



COUNCIL OF CHURCHES IN NAMIBIA

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TO: THE NATIONAL CONFERENCE ON LAND REFORM AND
THE LAND QUESTION

MEMORANDUM OF THE CHURCHES ON THE NAMIBIAN LAND REFORM

I. SCRIPTURAL BASIS FOR LAND REFORM

Representing the Churches of Namibia, the CCN bases its declaration on land reform on fundamental Scriptural ethical principles, directing the life and work of the Church of Christ in Namibia. Of these, the following are most important:

- (1) The land belongs to God, as part of His creation;
- (2) Social justice, Love and Compassion for dispossessed fellow Namibians;
- (3) Christian responsibility towards establishing a viable economic system.

1.1 Creation Theology

In creation theology it becomes clear that God is the supreme and absolute "Owner" of the earth and the fullness thereof (Ps 24). All forms of ownership by any person, is subjected to His just and righteous disposal.

God not only created the land but also created human beings in His image. This image of God in all human beings is the basis of the human right to use land. God gives every community or individual the right to stewardship, which may not be taken away from him without seriously jeopardizing the image of God in human beings.

The right to land is however accompanied by God's mandate to cultivate and develop the land in a responsible way. (Gen: 2,15: "Then the Lord God placed the man in the Garden of Eden to cultivate it and guard it.") Human beings received from God the mandate and right to labour for and on the land. The right to use property becomes the "reward" for executing this mandate. Part and parcel of the obligation to labour, is the right to a living wage, being the material fruits of his labour, which enables him to live as a human being. A safe home, employment and access to land is therefore an in-

tegral part of the Christian Creation Theology.

During the course of history, situations often arise when exploitation of one group by another occurs, to such an extent that unjust distribution of property can no longer be tolerated. This was particularly the case in the Namibian history. The situation must be rectified on the grounds of the second Biblical principle, viz. that of restoring Social and Economical justice, driven by the Christian norm of Love and Compassion for landless, unemployed fellow Namibians;

1.2 Social and Economic Justice

God's law of love directs the total life and existence of all Christians, including their attitude and conduct towards fellow Namibians. Love however is embodied in upholding justice. Solidarity and loyalty is possible in a community, only when justice is persued diligently. The helpless and the needy have a right, as creatures of God and as His image, to their own "misjpat" (justice) to a life of human dignity, which nobody may take away from them. Justice is aimed at restoring the abused rights of a person in such a manner, that everybody receives whatever is due to him or her, in order to fulfil his/her God given task. This must be done in a spirit of compassion as yet another aspect of love.

1.3 Responsibility towards a viable economical system

If God is recognised as the real "Owner" of all good things, proper and responsible use of resources and property by means of initiative, talents, diligence and responsibility becomes service to God and fellow Namibians! By means thereof, the full potential of people is deployed at best. Stewardship of the land can also be seen as obedience to the cultural mandate of God to everyone: To cultivate, develop, restore and preserve the whole of creation. (Gen 2:15)

According to the Biblical base there is however the reality of the depravity of human beings. The sinful nature of a human being often distorts his/her "efforts" to develop the land. Therefore the aspect of responsibility and establishing viable and beneficial economic systems is required. The distorted or skewed nature of land use and occupation is a result of greed in disobedience to God, in particular in disobedience to God's Commandment. Every one therefore has an obligation to correct this distortion in compliance with the commandments of the Bible.

Stewardship therefore brings obligations on the community or individual to develop the land and to preserve the natural ecological systems for the benefit, not only of man, but of all creation!

1.4 The Namibian land situation

In December 1989 the CCN issued a declaration which aptly

described the present situation of the Namibian land settlement:

"The Church would like to see the fair distribution of resources in Namibia. During the occupation of our country, first by Germany and then by South Africa, Namibian people were dispossessed and locked up in reserves, with their land taken away by foreigners. Today this land is in the hands of very few people, as so-called private property.

We call upon the new Government to acquire land and give it back to the people. If this is not done, we will have a situation in which the rich shall continue to get richer and the poor poorer."

Based on the stated Biblical norms, the unjust situation in Namibia must urgently be rectified by land reform. Therefore the Churches drafted the following policy proposals for the National Conference on Land Reform.

II. THE LAND POLICY: ONE NAMIBIA ONE NATION

2.1 The Constitution

This statement by the Churches of Namibia is prepared within the framework of the Constitution of our Country and the spirit of Nationhood developed since independence. It is convenient to set out in particular the provisions of Article 16 of Chapter 3 of the Constitution because it reflects important principles regarding Land and its use in Namibia.

The Article states:

All persons shall have the right in any part of Namibia, to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath the property to their heirs or legatees; provided that parliament may by legislation prohibit or regulate as it deems expedient the right to acquire such property by persons who are not Namibian citizens.

The State or a competent body or organ authorised by Law may expropriate property in the public interest subject to the payment of compensation, in accordance with requirements and procedures to be determined by Act of Parliament.

2.2 Social Justice

In conformity with the Christian principles of social justice and equality for all, we believe that the underlying philosophy determining a land policy for Namibia must be the quest for social justice for all Namibians. A policy of Land Reform can facilitate the provision of social justice

to the people of Namibia.

History has, over many years, left our country with the scars of injustice and repression. This is reflected in the pattern of land ownership, occupation and use, estimated as follows:

- * 60% of all land is owned by 5% of the total population (consisting primarily of one racial group);
- * 25% of all land supports 80% of the total population;
- * 15% of all land is occupied by desert, nature conservation etc.

As a consequence, many of our people have little or no access to land whilst others have access to a great deal of land.

Equity and social justice therefore demand Land Reform which will include a redistribution of land.

2.3 Economic Priorities

The churches recognise the important contribution which the agricultural sector has made and still makes to the economy of Namibia. This contribution is to the benefit of all Namibians in that Namibia is well on its way to being self-sufficient in food production and therefor able to feed itself.

The nature of any future land policy should bear this fact in mind and ensure that Namibia continues to enjoy the contribution that the agricultural sector makes to the national economy.

2.4 Identification of Land

Obviously however in the light of the real needs of thousands of Namibians, some land will have to be surrendered by those who have it now.

In identifying land to be surrendered, the churches believe certain principles should be born in mind, namely:

1. Land owned by foreigners should first be considered and such ownership discontinued, unless such ownership is clearly in the interest and to the benefit of Namibia;
2. Priority should be given to under- or unutilised land, determined according to sound economic and scientific principles;
3. In principle no Namibian should own or have access to any land in excess of the amount that he or she reasonably needs for shelter and the pursuit of his or her economic endeavour;

4. The institutions of organised agriculture should be consulted and involved in the process of identifying land for such purposes so as to achieve the maximum consensus possible;
5. Compensation should be paid which is fair and reasonable, both to the land owner and to the government and people of Namibia, according to a formula which determines the intrinsic value of the land. Manipulation of the land market and profiteering should be avoided. Compensation should be paid in Namibia.

2.5 Productivity

Land as a natural resource, should be exploited by the nation to its maximum potential. Thus surrendered land should be redistributed in such a manner, as to ensure that the productivity of the land is maintained and enhanced.

2.6 Support Services

Any redistribution of land must be accompanied by support services in the form of credit, extension services and the like to ensure that new farmers are able to benefit themselves and the nation.

It must be recognised that many people in Namibia have suffered from educational and economic neglect and are therefore not equipped to compete for land and support services. Information and educational programmes need to be established to enable such people to be able to enter the market and benefit from the land policy.

2.7 Subsistence farming

However, until Namibia is able to provide employment for all its people throughout our country, the churches recognised that there will be a need to provide land to many persons for subsistence purposes. Provision should therefore be made in the land policy for such persons.

2.8 Traditional practices

It must also be recognised that traditionally, many Namibians have a natural umbilical affinity to the land. Many of our people remain tied to their traditional practices regarding land. These cannot be swept aside and ignored and need to be catered for.

2.9 Land administration

The system of land administration and in particular of land allocation, should be responsible to the people and clearly understood by them. It is recommended that responsibility therefore should be devolved to the regional level

once government determines the nature of that system. The purpose is to enable people to have a feeling of involvement in the administration of land and its allocation.

It follows from the contents of this statement, that the churches support a differentiated policy of land tenure for Namibia. However, we re-state our belief that the ultimate goal is for Namibia to have a single unified form of land tenure applicable to all. This accords with the constitution which allows Namibians equal access to land throughout Namibia. Thus, the purpose of the differentiated policy would be to provide a mechanism to redress the inequalities historically created and to bring the nation to a single system of land tenure.

Whatever system of land tenure is adopted, must accord with the wishes of the people of Namibia as a whole, and consequently extensive consultation is required with the people at all levels and in all parts of the nation.

Finally, we believe that whatever system of land tenure is adopted, it should be simple in concept, easy to administer and affordable to all Namibians. The present system of land registration applicable in the commercial sector is both complicated and expensive at all levels. We urge the government to consider alternative methods of land survey and registration which achieve the objectives stated above.

2.10 Farm workers

On the question of farm workers, we urge the government to consider both the aspects of security of employment and security of tenure. If a farmworker loses his or her employment, he or she may also lose his or her home as well as access to land on which to grow food and graze cattle to supplement their wages. Not only is the individual farm worker affected, but his or her family as well. In many countries land reform has been based on the principle that the land should be available to he/she who works it. Where absentee owners are concerned, on the principles enunciated in this paper, the government should consider making land available to the farmworkers working the land.

In other cases, in consultation with the institution representing farmers and farmworkers, legislation should be introduced to protect farmworkers in their employment and on the matter of their occupation of their homesteads on the farm.

2.11 Environmental Considerations

It goes without saying, as dictated by the constitution, that land policy must concern itself with the maintenance of the environmental integrity of Namibia and its natural resources.

