

WHO SHOULD REPORT?

Whether you are an ordinary citizen, a member of the Traditional Authority, the Chief, a member of a Communal Land Board or an ordinary member of the community, you **should report corrupt practices to the relevant authorities**, this includes the name and any other information that can assist about the identity of the persons or authorities committing the crimes.

WHO SHOULD YOU REPORT TO?

- The relevant **Traditional Authority** or the **Chief**
- The **Communal Land Board**
- The **Police** nearest to you
- The **Office of the Ombudsman**
- The **Anti-Corruption Commission**, Tel: 061 2073111, Tel: 061 4354000 Fax: 061 300952 If you have access to a computer you can also file a report online: at <https://acc.gov.na/submit-a-report-online>

REMEMBER:

It is also a crime if any person pays or threatens you to keep quiet.

For more information:

Consult the **Legal Assistance Centre**

PO Box 604, Windhoek - Email: info@lac.org.na

Telephone: 061-223356 - Fax: 061-234953 - SMS: 081-600 0098



Fighting corruption starts with you. If you see it, report it.



Legal Assistance Centre

COMBAT CORRUPTION WITH ACCOUNTABILITY

The Legal Assistance Centre believes that we all have a duty to combat corruption and wrongdoing encountered in our own lives.

In order for Namibia to become an honest and safe nation for all Namibians, the Namibian public is encouraged to report any suspicion of wrongdoing by a Communal Land Board, the Traditional Authorities and/or Chiefs under the Namibian laws to the appropriate bodies.

This pamphlet will help you to understand what you can expect from these bodies and how to make a complaint if any of them behave illegally or wrongfully. This focus will be on the obligations under the **Communal Land Reform Act, Act 5 of 2020** (the Act).

What is corruption?

Corruption is receiving, asking for or giving any gift or favour to make a person give you something (whether land rights, professional advantages, work, etc) or to give an unfair advantage over everyone else.



Corruption and Communal Land Rights

According to the Act (Section 17) all communal land belongs to the State to be held in trust for the **benefit of the traditional communities living on it** and should be administered and managed to realise this outcome.

The Act does this by giving all administrative bodies involved certain rights and obligations.

This distribution of power allows for better transparency and accountability.

These Bodies include the following:

The TRADITIONAL AUTHORITY and the Chief

- Can **ONLY** allocate **CUSTOMARY rights** subject to **APPROVAL** by the Communal Land Board
- Has to get permission from Minister if the land is larger than 50 hectares
- CANNOT grant LEASEHOLD RIGHTS
- CANNOT grant CUSTOMARY RIGHTS TO PERSONS WHO ARE NOT PART OF THAT TRADITIONAL COMMUNITY

THE COMMUNAL LAND BOARD

- Can **ONLY** allocate **LEASEHOLD** and **OCCUPATIONAL rights**
- Has to obtain consent from relevant Traditional Authority PRIOR to granting leasehold or occupational rights
- **APPROVES** customary land rights granted by Traditional Authority

COMMUNAL LAND CANNOT BE BOUGHT OR SOLD!

What does corruption look like in connection with communal land?



Corruption in the allocation or cancellation of land rights can have many faces. We will give you some examples.

Immanuel is not a member of the traditional community and wants land to farm. He approached the Chief for customary land rights and pays to the chief the amount of N\$ 20. 000. The traditional authority takes the money and Immanuel starts farming.

- Both Immanuel and the Chief are committing crimes. It is illegal to pay for Customary Land Rights!

Stefanus is the Chief in the area where oil has been found. The oil company has offered the Chief a Range Rover to clear land and extract the oil from the land. This portion of land is already occupied by a member of the traditional community. The Chief gives the oil company the right to take occupation of the land without consulting the member already living there.

- Both the oil company and the Chief are committing crimes.
- The Chief cannot give this right to access land to the oil company, especially if he did not consult the community.
- The benefits of the land should be to the whole community and not just the chief; this amounts to bribery
- In both instances, any person that knows what is happening can report this criminal behaviour; to the Communal Land Board, the police, the Anti-Corruption Commission or the Ombudsman.

IF YOU SEE CORRUPTION WITHOUT REPORTING IT – YOU ALSO COMMIT A CRIME!