLUTION NUMBER 17: RIGHTS OF WOMEN continues...

CHALLENGES

- Some Traditional communities base land allocation on tradition and customs disadvantaging women.
- Land decision disadvantaging some women e.g. land encroachment.

INTERVENTIONS

- CLRA provides for allocation of land to both men and women,
- It further provides mechanisms for everyone aggrieved by a decision of a Traditional Authority or Land Board to appeal against it, to the Minister of Land Reform for the Appointment of the Appeal Tribunal to resolve the dispute.

RESOLUTION NUMBER 20: IILEGAL FENCING

*Illegal fencing of land must be stopped and all illegal
fences must be removed*

RESOLUTION NUMBER 20 ILLEGAL FENCING

Achievements

A total of 107 fences removed by Communal Land Boards with a total of 30,822.07Ha

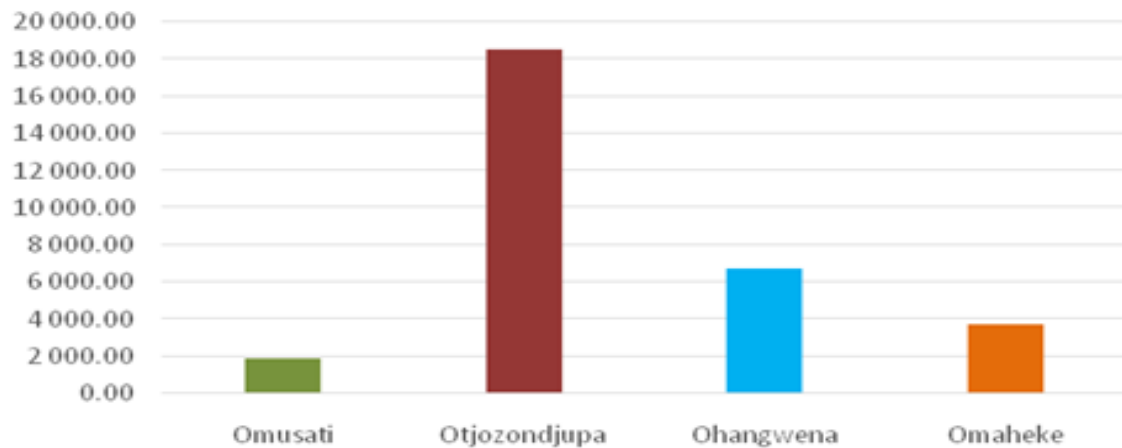
Omusati – 15 = 1,862.36Ha

Otjozondjupa – 57 = 18,532.00Ha

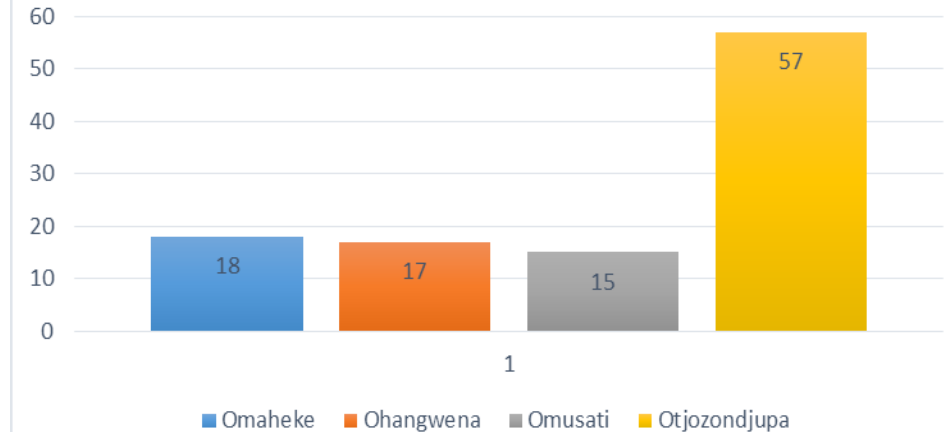
Ohangwena – 17 = 6,712.51Ha and Omaheke - 18 = 3716 Ha

Omaheke -18 = 3.714.20

(27,107.87) Total hectares in fences removed
(since inception of Act - 2018)



(107) Total Number of fences removed
(since inception of Act - 2018)



RESOLUTION NUMBER 20 ILLEGAL FENCING

continues...

CHALLENGES

- Allocation of land without following proper procedures,
- Insufficient financial provision to investigate identity and remove illegal fences timeously.
- TA's are not capacitated to control illegal fencing
- Procedures to remove illegal fencing are long and complex,
 - forty-five (45) fences pending with High Court.
 - 23 fences are pending with Appeal Tribunal
- CLRA is silent on spot on fines in comparison to forest protection and poaching,
- T/A allocating people in protected/designated areas.
- Whilst some fences are considered illegal by CLRA, some Traditional Authorities support their existence hence removal of such fences is impractical.

RESOLUTION NUMBER 21: DUAL GRAZING

Commercial farmers should not be allowed to have access to communal grazing land,

Communal farmers who acquire commercial farms should not be allowed to keep their rights to communal grazing land.

RESOLUTION NUMBER 21: DUAL GRAZING continue...

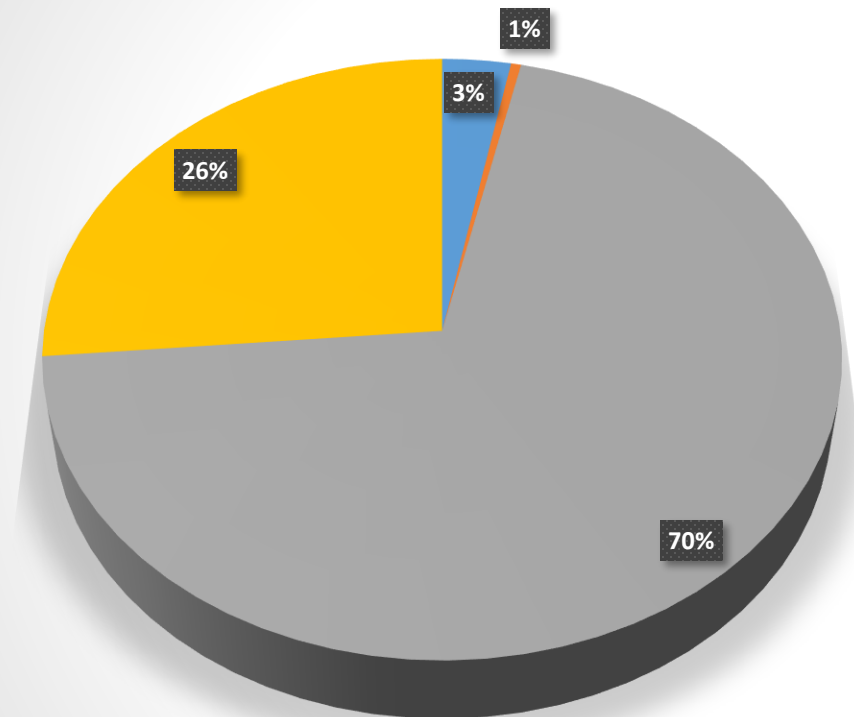
Achievement

- Provided for under the National Land Policy,

Challenges

- Cultural & Sentimental values attached to cattle ownership pose serious challenge to the enforcement especially when farmers are not allowed to migrate their livestock beyond the red line,
- Enforcement is difficult as it is not provided for in the legislation (Act).

Commercial Land Ownership



- Foreign Nationals
- Joint Ownership (Foreign & Namibians)
- Previously Advantaged Namibians
- Previously Disadvantaged Namibians

SCCLRM: Resolution No 44

That the Ministry of Lands Reform and Agriculture, Water and Forestry are directed to finalise the transfer of Post Settlement Support to the Ministry of Agriculture, Water and Forestry by the end of 2014/2015 Financial Year

Action Taken:

Done

SCCLRM: Resolution No 46

That the Ministry of Lands Reform should implement a 5 Year Project for basic Farm Infrastructure Rehabilitation (Water, perimeter fence and internal camps fences) through:

- a) Recruitment of water experts and a takeover strategy to transfer the water component to MAWF after 5 years; and
- b) Training of the farmers on how to rehabilitate/ maintain their own farms' infrastructures (COSDECs)

Action Taken:

- A functional unit dedicated to farm infrastructure rehabilitation and development (mainly water) has been established within the MLR' structure to assist with the development of and implementation of the 5 year plan of farm infrastructure rehabilitation / development and it concluded the first two years.

SCCLRM: Resolution No 47

That MLR should use direct professional service (e.g National Youth Service) NYS on the resettled beneficiaries to carry out fencing of resettlement farms in order to cut costs

Action Taken:

- NYS engaged in fencing activities on resettlement farms.

SCCLRM: Resolution No 50

That a proactive strategy should be put in place to prevent dilapidation and vandalism of infrastructure existing acquired farms.

Action Taken:

MLR has an existing agreement with NYS for the care taking of resettlement farms country wide prior to physical resettlement and occupation by beneficiaries.

This arrangement so far has worked despite challenges of the level of security offered.

SCCLRM: Resolution No 86

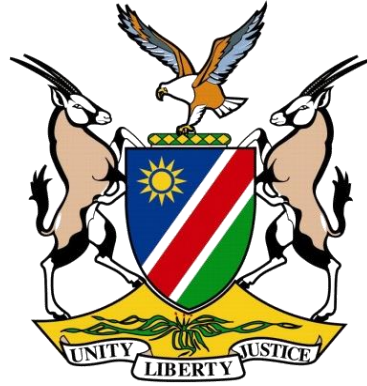
That a reliable Information and Technology environment should be created to enable the effective management and harmonisation of database and information systems regarding records and safekeeping of data related to land (urban, communal and agricultural (commercial lands)).

Action Taken

- Independent systems are in place: CAMA, CDRS, LIS, LTPRS, NIMIRES & NCLAS. Funds have been secured to acquire a data sharing system (share point).
- The Ministry is busy conducting the systems audit in consultation with the office of the OPM

CONCLUSION

- Land is becoming a very scarce resource, especially to the previously disadvantaged landless Namibians due, to the increase in population and the fact that communal areas are overcrowded and overstocked,
- Additionally, population growth increased the competition for land,
- Furthermore people in overcrowded farms and corridors demand for land availability.
- It is thus prudent that efforts of all stakeholders are directed towards devising methods that would ensure equity in land ownership through the redistribution thereof within the legal framework.



THANK YOU