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**“Women are the guardians of Land, Life, Seeds and Love”**

## **Namibia Rural Women’s Assembly (NRWA)**

**Position Paper to :**

**2<sup>nd</sup> National Land Conference**

**Windhoek – Safari Hotel**

**01 – 05 October 2018**

# **Namibia Rural Women's Assembly (NRWA) Position Paper/ Submission to the Second Land Conference, Safari Hotel – Windhoek.**

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## **Introduction**

Although Namibia is classified as a middle income country, wealth is unequally distributed. The majority of poor people are women who reside in the rural areas of the country. Fifteen of the country's poorest constituencies are in the subsistence communal farming sectors (National Planning Commission, 2015). The bulk of our members come from the rural subsistence farming areas. We therefore have a vested interests to see that the land reform process seeks to address the major challenges confronting our members and redress the gross inequalities that still characterise the agrarian economy.

Women's marginalisation in land access, ownership and control of land has a long a long history from pre-colonial and colonial times, rights up to the present. This is not always acknowledged in policy implementation. Our members are not fully recognised for their reproductive and productive labour as well as their contributions towards food and agricultural production. Gender inequalities in land access, ownership and control as well as inequalities in accessing services and inputs to make land more productive persists despite non-discrimination clauses in our constitution and legal frameworks. As the statistics show, women are still discriminated against in the allocation of communal land, resettlement schemes and freehold land.

Colonial dualisms in the economy are clearly reflected through the inequalities in agriculture. Rural poverty, the lack of investment in agriculture and the existence of the red line or veterinary cordon fence, 27 years after Independence, are testimony to some of the failures of the decolonisation, land reform and rural development processes. The Namibian Agricultural Census categorised agriculture into two distinct sectors namely capital intensive, export oriented commercial farming sector and the subsistence-based, labour intensive, low technology, communal farming sector (Legal Assistance Centre, 2017). This dualistic structure of the agricultural economy cannot change without significant investment into the subsistence sector where the majority of women reside. The racist colonial and patriarchal structures in agriculture remain intact. Recent statistics released by the National Statistics Agency (2018) affirm what most Namibian's already know, namely that the land reform project has not significantly altered colonial land ownership patterns. It has not substantially changed racial and gender inequalities with regard to land ownership and control. Any land redistribution programme that seeks to overcome the injustice of colonial dispossession will have to reimagine land reform away from the current elitist project where the elites of the previous colonial regime, foreign elites and post-Independence Black elites are the primary beneficiaries of land reform.

The National Rural Development Policy (2012) and the Namibia Agriculture Policy (2015) identify sustainable farming, sustainable rural development and people's empowerment as key strategic objectives (Legal Assistance Centre, 2017). However, there is big gap between policy formulation and policy implementation. The Namibia Rural Women's Assembly's (NRWA)

members have reported many practices that pose threats to their livelihoods and the environment. We hope that this conference and its residual policy, legal and judicial instruments will address the continued illegal fencing, illegal selling of land, land dispossession and environmental destruction through illegal mining, logging and over-stocking. We watch with great concern how foreign corporations acquire land in communal areas by very dubious means and want to see an end to this dispossession.

In the Malabo Declaration (2014) African heads of states reaffirm previous commitments to allocate at least 10% of public expenditure to agriculture. African heads of states also committed themselves to ensuring food security and to targeted public support to women, the youth, and other disadvantaged groups.

We are still far from food sovereignty. As food producers we lament the fact that our country still heavily relies on food imports. We import 60% of the food we consume (World Food Programme, 2018). We are therefore subject to world market food price fluctuations as well price fixing by cartels who control global food production and food prices. Consequently 28 % of Namibian families have difficulty in accessing food. Many small-scale subsistence farmers have limited access to nutritious food due to recurrent droughts and floods, low productivity and limited access to land. This malnutrition means the insufficient consumption of vitamins and minerals, an average of 24% stunting rate for children under 5. Stunting in the rural areas is as high as 30% and 48% anaemia in children under five (World Food Programme, 2018).

## **Women: Land Ownership, Access and Control**

### **Women in Freehold/ Commercial Areas**

At Independence in 1990, 52% of Namibia's agricultural land was owned by approximately 4 500 white people while 70% of the population was restricted to communal areas comprising 48% of agricultural land. One of the objectives of the first land conference in 1991 was to redress past injustices and to redistribute land to previously disadvantaged (Werner and Odendaal, 2010).

The Agricultural (Commercial) Land Reform Act 1995 explicitly directs the Land Reform Advisory Commission to develop criteria to advance women's access to agricultural land (Namiseb, undated). Despite this women are still marginalised in the redistribution process. In the freehold areas female land ownership is around 23% versus male ownership of 77% (National Statistics Agency, 2018). Resolution 10 of the 1991 Land Conference condemns the injustice committed against farmworkers on both commercial and communal farms (Kazembire & Yarukeekuro, 2018). However farmworkers constantly face insecurity of tenure, particularly when they become unemployed or when farm ownership changes. They then end up in the corridors between commercial farms (Pienaar, 2017).

The majority of Black women who live in the freehold commercial rural areas face high unemployment, poverty and insecurity. Very little changed since the first land reform conference where the extreme vulnerability of female workers in the commercial agriculture sector was pointed out. They lack tenure security and can be evicted at will. Younger women who find work find themselves in casual seasonal work and their families therefore face constant dislocation as

work and employment circumstances change (NEPRU: 1991). High levels of mobility amongst farmworkers and the lack of tenure security increases their poverty and vulnerability (Werner & Odendaal, 2010).

## **Women on Resettlement Land**

The land distribution patterns are still characterised by racial, gender and class inequalities. Currently 44 % of land is characterised as freehold farmland, where 6% of the population resides. Thirty 38% of the land is characterised as communal land where about 50% of the population reside (Mendelsohn, Shixwameni & Nakamhela, 2013).

A cornerstone of government's land reform policy is the willing buyer-willing-seller approach where government uses public funds to purchase freehold farmland for redistribution to previously disadvantaged groups. This has distorted prices. Inflated land prices, reduced the amount of land government can purchase and allocations for post-settlement support. Since the inception of the resettlement programme up until 2016 only 5 231 individuals were resettled of which 27% were women who were allocated land in their own right. In addition to their disadvantaged position in obtained land, resettled women are further disadvantaged in post-resettlement support (Legal Assistance Centre, 2017).

An enquiry into land resettlement by the Office of the Ombudsman is in progress. There are however suspicions that beneficiary selection is not consistent with the selection criteria. In addition to specific target groups like the San, ex-soldiers, displaced and destitute persons and people with disabilities, the National Resettlement policy sets three categories of beneficiaries for resettlement namely; people with no land, livestock and employment; people with income but with livestock and people with income and livestock but no land. One weakness of the policy is that there are no income caps to qualify for settlement. This has resulted in the resettlement of high income individual in the political establishment and administrative structure (Werner & Odendaal, 2010). While gender balance is one of the selection criteria our members cite numerous impediments in obtaining land in their own their own right as women.

There is a lack of transparency in the allocation of resettlement farms. This lack of transparency has also intensified conflicts around the restoration of ancestral land, as descendants of communities that were dispossessed during German and South African colonialism assert their prerogative to return to this land (Cloete, 2017 & Iikela, 2018).

There has also been a paradigm shift in land resettlement from the poor people towards wealthier farmers with more livestock (Werner & Odendaal, 2010). This lessens the responsibility for post-settlement support on the state. The pro-elite shift can be discerned in a number of land redistribution practices. This departure from land reform process that will intensify poverty and inequality. Lack of expenditure on post-settlement will lead to further dispossession as poor farmers are already trading grazing for food and cash income. It also undermines government's own international commitments to agricultural investment. There is a need to remind government that white farmers in the South African colonial era benefitted from government subsidies,

concessionary finance, cash for grazing relief, bush encroachment, boreholes and soil conservation (Werner & Odendaal,2010).

**Our members who reside in resettled areas identified the following problems:**

- \* Application process is costly and includes travel costs and application fees;
- Gender discrimination and male preference in land allocation;
- Corruption and political favouritism in land allocation;
- Land rights and farming information do not appear in local languages and should be translated into the languages people speak;
- In some regions, for example, in the Otjozondjupa region some believe that tradition does not allow women to apply for land and to own land in their own right.
- Due to tradition some married women register land in their husband's name;
- The size of land allocated is too small for stock farmers
- stock theft and
- Illegal fencing which leads to land disputes.

These are some of the inputs needed by our members on resettlement farms. We therefore call on government to develop a social justice approach to resettlement to affirm poor people particularly women and to refine resettlement criteria to affirm those that are already marginalised. We also call on government to redirect its investment to agricultural production and input support programmes for disadvantaged female farmers.

**Women on Communal Land**

Women's contribution towards the economy of rural Namibia is often underestimated or invisible. Women are still not sufficiently recognised as producers and therefore they still have obstacles in securing land rights, accessing credit and accessing inputs to improve their livelihoods. To combat customary inheritance laws, the Communal Land Reform Act (2002) makes provision for widows' land-use rights. Despite this customary inheritance laws are still applied to the disadvantage of women and children. The Act provides the legal basis for female leasehold and the acquisition of customary land rights. However, rural women still experience property grabbing and disinheritance (Legal Assistance Centre, 2017 & University of Wyoming Human Rights Clinic, 20150).

Despite the Communal land reform Act the Legal Assistance Centre (2017) reports a number issues affecting rural women:

- Communal land is generally allocated to men and married women are not like to be named on certificates;

- Married women are not likely to benefit from the registration process as land is registered in their husband's names;
- Married women face cultural and social obstacles when applying for land on their own;
- The 1928 Native Administration Proclamation is discriminatory towards married women with regard to marital property;
- Women in customary marriages are not covered by the Married Persons Equality Act 1 (1996);
- In addition women in polygamous marriages are not likely to receive equal protection under the law
- Under some circumstances widows of polygamous marriages may not have their rights recognised.
- Girls are disadvantaged in inheritance;
- Unmarried women are less likely to afford the land registration fees
- Widows are likely to lose rights to quality land, for this land may be reallocated upon the death of their husbands and
- Single women face discrimination in their land applications as their marital status is seen as a threat to social stability.

A baseline study (Shapi, Nghitevelekwa, Namupala, Likuwa & Schier, 2017) shows that only 15% of women in the Ohangwena, Omusati, Oshana and Oshikoto regions gained land through applications to the traditional authorities and a further 14,8% did not get the land they applied for. There is an arbitrariness in the allocation process that does not belong to our democratic system of governance. In these regions village headman can arbitrarily reduce the size of land allocated to women and then allocate it to other people. Sixty percent of widows had to pay a fee (ombadu yekaya to headman to occupy land they have accessed through their departed husbands. Women are also not adequately informed about their land rights. Despite the advantages granted by the Communal Land Reform Act (2002), 50% of those interviewed did not know about the act and 30% knew very little (Ibid).

### **Privatisation and the elite capture of communal land**

While communal land cannot be privately owned the payment of registration fees have very worrisome residual effects. It creates the impression that land was bought. These payments signify the commodification of communal. It also creates fears that poor farmers will soon be left homeless or landless as their land is sold off (Mendelsohn, 2015). There is no effective legislation governing access to the commonages. This legal vacuum allows for the capture of commonages by elites. They fence off large tracts of land in plain sight of the custodians of communal land, namely, traditional authorities or law enforcement agencies. These farm sizes range from between 2, 500 to 10,000 hectares and are at times acquired through payments to local headmen (Mendelsohn, 2015).

In some areas there is no control over the movement of livestock or the number of livestock being grazed on communal land. This legal vacuum is also exploited by wealthy business men and salaried employees who are often "weekend farmers" and who capture grazing by transporting their livestock to the communal areas after the raining season to first deplete grazing and water sources there. Thereafter they transport their livestock to their private farms

after communal grazing has been exhausted. The result is that about 70%-90% of the grazing and water sources are used up by wealthy part-time farmers, exacerbating existing inequalities (Mendelsohn, 2015).

The process of effective privatisation has negative impacts on women's access to land. Despite its discriminatory nature the communal land tenure system offered land access based on family relations or conjugal relations with a man. The gendered land distribution patterns did not ensure women's independent access to land in their own right as men received land from the chief and then in turn granted usufruct to his wife /wives (Jauch, Edwards & Cupido, 2009; NEPRU, 1992 & Shapi, Nghitevelekwa, Namupala, Likuwa & Schier, 2017). The wave of privatization and elite capture of communal land excludes women. The negotiations to acquire land occur outside any legal framework and mainly occur between men. Once land is privatised it effectively "belongs" to an individual and not a family group. This therefore excludes women from access (Lobo, 2018).

#### **Our members revealed the following problems with regard to women accessing land:**

- Chiefs allocate land to the women but when male relatives object they reverse these decisions;
- Women often do not gain the land in their own names;
- Despite the law women are afraid to challenge unfair decisions about land
- Women were left out of decision bodies because of tradition and culture;
- When women are seldom represented on decision-making bodies and when they are, it is in a support role, as secretaries and not decision-makers;
- Male dominance in decision-making processes;
- Land is only allocated to those who can afford to pay a fee, this excludes poor women;
- in some areas only women who are legally married cannot access land;
- Female farmer need credit to start agricultural businesses as land in itself is not enough;
  
- Small land size is too small;
- Illegal fencing by government officials;
- Plots are allocated to those with money;
- Authorities are unresponsive to complaints often seem unable or unwilling to solve problems brought to their attention and
- Grazing land decrease as towns expand.

#### **Women as Producers**

Women's work is continually undermined and understated. Rural women perform unpaid, and recognised productive and reproductive labour. They contributed immensely to food and agricultural production. We wish to see that our labour is recognised and our role as producers validated through input support programmes and services. Land rights are not enough. Beyond access to land women need services that make their land more productive and increase their levels of income. This includes access to water sources, agricultural inputs and agricultural extension services (UNDP, 2015).

### **(In)visible reproductive labour**

Women's work is often unacknowledged or invisible. Many rural women are employed as unpaid family workers in the subsistence sector where they are primarily responsible for household food production. They are vulnerable workers because they often do not have access to social protection programmes and they are at greater risk of the effects of economic cycles (Namibia Statistics Agency, 2017 a). Women in rural areas lack services. Clear examples of our lopsided and unequal development are reflected in the 85% of rural people who use firewood as their main energy source for cooking. This despite the fact that electricity transmission lines pass their homesteads. In the Kavango West Region 32% of people do not have access to clean drinking water and in the Zambezi region 59% have to travel more than 30 minutes to access safe drinking water (Namibia Statistics Agency, 2017 b). Most of the responsibility for water and firewood rest with women. The lack of basic services impacts on their workloads and form part of the un-enumerated and un-remunerated labour women perform.

In addition to poverty, inequality and higher unemployment levels, rural women are also more vulnerable to the effects of climate change. In recent years the country has been subject to extreme weather patterns of drought and flooding. Namibia will face an absolute water scarcity by the year 2020 as well as a reduction in bio-mass available for energy. Rural women's workloads will increase as women walk longer distances to procure household water and energy supply. Rural women are also primarily responsible for family nutrition and reductions in household food supply caused by crop failures through drought or floods will increase the pressure on them (Angula, 2010).

In addition to the economic exclusions rural women are also exposed to high levels of gender-based violence. They face many problems in accessing justice as police stations and other services are often inaccessible or expensive to reach. Due to a lack of effective public transport systems in rural areas travel costs are high. This makes it difficult to report cases of violence (Coomer, 2010).

### **Our members have called for the following support for their agricultural enterprises:**

- Farming equipment and livestock to start farming, especially for single mothers
- Training and extension services;
- Water infrastructure and cheap and accessible water sources to deal with droughts and water shortages;
- Affordable access to certified seeds;
- Access to tractors for ploughing
- Fencing materials to prevent animals from destroying crops;



- Fertilizers and
- Cultivation tools

### **Recommendations for land reform :**

- 1. Towards social justice and away with elite capture.**
- 2. That land reform seeks to provide justice and redress to those who have lost ancestral land.**
- 3. The dualism between subsistence–communal farming and commercial farming should be eliminated through targeted and gender-sensitive investment in agriculture and rural development.**
- 4. The Minister of Finance should ensure during budget allocation/tabling that land reform process re-orientates implement government’s international commitment towards spending 10% of its budget on Agriculture.**
- 5. That women are prioritised as immediate beneficiaries of land resettlement programmes, freehold affirmative action financing and communal land allocation processes to gain gender parity in land, access, ownership and control.**
- 6. An immediate moratorium of the sale of land to foreigners and the dispossession of communal land in favour of transnational corporations.**
- 7. An immediate stop to illegal logging and mining in communal areas. This is destroying our environment, diminishing our biodiversity and negatively impacting on our livelihoods.**
- 8. An immediate stop to illegal fencing and the return of fenced land to the communal group for redistribution to women.**
- 9. That government development a female farmer input support and extension services programme that targets female farmers on resettlement and communal farms as matter of urgency.**
- 10. That government facilitates women’s access to labour saving technology. This will increase female farmers’ agricultural yields and incomes.**
- 11. That government develop legislation that will governs the commonages in communal areas to limit stock numbers, the movement of cattle that is depleting available grazing and water sources and to stop sale of commonages to elites.**
- 12. That government ensure that law enforcement agencies take action against illegal fencing.**

**13. That government create mechanisms for citizen participation in land distribution and resettlement to enhance transparency and accountability and to eliminate secrecy and corrupt practices.**

**14. The removal of traditional leaders who sell land illegally.**

**15. The prosecution traditional leaders who sell land illegally.**

**16. The prosecution of those who acquire land illegally.**

**17. The immediate enactment of the Uniform Marital Property Regime Bill and Intestate Succession Bill to eliminate gender discrimination in inheritance practices.**

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