

LAND CONFERENCE HELD IN WINDHOEK, 25 - 1 JULY 1991

PRESENTATION ON BEHALF OF THE HOACHANAS
TRADITIONAL GROUP - "THE RED NATION TRIBE" GEI-//KHAUN

Mr Chairman. The Hon. Prime Minister, Honourable Ministers, Members of the National Assembly, Diplomatic Corps, International Organisations, Traditional Leaders, members of this historic Conference, Ladies and Gentlemen.

It is indeed an honour and a privilege for me to address this extremely important historic Conference on this very sensitive, crucial and critical issue of land reform. I would like to introduce our case along historic lines, in order to explain why we are claiming "The restitution of historic land rights" by first giving the conference the background history of this historic settlement, namely Hoachanas. How it had lost its land and how we want our lawful land rights restored to us.

THE BACKGROUND HISTORY OF HOACHANAS:

The Rooinasie-Nama or else Gai-//Kaun is believed to have come from the North-Eastern part of Namibia. The water fountain of Hoachanas was discovered by the Rooinasie-Nama hunters through their hunting dogs in approximately the middle of the 17 Century (1600) under the Chieftainship of the then Captain #HAB. It was through this discovery that the Rooinasie Nama became the rightful owners of this historic settlement Hoachanas and its surrounding land. We do not claim this ownership through war, or by military conquest or by political chicanery or by any other cunningly devised Schemes.

During the German Colonial occupation. The Rooinasie-Nama was one of the Nama-groups who revolted against the German occupiers and usurpers of our land during 1904-7. In 1902, the German Colonial Government officially proclaimed Hoachanas as an inalienable property reserve of the Rooinasie-Namas (Gei-//khaun). The proclamation reads inter alia as follows: "Das nächste reservat ward in Hoachanas, den haupt orte der Rote National gebildet. Dort würde in 1902 der platz selbst mit einen phlachen inhalt von 50,000 ha als unveräuserliches eigentum des stammes erklärt." This proclamation remained in force unaltered until 1923.

Scarcely 3 years later in 1923 the South African regime who succeeded the Colonial Government of Germany, demanded the Gei-//khaun to move to Aminuis reserve. They were left with no other choice but to flatly reject this notorious idea whereby they were forced to move from their lawful heritage to make room for South African white settlers. The rejection to move by the Gei-//khaun exceedingly angered the very First South African Administrator who came personally to Hoachanas to induce us to move, so much so that he on the spot pronounced our punishment in the following words. This was in the year 1923.

"Julle hardkoppige Rooinasie hottentots. Ek sal julle só omhein dat julle verplig sal wees om an dié kalkklippe van

Hoachanas waarvan julle nie wil beweeg nie, te kou (vreet) en as julle a.g.v.d omheining swaarkry en vir my vra om julle te help, sal ek beide my oë en ore vir julle toemaak." This was so said promptly so done. By the time this statement was made, we were having 50,000 ha. Within a very short time Hoachanas was enclosed to such an extent that out of at least the 50,000 ha of land to which the former colonial government reduced our traditional land. The S.A. colonial government confiscated 36,000 ha right around the main village of Hoachanas and left us only with what they told us to be 14000 ha, which is only a tiny stony part. Thus the stage of what we are going through to this day was set in 1923.

The surrounding white farmers whom the South African Government had settled on our confiscated 36,000 ha of land had committed themselves to do any and everything in their power to see to it that sooner or later we will forfeit whatever little right we may think of still possessing at Hoachanas and that they will ultimately push us out of this ancestral heritage. Thank God, they could'nt succeed in this until we got out independence last year.

The South African regime in our opinion committed a very serious crime against our groups which was described in detail and condemned in the United Nations conventions. The deliberately inflicted, very harsh conditions on our lives, brought about physical destruction in whole or in part, something very serious to us. It seems unlikely that we are trying to mix up the role and functions of Traditional Leaders with the colonial system of apartheid, ethnicity, tribalism which we all hate. We sometimes tend to forget the active role the Traditional Leaders together with their groups played during our struggle while for sure, some compromised. This was done to us as a specific group like others.

We are urging the conference to focus their minds to the kind of relationship they wish to devise for the collective exploitation of the land as a national resource. In our considered opinion a very great deal of injustice has been done to the majority of our people, sitting only with 25% of their land in communal areas while 60% of their land is owned by 5% of the total population of this country. There is a need to formulate an appropriate legal and Administrative framework to re-regulate land use and tenure and to safeguard and define the rights of land use in communal areas. Such tenure system should provide a form of Social Security for the community. Any land reform in respect of Communal Areas should be on improving access to land and equalising such access, in line with the Constitution. Provisions of our Constitution in Arts 10, (guaranteeing equality and prohibiting discrimination) Art 16 of Chapter 3. (The right of every person to hold his or her property in all forms of immovable or movable property individually or in association with others). Article 23 (Apartheid and Affirmative Action) and Art. 102(5) (The rights of Traditional Leaders in order thereby to advise H.E. the President on the Control and Utilization of Communal land.

This conference cannot and should not restrictively interpret only one of these articles in our constitution. It must be

interpreted and applied to in conjunction with each other. Failing to do so will result in confirming the status quo and thereby endorse the recommendations and implementation of the internationally rejected apartheid practices. The Government must seriously investigate some colonial proclamations and their regulations in line with our constitution. (Proclamation 11/1922, 15/1928. Any land reform in respect of communal areas should guard against changes to the tenure system which would increase the vulnerability of the rural poor and result in their further marginalisation.

Regional variations should be taken into account, thus the involvement of rural communities, traditional leaders in decision making would therefore be our recommendation to the Government. Some areas require special protection, whose survival depends on their access to land which they historically occupied.

This is our considered request that the historical land rights, the duties and powers of the Traditional leaders, in line with the constitution of our country be restored and be empowered to advise our Government on land related issues in the communal areas.

FURTHER RECOMMENDATIONS

1. The situation whereby one farmer owns more than one farm must be discontinued, the rest of those other farms must be expropriated by the Government with compensation for only necessary improvements on the land and redistributed to landless farmers. Such land owners must be integrated into the economic and social life of the country. To meet the requirements of productivity, these measures must include:
 - Training
 - An adequate, reasonable credit system
 - Marketing facilities on equal basis
 - Extension services on equal basis
 - Community development
 - Security of tenure must be effected to land users.
2. The state or a competent Land Control Board consisting of representatives including the Government experts, Commercial, Communal and traditional land users, must be established on regional basis, who by law may Administrate the land, expropriate property in the public interest, subject to the compensation, in accordance with requirements and procedures determined by Act of parliament assist or be charged with land use in our country. Who also by law of parliament may prohibit or regulate as it deems expedient the right to acquire such property by persons who are not Namibian citizens in accordance with the principles of international law which means in essence, they should be fair and non discriminatory.
3. That the Government seek ways and means to acquire some of those adjacent commercial farms in the communal areas for redistribution amongst all Namibians who are landless in

those communal areas, with just compensation only for necessary improvements to that land.

4. To be very specific as one of those directly affected communities by the colonial past land expropriation throughout our country, we undergone a very extremely heavy suffering, also as the result of the punishment declared on us by the First S.A. Colonial Administrator in 1923, we want to make it categorically clear to our Government that we cannot, but absolute not tolerate this suffering any longer. We therefore call on our new government to immediately remove the fence right around Hoachanas which cramped us up for decades in less than 14,000 ha. We have to that extend a list of 41 so-called private farms which can be considered as a matter of urgency which is owned by private farmers, as second, third or fourth farm. Justice must be done now.
5. The question on land reform revolves around the disadvantages in all its crude forms of the applied system of apartheid, which we must remind this conference and the Government, which forbid us the Black Namibians to own land and thus forced us to be settled in "Reserves" who are now conveniently/modernly termed "Communal" areas. The Government must be aware of certain interest groups who have emerged and are exerting in a subtle way pressure for protection of their individual selfish echo.
6. Let our Government be astute and remain sensitive to the attitude and feelings of the majority of the people about their land, especially the 80% population, who lost their century old birthright through the colonial administrations.
7. This conference must bear in mind, not to lose sight of those marked and unmarked graves throughout the years of those who paid the highest price for this land here inside and outside Namibia. If we entertain any compromise on this land issue, we will be betraying the sacrifices of those forefathers and thousands of loyal Namibians and our children will forever grieve our betrayal of their birthrights. Justice, Justice must be done. Now!!!
8. This conference would not have been at all necessary but for the historical circumstances which led to the inclusion of Article 23 in our constitution. The imbalances in land distribution must be redressed.
9. The Government should also look into possibilities to avail loans in reasonable terms for the most disadvantaged farmers in the rural areas.
10. Based on the pressing plight of the vast majority of landless Namibians in the communal areas, state ownedunused - or un-utilised land should be considered in public interest as a matter of urgency.
11. Having said all this, we vehemently call on the Government to bear in mind the heavy losses which we suffered because of the German and South African

oppression and therefore compensation must be considered for that part too, otherwise the outcome of this conference will be incomplete.

We wish the Conference, especially our Government all the best, and thus reaffirm our support in the crucial issue.

I thank you.