

LAND REFORM CONFERENCE 25th JUNE - 1 JULY 1991

Presentation by Chief Rev. H. Witbooi
on behalf of the Witboois Traditional Group.

MR. CHAIRMAN,
HONOURABLE PRIME MINISTER;
HONOURABLE MINISTERS, MEMBERS OF THE NATIONAL ASSEMBLY;
DISTINGUISHED TRADITIONAL LEADERS;
MEMBERS OF THIS HISTORIC CONFERENCE;
LADIES AND GENTLEMEN

Let me on the outset thank you all for the opportunity to address you on this extremely historic Conference on this very sensitive, crucial issue of Land Reform. I would like to introduce our case along historic lines with good intention. On October 29, 1905 our fore-father Capt. Hendrik Witbooi gave his life for this land, and we deem this opportunity as our historically qualified right to reaffirm his position again today. We also call in living memory all the other heroic historical leaders and fellow Namibians who did the same, those who paid the highest price for this land. We salute them in their graves.

People suffer of hunger not because of a lack of food, but because of a lack of JUSTICE. Is it justice that 80% of our people live on 20% of our land, cramped up in the so-called RESERVES, while 20% of the people live on 80% of the selected and most arable land?

The Government must recognise the historical fact that there had been traditional chiefs who had jurisdiction over the land and that this power had been usurped by the Colonialists and it is the duty of our Government to see to it that the *status quo ante* is restored. This implies that effect be given to Article 102 (5) of the Constitution and that traditional leaders should therefore have a determining say in the acquisition, control and utilisation of land, and that their historical importance and standing in the community be restored and recognised within the framework of the Constitution.

Our whole history of resistance centred around our struggle to liberate our country from those who illegally occupied it. Now that we have succeeded in getting that cake we have fought for so long, we are still told by the previous occupants that we cannot have a slice thereof. It is the duty of the Government to see to it that every Namibian receives a slice. The independence of Namibia can never be complete without the historical factors being recognised and the land reasonably (given back to the people) re-distributed amongst the people.

We should not deliberately loose sight of the policy of **AFFIRMATIVE ACTION**, the Fundamental Right of the people enshrined in the Constitution. This policy should be put into effect when considering the land issue. It must be borne in mind that it might happen that the policy of Affirmative Action will come into conflict with the policy of National Reconciliation, but one will have to give way when it comes to redressing socio-economic imbalances caused during the

The argument that the re-distribution of land will result in economic deterioration is an unacceptable one. The injustices done by the colonialists in subjugating our people, in shaping them into nothing but workers, should be rectified by our Government through Affirmative Action. Those who are presently good commercial farmers became so because they were privileged and uplifted by their governments (the colonial governments). It is the duty of our Government to uplift its people to ensure that there will be no economic down-fall.

The landlessness of the majority of our people came about as a result of the foundations laid by the German and South African Colonizers when they robbed our traditional leaders of our land, the primary means of our subsistence. This was done by means of fraudulent "agreements" concluded with our local chiefs. This manoeuvre can best be illustrated if you take that the traditional Nama owned a large portion of the land, today they are cramped up into a small settlement called **NAMALAND**.

We must all agree, even our White compatriots, that all this robbing came through bloodshed, loss of lives and dignity and other forms of fraudulent acquisition of already owned land.

We do not want to create the impression that we want to perpetuate tribalism. Throughout our history the traditional Nama practised a policy of nationalism. Even today it can be seen in the so-called Nama Reserves, land is occupied by not just the traditional Nama. What we want to emphasise is the

fact that we want to protect and retain our cultural and historical heritage. All persons shall have the right to reside and settle in any part of Namibia. We therefore want expansion of the land so as to accommodate any Namibian and also to reside where we were settled as a result of our history and we also want to settle any where else in the Republic of Namibia.

We have now discussed the status quo ante and the status quo, let us turn to what can be considered the cooking pot of this Conference and that is, where do we go from here?

The most important question this Conference is now faced with is, - How is the land taken from the people to be re-distributed? When answering these questions one must always bear in mind the Government's policies of National Reconciliation (which is not to be stretched too far) and Affirmative Action, but at the same time not forgetting our history as clearly set out above. Having in mind the FUNDAMENTAL RIGHTS AND FREEDOMS enshrined in our Constitution, can the re-distribution of land really be feasible in our present context? We thus share the following ideas for the consideration by this Conference.

1. Land must be given by the Government to those who owned land and who have been robbed. To make this a reality the Government must buy from those who presently own excess of land and sell it to those who do not have and who want. But is the government in a financial strong position to afford this? Will the Government be able to buy say 20

commercial farms from present landowners at prices of hundreds of thousands of rands each? Is it fair and just to expect from have-nots who have been robbed their traditional land to buy their own land and that at exorbitant prices? What is just compensation as stipulated in our Constitution? Is it to buy at a price from a present landowner far less than the farm was bought for by him? Will the amount to be determined by Parliament be acceptable to the land owner? It appears as if this solution will not assist in solving the problem.

2. To alleviate the above problem the following suggestion can be of help and that is that the colonialist Germany and South Africa should be forced to pay compensation to the Government of Namibia for their fraudulent acquisition of our land handed over to a few privileged Whites, as they have done to their selected privileged brothers. In this way the Government will be able to pay for commercial farms bought from present land owners. But how internationally is this argument acceptable?
3. Another solution is for the Landbank to cancel the agreements of those landowners who are in arrears with their payments or installments. We strongly believe that there will be of those who are not up to date with their payments. This appears to be the more acceptable solution in legal arguments.

4. As it is important to determine how land is acquired, another solution would be to determine who can prove legal title to their property and in the absence of such proof land should be expropriated by the Government with compensation only for necessary improvements made to that land.

5. A last solution would be that the Government expropriate all land fraudulently acquired from the natives of this country and restore the status quo ante with compensation for only the necessary improvements on the land.

In conclusion, I must underline the importance that the Government re-distributes, as far as is possible, the land amongst all landless Namibians who want to utilise such land. This is in the interest of justice, and the Policy of National Reconciliation and also important, it will promote employment creation and as such be an incentive to economic development.

This Conference must bear in mind that any recommendation which excludes historical facts, and which excludes historical economic matters will make our independence incomplete and vice versa.

I Thank You

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