

RESOLUTIONS OF THE SECOND NATIONAL LAND CONFERENCE, 1st – 5th OCTOBER 2018

Thematic Area: Commercial Land Reform Programs and related matters

No	Identified Topical Issues	Resolutions
1.	Land Acquisition based on the Principle of Willing Seller- Willing Buyer	Willing Seller - Willing Buyer Principle should be abolished and be replaced with alternative acquisition methods.
		Develop and implement an accelerated Land delivery method or approach.
2.	Expropriation of Agriculture Land (foreign owned farms, underutilized land, absentee landlords, farm size, numbers)	Foreign owned Agricultural land should be expropriated with just compensation.
		All underutilized commercial land owned by Namibians are also eligible for expropriation.
		Strengthen Intra-institutional coordination in the expropriation process.



No	Identified Topical Issues	Resolutions
		Develop Reliable data on land management and administration. Stand-alone legislation on Expropriation should be developed and implemented. Implement the Principle of “One Namibian One Farm”. Restrict the sale of farm land through subdivision/ownership by CC, Companies and any other entities. The farm size per individual should be regulated taking into account the variance of Agro-ecological zones, carrying capacity and farm land use.
3.	Resettlement Policy and Criteria	All related legal instruments should be reviewed, reformed and harmonized for accelerated and successful land redistribution e.g. (ACLRA 6; 1995, National Resettlement Policy, etc.).



No	Identified Topical Issues	Resolutions
		Develop and enforce regulations against dual grazing.
		Resettlement Policy should provide Security of tenure to allow bankability of the allotment/farming units.
		Develop a comprehensive support package for the productivity of resettlement farms.
		Overcrowded group resettlement farms should be given security of tenure.
		Regional structures to embark on public awareness on how to benefit from various land reform programs.
		Ration of land allocation between dispossessed communities, war veterans of the liberation struggle and



No	Identified Topical Issues	Resolutions
		their dependants should benefit from the 70% share while 30% is for the national pool. Different resettlement models should be developed to cater for different land needs and aspirations of the citizens. Time frame from acquisition to actual resettlement should be reduced through Policy or Legislative reforms. Differentiate between Settlement program (Land distribution to all Namibians) and Resettlement program (Land redistribution to the dispossessed communities).
4.	Pre and Post Resettlement Support	There should be a constant monitoring and review of the comprehensive resettlement support package.



No	Identified Topical Issues	Resolutions
		Tenure system review for the resettlement farms to become bankable in order to attract investment, increase agricultural productivity and employment creation. Develop tailor-made support package to resettlement beneficiaries in communal and commercial areas based on business plans (for example large, medium or small scale farming units).
5.	Affirmative Action Loan Schemes	Re-evaluate the AALS and its products to achieve its objective that of empowerment of the formerly disadvantaged people and to increase the contribution of the Agricultural sector to the GDP. Land Tax system should be reviewed to attract investments and productivity.



No	Identified Topical Issues	Resolutions
		Reintroduce 30% GRN guarantee for buying commercial land.
6.	Accessibility to land by women, youth, war veterans, Botswana returnees and person with disabilities	Review all policies related to land redistribution to ensure the prioritisation of Women, Youth, war veterans, Botswana returnees and Persons with disabilities.
		Develop a training and capacity building program in agriculture meaningfully to the land which they may be allocated.



No	Identified Topical Issues	Resolutions
		Agricultural education should form part of the broader Curriculum at all educational levels.
7.	Farmworkers (including generational farmworkers)	Develop a policy to protect generational farm workers by providing alternative residence or providing a portion of the land to such workers. Develop a policy to compel farm owners to grant unhindered access to identified graves and heritage sites and structures.
8.	Disadvantaged Communities	Develop a policy to ensure the prioritisation of various categories of Disadvantaged Communities in land reform programs. Review and harmonize all legal instruments related to disadvantaged communities.
9.	Access of strong communal Small Scale	Develop a special program of identifying and assisting potential strong farmers to migrate to commercial land and decongest communal farming areas.



No	Identified Topical Issues	Resolutions
	farmers to Commercial land	

Thematic Area: Communal Land Reform Programs and related matters

No	Identified Topical Issues	Resolutions
10.	Removal of the veterinary cordon fence	Government to gradually remove the Veterinary Cordon Fence taking into consideration various factors
		The Abattoirs in communal areas should be renovated and upgraded to Class A Abattoirs (suitable for export).
		There should be special arrangements for procurement of the Northern Communal farmers produce through the Public procurement system.
		Government should start the process to gradually remove the VCF.
11.	Land Allocation & Administration by	The status quo of Communal land allocation and administration by Traditional Authorities and Land Boards



No	Identified Topical Issues	Resolutions
	Traditional Authorities & Communal Land Boards	must be upheld. Government should continue rendering support to the implementation of the Act to enhance effective tenure rights in Communal areas.
		The Communal Land Reform Act and its regulations should be revisited to redress the current challenges.
		All Communal communities should have Traditional authorities to deal with land matters in their areas of jurisdiction.
		Government to coordinate the relocation of communities affected by the expansion of urban areas.
		That Government to coordinate closely activities with regard to mining and the protection of small miners including shares by Traditional Authorities in such mines.
		Any Board to be established must include Youth, Persons with disability, war veterans and Women representation.
		That Section 4 of the CLRA should be amended because the number of representation of Traditional Authorities is limited to one member only, while some Traditional



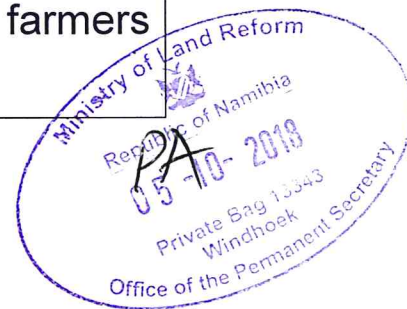
No	Identified Topical Issues	Resolutions
		Authorities have jurisdiction over 3 constituencies. The Act must include representation from each constituency. Section 4 of the CLRA must be amended to include Veterans. That Succession Guidelines of Leasehold Land Rights be made explicit as stipulated in section 26 of the CLRA with regards to Customary Land Rights.
		Government to assist in relocation communities affected by the expansion of Urban Areas.
		Section 28 of the CLRA should be amended to accord Traditional Authorities recognition of existing land rights but not the Communal Land Board as the Board came only in existence after the enactment of the Act in 2003.
		All land related matters in communal areas must be dealt with at Traditional Courts before they are dealt with at High Court.



No	Identified Topical Issues	Resolutions
		Land Board to ensure that all family members/siblings are consulted and investigation is done before the land is registered in the name of the family.
12.	Communal Land Development (Future role of the communal areas)	Fast-track the registration of land rights in communal areas and capacitate the regional offices to efficiently register.
13.	Land Rights Registration in Communal Areas	Establish delimitation committee to address the issue of recognized and unrecognized Traditional Authorities and overlapping of Traditional Authorities jurisdictions.
		Introduce Land Committee in areas where there are no recognised Traditional Authority.
14.	Illegal Fencing in Communal Areas	Increase the fine for illegal fencing and the Law Enforcement Agencies should assist the Traditional Authority on removal of illegal fences.



No	Identified Topical Issues	Resolutions
		Introduce spot fines as it is a case on the forest Act and poaching. Furthermore, Government should consider amending the relevant legislation provisions to shorten the process of removing illegal fences.
15.	Access to Communal land	Government should develop and maintain a database containing names of beneficiaries to avoid multiple land ownership within one Region and between different Regions at the expense of the landless Namibians. Non- residents when applying for land should respect and uphold the customs and traditions of the local Traditional community of the area. Land administration should be done procedurally through the Traditional Authorities. Legislations should make provisions for consulting farmers in the area before allocating land to other people.



No	Identified Topical Issues	Resolutions
		Create and expand communal areas in the regions for allocation to the landless people and evicted farm workers.
		Establish Agro Industrial Centres in Constituencies to serve as catchment areas for the landless and evicted farmworkers but also as a growth point.
16.	The impact of climate change on productivity	Adaptation and mitigating mechanisms be integrated within the land reform agenda, with specific emphasis to devise appropriate technologies for sustainable farming practices.



No	Identified Topical Issues	Resolutions
		The government of Namibia to prioritize the development of seawater desalination for agricultural production along the Namib Desert. Establish Agro Industrial Centres in Constituencies to serve as catchment areas for the landless and evicted farmworkers but also as a growth point.
17.	Dual grazing	Government should establish a body to purchase livestock from the Northern Communal farmers to enable them move beyond the veterinary cordon fence. Effective monitoring and preventive measures should be designed and implemented by Government to discourage such practice with a view of relieving pressure on Communal areas.



No	Identified Topical Issues	Resolutions
		Government institutions, Traditional Authorities plus relevant law enforcement units should jointly monitor its full implementation
		Dual grazing penalty fees should be developed, introduced and implemented.
18.	Wildlife Conservation and Utilization rights	Traditional Authorities should avoid allocating land to people in wildlife “Corridors”. The Nature Conservation Ordinance, 1975 (Ord. 4 of 1975) should be repealed and Protected Management Areas Bill should provide proper administration and management of human wildlife conflict. Existing Protected Areas should be strengthened and developed in terms of infrastructure and marketed to attract and increase visitors. The revenue generated by Protected Areas through park entrance fees should be re-invested in their management and to prevent human wildlife conflict and poaching, while other forms of income generation from Protected Areas should remain with the central State revenue.



No	Identified Topical Issues	Resolutions
		Commercialization of indigenous natural plants must be scaled up and accelerated for the benefit of producers and rural communities.
		Any measure to settle people or for people to settle in wildlife corridors should be discouraged/not considered.
		Government should provide Freehold Land Titles in Communal areas.
		Pastoral Land Rights should be introduced to allow extensive Livestock producers to manage the land sustainably.
		There should be different categories of Land Tenure systems with land bankability options that can be used as collateral for economic activities in the Communal areas to access financial assistance and enhance productivity.
		Government should consider a financial package under Agribank for Customary Land Right Holders.



No	Identified Topical Issues	Resolutions
		50 hectares provided for in the Communal Land Reform Act, Act No. 5 of 2002 (CLRA) for Customary Land Rights should be applicable to crop production only.
		Group Rights should be considered for livestock farming without the limitation in hectares depending on the availability of land.
		Government should conduct a study on the current land tenure systems to determine its impact and productivity for sustainable land management.
		A study be conducted to assess alternative tenure systems to harmonize gaps in the current tenure system so as to unlock the Commercial value of Communal land.
19.	Transfer of large communal farmers to commercial land	Government should mobilize additional funds to acquire more land under the Land Reform Programs for the successful implementation of the scheme.
		The Ministry of Agriculture, Water and Forestry (MAWF) database should be used to identify Communal farmers with large number of livestock in order to encourage such



No	Identified Topical Issues	Resolutions
		farmers to move to Commercial areas and reduce pressure on Communal land. The Government should evaluate the effective implementation of the Affirmative Action Loan Scheme (AALS) in order to assist such farmers to improve their production. Policies already developed should be fully implemented to allow for Communal farmers to graduate into the resettlement program and eventually into the AALS program. Priority for resettlement should be given to those with a lot of livestock in Communal areas. New and Emerging Commercial farmers should continue to receive induction and training before and after resettlement or acquisition of AALS farms including extension services.
20.	Residential land within National Parks	Farms close to National Parks should be acquired for resettlement for the communities living around National Parks.



No	Identified Topical Issues	Resolutions
		Communities on the farms should be assisted with the development of their areas to improved livelihoods.
		Communities should have tourism concessions in the National Parks.
		The Zonation Plan of National Parks should be maintained and should provide for Multiple Use Area where communities are residing.
		Measures to reduce the area of Protected Areas will undermine the (viability) and value of the National Parks and should be discouraged or not considered.



Thematic Area: Urban Land Reform and related matters

No	Identified Topical Issues	Resolutions
21.	Urban Land/housing prices	Develop an Urban Land Reform Programme and Policy in order to address the proposed strategic interventions. Government should build capacity at all levels (Central, Regional and Local) to reduce costs. Standardized templates and guideline for Local Authorities to be developed in line with the relevant PPP Act to eliminate intermediaries in housing developments. Foreign investment in real estate should be regulated and no land should be sold to Foreign Nationals (Develop Policy) Government should create infrastructure financing funds Ultra/low income should be fully subsidized through local authority by Government Local Authorities should enter into partnership with first time home buyers as part of a structured purchasing scheme.



No	Identified Topical Issues	Resolutions
		Amend building regulations and link local material value chains to housing construction Government to subsidize low income housing and essential services to increase affordability. Institute a tax on the profits from property excluding the primary residence. Have higher transfer rates for secondary and tertiary property acquisitions and reduce transfers for first time owners.
22.	Urban land/housing delivery	Make land available for local industrial development. Development of National Spatial Planning Framework should be integrated in the public sector. Scale up community based land delivery process for the lower income community as they have a much bigger impact. Implementation of new Town and Regional Planning Act



No	Identified Topical Issues	Resolutions
		Conduct legislative review of all legislation pertaining to land delivery Acquire farms adjacent to urban areas and resettle people from those towns. Foreign nationals may own urban industrial and business land in urban areas but not for residential. Timeframe for land delivery should be limited to six months. Regulations (building, zoning, density) should be flexible so that incremental approaches can be adopted NSA to assist with development of demographic statistics per LA area, including data from Community Land Information Program. Shack Dwellers to be accorded land title.



No	Identified Topical Issues	Resolutions
		Prioritize large-scale informal settlement upgrading and integrated, planned urban expansion areas (for new urban residents) and mainstream to all local authorities. Revise standards for building materials (perhaps in certain zones) to allow for more flexibility including consider low cost energy for the low income housing. Build 300 000 housing units/opportunities over the next 7 years. This is a National emergency. Residents in Settlement areas should be allowed to purchase land.
23.	Tenure insecurity for urban informal settlement	The pilot project for the implementation of the Flexible Land Tenure Act to be used to reduce planning restrictions. Expedite piloting and roll out the implementation of Flexible Land Tenure Act to all Local Authorities.



No	Identified Topical Issues	Resolutions
		Revise relevant legislation to protect squatters' eviction.
24.	Land sizes for housing and building standards	Local Authorities must provide a range of sizes for houses/land including vertical development whereas less than 300m² is subject to approval in consultation with communities and Minister. Remove statutory minimum building values in the conditions of establishment. Relevant Government Agencies to develop standards for local and alternative building materials and redraft standards for building low cost houses. Investigate how to incorporate the housing development and construction into the local value chains to support economic development. Government to promote the manufacturing of local building materials



No	Identified Topical Issues	Resolutions
		Secure the support of Banks and other financial institutions to finance houses that are constructed with local / alternative building materials. Adopt incremental housing designs layouts and construction methods. Allow for partially serviced land (sewerage and water) to be sold. Other services can be added at a later stage.
25.	Sustainable Funding Formula for Regional Councils and Local Authorities	Develop funding formula from central government from national taxes to fund housing and land development at Regional Councils and Local Authorities levels. Government to continue and increase funding to Regional Councils and Local Authorities for low income groups. Recovery of the cost for the infrastructure should come from the service providers to the Regional Councils and Local Authorities or the value of the asset base should be returned to the subsequent developments.



No	Identified Topical Issues	Resolutions
26.	Rent Control Act legislations	Implement and regulate the Act on rent price control. Local Authorities in conjunction with relevant stakeholders to avail land for Student housing for rental. There should be an opportunity developed to allow access to property through rental with the option to buy at a later stage and the rental is subtracted from the price. Transfer government houses as rental social houses to various Regional Councils and Local Authorities.
27.	Rezoning of private farmland in Urban Areas	A Moratorium be in place rezoning and sale of private farmland
28.	Access to finance for housing	Municipality should build social housing for rental market. Review and revive the build together Programme. Cross subsidization from private developers to fund low cost housing, land and services.



No	Identified Topical Issues	Resolutions
		Enhance the capacity of National Housing Enterprise to provide end user home loan finance for low and middle income groups. Scale up financial mechanism for urban poor to build a house incrementally as individual and groups.
29.	Townland expansion and compensation	Unused Land available in the LA should be considered for expropriation. Develop a National urban policy and national spatial development framework Limit expansion of local authority areas and focus on increasing densification Revision of current Compensation Policy every 3 years.
30.	Related Matters	Include the rights to housing as a human right in the constitution. Government expenditure should be increased from the current level of 0.1% to at least 10% of GDP.



Thematic Area: Land Tax & Valuation System and related matters

No	Identified Topical Issues	Resolutions
31.	Land Taxation as Instrument for Land Reform	Fully implement progressive tax.
		Introduce progressive specific rates for absentee landlords.
		Update, finalize and regularly review the Agro-Ecological Zone and Carrying Capacity maps.
		Introduce Progressive tax rates for previously disadvantaged farmers.
		Develop criteria for determining land tax exemption for the different categories of previously disadvantaged farmers.
32.	Agricultural Land Price	Regulate Agricultural land prices.
33.	Land Valuation and Pricing	Fast-track the implementation of the Property Valuers Professional Act (No 7. of 2012).
34.	Laws relating to immovable	Harmonize laws related to immovable property and conduct awareness campaigns.



No	Identified Topical Issues	Resolutions
	properties in Namibia	
35.	Real Property Index	Institutionalise the real property index.
36.	Expropriation of Land with just compensation (Valuation approach for expropriation)	Apply the reviewed bases for valuation that will enhance the compensation for land expropriation.
		Review the communal land compensation policy guidelines and capacitate implementing agencies.



Thematic Area: Ancestral Land Rights and Restitution

No	Identified Topical Issues	Resolutions
37.	Definition of ancestral land (economic, cultural & spiritual)	Establish the Presidential Commission of Inquiry on Ancestral Land to: • Commission a survey/study to identify communities who have lost ancestral • Establish the sizes of ancestral land lost and boundaries • Incorporate a special provision in the resettlement criteria to fairly address the situation of the most affected • Generate a common understanding/consensus on the definition of ancestral land rights and restitution. • Study to determine the limit of the pre-independence ancestral claims.
38.	Ancestral land rights and claims	Identify alternative restorative measures to restore social justice and ensure economic empowerment of the affected communities. Use the reparations from the former colonial powers for such purpose.



No	Identified Topical Issues	Resolutions
		Provide right of servitude in the legislation in addition to expropriation. Ensure the participation of the previously advantaged on land matters. Formulate legislation to cater for ancestral land claims and restitution. Investigate possible unintended consequences of ancestral land claims and restitution, as well as appropriate mitigation measures (e.g. the issues related to perceived possible discrimination against other population groups). The debate on ancestral land should be premised on the human rights principles and standards guaranteed in the Namibia constitution as well as international and regional human rights instruments binding on Namibia respectively. Differentiate the various forms of ancestral land claims. Develop land allocation mechanisms that prioritises the most affected communities. Make use of the opportunity of ancestral land claims as an instrument to enhance national reconciliation. Renaming of colonial names back to traditional original names where possible (where there are no controversies).



No	Identified Topical Issues	Resolutions
		Focus on the empowerment and special recognition of women from the most affected communities.
		Include the affected communities in structures created to address the issue of ancestral land.
		Investigate and identify interventions that are tailored to the specific circumstances of the affected communities.
39.	Voluntary repatriation of those in the diaspora	Identify alternative land in communal and commercial areas for the resettlement of communities to be repatriated.
40.	Dignified burial of the remains of the genocide victims and veterans of the liberation struggle.	Erection of statues and monuments in remembrance of genocide victims and veterans of the liberation struggle.
		Dignified burial of the remains of the genocide victims and veterans of the liberation struggle.

