



**Ministry of Land Reform**  
**REGIONAL CONSULTATIVE WORKSHOPS**  
**IN THE PREPARATION OF THE**  
**SECOND NATIONAL LAND**  
**CONFERENCE**  
**10<sup>th</sup> July 2017**

**PRESENTATION OUTLINE**

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1. PURPOSE OF THE REGIONAL CONSULTATIONS
2. OBJECTIVES OF THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE
3. 24 RESOLUTIONS OF THE 1991 LAND CONFERENCE
4. LAND CONFERENCE THEME, AGENDA AND THEMATIC AREAS
5. WAY FORWARD

2

## PURPOSE OF THE REGIONAL CONSULTATIONS

- a) SENSITIZING AND PREPARING THE NAMIBIAN PEOPLE FOR THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE EARMARKED FOR SEPTEMBER 2017.
- b) ENGAGING ALL STAKEHOLDERS AT THE GRASSROOTS LEVEL ON THE AGENDA OF THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE.
- c) ACCORD THE REGIONS AN OPPORTUNITY TO ENGAGE ITS PEOPLE FURTHER TO CONTRIBUTE THEIR INPUTS INTO THE VARIOUS LAND RELATED MATTERS.
- d) CREATING PLATFORMS FOR THE REGIONS TO ORGANISE THEIR INPUTS DERIVED FROM THE IMPLEMENTATION OF THE LAND REFORM PROGRAMME IN THE COUNTRY FOR DISCUSSIONS IN SEPTEMBER 2017.

3

## OBJECTIVES OF THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE

- 1) TO REVIEW THE PROGRESS MADE IN THE IMPLEMENTATION OF THE RESOLUTIONS OF THE 1991 LAND CONFERENCE.
- 2) TAKE STOCK AND ADDRESS THE ENCOUNTERED CHALLENGES.
- 3) DISCUSS THE EMERGING LAND RELATED ISSUES.
- 4) COME UP WITH STRATEGIC RESOLUTIONS INFORMED BY THE IDENTIFIED CHALLENGES AND FUTURE ASPIRATIONS OF THE NAMIBIAN PEOPLE.

4

## 24 RESOLUTIONS OF THE 1991 LAND CONFERENCE

The 1991 National Conference, Passed and adopted 24 Resolutions:

### **ACHIEVEMENTS AND CHALLENGES IN THE IMPLEMENTATION OF THE 24 RESOLUTIONS**

5

## **RESOLUTION 1: INJUSTICE**

### **CONFERENCE RESOLUTION**

Something practicable be done to rectify  
injustice concerning the acquisition of land.

6

## ACHIEVEMENT AND CHALLENGES

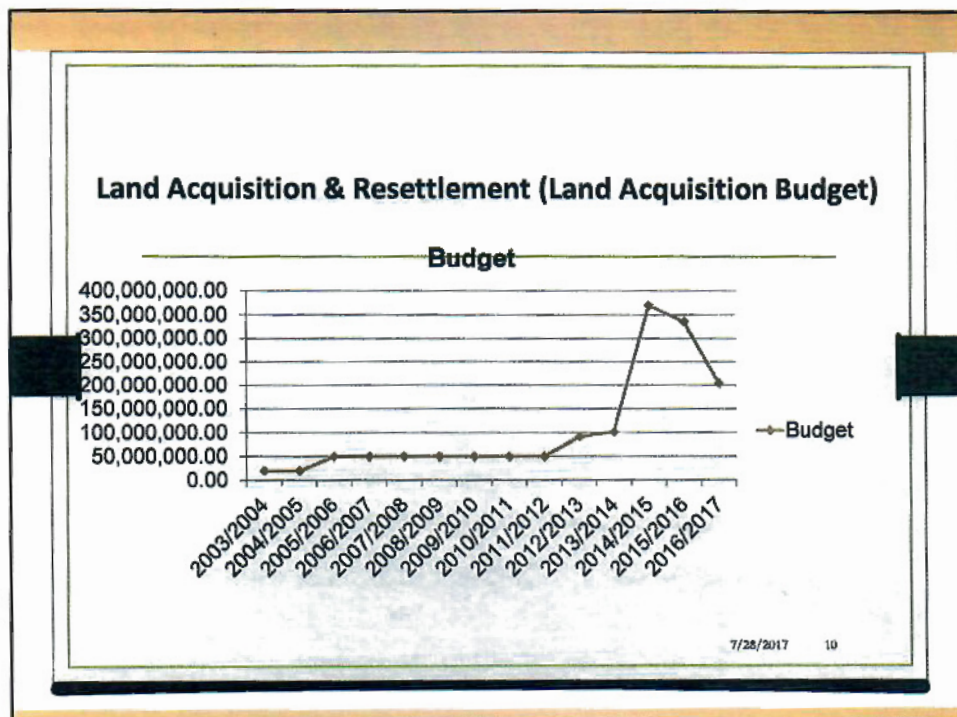
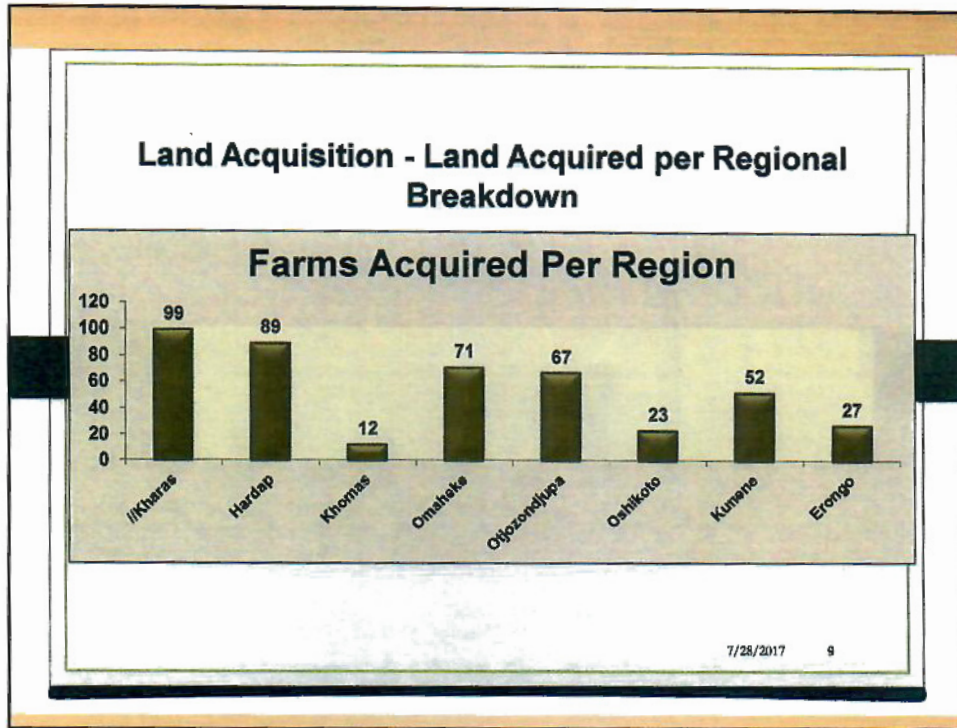
# RESOLUTION 1: INJUSTICE

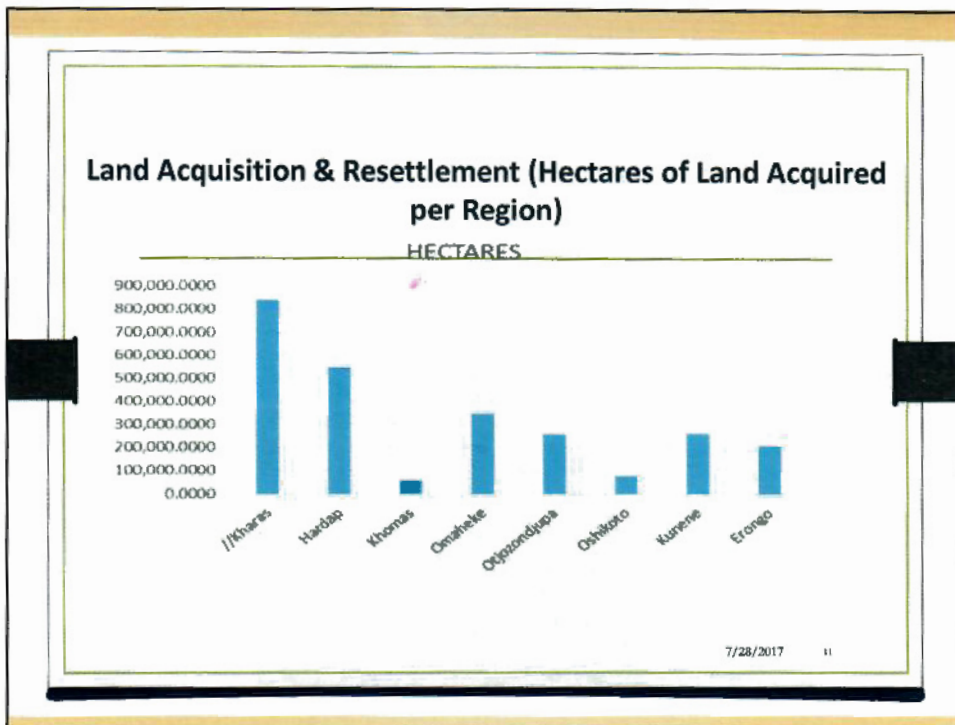
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## ACHIEVEMENTS BY THE MINISTRY OF LAND REFORM SINCE THE INCEPTION OF THE LAND REFORM PROGRAMME

- THE MINISTRY TARGETED TO ACQUIRE **5 MILLION** HECTARES OF LAND BY 2020
- TO DATE, A TOTAL NUMBER OF **513 FARMS** HAS BEEN ACQUIRED (**3,140,395.2742 HECTARES**) ACQUIRED AT THE COST OF **N\$1,757,645,792.46** THROUGH THE WILLING SELLER/WILLING BUYER SYSTEM

8





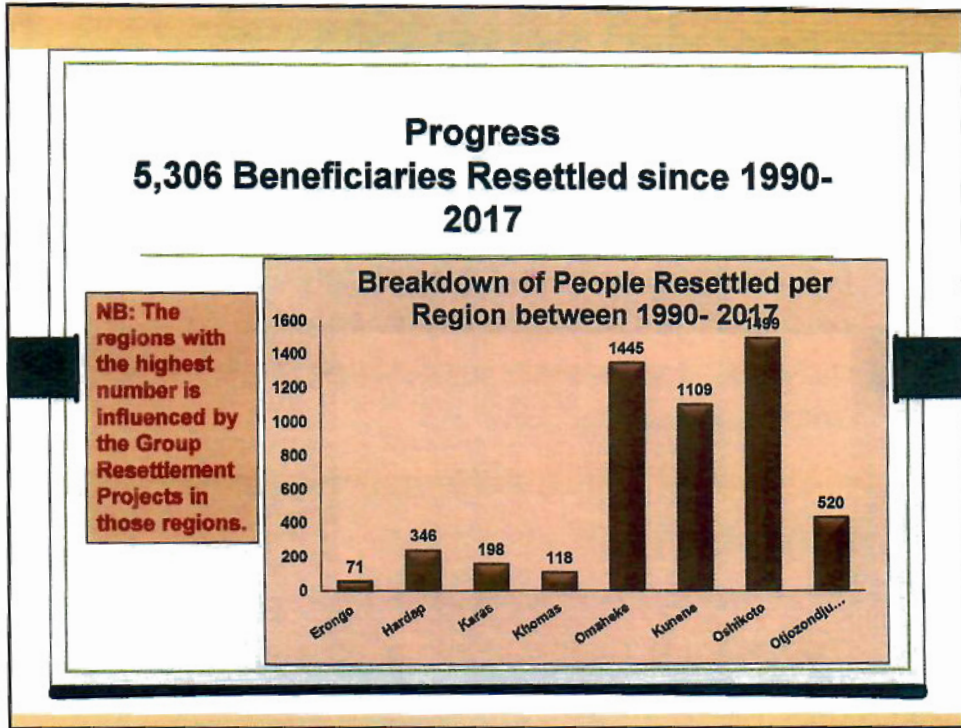
## RESETTLEMENT PROGRAMME

➤ **Achievements**

- ❖ To date a total number of 5306 beneficiaries have been resettled since the inception of the programme: i.e.
 

<b>2, 089 males</b>	<b>1, 454 females</b>
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- ❖ A total number of **1763 beneficiaries**, are on group resettlement projects, old farms and farms under the Division of the Marginalised Community, Office of the Vice-President mainly in Omaheke, Kunene, Oshikoto and Otjozondjupa regions)

12



- ### CHALLENGES ENCOUNTERED IN IMPLEMENTING RESOLUTION 1 ON INJUSTICE
- INADEQUATE BUDGETARY PROVISIONS FOR LAND ACQUISITION.
  - LEGISLATIVE AMENDMENT STILL PENDING REGARDING LAND OWNERSHIP BY FOREIGN NATIONALS.
  - INABILITY TO SATISFY DEMAND FOR LAND FROM THE LANDLESS AGAINST A LIMITED SUPPLY OF LAND.
  - UNEVEN DISTRIBUTION OF LAND OFFERS - MOST OFFERS ARE COMING FROM THE SOUTHERN REGIONS OF HARDAP AND //KHARAS.
- 14

*AAZS!*

## CHALLENGES ENCOUNTERED IN IMPLEMENTING RESOLUTION 1 ON INJUSTICE

- HIGH DEMAND FOR LAND FROM AFFIRMATIVE ACTION LOAN SCHEME (AALS) VS NATIONAL RESETTLEMENT PROGRAMME (NRP) IN AREAS E.G OTJOZONDJUPA WITH THE MOST SUITABLE LAND (LEAVE NRP WITH MARGINAL AGRICULTURAL LAND);
- REGISTRATION OF LAND UNDER COMPANIES AND CLOSE CORPORATIONS BY LAND OWNERS TO CIRCUMVENT THE LAW

15

## RESOLUTION 2: ANCESTRAL RIGHTS ACHIEVEMENT AND CHALLENGES:

**CONFERENCE RESOLUTION:** Given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible.

### 2. ACHIEVEMENT:

**None.** Ancestral rights not entertained in Namibia by the 1991 Conference.

### 3. CHALLENGES:

There is high demand for ancestral land claims in Namibia, especially in Khomas Region where there is no communal land.

16



*By whom*




**RESOLUTION 3: FOREIGN-OWNED FARMLAND**  
**ACHIEVEMENT AND CHALLENGES**

**CONFERENCE RESOLUTION:** Foreigners should not be allowed to own farmland but should be given the right to use and develop it on a leasehold basis.

**ACHIEVEMENT:**  
Provided for under the Agricultural (Commercial) Land Reform Act, 1995) and under the Land Bill, with special focus on land acquisition by Non Namibians and registration of land under companies and prioritization of areas where offers are negligible.

**CHALLENGES:** Delays in the Enactment of the Land Bill for enforcement.

17



**RESOLUTION 4: UNDERUTILISED LAND**  
**ACHIEVEMENT AND CHALLENGES:**

**CONFERENCE RESOLUTION:**  
Abandoned and underutilized commercial land should be identified and brought into productive use.

**ACHIEVEMENT:**  
Expropriation Regulations were developed and gazetted in 2016.

**CHALLENGES:**  
Budgetary constraints.

18

## RESOLUTION 5: ABSENTEE LANDLORDS

### ACHIEVEMENT AND CHALLENGES

#### CONFERENCE RESOLUTION:

Land owned by absentees should be expropriated, but there should be a distinction, in respect of owners who do not live on their farms and between foreign and Namibian owners.

#### ACHIEVEMENT:

Expropriation method used to acquire few farms. Expropriation criteria gazetted in 2016.

#### CHALLENGES:

GRN challenged by farm owners for the use of expropriation method.

19

## RESOLUTION 6 : FARM SIZE & NUMBERS

### ACHIEVEMENT AND CHALLENGES

#### CONFERENCE RESOLUTION

Very large farms and ownership of several farms by one owner should not be permitted and such land should be expropriated.

#### ACHIEVEMENT

Expropriation method used to acquire few farms. Expropriation criteria gazetted in 2016.

#### CHALLENGES

GRN challenged by farm owners for the use of expropriation method.

20

**RESOLUTION 7: LAND TAX**  
**ACHIEVEMENT AND CHALLENGES:**

**CONFERENCE RESOLUTION:**

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There should be land tax on commercial farm lands.

**ACHIEVEMENT**

Progressive Land Tax being implemented under the ACLRA on Commercial Agricultural Land. Establishment of a Price Negotiating Committee to guide farm pricing process.

**CHALLENGES**

Government receiving too many objections on land tax implementation.

21

**RESOLUTION 8: TECHNICAL COMMITTEE ON COMMERCIAL FARMLAND**  
**ACHIEVEMENT AND CHALLENGES**

**CONFERENCE RESOLUTION:**

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Technical committee should be established to evaluate the facts regarding underutilised land, absentee ownership, viable farm sizes in different regions and multiple ownership of farms and make recommendations for acquisition and reallocation of such land and assess taxation on commercial farmland.

**ACHIEVEMENT:** ACRA made provisions for Committees (Land Acquisition/Land Reform Advisory Commission) for land administration.

**CHALLENGES:** Budgetary Constraints. Willing Seller – Willing Buyer method to acquire prime land in certain regions.

22

## RESOLUTION 9: LAND TENURE: ACHIEVEMENT AND CHALLENGES

**CONFERENCE RESOLUTION:** Technical committee should be established to evaluate the legal options concerning possible forms of land tenure consistent with the Constitution.

### ACHIEVEMENT

- Legislation provisions in place for **Freehold, leasehold landlords and customary tenure.**
- Establishment of committees for land allocation and management in communal and commercial areas
- Registration of land rights in communal areas for tenure security.
- Provision of security of tenure for the resettlement beneficiaries on commercial farms.

**CHALLENGES:** Lack of understanding by some financial institutions on tenure rights in communal land.

23

## RESOLUTION 10: FARM WORKERS ACHIEVEMENT AND CHALLENGES

**CONFERENCE RESOLUTION:** Should be afforded rights and protection under a labour code. legislation providing for a charter of rights for farm workers be enacted; the charter should include provision for maximum working hours, sick leave, annual leave, schooling for children, medical care for workers and their families, adequate housing on the farm, pensions, the right to reside on the farm after retirement and grazing rights for farm workers' livestock

**ACHIEVEMENT:** The Labour Act provides for the rights of farm workers and conditions of employment.

**CHALLENGES:** Some Farm workers are being forced out of commercial farms by farm owners and end up in corridors.

24

## RESOLUTION 11: ASSISTANCE TO COMMERCIAL FARMERS ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

Established commercial farmers should only receive financial assistance from the government in exceptional circumstances, which include natural disasters such as drought. The government should consider providing assistance to commercial farmers for programmes of affirmative action, such as improving the conditions of farm workers.

### ACHIEVEMENT:

Exemption of land tax to certain farmers and waiving of tax during period of drought.  
Provisions of subsidies to farmers during period of drought.

AALs is provided for under AgriBank

25

## RESOLUTION 12: FUTURE ROLE OF COMMUNAL AREAS ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

Communal areas should for the present be retained, developed and expanded where necessary.

### ACHIEVEMENT:

Provided for under the Communal Land Reform Act, 2002 (CLRA) for tenure security through land registration. Development of small scale farming units on going. Integrating regional Land Use Planning being developing in the regions.

### CHALLENGES:

Some Traditional Communities resist the full implementation of the CLRA.

26

## RESOLUTION 13: ACCESS TO COMMUNAL LAND ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

All Namibian citizens have the right to live wherever they choose within national territory. Seek access to communal land applicants should take account of the rights and customs of the local community living there. Priority should be given to the landless and those without adequate land for subsistence .

**ACHIEVEMENT:** Provided for under the CLRA for tenure security through land registration.

**CHALLENGES:** None

27

## RESOLUTION 14: DISADVANTAGED COMMUNITIES ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

The San and disabled should receive special protection of their land rights

### ACHIEVEMENT:

San and other vulnerable group resettlement projects established. Office of the Vice-President has project to cater for marginalised groups.

### CHALLENGES:

Overcrowdness on san projects, due to population increase.

28

## RESOLUTION 15: GAME CONSERVATION AND FARMERS' RIGHTS ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

Farmers in the communal areas should be allowed to give their crops and livestock effective protection from wild animals.

### ACHIEVEMENT:

Provided for under the **Nature Conservation Ordinance** as amended and **Wildlife Management Act** for wildlife – Human conflict management and mitigation measures are in place.

**CHALLENGES:** Financial constraints in implementing mitigation measures due to the vastness of the country.

29

## RESOLUTION 16: PAYMENT FOR LAND ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

All payment for land (business purposes) should be to the GRN rather than Traditional Leaders.

### ACHIEVEMENT:

Provided for by CLRA; rental fees in communal areas paid into the Communal Land Reform Fund for regional development.

**CHALLENGES:** Some Traditional Leaders are demanding payment of rental fees into their funds, there is also an issue of multiple payments, especially in Conservancies.

30

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## RESOLUTION 17: RIGHTS OF WOMEN ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

Women should have the right to own the land and to inherit

### ACHIEVEMENT:

Provided for by CLRA; women get preference in Resettlement Programme under the ACRA. Women have equal rights to own/inherit land rights under the CLRA. Legislation makes women representation in land administration.

### CHALLENGES:

Some Traditional communities base land allocation on tradition and customs at the disadvantage of women.

31

## RESOLUTION 18: LAND ALLOCATION AND ADMINISTRATION ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

The role of Traditional Leaders in allocating communal land be recognized, but properly defined under law. Land Boards to be introduced

### ACHIEVEMENT:

Provided for under the CLRA, structures in place for allocation and administration of land. Traditional Authorities are primary allocators of communal land. Regional Land Boards established and functional. Other statutory bodies proposed in the Land Bill to strengthen land administration.

**CHALLENGES:** Delays in the enactment of the Land Bill

32

*Not properly defined*



### Community verification process of the Communal Land Rights Registration in the communal areas



7/28/2017 35

## RESOLUTION 19 : STOCK CONTROL BARRIER ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

The stock control fence – the so – called 'Red Line' – must be removed as soon as possible, but has to be kept in place for a period in order to preserve Namibia's access to cattle export markets. During this period, the government should set up quarantine camps to allow farmers in the northern communal areas to market their livestock south of the fence.

### ACHIEVEMENT:

The removal of the fence under consideration by the MAWF. Quarantine camps established in some Northern communal areas for livestock marketing purposes.

**CHALLENGES:** Fence still in place

34

*What about those < 2003 CLRA?*

## RESOLUTION 20: ILLEGAL FENCING

### ACHIEVEMENT AND CHALLENGES

#### CONFERENCE RESOLUTION:

Illegal fencing of land must be stopped and all illegal fences must be removed

#### ACHIEVEMENT:

Provided for by CLRA; removal of illegal fences legally commenced with the enactment of the Act.

#### CHALLENGES:

Whilst some fences are considered illegal by CLRA, some TAs support their existence hence removal of such fences is impractical. Some illegal fence removed challenged in court.

35

## RESOLUTION 21: DUAL GRAZING RIGHTS

### ACHIEVEMENT AND CHALLENGES

#### CONFERENCE RESOLUTION:

Commercial farmers should not be allowed to have access to communal grazing land

#### ACHIEVEMENT:

Provided for under the National Land Policy.

#### CHALLENGES:

There is need to enforce the relinquishing of grazing rights by commercial farmers from communal areas.

36

**RESOLUTION 22: TRANSFER OF LARGE COMMUNAL FARMERS TO COMMERCIAL LAND**  
**ACHIEVEMENT AND CHALLENGES**

**CONFERENCE RESOLUTION:**  
Large communal farmers should be encouraged to move to commercial areas

**ACHIEVEMENT:**  
Resettlement criteria in favour of Large communal farmers

**CHALLENGES:**  
Availability of land the NRP.

37

**RESOLUTION 23 ACCESS OF SMALL FARMERS TO COMMERCIAL LAND : ACHIEVEMENT AND CHALLENGES**

**CONFERENCE RESOLUTION:**  
Small farmers in the communal areas should be assisted to obtain access to land in the present commercial zone. Small farmers moving into commercial land should be given training, technical advice and assistance to buy and improve their livestock.

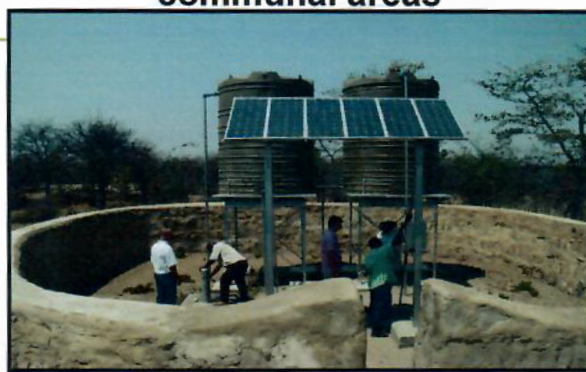
**ACHIEVEMENT:** Resettlement criteria in favour of communal farmers to move to commercial areas. CLRA (PCLD) in the development of small scale farming units in communal areas.

**CHALLENGES:** Availability of land the NRP.

38

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### Elephant-proof water point development in communal areas



7/28/2017

39

### Livestock Handling facilities in the Kavango Region



7/28/2017 40

## RESOLUTION 24 NGOs and COOPERATIVES ACHIEVEMENT AND CHALLENGES

### CONFERENCE RESOLUTION:

The work of NGOs and cooperatives in agricultural development should be recognised, encouraged and promoted; The government should assist all NGOs and cooperatives which are active in the field of rural development.

### ACHIEVEMENT:

Directorate of cooperatives established within MAWF;

Some NGOs assisting the marginalised community projects

**CHALLENGES:** Financial constraints to support NGOs and cooperatives.

## OTHER MEASURES TO ADDRESS THE 24 RESOLUTIONS

IN 2016 THE SPECIAL CABINET COMMITTEE ON LAND RELATED MATTERS ADOPTED 86 RESOLUTIONS FOR IMPLEMENTATION ON LAND REFORM:

- ✓ THAT EXISTING/RELEVANT LAWS BE AMENDED TO PROHIBIT NON-NAMIBIANS FROM OWNING AGRICULTURAL LAND IN NAMIBIA, BUT RATHER LEASE THE LAND;
- ✓ NON NAMIBIANS WHO OWNS LAND WILL CONTINUE TO OWN SUCH LAND, BUT ONCE THEY WANT TO SELL, IT WILL BE REQUIRED TO SELL TO NAMIBIAN NATIONALS ONLY.

42

## OTHER MEASURES TO ADDRESS THE 24 RESOLUTIONS CONTINUES.....

1. Consolidation of the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995) and the Communal Land Reform Act, 2002 (Act No. of 2002) – **LAND BILL**
2. Review and harmonization of the National Land Policy, 1998 and the Draft National Land Tenure Policy.
3. Regional consultations for the review the National Resettlement Policy, 2001
4. Review and gazetting of the Expropriation Criteria<sup>6</sup>

## THEME AND AGENDA

FOR

**2<sup>ND</sup> NATIONAL LAND CONFERENCE**

## **2<sup>ND</sup> NATIONAL LAND CONFERENCE THEME:**

**ADVANCING SUSTAINABLE AND EQUITABLE LAND REFORM  
INFORMED BY CONTEMPORARY ISSUES AND LESSONS  
LEARNED FROM IMPLEMENTING THE RESOLUTIONS OF  
THE 1991 NATIONAL CONFERENCE ON LAND REFORM  
AND THE LAND QUESTION**

45

## **AGENDA ITEMS**

**THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE COMPRISE  
OF THE FOLLOWING:**

- A.** Day 1: Opening ceremony (delivery of key statements)
- B.** Day 2: Presentations by Various Stakeholders on thematic Areas
- C.** Day 3: Break away sessions and plenary sessions
- D.** Day 4: Break away sessions and plenary sessions
- E.** Day 5: Adoption of the resolutions and closing ceremony

46

## THEMATIC AREAS

**THE 2<sup>ND</sup> NATIONAL LAND CONFERENCE  
SHALL COMPRISE OF THE FOLLOWING  
THEMATIC AREAS:**

47

### A. HISTORICAL PERSPECTIVE, INJUSTICES AND LAND OWNERSHIP PATTERN

- COLONIAL INJUSTICE
- FOREIGN – OWNED FARMLAND
- ABSENTEE LANDLORDS
- ANCESTRAL LAND RIGHTS AND RESTITUTION
- GENERATIONAL FARM WORKERS
- EXPERIENCES AND LESSONS LEARNT FROM OTHER COUNTRIES

48



## B. LAND GOVERNANCE AND TENURE SECURITY

- LAND TENURE SYSTEM
- LAND ALLOCATION AND ADMINISTRATION
- COMMUNAL LAND DEVELOPMENT
- ILLEGAL FENCING
- UPGRADABLE LAND TENURE SYSTEM
- URBAN LAND DELIVERY

49

## C. LAND USE, PRODUCTIVITY AND ENVIRONMENTAL SUSTAINABILITY

- LAND USE PLANNING
- DEVELOPMENT OF UNDERUTILIZED LAND IN COMMUNAL AREAS
- FARM SIZE, ECONOMIC FARMING UNIT AND COMMERCIAL VIABILITY
- DUAL GRAZING RIGHTS
- COMMUNAL LAND PRESSURE/CONGESTION

50

## D. LAND TAX AND VALUATION SYSTEM

- AGRICULTURAL COMMERCIAL LAND TAX
- AGRICULTURAL LAND PRICES
- URBAN LAND PRICES

51

## E. NATIONAL SPATIAL DATA INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT

- THE POWER OF **“WHERE”** IN SUSTAINABLE DEVELOPMENT
- DELIMITATION AND INTERNATIONAL BOUNDARIES

52

## WAY FORWARD

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Regions to undertake the followings:

- Compile and produce report on views, inputs and comments from their Regional Consultation.
- Report should capture the deliberations and the main conclusions/recommendations of the regional consultations/meetings
- The Regional Report will serve as resource materials and guide for the regional representatives who will attend the 2<sup>nd</sup> National Land Conference
- Report to reach the Ministry two weeks after regional consultation process.

53

## THANK YOU

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## DISCUSSIONS AND CLARIFICATIONS

54