

1.1 PREAMBLE AND INTRODUCTION

The Traditional leaders of the five groups in the Kavango Region, traditional headmen, Councillors to the Hompas and members of the Land- and Farming Committees held a meeting in Rundu on Wednesday, 29 May 1991 in preparation of the National Conference on Land Reform and the Land Question. At this well attended meeting, detailed discussions, deliberations and a thorough exchange of views took place. Cognisant of the fact that the lives of the majority of Namibians, and the chance of survival for many, will be profoundly affected by the ways in which the communal lands are controlled and developed, this meeting reached a general representative consensus of ideas and views which serve as recommendations from the entire Region to this very important historic National Conference. It is our fervent hope that this august Conference, when considering and adopting recommendations will incorporate the ideas and submissions as reflected in our humble statement:

1.2 VIEWS ON:

1.2.1 PRESENT LANDOWNERSHIP (COMMUNAL LAND)

- a) System of communal land ownership should be retained.
- b) In our region, land is viewed and accepted as the communal property of all the people or community,
- c) Nobody should buy the land in the communal area,
- d) Land can however only be hired on Permission to Occupy (P.T.O) basis or system,
- e) Application and consultation to occupy land should go through and actually be conducted with:

- * Land- and Farming Committees (Land Boards),
- * Traditional headmen and Councillors,
- * Traditional Hompas (Chiefs) who should have the authority of final approval or disapproval of such applications.

1.2.2 Bona fide Namibians who qualify as such in accordance with the provisions of the Namibian Constitution should own land in Namibia.

1.2.3 Communal land belonging to the Community should not be camped or fenced, BUT individual (private) and legally owned farms within the communal area should be camped or fenced off.

1.2.4 We believe that people may be given land on the basis of a claim to ancestral land, but with a clear and unambiguous understanding and acceptance of the following:

- a) All details as explained in 1.2.1 (a) to (e).
- b) A clear explanation and motivation of the purpose, i.e. why is the land needed,
- c) Proof that the land was really occupied and used by ancestors and for how long was it occupied and used as well as reasons for abandonment,
- d) Period (in years) - how long was land unused before the claim is made,

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- e) The local Land- and Farming Committee (Land Board) as an Advisory body and finally the traditional Homba (Chief) of the area must have the final power and authority to approve or disapprove such claim(s) based on ancestral land.

1.2.5 It is our conviction, that at least for the present and in the foreseeable future, no claims based on economic terms must be made in Communal Areas. However, channels must be left open to apply to the relevant authority as explained and motivated in Articles 1.2.1 - 1.2.4 above and in foregoing pages.

1.3 LAND OWNERSHIP

* The land is a very important fixed asset for any group of people. In the North Eastern Region (Kavango), when talking about land, one should never forget the perennial and beautiful Kavango River,. It is regarded as part of the land.

* The present land ownership is not fair as it reflects unequal distribution where the vast majority of the population has access to a fraction of all agricultural land. The lack of boreholes and other basic infrastructure in the communal land, including our region, has meant that the majority of the population are concentrated along the Kavango River. This may perhaps eradicate the confusion in certain quarters that large part of the region is still unpopulated!

1.4 CONFISCATION AND COMPENSATION

In this regard, we recommend that when dealing with this issue, the following aspects should be taken into consideration:

a) ABSENTEE LANDLORDS (LANDOWNERS)

In the case of absentee landlords or foreigners who own land in Namibia we feel that:

- * The government may appoint a Commission of Inquiry which must investigate the procedure and legality through which such lands were acquired,
- * If it is found that such lands were legally acquired these lands and landowners must be highly taxed by the Government,
- * The Government should confiscate lands without compensation, if it is found that such lands were acquired illegal.

b) In the case of those Namibian Citizens who own more than one farms that were legally acquired, the Government may confiscate some of these farms and the owners must be compensated according to the prizes as determined by the Government.

c) In situations where people were illegally forced out of their places we propose that:

- * the Government should appoint a Commission of Inquiry to investigate the illegal process through which such lands or farms were acquired,
- * The Government may confiscate those Namibian citizen's farms or lands back if such lands or farms were acquired by forcing out the local inhabitants.

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1.5 CRITERIA FOR ACQUIRING LAND

- * bona fide farmers,
- * community,
- * if land is meant to develop a project, industry, mine etc for the benefit of the local people in which case a certain amount should be paid to the local Traditional Authority in the form of a tax.

1.6 Foreigners should not be allowed to own and buy land in Namibia, but should ONLY be allowed to hire or rent land on a Permission to Occupy (P.T.O) when such land is meant for commercial purposes (e.g. business, industry, agricultural projects, mine etc.).

1.7 FARM LABOURERS

As these people are, in the majority of cases, regarded as part of the farms, special attention should be given to them in terms:

- a) guarantee of their Constitutional Rights,
- b) Accessibility to small plots on the large farms for cultivation by the farm labourers,
- c) living wages be paid to them,
- d) Salary increases,
- e) School and clinic facilities must be available to them,
- f) Recruitment of farm labourers should be done at the traditional centres (tribal centres) and proper records of such contracts and agreements should be kept.
- g) Normalization of relationship between the Farmowners and Farm Labourers.