



NATIONAL PATRIOTIC FRONT OF NAMIBIA

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NATIONAL CONFERENCE

ON

LAND REFORM AND THE LAND QUESTION

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WINDHOEK

PAPER TO BE PRESENTED BY

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THE NATIONAL PATRIOTIC FRONT OF NAMIBIA

"SOME THOUGHTS TOWARDS THE LAND QUESTION"

RECONCILIATION · DEMOCRACY · DEVELOPMENT

Office: 6 Teinert St./Between Republic Road and Bismarck St.

"SOME THOUGHTS ON THE LAND QUESTIONS"

BY THE NATIONAL PATRIOTIC FRONT OF NAMIBIA WOMEN'S LEAGUE

Presented by: Mrs Sue Anstey (Chairperson)

1. LAND COMMISSION

Despite the fact that a Ministry of Land Resettlement and Rehabilitation is in existence, and it has an able Minister, we, of the NPF Women's League, sincerely believe that there is a definite need for the setting up of an INDEPENDENT, PERMANENT LAND COMMISSION.

We see it as being the authority which would set the PROPERTY PRICES, DISTRIBUTE the LAND and ARBITRATE on any immediate or future LAND DISPUTES. In fact, it would be rather like having a "Land Ombudsman"!

As it stands at present, it looks as though every farmer or farm business will be wanting to set their OWN PRICES on land sales. The past has shown that, many farmers sold and re-sold their land at exorbitant and obviously unfair prices; prices which very few middle or lower-income groups could afford. In order to redress this situation, we are suggesting that only an independent body could be truly impartial.

2. INCENTIVES AND INCREASE IN PRODUCTIVITY

As an incentive towards their reaching higher production levels, ALL FARM BUSINESSES should be encouraged to provide Pensions, Retirement and Medical schemes for their Farm Workers and their families, by allowing them a double write-off of these costs for tax purposes. Also to be considered is the provision of Housing, Pre-School facilities, and so on. In return, the Government should provide some kind of TAX CONCESSION. This may sound a little "colonial" in texture, but there is no harm in encouraging and promoting productivity on the farms by supplying incentives for them to work well and happily.

Everyone must grow old sometime, and the farm worker does not enjoy the security that the urban employee can get from pension schemes, medical aids, bonuses, etc. THERE HAVE TO BE INCENTIVES for both the employer and employee in order to reach PEAK PRODUCTIVITY LEVELS, which will in the end be to the benefit of us all as a Nation.

Provision must be made for small-scale agricultural projects and farming, similar to the present Peri-Urban small-holding system. These should be approximately 20 hectares each.

Small farmers have not to date had the TECHNICAL ADVICE, ASSISTANCE AND GUIDANCE, which has been available to the Commercial Farmers. Nor have they had access to Credit Assistance Facilities, as have the Commercial Farmers. Both Technical Advice and Credit Facilities MUST BE MADE AVAILABLE TO ALL, especially the small-scale farmer.

A LAND TAX (even at the rate of R1,00 per hectare) could induce some land owners to sell off some of their excess and unutilized land. In order not to affect the new small-scale farmers, tax should be exempted for farms under a specified size, and the difference between good and poor land conditions, according to the area's geographic make-up, should also be taken into consideration.

Encourage a "large-scale farming ATTITUDE" amongst the small farmers. They should pool their land - acquire mechanization for use by the "company" or "cooperative". Make them shareholders - to share in the profits. set up Pension/Retirement and Medical schemes by allowing a double write-off of these costs for tax purposes.

THE EMPLOYER IS ALSO THE EMPLOYEE! under a cooperative type farming business, as a person may be a part-owner as well as being an employee.

At all costs, PRODUCTIVITY MUST REMAIN THE ULTIMATE GOAL; and, for all those who reach high productivity levels, whether from small or large-scale farming operations, their reward should be in tax concessions. A similar incentive should be given to any farmer who enters into the EXPORTING of his or her produce, which leads directly to obtaining much-needed Foreign Exchange for the Republic of Namibia.

3. GAME FARMS

The NPF and I! .. question whether in fact these so-called game farms can be considered as "tourist attractions"; as many who visit them simply fly in by invitation of a local or overseas owner, bag a few hunting trophies, and then head straight back to the airport. How many of these hunters tour our land, visit our towns and actually buy things with hard dollars or marks? Who checks on any sales tax that the game farmer should be paying? We should, perhaps consider a limit or impose stricter regulations on this type of business. One must also bear in mind that many an owner is also an absentee landlord.

There should not be an objection to local farmers using game as a back-up for when drought, e.c. affects their main farming business. But, is there any harm in there being some form of control here? How many farmers enjoy the status of host to "weekend hunters" and never have to pay a cent to the Receiver of Revenue for this part-time business (and, business it certainly is, if money changes hand!).

What price the prestige gained by ABSENTEE LANDLORDS boasting overseas of their game ranches in Namibia? How much tax should they pay? How much tax exemption do they gain for themselves overseas? When a poor peasant hunts for food, more often than not it is called "POACHING" - but, when a rich man arrives for a couple of days of shooting our game, it is called "BIG BUSINESS AND A TOURIST ATTRACTION"!

All culling should be done under the jurisdiction of the Ministry of Nature Conservation - and let the real tourists keep visiting our own Etosha Pan in order to view our rich game in its own surroundings.

"HUNTING" seems to reek of the old days of COLONIALISM - don't you think ??!

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SWAPO'S POSITION PAPER
ON LAND REFORM
AND THE LAND QUESTION

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1. INTRODUCTION:

Mr Chairman, we from SWAPO feel honoured to have been invited to participate in this important conference which is likely to shape the Government's future policy on land reform. I am happy to announce that we came here with an open mind, we do not wish to dictate terms for the Government but to share our ideas with our fellow Namibians, to listen to what they have to say so that we may either agree or differ in an amicable manner. I should hasten to say, Mr Chairman, that as a ruling and responsible party which has the interest of our people at heart, we came here on the understanding that all of us are committed to removing the current injustice manifested in land ownership. We want to create a new Namibia where every citizen will be a winner, every citizen will be committed to the principles of social justice, democracy, and peace in our country. We want to create a new Namibia where every citizen will be a hero in fighting against poverty, landlessness, and social deprivation.

Land is arguably the single most important reason that led to the liberation war. Therefore, the unbalanced land ownership that has evolved under successive colonial regimes needs urgent attention if it is to continue to play a positive role in our country. We are aware that this task is the most expensive and the most explosive in this country.

Aspirations for greater human dignity were the main driving force behind the struggle for national independence. Without equal justice and equal opportunities for all, our independence remains meaningless to the overwhelming majority of our people. Therefore, economic self-

determination is a precondition to the provision of a solid material basis for the wider enjoyment of human dignity and social justice.

Of all the resources available in Namibia, land is the one resource that cannot be increased without going to war with other nations. Therefore, Government land policy should be aimed at securing a proper balance between the competing demands for land so that all the land of this country is used in the best interest of our people. Our population is growing, whereas demands for land are growing even faster still. We need more schools, more factories, more shops, more houses, more open spaces, more farms and more forests. It is proper that these competing demands for the limited amount of land available should be met according to the priority of social needs in the community.

Before the Government adopts its policy on the land question, it is important to understand the subject under discussion. Participants to this conference must address themselves to the issue of access to land as well as to land use. Once these topics are exhaustively discussed, it will enable the Government to adopt a sound land reform policy, i.e. looking at land tenure rights with a view to achieving certain social, political and economic objectives.

We in SWAPO are confident that after benefiting from the historical record, our country will be in a position to avoid the pitfalls of other nations by adopting a land policy which is relevant and sustainable, a policy which addresses itself to the ecology, social conditions in our country, and sustainable political and economic approach.

2. LAND REFORM - OPTIONS FOR INDEPENDENT NAMIBIA

As you are aware Mr Chairman, the Namibian Constitution provides for a system of mixed economy in our country. This means that both private individuals, the State, and the association of both individuals and the State have a role to play in the economic development of our country. This approach has already been given effect in the Investment Code which was recently passed by our National Assembly. It is our humble opinion that this approach must equally be applicable to agriculture in terms of land ownership and management.

The adoption and implementation of land reform by the Government must be pursued with great passion since it is, we believe, part of the insurance for peace and stability in our country. Namibians' vision for the future should flow from a deep understanding of its past as well as the experience of other countries with similar ecologies. The primary role of land reform must be aimed at contributing to national, social and economic development.

After the defeat of colonialism, most African policy makers pursued activist land policies. Most of these policies sought to redistribute land with a view to adjusting historical inequalities, as in the case of Kenya and Zimbabwe where a programme of repurchasing European lands was initiated immediately after independence. Therefore, we believe that land reform is a key to democratic development in Namibia. We also believe that a government directed redistribution of land could result in broadly shared increases in production, income, and a reduction in the high rate of unemployment.

Namibia become independent with the bulk of her land under private individual tenure introduced by the colonial powers (i.e. the Germans and the South African governments respectively). The remainder of the land is under customary tenure system, while a small portion belongs to the State. Land reform, in our humble opinion, calls for comprehensive planning of the first two tenure sectors referred to above. There is no doubt that land policy in both these sectors will affect land distribution.

2.1 Collective/Cooperative Reform Models

A number of countries have opted for cooperative farming system for obvious reasons. The main reason for countries which have introduced this model is based on the premise that such system aims at preventing growing disparities of wealth and class differentiation in rural areas. In some African countries such as Tanzania, a programme of villagization (e.g. Ujamaa) was initiated. This was aimed at bringing rural people together in villages where they could more effectively be provided with new services, amenities and production assistance by the State. In addition, a system of collectivization of production was introduced. The system was considered to be consistent with African values of cooperation and mutual assistance. It was also seen as the most efficient way of utilizing scarce and costly capital items and limited expertise.

We believe that cooperatives can play a vital role in food production. There are a number of advantages presented by cooperatives, these are:

- (a) Provision of economics of scale - by grouping people together as well as creating necessary support structures, cooperatives are capable of providing services or revenue for their members. They also provide an institutional vehicle for channeling governmental or development resources to target disadvantaged groups.
- (b) Building permanence - like self - help organisations, cooperatives are community - controlled institutions which have a potential to continue providing local services long after external assistance has ended. Because they are usually commercial entities, cooperatives have the capacity to generate sufficient revenue to ensure their growth and continuity.
- (c) Offering New Service - it is possible to encourage the development of cooperatives in our country in response to certain demands from the rural population. These cooperatives have the capacity to render new services that are not otherwise available. for example, agricultural credit in rural areas. They have also a potential to provide services not available to specific groups such as income generating opportunities for women who are, in most cases, totally neglected in rural areas.
- (d) Developing human resources - because they provide opportunities both for management skills training and for general member education, cooperatives help to build human resources and provide new opportunities for both employees and members.

- (e) Fostering democracy - cooperatives in a young Republic like Namibia may be described as cementing the democratic process since they are the contact point between individuals and democratic methods of planning, decision - making, and implementation, as well as communication channels to the government of the day.

- (f) Introducing competition - most cooperatives find their origin in need to introduce competition into monopolistic markets. They can provide alternatives to middlemen, money lenders, private companies, or the public sector. Members can benefit through lower costs, higher returns, or increased quality and availability of goods and services.

- (g) Sharing economic benefits - in addition to providing a vehicle for income - generating activities, cooperatives offer members an opportunity to share in the returns of the business over and above their initial benefit.

- (h) Vehicle for economic development in communal areas - cooperatives will enable people in communal areas to benefit from integrated, large - scale economic activity. Cooperatives have a potential to provide new services and delivery networks in rural areas. Grass-roots activities may be useful in promoting member education and participation among disadvantaged groups. They can provide short and medium term credit to farmers in these areas, supply inputs, process crops, and organise storage and marketing facilities.

Experience in a number of countries show that cooperatives are prone to numerous problems and contradictions which, if not addressed rapidly and properly, could arrest the growth

What is stated above is now part of history. In the spirit of national reconciliation, we have pledged to build a non-racial prosperous Namibia. This calls for justice for all, especially to those sections of our community which have been a victim of racial discrimination. Indeed, it must be remembered that some of the victims of the brutal past are due to return from Botswana as we are holding this conference. Justice must be done if these people are to be resettled in this country. Past injustices must be urgently addressed by the Government through the medium of affirmative action.

4. HUMAN RIGHTS, AFFIRMATIVE ACTION AND LAND REFORM - THE CONSTITUTIONAL DIMENSION

The Namibian Constitution legally prohibits discrimination based on race, sex, religion, language, and social status. But as experience in other countries demonstrates, it is one thing to enact legislation and another thing to have the system resolutely upheld. The inclusion of the prohibition in our Constitution stems from the fact that certain groups in our country have remained largely outside the economic mainstream of this country. This is more the result of colonial apartheid practices.

For how long can the majority be kept in poverty while the nation strives for economic growth? What can the Government do to address this problem? It is our humble opinion that part of the answer lies in agrarian restructuring. A form of redress for the disadvantaged, i.e. a form of affirmative action aimed at helping the underclass to progress economically is needed. In addition, a new system which

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protects the vulnerable indigenous communities on the land they have occupied communally is urgently needed in order to bring communal land into the modern economy.

How can the Government achieve the objective within the provisions of the Namibian Constitution? In order to answer this question, one needs to discuss some of the provisions of the said Constitution. Article 16 (1) of the Namibian Constitution provides that all Namibian citizens have a "right in any part of Namibia to acquire, own and dispose of all forms of immovable [property] ... individually or in association with others and to bequeath their property to their heirs or legatees..." Article 16 (2) states that no person shall be deprived of his property save in the public interest and subject to the payment of "just compensation in accordance with requirements and procedures to be determined by Act of Parliament". Such expropriation may be effected by the "State or a competent body or organ authorized by law"

It is clear that the Namibian Constitution permits expropriation of private property in the public interest. If such property is expropriated with a view to implementing the policy of affirmative action, it would fall under the classification of public interest. Under Article 23 (1), it is stated in part that nothing "shall prevent parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices ..."

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It is interesting, therefore, to note that both the protection of property rights and affirmative action provisions belong to fundamental human rights and freedoms of the Namibian Constitution. Therefore, the above provisions are not inconsistent with the philosophy of the Namibian Constitution, as well as the aims and objectives enshrined in its Preamble, which resolves to achieve social and economic justice for all. It should further be remembered that the affirmative action provisions cannot be regarded only as idle dreams or pious wishes merely by reason of the fact that it may be difficult and expensive to implement them. From a juridical viewpoint, therefore, it makes sense to hold that affirmative action provisions do constitute part of Namibian constitutional law and that they are in no way subordinate to the property rights provisions. It is for the above reasons that we strongly urge the Government to implement the policy of affirmative action in the area of access to land with a view to addressing the question of land ownership and management in our country.

In order to implement the policy of affirmative action, there will be a need to look into the question of absentee landlords, particularly those landlords who are not citizens of this country. It is our understanding that insofar as such land is held by non-Namibians, it presents least problems for the Government. Indeed, part of Article 15 (1) addresses itself to this question by stating that "Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens". First priority must be given to this category of persons because it does not make sense for this country to be owned by foreigners while citizens are made landless in the country of their birth. I am confident that none of us gathered here as Namibians claim an inch of other countries, equally, those countries should NOT claim

an inch of our land. to do so would be immoral, illegal, and politically unacceptable.

The second area of focus must be the question of idle land or underutilised land in large scale commercial sector. It is a well known fact that there is a large amount of unused arable land in the large scale commercial sector. This land must be made productive by means of acquiring it so that those who do not have land due to past discriminatory practices can make it productive.

The third area of focus must be the question of unreasonably large commercial land owned by very few individuals. the history on how some of this land was acquired is clear. therefore, there is a need for the Government to address itself to this issue. Particular attention must be given to the land which is underutilized. Great care must be taken when implementing this option. In this regard, strict monitoring must be undertaken by the Government in order to prevent commercial farmers from dividing their farms and registering them as separate entities, albeit, to the same owners.

We would like to conclude this part by stating in no uncertain terms that a more equitable land reform policy is needed in order to address the injustices of the past. Affirmative action should form part of the Government's land reform policy. This will enable the Government to provide land to those who were denied it by past discrimination; to provide services to the section of our population which were denied to them by past discrimination; to provide inputs which were denied to them by past discrimination; and to provide skills which were denied to them by past discrimination. Affirmative action must be adopted with a view to resettle a large number of the returnees who have no where to live. This should include our brothers and sisters

from Botswana who wish to return to their motherland. The time when freedom and wealth, throughout colonial history were privileges of the few defined in terms of race, has today in post colonial Namibia become the acknowledged birthright of all without distinction as to race, sex, religion or creed.

5. CONCLUSION

The diversity of experience and views discussed in this conference are considerable. Some of the suggestions may play a role in contributing to realist adoption of land policy in our country. We conclude by stating that the Government must as a matter of utmost urgency implement affirmative action with regard to the ownership and management of land in Namibia. Women must be accorded an opportunity to benefit from land reform. In order to have any meaning the Government must play an active role in the promotion of cooperatives as well as assistance thereof. The issue of freehold land tenure system must be addressed as soon as possible so that all land can be owned by the State. Individuals as well as institutions must be accorded an opportunity to play a vital role in agriculture by a system which takes into account their vital interests. This can only be achieved by the introduction of a leasehold tenure system to enable such individuals and institutions to acquire a secure title.

Provision of assistance to subsistence farmers in communal areas must urgently be carried out. The current discrimination between farmers and communal areas and those in commercial areas must come to an end as soon as possible. Farmers in communal areas must have access to inputs, credit, extension services, and markets (both domestically and internationally).

and popularity of cooperatives in our country. Indeed, these problems and contradictions may even bring about their decline if not properly addressed. Cooperatives in a new Namibia may be regarded as a means of indigenous, non-exploitative control of the economy. If willingly accepted by the Namibian people, they can play a vital role since they are part of a means by which our Government can institute land reform and other important social and economic changes.

In order for cooperatives to succeed in Namibia, great care must be taken to avoid the following pitfalls:

- (1) poor administration;
- (2) special problems of organizing communal work in villages which are ethnically heterogeneous;
- (3) avoidance of cooperatives' dependence on defective government channels for the supply of inputs and for marketing;
- (4) absence of a party capable of imposing discipline effectively;
- (5) lack of clear land tenure arrangements for land farmed communally; and
- (6) the rejection of the programme by rural people whom it is meant to serve.

We recommend that the Government must encourage the formation of cooperatives in State land as well as communal land. In order to succeed, however, the initiative or inspiration must come from the members themselves. They should be left to develop internal dynamism, self - help approach, and self reliance which are the essence of a successful, member based cooperative organisation. In sum, there is a need for a new form of partnership between the Government and cooperatives. This partnership must recognize the autonomy and independence of the cooperatives.

which is, in our humble opinion, the only basis for their long-term growth and success. This partnership will still enable the Government to provide an appropriate form of assistance. It is in this search for a true partnership that the future success of cooperatives in our country will ultimately depend.

Finally, it must be noted that education and training may be regarded as a panacea from which competent management cadres would emerge and well - informed members would direct the evolution of their cooperatives. In this regard, the government must provide every assistance that may be needed in association with donor organisations.

2.3 State Ownership/Leasehold Tenure Models

Independence in most African countries saw a rash for land nationalization. The main objectives of land nationalisation was intended to provide a basis for a new state leasehold system of tenure which enabled farmers to hold their land by virtue of lease from the State. A system of freehold tenure was abolished, all land became State - owned and freeholds were converted to 99 year leasehold. In contrast with the collective/cooperative system, a state leasehold system provided individual farmers with more secure land tenure. The leasehold system further provided individual farmers to secure agricultural credit using their leasehold titles as security. It must also be noted here that the State leasehold system is considered to be preferable to full private ownership (freehold system) by most societies with a moderate or mixed economy.

Those countries which have opted for this model have been anxious to affirm the dominant role of the state in the allocation of productive resources, but have at the same time, enabled private individuals and institutions to secure

land for their private use. This model enables the State to be the owner and allocator of land (lessor) and the land is in term farmed by individual households, as lessees. In most cases, state land was that land which was taken away by the colonial power and distributed to white settlers. The land which was not taken remains communal land (Reserve Land). This land remained under traditional land tenure system as is the case in Namibia.

2.3 The Question of Traditional/Customary Land Tenure

At present, a capital value or a rental value is not applicable to land which is communally owned in Namibia. Land is still regarded as the property of the whole community from which it derives its livelihood and subsistence. As such, a claim to the private ownership (in the context of unrestricted freedom of alienation) of special pieces of land within the community is generally not recognised.

It must be noted that the main characteristic feature of customary land tenure in Namibia is that the principal source of individual property is derived from labour e.g. the building of a house. A man's property is that upon which he does some work, something which he acquires by his own efforts. That which occurs naturally is regarded as something given by nature to all equally, the earth, the trees, etc. Every community has its own piece of land into which strangers cannot intrude without first obtaining the permission of that particular community. Therefore, it is possible to allocate communal land to families. Family land is at the disposal of the head of the family, every member of the family has a right to a share in the land - a right which cannot be forfeited even by prolonged absence. The holder and his descendants have undisturbed possession, except that they can not alienate the land so as to deprive

the whole community its ultimate control over it. In practically all cases under customary land tenure, the rights of an individual user, even though he could consider himself the owner of the land, falls far short of those of a full owner in the modern sense. Therefore, the feature of communal land embodies an unbroken chain of responsibility - the responsibility of the headman for his people, of the head of the family for its members, and of every individual of a community to the chief.

The main characteristics of individual responsibility to the whole community is that it is the duty of every individual to preserve the use of land for its members. An individual user is restricted from full ownership, especially alienation of land to outsiders, by the privileges which other members of the community enjoy on the same land. This means that once the individual is regarded as part of the community, his interests become interwoven with those of the community and is under customary obligation to share the land with the community. The Chief and everybody under him is accountable to his counsellors, headmen, family, and to the community as a whole. In this sense, the Chief and his counsellors are regarded as guardians of the land on behalf of the community. Therefore, as far as customary land tenure is concerned, land is not saleable. Sale of freehold rights over land is only feasible in the part of Namibia formally known as the Police Zone. However, in communal areas, it is not only unlawful but unthinkable at the moment.

As noted above, the reform models discussed so far involve dramatic departures from traditional customary land tenure systems. We hold the view that, contrary to some beliefs, customary land tenure systems are not inherently incompatible with agricultural modernization. Minor defects to be found within the system can be solved by a certain

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amount of creative tinkering and fine - turning, rather than more dramatic reforms. These defects can be eliminated through modest changes in tenure rules, reorganisation of customary land administration machinery, and creation of new, supportive linkages with national and regional institutions. These minor changes, notwithstanding, it is important to note that a significant element of community control over land should be retained.

The approach discussed above seeks to adjust the customary land tenure system to changes in the economic and social environment in which it operates. It must further be noted that in most communal areas, the economy has already moved from subsistence to marketed production. These changes are likely to move customary land tenure system in the direction of some form of individual participation. It must be realized that traditional local land administration institutions may or may not be able to meet new needs; in some cases, they may not be able even to deal adequately with their traditional tasks under changing circumstances. Indeed, in future, land allocation is likely to become increasingly difficult for the allocating traditional institutions as pressure on land is likely to increase and disputes over land rights are likely to multiply.

We are mindful of the fact that there are complex choices to be made, between utilizing existing institutions and replacing them with new institutions, between vesting these institutions with essentially private and public character, between recognizing local particularity and insisting upon national uniformity.

In order to bring communal land to the commercial world, a number of alternatives need to be investigated. Botswana has particularly an interesting system in the management of communal land. A system of Tribal Land Board was created

shortly after independence. The new system shifted powers over land allocation from chiefs to Tribal Land Boards composed of indirectly elected and ex-officio members. Ex-officio members came from local representatives of relevant ministries. Chiefs remained as members, sometimes as Chairpersons. What is particularly important to note is that ownership of land remains vested in the respective communities. The Tribal Land Board, however, which administers the land in trust for a particular community, could be described as quasi - public. Its secretary is a civil servant: it must take orders from the President (through the Ministry of Local Government and Lands), and appeals from its decisions are in the first instance administrative appeals into the Ministry, not to the courts.

There is, however, a draw back, namely that the institution may be prone to taking orders from above. In addition, its composition presents problems in that the institution was created on to high an administrative level to carry out village - level functions. Without cooperation from traditional headmen, its functions may be impaired. A viable system must be found for Namibia which has the support of the Namibian people. It is our humble opinion that the choice of one system to the exclusion of all others is not important, what is important is that whatever system that is eventually adopted by the nation should be capable of improving social and economic conditions in communal areas.

3. THE LAND QUESTION AND THE COLONIAL PAST

It is a well known fact that since its inception at the turn of the nineteenth century, colonialism in Namibia spelled the domination of people of colour. This led to direct interference in the economic, social and political affairs of the indigenous population. We still remember Bismark's

remarks during the Berlin Conference of 1884-5 when he said that the interior of Africa must be opened to the Europeans by furnishing the natives with the means of instruction. In Namibia, this policy resulted in the exploitation of natural resources under a system of tenure that gave the white settlers maximum freedom of control to the exclusion of the indigenous population.

We still remember the remarks of Dr. Paul Rohrbach, a highly placed official in the German Colonial Office who said that colonisation of Namibia meant that and I quote "the native tribes would have to give up their lands ... in order that the white man might have the land". I regret to state here that this meant an outright seizure of our fore-fathers' land without compensation. Institutions were established with a view to maintaining the relations of power and privilege. With the establishment of these early colonial relations, the beginning of a class system of domination and exploitation that was to manifest itself largely in racial terms developed.

The darkest history for Namibia came in 1905 when the Colonial Department in Germany called on the colonial administration in Namibia to expropriate, without compensation, African property movable and immovable. The Colonial Deputy Governor in Namibia at the time, Hans Tecklenburg, stated the policy as follows: "with the confiscation of their land, the natives will be deprived of the possibility of raising cattle ... any form of tribal organisation would be eliminated. ... No major community of natives must be left to their own devices ... Freedom of movement will be abolished and passes will be introduced as a compulsory measure ... Here in this settler colony the natives must never be allowed to forget for a single moment that they are in a country ruled by the white men and that they are subject to German legislation"

This policy was followed by the 'Imperial Decree of 26 December 1905 Pertaining to the Sequestration of Property of Natives in the Protectorate of South West Africa'. The decree enabled the colonial Governor to sequester the land of Africans, and it provided him with the legal means to do so. It empowered the Governor to declare the whole of central Namibia (the then Hereroland) Crown land. Lindequist, the Colonial Governor at the time wrote to the Colonial Office in Germany on 8 August, 1906, stating that: "All legal impediments have thus been removed that stood in the way of granting the numerous applications made for the acquisition of farms and homestead in Hereroland". Southern Namibia was confiscated from the indigenous population on 8 May 1907.

The confiscation of land and property of the African population raised some concern among liberal circles in Germany. Commenting on the severity of the Imperial Decree of 26 December 1905, a member of the Reichstag stated that it amounted to "nothing else but robbery on a large scale ... it is not only that the tribal system is to be abolished ... but all tribal property is to be taken away from the natives. In this day and age such plunder is unworthy of a state which has inscribed law and justice on its banner. If put into operation, the Decree will leave the natives ... impoverished and enslaved ... the blacks will serve as lowly toilers for the white man. The Decree marks the entry of modern slavery into South West Africa".

It is needless to state here that the South African colonial regime finished the business which the German colonial regime was unable to finish.