




LEGAL ASSISTANCE CENTRE

**“One day we will all be equal...”**

**A Socio-Legal Perspective on the  
Namibian Land Reform and Resettlement Process**

Professor Sidney L Haring  
and  
Willem Odendaal

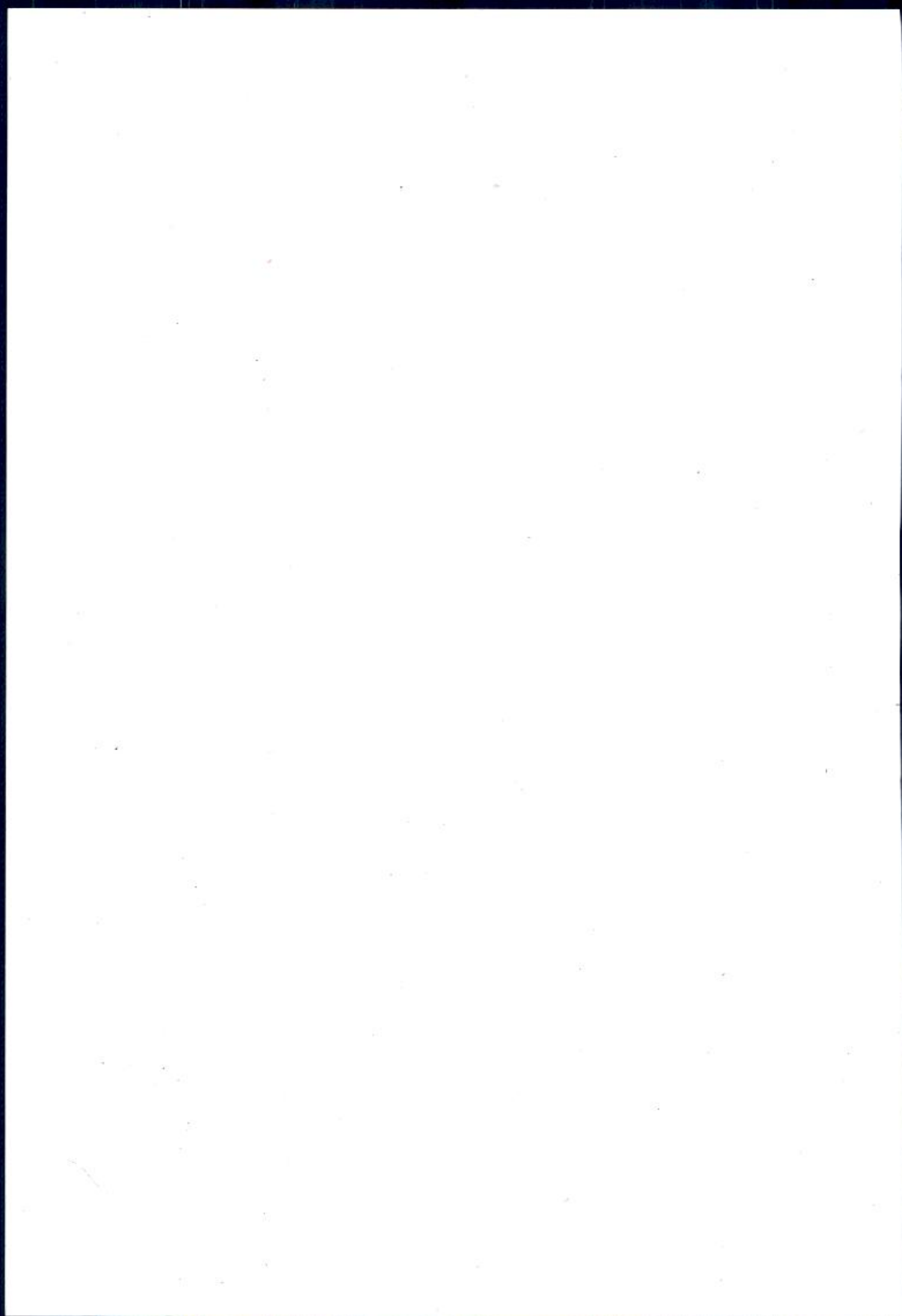
Legal Assistance Centre  
January 2002

 Austrian  
Development Cooperation

 **Ezed**  
Evangelischer  
Entwicklungsdienst

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Funded by Austrian Development Co-operation, EZE and HIVOS





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# ACKNOWLEDGEMENTS

Funding for this report was provided by Austrian Development Cooperation through the North-South Institute, EZE and HIVOS.

Professor Sidney Haring of the College of Law, West Virginia University and Willem Odendaal of the Legal Assistance Centre were the primary authors of the report. Willem Odendaal designed and implemented the field research.

The Legal Assistance Centre would also like to thank the following persons, who made the production of this report possible:

- \* Moses Bonza, Monica Nganjone and Willem Odendaal conducted interviews with resettlement beneficiaries and project leaders.
- \* Dianne Hubbard and Andrew Corbett gave guidance, suggestions and comments.
- \* Dianne Hubbard carried out the final technical edit of the report.
- \* The Ministry of Lands, Rehabilitation and Resettlement (MLRR) provided information on the resettlement programme.
- \* Clement Daniels helped with obtaining permission from the MLRR to conduct research on resettlement projects.
- \* The Permanent Secretary of the MLRR, Mr. Tsheehama, kindly gave the LAC research team permission to visit resettlement projects.
- \* Dr. Mendelsohn (Directorate of Environmental Affairs) generously supplied maps on the environment and rainfall of Namibia for this report.
- \* Christiaan Keulder (Namibian Public Policy Research Institute) generously supplied the regional map of Namibia for this report.
- \* Romy Zwirner, Collette Campher and Alfa Diakite assisted with the map and photo layout of this report.
- \* Many thanks to all the resettlement beneficiaries and project leaders who were willing to be interviewed.
- \* Thanks also to the following persons for showing their support and sharing information: Dianne Hubbard (LAC), Andrew Corbett (consultant), Clement Daniels (LAC), Wolfgang Werner (NEPRU), Monica Nganjone (LAC), Moses Bonza (interviewer), Dorenda van Seumeren (University of Utrecht), James Suzman (LAC), Nangula Kauluma (research assistant) Norman Tjombe (LAC), Eva Weitz (LAC), Collette Campher (LAC), Rudolf Gawaseb (LAC), Patricia Claasen (LAC), Joseph Kahuika (LAC), Romy Zwirner (LAC), Napoleon Uutoni (LAC), Treena Sikora (LAC intern), Heather Sherdahl (LAC intern), Alfa Diakite (LAC intern), Clotilde Guibert (Cooperation Espanola, Queen Sofia project), Kaarina Nitembu (Excelsior project), Abraham Gariseb (Onverwag), Andrew Vergotine (MLRR, Windhoek), Patricia Hoeksema (MLRR, Windhoek), Haimbodi ya Nambinga-Kati (MLRR, Windhoek), the MLRR offices at Oshakati and Khorixas, Dr Bosshart (Mangetti Dune Clinic), Ellie Bongers (camera equipment), Ms Katanga (parliament librarian), Linda Baker (Directorate of Environmental Affairs) and Loide Shivene (Ministry of Agriculture, Water and Rural Development).





## Chapter 1

### Namibia's Land: Land Reform, Resettlement, Environment and Agriculture

The primary objective of this report is to assess the operation of the Agricultural (Commercial) Land Reform Act 6 of 1995, which provides for the acquisition of agricultural land by the Namibian government for the purposes of land reform, and for its redistribution to Namibian citizens "who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices". The report also seeks to assess the gender implications of the land reform process.

#### 1.1 Research methodology

Land reform and resettlement is necessarily a complex process. This study is based on interviews conducted at resettlement projects with resettlement beneficiaries and project clerks. These interviews provided information on project management, socio-economic conditions on resettlement projects, and a variety of other topics. A semi-structured interview schedule was generally followed to ensure that data was uniformly collected, but respondents were free to say anything they wished. In general, the same number of men and women were interviewed in each project. The interviewees were chosen by our researchers to represent a "focus group". They generally represent the range of concerns that may be typical of a project, but are not a random sample.

The ten resettlement projects visited (Table 1) were chosen in consultation with the Ministry of Lands, Resettlement, and Rehabilitation (MLRR) and therefore are not a random sample of the ninety-seven resettlement projects. If anything, these represent projects that are functioning more successfully than most projects. All are in the north, northeast and east because the MLRR recommended not visiting projects in the south, which are reported to be in poor condition. A resettlement project, Voigtsgrund, near Maltahöhe, has been so badly mismanaged that it was abandoned by the MLRR, although former beneficiaries remain on it. This selection process, then, gives us a sample of functioning resettlement projects that the MLRR believe represents their land reform and resettlement process in action.

At the outset, it is important to say that the beneficiaries of the resettlement projects studied here are a diverse group of people, with a variety of life experiences, and an equally broad variety of feelings about the resettlement process. Our goal has been to systematically study a range of these people and their views. At a minimum, this research suggests that any social process as complex and expensive as human resettlement must require careful evaluation. More research on the process of land reform and land resettlement in Namibia is needed.



**Table 1: List of resettlement projects visited**

No.	Name of Resettlement Project Visited	Region	Interview Dates
1	Excelsior (Commercial area)	Oshikoto	19 June 2000
2	Tsintsabis (Commercial area)	Oshikoto	20 June 2000
3	King Kauluma (Communal area)	Oshikoto	20 June 2000
4	Queen Sofia* (Commercial area)	Kunene	21 June 2000
5	Skoonheid (Commercial area)	Omaheke	26 June 2000
6	Drimiopsis (Commercial area)	Omaheke	27 June 2000
7	Mangetti Dune (Communal area)	Otjozondjupa	11 July 2000
8	Gam (Communal Area)	Otjozondjupa	26 October 2000
9	Otjihau (Communal area)	Omusati	5 December 2000
10	Onandjendje (Communal Area)	Omusati	5 December 2000

\*No interviews were conducted, because this project was not yet in full operation.

Background information on the resettlement programme was obtained from offices of the Ministry of Lands, Resettlement and Rehabilitation in Windhoek, Oshakati and Khorixas. The Parliamentary Library, the Namibian Economic Policy Research Unit Library, the Legal Assistance Centre Library, and the National Archives of Namibia also served as important sources of information.

Two previous reports on the MLRR resettlement process in Namibia also were consulted. A Retrospective Assessment of Environmental Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia (1998) by Hansen, Liber, Mafune, Mclean, Nijenhuis and Stoffberg and De (on) mogelikheden van een resettlementproject (2000) by Dorenda van Seumeren, provided useful information and served as comparisons against which to measure the LAC research findings. Similarly, James Suzman, An Assessment of the Status of the San in Namibia (2001), another recent study of the land reform process was also used for this purpose. These studies independently cover some of the same ground that we cover and come to some of the same conclusions. The need for extensive research to evaluate resettlement projects should hopefully produce some kind of consensus as this research continues.

## **1.2 Land reform: environmental conditions**

The resettlement projects studied are generally located in the north and east of Namibia, two areas that are the centres of a number of resettlement projects. Namibia, an expansive country, is situated in the south-western corner of Africa, bordering the Atlantic Ocean in the west, South Africa in the south, Angola in the north, Botswana in the east, and Zambia and Zimbabwe in the northeast respectively. Namibia, with a geographical land area of 824 295 km is Southern Africa's most sparsely populated and arid country.<sup>1</sup> The estimated population of Namibia in 1999 was 1 805 227.<sup>2</sup> On average, this means about 2 persons per square kilometre. Namibia, therefore, presents a much more hopeful possibility of an orderly land reform process than many other African countries, simply because there is so much land, and so few people.

But the trade-off here is that Namibia's land is very dry, and suited only to a few kinds of agriculture. Namibia is situated between two deserts. The Namib Desert stretches along Namibia's West Coast while the Kalahari Desert borders its eastern and southern neighbours, Botswana and South Africa.

The Namib Desert is the oldest desert in the world. It runs parallel with the Atlantic Ocean, extending along Namibia's entire coastline. This region which has an average rainfall of less than 25 mm a year, supports little vegetation, and has been described as "a barren desert, wholly unsuitable for any agriculture"<sup>3</sup>.

<sup>1</sup> 1994, Map of the Republic of Namibia, Scale 1:1 000 000.

<sup>2</sup> Obtained from the Central Statistics Office in Windhoek.

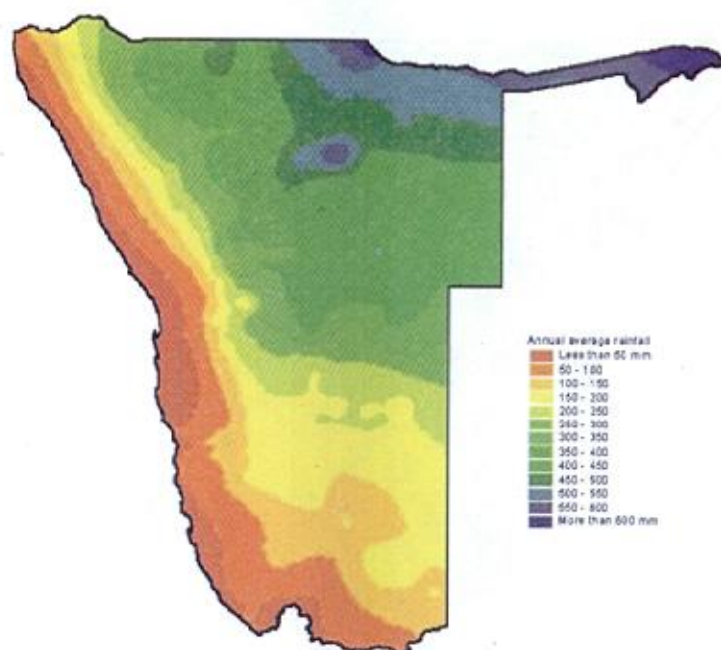
<sup>3</sup> Republic of South Africa, Report of the Commission of Enquiry into South West African Affairs, 1962-63 (subsequently Odendaal Report) Pretoria: Government Printer, 1964 at 267.



The Kalahari Desert is an arid plateau region covering approximately 259,000 square km in Namibia, Botswana and South Africa. The Kalahari, covered largely by reddish sand, lies between the Orange and Zambezi rivers and is studded with dry lakebeds. Average yearly rainfall in the Kalahari varies from sometimes less than 120 mm in the south-west region to 600 mm or more in the north-eastern region. Grass grows throughout the Kalahari in the rainy season, and some places also support low thorn scrub and forest. Grazing and limited agricultural possibilities exist in a few areas.<sup>4</sup>

Water is Namibia's most important and limited natural resource. Rainfall is extremely variable, with a mean annual rainfall ranging from less than 50 mm in some of the desert areas to more than 700 mm in the Okavango and Caprivi regions. Only about 8% of Namibia receives an annual rainfall of over 500 mm. Approximately 92% of Namibia's total surface area is arid or semi-arid. Temperatures in the interior can range from freezing to above 40°C. Most of the country's rainfall occurs in summer between December and March, often in the form of localised cloudbursts. The rate of evaporation generally exceeds that of rainfall, because the soil has a low water retention capacity: It is estimated that 83% of total rainfall evaporates shortly after precipitation. Only 1% recharges the ground water reservoirs.<sup>5</sup>

**Map 1 - Rainfall in Namibia**



(Source: John Mendelsohn and the Atlas Project,  
Ministry of Environment and Tourism, Directorate of Environmental Affairs)

The interior of the country has little surface water and the flow of the country's five perennial rivers - the Orange, Kunene, Okavango, Zambezi, and the Kwando/Linyanti/Chobe are limited to the southern and northern borders and the Caprivi region.<sup>6</sup> These perennial rivers supply approximately 23% of Namibia's water requirements. A further 57% is obtained from ground water resources, while 20% is supplied by a number of surface reservoirs, the product of efficient water engineering efforts. Ground water in Namibia is often high in dissolved salts, making water quality poor.<sup>7</sup>

<sup>4</sup> Photius Coutsoukis, *Information on Namibia*, Information Technology Associates, 1999, (Internet: [www.geographic.org](http://www.geographic.org)).

<sup>5</sup> A. Hartmann, *Biotechnology and Biosafety in Namibia: A Country Study*, Namibian Biotechnology Alliance, 1999 at 27, 32.

<sup>6</sup> S Bethune, "Namibia's Challenge: Sustainable water use", in *Namibia Environment* Vol. 1., 1996, (P Tarr, ed) at 185-189.

<sup>7</sup> A Hartmann, *Biotechnology and Biosafety in Namibia: A Country Study*, Namibian Biotechnology Alliance, 1999 at 32.



Rural water supply is largely dependent on ground water as its only source, often from wells or government maintained boreholes. Per capita water consumption varies from very low in rural settlements where water is hand carried from wells or water points to unsustainably high in the cities.

### Map 2 - Vegetation in Namibia

(Source: John Mendelsohn and the Atlas Project,  
Ministry of Environment and Tourism, Directorate of Environmental Affairs)



There are currently 5 124 demarcated commercial farms belonging to 4 422 white commercial farmers, 324 black commercial farmers and 240 foreign (presumably mostly white) commercial farmers, while 34 commercial farms belong to the Namibian government. The remaining 104 commercial farms, according to the Ministry of Lands Resettlement and Rehabilitation, are currently not occupied.<sup>8</sup>

In communal areas, the power of allocating and administering land is vested in traditional authorities: occupiers have the traditional right to use land, but do not own it. The Government of Namibia takes the position that the state owns communal land through Article 100 of the Namibian Constitution, which states that "Land, water and natural sources below the surface of the land ...shall belong to the State if they are not otherwise lawfully owned."<sup>9</sup> This is disputed by some traditional authorities and this position has never been directly tested in Namibian courts because the government, for the most part, has left these lands in the hands of traditional authorities.

The editor of the newsletter of the Ministry of Lands, Resettlement and Rehabilitation Mr. Luine Eric Ndala, claims that state-owned land is all public land where land is acquired for a public purpose. It can also include unoccupied land, in which case the state assumes the right to allocate it through the private market or through public domain, where it can be used for either reforestation, game parks, or for resettlement purposes. All land acquired under the Agricultural (Commercial) Land Reform Act which is to be used for the resettlement programme will be registered in the name of the Government of Namibia, and will therefore become state land.<sup>10</sup> Land acquired for resettlement purposes will be provided to beneficiaries or beneficiaries on leasehold of 99 years (White Paper on Resettlement Policy, October 1997). (According to the Namibia National Farmers Union, the government is considering amending the law to provide for leases of even shorter duration, perhaps 50 years or even only 5 years.<sup>11</sup>) This means that all land in the resettlement projects will revert to the Namibian state in 99 years (at the most), giving the state substantial control over those projects long after it removes itself from direct administration.

State ownership involves the vesting of all existing rights in the land in the state, with the state being the sole custodian and administrator of land redistributed to individuals. And, while a 99-year lease is a legal and substantial form of land tenure, it is not a freehold title and the state continues to hold title to the land. No person holding such land in a resettlement programme, therefore, can be certain that their leasehold will remain in their family in three or four generations. In addition, it is not clear what land rights the project beneficiaries might convey to a third party.

A number of African countries have nationalised all land, eliminating private freehold titles altogether. Examples in Sub-Saharan Africa include Lesotho (1979) and Cameroon (1980), both of which nationalised all land on the premise that they will continue an African tradition under which ownership resides in the community and not the individual. The Congo (Brazzaville) (1979) and Senegal (1964) preferred to maintain the French legacy of ignoring customary practices and treating all land as belonging to the state. Zaire, now the Democratic Republic of Congo, (1973) and Nigeria (1978) nationalised all land on the grounds that it is the most efficient way of allocating land for public purposes. Somalia (1975), Ethiopia (1975), Mozambique (1979) and Zambia (1975) nationalised land on ideological grounds. Countries that

<sup>8</sup> Ministry of Lands, Resettlement and Rehabilitation, Resettlement Programme, 2001-2005 at 12. These data vary as the numbers of farms in various categories of holdings differs in different reports, but there is some consistency and the variations are not great. Jan de Wet, President of the Namibia Agricultural Union, reports for the year 2000 that there are 5,273 farms, with 4,456 in white ownership, 419 non-white ownership, 56 owned by the government, 240 owned by foreigners, and 102 not occupied. See de Wet, *Land and Its Dynamics in Namibia*, paper presented at Cabinet Retreat, Swakopmund, December 2000. It is also noted that the ownership of some farms is deliberately obscured for various legal or economic reasons so precise data may be unattainable.

<sup>9</sup> This opinion was prepared by Adv. PC van der Bijl for the official purpose of determining the legal ownership of communal lands in Namibia in "Legal Opinion: Legal Position Relating to Land Occupied in Namibia on a Communal Basis" for the Ministry of Lands, Resettlement and Rehabilitation, (1992) 67-8. Sidney L. Harring in his article "The Constitution of Namibia and the Land Question: The Inconsistency of Schedule 5 and Article 100 as Applied to Communal Lands with the 'Rights and Freedoms' Guaranteed Communal Land Holders", 12 *South African Journal on Human Rights* 467 (1996), disagrees with this conclusion, arguing that it only applies to "land not otherwise lawfully owned" and therefore does not apply to the communal lands because those lands are "lawfully owned" by the various traditional communities.

<sup>10</sup> Republic of Namibia, *Land Reform: To Promote Equity and Fairness*, Windhoek, August 1994 at 31.

<sup>11</sup> *Submissions by the Namibia National Farmers Union Concerning the Agricultural (Commercial) Land Reform Act (Act No. 6 of 1995)*, November 2001.



have not nationalised land include Botswana, Kenya, Uganda, Zimbabwe, Mauritius, South Africa and Namibia.<sup>12</sup>

#### 1.4 Land use and farming practices in Namibia

Of the 82.4 million hectares of surface area in Namibia, 15% is nature reserves and the Diamond Area, while 41% is communal land. Commercial farms and proclaimed towns make up the remainder of the surface area (44%). Towns with municipality status also own land which can be used for the extension of residential areas or industrial developments, or leased out to commercial farmers who need additional land for grazing their livestock.<sup>13</sup>

Of the total land available for commercial and communal use (85%) only 34% is suitable for crop farming. However, only 1.4% of the potential crop farming land is commercially utilised for crop farming.<sup>14</sup> The largest part of Namibian agricultural land is utilised by both commercial and communal farmers for livestock farming, with natural vegetation used for grazing. Thus, Namibia is largely occupied by vast cattle and small-stock farms.<sup>15</sup>

Namibia's commercial farms are large and mainly orientated towards red meat production for local and export markets. Beef is the agricultural sector's main export product. Cattle farming takes place mostly in the central and northern higher rainfall areas, while sheep and goat farming takes place in the lower rainfall areas of the south. The average size of a commercial farm in Namibia is large, approximately 7 000 hectares, with farms in the south being much larger than farms in the north.

For purposes of marketing livestock, Namibia is divided into two distinct areas by the veterinary control fence (known as the "red line"). The area south of the red line is free of foot-and-mouth disease and lung sickness, assuring that livestock raised south of the red line has ready access to South African and the European Community markets. North of the red line, diseases like foot-and-mouth and lung sickness are endemic. War in Angola has prevented the eradication of animal diseases, and vandalism of the border fence and an illegal cross border trade in livestock along the border between Angola and Namibia makes the removal of the veterinary fence at this stage unlikely.<sup>16</sup> The existence of the fence, which substantially parallels the former "police line" between black and white Namibia, is a political liability and an embarrassment for the government, but it cannot be removed because of the economic importance of the international beef trade.

Namibia's low and unreliable rainfall pattern limits its potential as a commercial, self-sufficient and reliable agricultural crop producer. The commercial production of crops mainly occurs in areas such as the "Maize Triangle" (Otavi-Grootfontein-Tsumeb), the Hardap Irrigation Scheme, the Stampriet area and the Noordoewer Irrigation Scheme. The acreage cultivated by commercial farmers is relatively small, and varies from 4000-5000 hectares. Namibia can produce sufficient cereals to supply just over half of its domestic requirements. The remainder is imported, mainly from South Africa. Most other foods, about 40% of the total, also come from South Africa.<sup>17</sup> Thus, Namibia, with a small population and extensive agricultural production, cannot feed itself. It is self sufficient only in beef, goats, and dairy, reflecting an agricultural economy structured by South Africa, during the apartheid era, to use Namibia as a market for South African products.

<sup>12</sup> Luise Eric Ndala, *The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 4 Number 4, August 2000 at 2.

<sup>13</sup> Conversation with Mr. W. Gaerdes, Municipality of Windhoek, 6 February 2001.

<sup>14</sup> Talbot, 1970; Anonymous, 1990; Appo Rao et al., 1991 in Herta Kolberg, *International Conference and Programme for Plant Genetic Resources, Country Report for Namibia*, July 1995.

<sup>15</sup> Richard Moorson, *Transforming a Wasted Land*, (London: Catholic Institute for International Relations, 1982) and Brigitt Lau and Peter Reiner, *100 Years of Agricultural Development in Colonial Namibia: A Historical Overview of Visions and Experiments*, Windhoek: National Archives, 1993 discuss the historical evolution of modern Namibian agriculture.

<sup>16</sup> Omo Kakujaha-Mutundu and Selma Tuemumunu Kavezeri, 1997, *Farmworkers Project Research Report Series: No. 4, Overview of the Agricultural Sector in Namibia*, Legal Assistance Centre at 5,12.

<sup>17</sup> AGRECONA 1990, in Herta Kolberg, *International Conference and Programme for Plant Genetic Resources, Country Report for Namibia*, July 1995.



The world-wide overproduction of cattle and the increased degradation of grazing lands threatens Namibia's commercial farming sector. It is estimated that as many as 60 to 80% of Namibia's commercial farms are not profitable.<sup>18</sup> Commercial farms were heavily subsidised during South African rule and it appears that Namibia's farmers are now feeling the effects of the gradual withdrawal of those subsidies. Since commercial agricultural land in Namibia is not taxed, individual farmers have the capacity to continue to manage unprofitable farms for many years, although obviously the cycle cannot be continued indefinitely.



*Waste land: Large parts of Namibia are not suitable for agriculture. This photo was taken near Sesfontein, former Damaraland, now Kunene Region.*

Agriculture plays a major role in the economy of Namibia, second only to the mining sector in contributions to exports. Approximately 48% of the actual Namibian labour force of 500 000 (1994 estimation) is employed by the agricultural sector, largely in subsistence agriculture in the communal areas, with only about 10% employed in the commercial sector. An estimated 70% of the population is dependent either directly or indirectly on agriculture for its livelihood. In 1997 it was estimated that the agricultural sector made a contribution of 11% to the Namibian GDP,<sup>19</sup> a much smaller contribution than its proportion of the labour force might suggest.

An estimated 800 000 Namibians live on the communal lands, in a predominantly agricultural and traditional economy that is impoverished. Agricultural incomes for these 150 000 households on communal land are very low, mainly because they are excluded from benefits such as improved farming techniques, technology, access to formal credit facilities and regulated markets. Communal farmers are mostly dependent on rain-fed crops (mainly millet) and livestock which supply families with many non-marketed products and services including draught power, milk, hides and manure. Most communal farmers apparently have no income at all from their work: almost all of their production is consumed by their own households.

Extended periods of drought impact heavily on Namibia's agricultural sector and the tenuous food security of the rural poor. During the 1990s livestock losses were heavy due to drought.<sup>20</sup> In recent years, commercial livestock farmers have moved increasingly towards mixed game/livestock farming and many have embarked upon wildlife-based tourism enterprises. This trend in stock diversification has helped to maintain bio-diversity and creates a valuable buffer against the effects of drought.

<sup>18</sup> The actual economic position of Namibia's heavily subsidised commercial agricultural sector is difficult to determine, but it is very heavily in debt. For this history see Wolfe Schmoekel, "The Myth of the White Farmer: Commercial Agriculture in Namibia, 1900-1983," *International Journal of African History* 18, 1 (1985). Wolfgang Werner reports that about 30% of all farmers are essentially debt free, but that the average farmer had a debt of N\$227,000 and would have to sell off 64% of his livestock herd to repay that debt. If one removes the 30% who are debt free from that average, the average farmer is in debt over \$300,000 or roughly the total value of her/his livestock. Wolfgang Werner, "Agriculture and Land, in Henning Melber, *Namibia: A Decade of Independence, 1990-2000*, Namibian Economic Policy Research Unit, Publication No. 7, 2000, at 33. This heavy debt exists in a country without a land tax. Thus, any effort to tax agricultural lands in Namibia would likely force most commercial farms out of business - and put these farms in government hands. The reason that 30% of all farms are debt free is not necessarily that these farms are well managed. Almost all wealthy Namibians own farms for personal, not necessarily economic, reasons.

<sup>19</sup> Photius Coutsoukis, *Information on Namibia*, Information Technology Associates, 1999, (Internet: [www.geographic.org](http://www.geographic.org)).

<sup>20</sup> R Simmons, Directorate of Environmental Affairs, Ministry of Environment and Tourism, Namibia, 1998, [www.dea.met.gov.na/programmes/biodiversity/biodiv\\_pub.htm](http://www.dea.met.gov.na/programmes/biodiversity/biodiv_pub.htm).





*Abandoned water point near Ombombo, Kaokoveld (Kunene Region). Periods of drought during the 1980's and 1990's caused water tables to drop, with devastating effect on communal farming activities.*

It is difficult for communal landholders to benefit from game farming, although efforts are being made. A development in Namibia's communal areas called the Community Based Natural Resource Management Programme has been described by some as one of the most innovative wildlife and natural resources management programmes in Africa. It aims to give communal farmers the same rights over wildlife and natural resources as commercial farmers have, while providing rural Namibians with an opportunity to improve their quality of life.<sup>21</sup>

These realities structure the logic and capacity of the resettlement programme. The settlers come from either the communal areas, or are displaced farm workers, or from squatter settlements in the peri-urban areas, but most often live in abject poverty. In this environment expectations for resettlement programmes can be very low. Most of the

land available for resettlement on the commercial farms is grazing land. It is used as grazing land because it is unsuitable for anything else: it is dry and environmentally degraded. Commercial cropland farms, on the other hand, are farmed in 4000-hectare or more units, using modern farm machinery and irrigation. While agricultural production under such conditions is extensive, it is also capital intensive. There are few alternative small scale forms of agriculture in Namibia, mostly in the communal areas. But the small farms in the communal areas do not currently support families beyond the barest subsistence level - not in the kind of life style aspired to by most Namibian people, black or white.

Finally, the whole problem of land reform and resettlement must be understood in the context of the problems facing Namibian agriculture as a whole. While the cost of the land reform and resettlement programme is an important issue, the whole commercial agricultural sector was both created and is currently being sustained by massive governmental subsidies. Indeed, this is true of commercial agriculture everywhere in the world, including South Africa, Europe, and the United States. Namibia needs a clear agricultural development policy that includes restructuring the existing commercial agricultural sector, improving agriculture on the communal lands, as well as a bold and creative policy of land reform and land resettlement. This policy will be both expensive and involve substantial governmental subsidy. Thus, it is not just "resettlement policy" that is expensive and subsidized - all agricultural policy is.

<sup>21</sup> B Jones and L Baker, *A Toolbox for the Establishment of Communal Area Conservancies*, Ministry of Environment and Tourism, Republic of Namibia, 1999.



## Chapter 2

### **The Agricultural (Commercial) Land Reform Act 6 of 1995: Law Reform Rooted in History**

The Agricultural (Commercial) Land Reform Act was tabled in the National Assembly in 1995, five years after Namibian independence. It was intended to structure the legal process of the redistribution of commercial land in Namibia, one of the most basic of the revolutionary goals of the South West African People's Organisation (SWAPO), now Namibia's ruling party, throughout the long war for independence. This short period of time indicates the level of importance of the Bill. It had been under consideration from the very beginning by the new government, which put considerable emphasis on a new land policy.

This legislation was based on some of the recommendations made by the Prime Minister's 1991 Land Conference, the Technical Committee on Commercial Farmland and the Cabinet Committee on Land Policy. These recommendations, in turn, reflect SWAPO's longstanding commitment to a land reform process as well as a realisation among broad segments of the population, including white land owners, that some process of land reform was immediately necessary in order to correct racist land policies of the Apartheid era and colonial governments, and also to guarantee political stability.

Namibia is among the most unequal countries in the world, with much of this inequality embodied in two separate systems of land tenure: on one hand, about 4,000 whites own, in freehold, almost 50% of the usable agricultural land in the country; yet almost a million blacks hold some lesser "communal" land rights to the remaining "communal" lands, lands, primarily in the north and east, that were left by colonial authorities for black settlement. Therefore, this Act must be understood as being intensely political, the legal mechanism for acquiring white owned land and redistributing it to blacks - "land reform" in classic political terms, taking from the rich, giving to the poor. This is given new urgency in Namibia by events in both Zimbabwe and South Africa, neighbouring countries where the land reform process is proceeding so slowly that those countries risk political instability.

The Act is necessarily complex, reflecting the difficulty of the land reform process it regulates. Its publication in the Government Gazette on 3 March 1995 took sixty-four pages, a dense text but still only a framework for a land reform process that lacked a concrete substance. At the outset, it establishes a Land Advisory Board to advise the Ministry of Lands, Resettlement and Rehabilitation (MLRR) on the process of land reform. But its most important provisions were those providing for the compulsory acquisition of land by the state for purposes of land reform. Finally, the Act provides for a Lands Tribunal with a wide range of legal powers to administer the Act.

The Act does not adequately provide for a resettlement process. Rather, it simply sets out the process of the state's acquisition of land for land reform purposes. The resettlement process, which is even more complex, is left primarily to subsequent legislation. Yet, land acquisition is the "blank slate" upon which land resettlement must occur. Existing commercial agricultural land must be transferred from the ownership of a few thousand white families to the state, so that it can be resettled by blacks.

This Act regulates only the purchase and redistribution of privately owned farms, which is not the entire land reform process. Many resettlement projects will also occur on the communal lands, a legal process regulated under the Communal Land Reform Bill, which has not been passed by Parliament.

Although resettlement projects operate in essentially the same manner whether on former commercial or communal lands, the communal land reform process involves completely different political considerations than commercial land reform. While the commercial land owners are a few thousand whites, about 800,000 blacks live on the communal lands. Therefore, there is no great popular demand for "land



reform" in the communal lands. Rather, the communal lands are very often overcrowded and impoverished. The land reform process is partially intended to resettle people from the communal lands, thereby reducing this overcrowding and making the communal lands more habitable and less environmentally degraded.

However, the communal lands are not uniformly settled. Subject to administration by traditional leaders, much of the communal land area is sparsely settled. This land can be more efficiently used, and the forthcoming Communal Land Reform Act proposes to achieve that end. At the same time, the traditional leaders in the communal areas exercise a considerable amount of political power and enjoy their control of these lands, and many of their concerns have held up the bill in Parliament.

Because the Communal Lands Act has not been passed, the focus of the remainder of this report is the process of land reform in the commercial sector. However, the resettlement programmes involve the same concerns, whether on commercial or communal land. Some of the resettlement projects studied are on communal lands that were somehow secured by the MLRR under legal processes not covered by the Communal Land Reform Bill.

Making this process more complex is the insistence of the Namibian government that the state "owns" the communal lands, a position that is not universally accepted in the communal lands, or by legal scholars in Namibia.<sup>22</sup> This position has some difficult legal implications: for example, while the acquisition of commercial lands for resettlement is expensive, if the state can acquire land in the communal areas for nothing because such lands are already "owned" this could undermine the entire process of land reform, the redistribution of the lands of wealthy whites into the hands of poor blacks. It also potentially upsets a delicate balance of power between the government and traditional leaders.

## 2.1 The constitutionality of the Agricultural (Commercial) Land Reform Act

The Namibian Constitution was created in a few months in 1989 and 1990, a political compromise between SWAPO, the South African government, Namibia's whites, and other Namibian groups, including blacks not aligned with SWAPO. The drafters of Article 16 of the Constitution, which is the primary protector of private property rights in Namibia, anticipated the land reform process. The Namibian Constitution specifically provides for the expropriation of private property for land reform purposes.

Article 16, a part of a bill of rights, guarantees that:

*(1) All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and moveable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.*

*(2) The State or competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation, in accordance with requirements and procedures to be determined by an Act of Parliament.*

Section 14(1) of the Agricultural (Commercial) Land Reform Act 6 of 1995 is the "Act of Parliament" that determines these "requirements and procedures."<sup>23</sup>

<sup>22</sup> Sidney L. Harring, "The Constitution of Namibia and the Land Question: The Inconsistency of Schedule 5 and Article 100 as Applied to Communal Lands with the 'Rights and Freedoms' Guaranteed Communal Land Holders", 12 *South African Journal on Human Rights* 467 (1996). (The Expropriation Act 63 of 1975, a South African statute inherited by Namibia at independence, deals with land expropriation in other contexts.)

<sup>23</sup> In terms of the acquisition of agricultural land by state for purposes of land reform, the Act stipulates in section 14(1), that the Minister may: - out of moneys appropriated by Parliament for the purpose, acquire, in accordance with the provisions of this Act, agricultural land in order to make such land available for agricultural purposes to Namibian citizens who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices.



Article 16 of the Constitution also commits the Government to guarantee the right of all persons to own property, as well as to pay "just compensation" for all land acquired under the provisions of the Act. The Article, thus, performs a dual purpose in the land reform process. At the same time it permits the Government to expropriate private property, it also guarantees existing property rights. This requires a lengthy and expensive land reform process.

The dual function of Article 16 reflects a political compromise struck at independence between SWAPO and the existing land-owners. Private property is protected in Namibia, and this is a cornerstone of white support for both the political transition process from South African rule to the existing SWAPO-led government.

The Agricultural (Commercial) Land Reform Act in section 14 implicitly requires a "willing buyer, willing seller" principle, only permitting the purchase of commercial lands offered for sale, or the acquisition of abandoned or underused land. This policy has been criticised as being expensive, and at the same time failing to permit the acquisition of large blocks of land for more efficient resettlement.<sup>24</sup> Article 16 does not require this approach, for it clearly sanctions the expropriation of land without regard to the individual willingness of sellers.

No expropriation process is set out in Article 16, so it is left entirely to the terms of the Agricultural (Commercial) Land Reform Act. This Act, somewhat inconsistently, does set out an expropriation process in Part IV but only after apparently requiring a "willing buyer/willing seller" process in section 14.<sup>25</sup> This apparent discrepancy probably reflects the delicate political ground that the government was treading in passing the Act. The "willing buyer/willing seller" principle places a great burden on the Government's land reform process, both in terms of cost and also in terms of social planning.

While there is a large bureaucracy set out in the Act to advise, to value, and to survey the various lands offered for sale, the process is essentially at the discretion of the Minister. Any matters under the Act, however, can be appealed to the Lands Tribunal and then to the Supreme Court.

Article 16 must also be read in the context of a further Constitutional obligation to affirmative action in Article 23(2), which states that:

Nothing contained in Article 10 hereof 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 discriminatory laws or practices...

Thus, the Agricultural (Commercial) Land Reform Act (1995) is compatible with these provisions of the Namibian Constitution. On the one hand, it attempts to address the unequal distribution of commercial farmland, while simultaneously trying to keep the confidence of commercial farmers and potential investors in the Namibian economy.

<sup>24</sup> The "willing buyer/willing seller principle" is hotly debated within Namibia. President Sam Nujoma, in his autobiography, *Where Others Wavered* (London: Panaf Books, 2001) repudiates the "willing buyer, willing seller" policy saying it was "never in line" with SWAPO's position (at 419) but mistakenly attributes the policy to Article 16 of the Constitution, rather than to his Government's own Agricultural (Commercial) Land Reform Act.

<sup>25</sup> Section 14, after providing that the Minister can acquire land for resettlement, provides that:

(2) The Minister shall ...be competent to acquire  
(a) any agricultural land offered for sale...  
(b) any agricultural land classified as under-utilised...  
(c) any agricultural land ...classified as excessive; or  
(d) any agricultural land acquired by a foreign national...

While the term "willing buyer/willing seller" is not used in the above statute, requiring that the land to be acquired be "offered for sale" carries that effect. The Minister is only authorized to purchase agricultural land under this section, so unless the lands are under-utilized, excessive, or owned by foreigners, the Minister can only acquire lands "offered for sale." The expropriation process, set out in Part IV, is only partially inconsistent with this provision, because it would apply to the under-utilized, excessive, and foreign owned lands.



## 2.2 An analysis of the Agricultural (Commercial) Land Reform Act

When the Agricultural (Communal) Land Reform Bill was introduced to the National Assembly on 6 September 1994, the Government of Namibia had to address a number of issues:<sup>26</sup>

1. How to address — and, if possible, rectify — the land rights which had been taken away under colonial rule;
2. How to correct the unequal distribution of agricultural land inherited from the apartheid regime and how to enable those already on the land to improve their standards of living; and
3. How to make agricultural production more efficient in order to contribute more to the national economy and the Gross Domestic Product (GDP) as well as the national food production in a sustainable way.

The Act's purpose is set out as follows in the preamble to the Act itself:

*To provide for the acquisition of agricultural land by the State for the purposes of land reform and for the allocation of such land to Namibian citizens who do not own or otherwise have the use of any or of adequate agricultural land, and foremost to those Namibian citizens who have been socially disadvantaged by the past discriminatory laws or practices; to vest in the State a preferential right to purchase agricultural land for the purposes of the Act; to regulate the acquisition of agricultural land by foreign nationals; to establish a Land Tribunal and determine its jurisdiction; and to provide for matters connected therewith.*

The Agricultural (Commercial) Land Reform Act 6 of 1995 provides a framework for the acquisition of agricultural land by the state for purposes of land reform. The right of the state to purchase agricultural land is clearly defined and a mechanism for the compulsory acquisition of agricultural land is established. Restriction on the acquisition of agricultural land by foreign nationals, an issue since independence, is incorporated into the Act.

A balance was struck between fears of the arbitrary exercise of state power by the SWAPO majority and the government's demand for sufficient power to carry out the land reform process. While the Minister of Lands, Resettlement and Rehabilitation holds ultimate power to expropriate farms under the Act, there is a Land Reform Advisory Commission consisting of stakeholders to advise the Minister on all matters under the Act, including the identification of land for expropriation. Commercial farmers, along with a broad range of interest groups, are represented in the Commission. The Land Reform Advisory Commission, however, operates only in an advisory capacity: the Minister is in no way bound by any of its recommendations.

But the Minister is bound by decisions of the Lands Tribunal. This body is also created under the Act and has substantial legal powers, as extensive as a court. All legal disputes stemming from expropriations under the Act may be brought to the Lands Tribunal, including matters of valuation, the ultimate issue of "just compensation" itself. The decisions of the Lands Tribunal have the effect of a High Court decision and can be appealed only to the Supreme Court. The purpose of the Lands Tribunal is to facilitate the broad range of legal disputes, many of them over such issues as land valuation, that might clog the courts, delaying the land reform process. It is also intended to promote confidence in the commitment of the government to an orderly and lawful land reform process by providing the commercial land owners with ready access to legal process.

Under these provisions, the process of securing land for land reform purposes has moved forward in an orderly manner in Namibia since 1995.

<sup>26</sup> Agricultural (Commercial) Land Reform Bill, Second Reading, Debates of the National Assembly (Hansard), Vol. 40 at 289.



thus transferred from one person to two or more persons. The requirement to offer farmland to the government is ignored under the pretext that such an owner does not sell the land but sells only corporate shares. This can be described as a loophole in the Agricultural (Commercial) Land Reform Act giving foreign nationals the opportunity to own land without the approval of the Minister of Lands, Resettlement and Rehabilitation as the law requires.<sup>28</sup>

The "just compensation" requirement of Article 16 has, at least, linked the cost of land to the market, leading to higher prices being sought by land owners.<sup>29</sup> Gert Grobler, the Executive Director of the Namibian Agricultural Union, said that the government is currently involved in only about 25% of all land transactions taking place in Namibia. Thus, market forces regulate the remaining 75% of land prices. Close corporations,<sup>30</sup> trusts and other economic institutions can buy and sell land without offering it to the government first. According to Mr. Grobler, many legal transactions are currently taking place between companies and other economic units. Prices negotiated among the private sector are basically the same as prices offered to the government in this market. However, if the landowner is not satisfied with the price the government is offering, the matter can be taken to the Lands Tribunal, and ultimately to the Supreme Court, for resolution.<sup>31</sup>

To summarise: the Second Amendment Act deals with issues such as the redefinition of the Land Acquisition and Development Fund, placing further restrictions on the transfer of agricultural land and the imposition of a land tax. The Ministry of Lands, Resettlement and Rehabilitation aims, through the imposing of a land tax on commercial farms, to generate money for the Land Acquisition and Development Fund.

The Amendment Act has been criticised by opposition parties in the National Assembly. Congress of Democrats Member of Parliament, Mr. L.S. Chata, has criticised reformers for failing to formulate laws that are applicable over a long time. Mr. Chata referred to Section 76B(1)(a) of the Second Amendment Act, which allows the Minister of Lands, Resettlement and Rehabilitation to exempt agricultural land owners from land tax, if such belong to the category contemplated in Article 23 of the Namibian Constitution. The people, according to Mr. Chata who will be exempted from paying land tax will be Cabinet Ministers and the post-independent emergent black elite who are on a land acquisition spree. Mr. Chata used the example of Prime Minister Hage Geingob who owns two farms, but who according to Article 23 of the Namibian Constitution qualifies to be exempted from paying land tax because he was disadvantaged by previous discriminatory laws.

Another hypothetical example is that of a white woman, who under previous discriminatory marital laws was not allowed to buy property without her husband's consent. With the Married Persons Equality Act now in place, she is now in the same position as her husband with respect to land ownership. Would she under the Amendment Act be exempted from paying tax on her newly acquired farmland? Thus, section 76B(1)(a) read together with Article 23 of the Namibian Constitution may not necessarily work to the benefit of persons who are genuinely disadvantaged at the present time.

Mr. Eric Biwa, Member of Parliament representing the Democratic Turnhalle Alliance/United Democratic Front Coalition, said that land tax can only be supported if its primary objective is to maximise the productive use of land and the phasing out of under-utilised land. Taxing under-utilised farms at higher rates than producing farms that generate foreign exchange earnings and provide employment to Namibians would make more sense, according to Mr. Biwa. Mr. Biwa further argues that the Second Amendment Act focuses only on sustaining the Land Acquisition and Development Fund. It is also not certain which

<sup>28</sup> Motivation speech by Mr. Henry Isak Katali, Deputy Minister of Lands, Resettlement and Rehabilitation on *The Agricultural (Commercial) Land Reform Second Amendment Bill*, 26 October 2000 at 1 and 2.

<sup>29</sup> There is no formula for determining "just compensation" and it is important to say that it may not be market value. It might also reflect historical or social values. Ultimately, it will be up to the Lands Tribunal and the Supreme Court to decide this question, in the context of a case brought by a land-owner under the Agricultural (Commercial) Land Reform Act (1995) appeals process.

<sup>30</sup> Farmers turn their farms into close corporations in order to sell them on the open market - Gert Grobler, *Growth Magazine*, On the Record, May/June 2000 (Internet article).

<sup>31</sup> *The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 4, Number 4, August 2000.



### 2.3 Amendments to the Agricultural (Commercial) Land Reform Act

Two amendments to the Agricultural (Commercial) Land Reform Act, 1995 have been approved by Parliament to date (as of October 2001). There is considerable dissatisfaction within many segments of the Namibian population over the slow pace of land reform under the 1995 Act.

The first amendment to the act - the Agricultural (Commercial) Land Reform Amendment Act 6 of 2000 — was enacted on 20 July 2000 but has not yet come into force. This amending act's summary is as follows:

*To amend the Agricultural (Commercial) Land Reform Act, 1995 so as to insert certain definitions; to provide for the establishment and administration of the Land Acquisition and Development Fund; and to provide for matters incidental thereto.*

Because all lands acquired for land reform purposes must be paid for under the "just compensation" language of Article 16, the land reform process is inextricably linked to the availability of sufficient funds. It has been proposed that land taxation should be used to add to the moneys in the Land Acquisition and Development Fund<sup>27</sup> in order to buy commercial farmland for the National Resettlement Programme. No matter how it is funded, the reality of the Namibian economy is that funding land reform will continue to be a serious problem. Namibia is not a rich country and the government operates at a large deficit. The extent of poverty is so great that any meaningful land reform programme will be very expensive.

The second amending act — the Agricultural (Commercial) Land Reform Second Amendment Act 2 of 2001 - was enacted on 7 May 2001, but has also not yet come into force. The summary of the second amending act is as follows:

*To amend the Agricultural (Commercial) Land Reform Act, 1995 so as to insert a certain definition; to further regulate the appropriation of the moneys of the Fund; to provide for a further restriction on the transfers of agricultural land; to make provision for further matters relating to the imposition and collection of land tax; to provide for the delegation of powers and the assignment of duties; and to provide for matters incidental thereto.*

Firstly, this Second Amendment Act seeks to add to the definition in the Agricultural (Commercial) Land Reform Act describing the Land Acquisition and Development Fund. According to the Deputy Minister of Lands, Resettlement and Rehabilitation, Mr. Henry Isak Katali, the Fund serves as the custodian of all moneys, which will be appropriated or acquired for the purposes of land reform and its development.

Secondly, the Second Amendment Act is intended to provide financial flexibility for the Land Acquisition and Development Fund. Moneys made available by the National Assembly in the past have been restricted to land acquisition as part of the National Resettlement Programme. The consequences of this approach, according to Mr. Katali, have led to a negative imbalance between land acquisition and resettlement: it is easier to buy land under the Fund than to finance resettlement work. With the amendments in place, the MLRR will be able to address infra-structural problems related to resettlement, such as providing training to resettlement beneficiaries and related empowering programmes.

Thirdly, the Second Amendment Act aims to address certain "mischiefs" which the MLRR detected during the past years. According to Mr. Katali, certain unscrupulous elements within the Namibian society have been manoeuvring to by-pass laws directing that the State should have the first optional right as far as the offering for the sale of agricultural land is concerned. Mr. Katali referred to the selling of agricultural land to "favourites" through turning the ownership of farms into close corporations. Land according to Mr. Katali is sold as shares of a corporation, rather than as land. The ownership of land is

<sup>27</sup> Statement made by Swapo-chief whip in the National Assembly and the party's Secretary General, Hifikepunye Pohamba. Tangeni Amupadhi, "Govt to take land but Constitution will apply", *The Namibian*, 16 May 2000.



criteria would determine on how land will be taxed, other than on the basis of the size and number of farms an owner has. Factors such as the soil quality, economies of scale, precipitation rate and even market value are apparently not considered.

Mr. Kosie Pretorius, Member of Parliament and Chairperson of the Monitor Action Group criticised the Second Amendment Act because he feels that the National Assembly is ceding important legislative powers to the Minister of Lands, Resettlement and Rehabilitation. Under the Second Amendment Act, there is no means to obtain input from Parliament or stakeholders before the Minister's decision to impose a land tax is published in the Government Gazette.

According to Article 63(2)(b) of the Namibian Constitution,

*The National Assembly shall further have the power and function, subject to the Constitution to provide for revenue and taxation.*

Mr. Pretorius argues that this article invests the National Assembly, and not an individual Minister, with the power to introduce taxes. Whether Parliament can constitutionally delegate this power to the Minister of Lands, Resettlement and Rehabilitation is an unresolved legal question.

## **2.4 The functions of the Land Reform Advisory Committee**

The Act provides for the establishment of a Land Reform Advisory Commission (LRAC) and sets out its appointment, composition, powers and duties. The functions of the LRAC are as follows:

- (a) to make recommendations to the Minister or to advise the Minister in relation to any power conferred upon the Minister by this Act and which the Minister is required to exercise upon a recommendation of, or after consultation with, the Commission;*
- (b) to investigate and consider, either of its own accord or upon a request by the Minister, any other matter relating to the exercise of the powers of the Minister under this Act and to make recommendations to the Minister in connection with any such matter; and*
- (c) to perform such other functions as are assigned to it by this Act.*

Section 4(1) states that members and stakeholders of the Commission consist of -

- (a) two officers of the Ministry of Lands, Resettlement and Rehabilitation;*
- (b) two officers of the Ministry of Agriculture, Water and Rural Development designated by the Minister of Agriculture, Water and Rural Development;*
- (c) one person nominated by the Agricultural Bank of Namibia mentioned in section 3 of the Agricultural Bank Act, 1944 (Act 13 of 1944); and*
- (d) two persons nominated by each of such associations or bodies involved in agricultural affairs as the Minister may be notice in the Gazette designate for the purpose of this paragraph;*
- (e) five persons, of whom at least two shall be females, and who shall be persons who are not employed in the Public Service and who, in the opinion of the Minister, are suitably qualified having regard to the functions of the Commission, all of whom shall be appointed by the Minister, but the persons referred to in paragraph (e) shall be so appointed only with the approval of the National Assembly.*

The function of the Commission, as stated above, is to advise and make recommendations to the Minister. The Minister is, however, not bound to follow the Commission's advice or recommendations. Under such circumstances, the Minister is likely to dominate the functions of the Commission. From a gender perspective, the Act should be criticised for making provision for only two females to be included among the 13 members of the LRAC. While it is widely accepted that the majority of blacks in Namibia were disadvantaged by past discriminatory laws and practices, special provision must be given to women to be



included as beneficiaries of the Agricultural (Commercial) Land Reform Act 6 of 1995. Women should be represented on the LRAC on an equal basis with men.

## **2.5 The functions of the Lands Tribunal and Rules Board**

The Agricultural (Commercial) Land Reform Act provides for the establishment of a Lands Tribunal. According to Section 67(2), the jurisdiction of the Land Tribunal is to:

- (a) decide any appeal lodged with it in terms of any provisions of this Act;*
- (b) consider and give a decision on any application made to it in terms of any provision of this Act;*
- (c) generally to inquire and adjudicate upon any matter which is required or*
- (d) permitted to be referred to it under any provision of this Act or any other law.*

The Act has vested strong decision-making powers in the Lands Tribunal. Section 67(3) of the Act states that, Any decision, order or determination of the Lands Tribunal may be executed as if it were a decision, order or a determination made by the High Court of Namibia.

The Act further makes provision for the establishment of a Rules Board. The Rules Board according to Section 69(5) may make rules in relation to various administrative and procedural matters -

- (a) the conduct of the proceedings of the Lands Tribunal;*
- (b) the manner in which any matter to be heard and determined by the Lands Tribunal shall be brought and continued before it;*
- (c) the tariff of fees chargeable by legal representatives;*
- (d) the fees payable in respect of the service or execution of any process of the Lands Tribunal and the tariff of costs and expenses which may be allowed in respect of such service or execution;*
- (e) the taxation of bills of costs;*
- (f) the hours during which the office of the registrar of the Lands Tribunal shall be open for the transaction of business;*
- (g) the period within which and the manner in which an appeal from a decision of the Lands Tribunal to the High Court of Namibia shall be noted;*
- (h) generally, any matter which may be necessary or expedient to pre-scribe in order to ensure the proper dispatch and conduct of the proceedings of the Lands Tribunal.*

Section 69(6) states that no rule made by the Rules Board under sub-section (4) shall be of any force and effect unless it is published in the Gazette.

## **2.6 The Affirmative Action Loan Scheme**

Nothing in the Agricultural (Commercial) Land Reform Act addresses the income inequalities that structure all types of land reform in Namibia. Land cannot be utilised without capital. The Affirmative Action Loan Scheme is intended to address this problem.

Existing patterns of land tenure in Namibia have been structured by a history of government subsidised loans for land development. Poor people, by definition, cannot buy land. But, with government support, some black farmers might simply purchase white-owned farms, a process of private land reform. The Land Bank Act 13 of 1944 inherited from South Africa was amended in 1991 to become known as the Agricultural Bank Act, and at the same time the Agricultural Credit Act of 1966 was repealed.<sup>32</sup>

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<sup>32</sup> Agricultural Bank Amendment Act 27 of 1991.



Section 46(1) of the amended Act empowers the Minister of Agriculture, Water and Rural Development (MAWRD) to provide money

*(a) for the purpose of enabling any person who undertakes to carry on farming or other agricultural operations to acquire with a view to such person's advancement contemplated in Article 23(2) of the Namibian Constitution or otherwise, agricultural land, or enabling any such person to carry on farming or other operations on any agricultural land occupied by him or her, whether or not such land is the property of such person*

*(b) for the purpose of promoting or financing any scheme or project established by or under the authority of the Minister of Agriculture, Water and Rural Development for purposes of developing or promoting the agricultural activities in Namibia or combating any emergency threatening the agricultural activities or needs of Namibia.*<sup>33</sup>

This means that the Minister of Agriculture and the Agricultural Bank can provide loans at special low interest rates to persons who were previously disadvantaged by discriminatory laws and practices, and to anyone who occupies communal land irrespective of ownership.

In 1992, the Cabinet introduced the Affirmative Action Loan Scheme (AALS) in order to enable communal farmers to acquire land in the commercial areas. This scheme was amended during 1996. The purpose of the scheme is to resettle well-established and strong communal farmers in the commercial areas.<sup>34</sup> The Agricultural Bank of Namibia manages the AALS.

In terms of the Affirmative Action Loan Scheme, the Agricultural Bank provides loans for a 25-year period at low interest rates which are subsidised by the government. The government can issue state guarantees not exceeding 35% of the purchase price of the land, which includes transfer fees and costs. The State guarantees can be extended to cover the 10% contribution towards the purchase price of land normally required from applicants if the latter finds it impossible to comply with this requirement.<sup>35</sup> State guarantees were introduced to finance the difference between the purchase price of commercial farmland and the reasonable value of that land for agricultural and pastoral purposes. The latter valuation is based on what the land can produce, and is generally well below the market price. It was anticipated that communal area farmers might experience difficulties in financing this difference.<sup>36</sup>

An applicant needs to meet the following criteria to qualify for the scheme:

- \* The applicant must be identified as a farmer of communal land;
- \* The applicant must own a minimum of 150 large or 800 small stock or the equivalent thereof;
- \* Proof must be rendered by the traditional authority of the communal area of the numbers of the applicant's stock in the area;
- \* The applicant must furnish proof to the effect that he has removed his stock from the communal area. In other words, the farmer cannot be a farmer on communal land as well as on commercial land;
- \* Care must be taken when recommending loans in the case of applicants of advanced age especially when their heirs or successors are uncertain.

The Affirmative Action Loan Scheme does not specifically consider affirmative action for women, but the Agricultural Bank which controls the Scheme anticipates that loans managed through co-operatives will reach women.

According to the Managing Director of the Agricultural Bank of Namibia, Mr. Tjeripo Hjarunguru, the Bank serves 8 000 farmers as clients of which 5 100 are communal farmers and 2 900 are commercial

<sup>33</sup> This provision was added by section 15 of Act 27 of 1991.

<sup>34</sup> Information received on the Affirmative Action Loan Scheme from the Agricultural Bank of Namibia.

<sup>35</sup> Confirmed by the Loan Section of the Agricultural Bank of Namibia in telephonic conversation, 13 February 2000.

<sup>36</sup> Wolfgang Wemer, *An overview of Land Reform in Namibia* (Internet article, 1998).



farmers. Currently, only 250 full and part-time black communal farmers have purchased farms with N\$150 million worth of loans granted under the affirmative action scheme since 1992. The 5 100 communal farmers have received loans totalling N\$52.4 million since 1995 and the rest, 2 650 commercial farmers share loans of N\$400 million. An additional N\$8 million has been granted to farmers to improve the living conditions of farm labourers.<sup>37</sup>

A spokesperson at the Bank said that loans are given to both husband and wife jointly, which is in accordance with the stipulations of the Married Persons Equality Act. The Bank does not have statistics available on the number of loans given to individual women farmers.

In May 2000 the Agricultural Bank obtained a N\$60 million loan repayable over a 14-year period from the African Development Bank. Of this loan, 30% will be used to support communal farmers, of whom at least 15% must be women. The other 70% will be used to finance communal farmers who would like to rent commercial agricultural land or buy such farms at market related prices. Loans are repayable at a floating interest rate after a grace period of four years. The Agricultural Bank estimates that approximately 700 households will benefit from this loan. The Ministry of Agriculture, Water and Rural Development (MAWRD) has indicated that training of communal farmers will be part of the financial support packages.<sup>38</sup>

## 2.7 Land Tenure in Namibian History

The process of land reform does not occur in a political, social, or economic vacuum. Any system of land tenure has an impact on the social order in which it exists. The land tenure structure of Namibia today is basically what it was in the 1950s, 1960s, and 1970s. The legal structures that control land are powerful constructs that shape the social order in many different ways. It is important to understand the history and structure of existing land tenure in Namibia — the system of land tenure that is the object of “land reform.” The land reform process is rooted in the redress of historical wrongs, and it is this political demand that drives land reform forward.

### 2.7.1 Pre-colonial Namibia

Before Namibia was colonised the laws in force were the customary laws of various tribal communities — Owambo, Herero, Damara, Nama, San and others. Land tenure was “communal”, but that term involves much more complexity than is commonly attached to the word in modern Namibia. Much of Namibia was held by pastoralists, some of the largest and most prosperous herding cultures in southern Africa. Other parts of Namibia were farmed, in plots of varying sizes, growing a variety of crops. The San hunted and gathered a wide range of edible plants.

While these pastoral lands might be described as “communally owned” each family or clan had definite rights to the use of particular lands. San hunters and gatherers used the land in different ways, but also regarded communal lands with some possessory interest. Some of these usages were in conflict, and it is important to see both “communal” and “customary” land rights as evolutionary land tenure systems, changing with new circumstances.

The 1991 Land Conference, among its other resolutions, adopted a policy that restoring “ancestral lands” would not be the basis of Namibia’s land reform process, a policy adhered to by the Government. This policy stems from the uncertain and contested state of land occupation in pre-colonial times. It is specifically intended to prevent Namibia’s various ethnic groups from fighting over competing claims of “ancestral rights” and undermining national unity.<sup>39</sup>

<sup>37</sup> David Nihengwe, *Agribank defends its art of banking*, Namibia Economist, Friday 16 June - Thursday 22 June 2000.

<sup>38</sup> Ronelle Rademeyer, “Geld vir die grondloses”, *Die Republikein*, 2 Junie, 2000.

<sup>39</sup> L. Hangula, *Ancestral Land in Namibia*, SSD Discussion Paper No. 20, Windhoek: Social Sciences Division, Multi-Disciplinary Research Centre, University of Namibia, 1998.



### 2.7.2 The German colonial period

Germany's seizure of the rich grazing lands of central Namibia is still probably the most powerful historical image underlying the modern Namibian demand for land reform. These are, in Namibian politics, the "stolen lands": land that, by simple justice, must be returned to black Namibians.

Germany, often with treaties of protection that recognised existing African polities, first annexed portions of Namibia as a colony in 1884. The boundaries of the territory, German South West Africa, were agreed with Portugal in 1886 and Great Britain in 1890.<sup>40</sup>

Namibia's European settler history differs from other African countries like Kenya, Zimbabwe and South Africa where white farmers generally settled in areas with the highest agricultural potential.<sup>41</sup> In Namibia, white beneficiaries occupied the grazing areas of the Hereros and Namas and hardly managed to intrude into the more fertile areas of the north (Owamboland) and north-east (Okavangoland and Caprivi Zipfel). This left most of the indigenous inhabitants of Namibia on their own land, living under their own law.

After 1900, the German colonial government gave a clear indication of what social and economic policies they intended to follow. During this period, Namibia was divided into two sections. The one section was called the Police Zone (Polizei Zone) which was substantially cleared for white settlement. The other section comprised the northern and the north-eastern areas where "reserves" or "homelands" were created for the indigenous African population, whose movements outside of these areas were restricted. German colonial policy prohibited whites from entering the north, while indigenous groups of the north were generally prohibited from entering the Police Zone, except when hired as a "labour unit" contracted for a prescribed period.<sup>42</sup>

The boundary that divided the Polizei Zone from the northern and north-eastern parts, spanned across the north-central sector of South West Africa. It extended from the Atlantic Ocean to Botswana in a northward-arc-ing semicircle.<sup>43</sup> Administration in the "homelands" was left in the hands of the traditional leaders. Communities north of the Polizei Zone were only formally incorporated into the colonial administration after 1900. Owamboland and the Caprivi Zipfel for example, were only incorporated in 1908 and 1910 respectively, when it became necessary to create a source of cheap labour for colonial economic activities inside the Polizei Zone.<sup>44</sup>

The concentration of power in the hands of individual Herero chiefs enabled them to manipulate customary rights of land allocation in the central parts of Namibia.<sup>45</sup> Herero Chief Maherero, as early as 1876, set certain areas in Hereroland aside as reserves for pastoralists, which enabled Europeans to settle on the remainder of the land. German colonial officials also acquired land by providing individual Herero and Nama chiefs with "protection" against their enemies. Through these "protection" agreements with local people, substantial land was turned over to the German colonial government and European traders between 1893 and 1903.<sup>46</sup>

This process was not without resistance within the various indigenous communities of Namibia. On 30 May 1890 Hendrik Witbooi wrote a letter to Maherero, stating his dissatisfaction with the way Maherero

<sup>40</sup> Legal Assistance Centre, NAMLEX - Index to the Laws of Namibia, 2000 update at 6.

<sup>41</sup> UNDP, *Namibia Human Development Report 1998* at 50.

<sup>42</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 30.

<sup>43</sup> B Wood, *Namibia, 1884-1984: Readings on Namibia's History and Society* (1988) obtained from Internet site: Encyclopaedia Britannica, 1999-2000 Britannica.com Inc.

<sup>44</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 31.

<sup>45</sup> Wolfgang Werner, Ph.D. thesis: 'An Economic and Social History of the Herero of Namibia, 1915-1946' University of Cape Town, 1989, at 47; substantially published as *No One Will Become Rich: Economy and society in the Herero Reserves in Namibia, 1915-1946*, Basel, 1998.

<sup>46</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 31; Joris de Vries, *Manasse Tjizeveta: Chief of Omaruru, 1884-1898, Namibia*, (Köln, 1999).



had been handling negotiations with the German colonial government concerning the ownership of land. Witbooi wrote:

*This dry land is known by only two names - Damaraland and Namaland. Damaraland belongs to the Herero people, and Namaland to the Red peoples, both as self-governing kingdoms... You think you will retain your independent kingdom after I have been destroyed... but my dear Chief, you will eternally regret your action in having handed over to the White man the right to govern your country.*<sup>47</sup>

In 1894, the German colonial administration agreed with Maherero that the southern boundary of Hereroland would be demarcated in order to create greater security of land tenure for German farmers. However, because Maherero had no authority to act on behalf of all Herero, the boundary was not accepted, particularly by the eastern tribes whose land claims were most seriously affected by this arbitrary delineation of the boundary.<sup>48</sup> Theodor Leutwein, who became the first governor of German South West Africa, complained to the Reich Chancellor in 1894 that the Hereros were an obstacle to colonial development because they refused to sell land to white settlers, being prepared only to allow whites to reside there without ownership rights. The fact that the Hereros were enlarging their cattle herds was, according to Leutwein, weakening the trade and industry of the colonial government.<sup>49</sup>

In 1897 approximately 90% of the country's cattle stock was wiped out by the rinderpest pandemic. This left many indigenous people in a vulnerable position, forcing large numbers of Owambos and Hereros to seek wage labour for the first time. Land became very cheap, encouraging the expansion of German farms. Cattle losses had also made the Herero more dependent on a supply of European goods. In particular, the livestock decline had eliminated the use of cattle in barter, and had made land itself the object of business transactions.<sup>50</sup>

The German colonial officials argued that because white settlers did not own the land they occupied, they had little incentive to develop it. Leutwein was concerned that this hindered the economic development of the colony. Like colonial officials around the world, he believed that the colony's future depended on the transfer of the land from the hands of "work-shy" natives into those of the Europeans, who would develop it on the model of European and American farms.

Under conditions where the seizure of indigenous land took place at a rapid pace, the outbreak of conflict between pastoral communities and white settler farmers became an unavoidable certainty.<sup>51</sup> White settler farmers and the colonial officials came from a culture that placed considerable emphasis on private property and clearly demarcated boundaries, whereas the indigenous African population had a different conception of property rights. In pre-colonial times a Herero chief claimed land with the argument, "where my cattle have grazed is Hereroland."<sup>52</sup>

<sup>47</sup> G Voigts, *Die Dagboek van Hendrik Witbooi* (Cape Town: The Van Riebeeck Society, 1929) in Neville Alexander, *The Namibian war of anti-colonial resistance, 1904-7, 1988*, in B Wood, ed, *Namibia 1884-1984: Readings on Namibia's history and society*, Namibia Support Committee, London at 198.

<sup>48</sup> T Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4 (Switzerland: P. Schlettwein Publishing, 1999) at 57.

<sup>49</sup> H Drechsler, 'Let us die fighting': *The struggle of the Herero and Nama against German Imperialism (1884-1915)* (London: Zed Press, 1980) at 44.

<sup>50</sup> H Drechsler, *Let us die fighting: the struggle of the Herero and Nama against German Imperialism (1884-1915)* (London: Zed Press, 1980) at 111; Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute for Social and Economic Research, University of Namibia, Windhoek, 1990 at 11; and H Bley, *South West Africa under German Rule 1894 - 1914*, (London, 1971) at 135.

<sup>51</sup> Emmett for example argues that the underlying logic of the pastoral and settled forms of production are inherently incompatible and antagonistic, so much so that the survival of the one system is dependent on the destruction of or strictly-enforced limitation of the other. Firstly, pastoral systems are based on unrestricted physical mobility, while settled farming and private property are premised on the demarcation of clearly defined, fenced boundaries and on strict control over the movement of stock. Secondly, private property and settled farming areas demand *veid* conservation strategies based on planned stocking and the strict limitation of stock numbers. Pastoral strategies on the other hand emphasise the accumulation of stock as a compensatory mechanism against droughts and epidemics. T. Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, Switzerland: P. Schlettwein Publishing, 1999) at 50.

<sup>52</sup> Richard Moorsom, *Colonialisation and proletarianisation: an explanatory investigation of the formation of the working class in Namibia under German and South African colonial rule to 1945*, University of Sussex, M.A. thesis, 1973 at 18-19 in T. Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, (Switzerland: P. Schlettwein Publishing, 1999) at 44.



### 2.7.3 The Wars of 1904 -1907

In 1904 the Herero revolted against the German native reserve policy that caused the loss of control and ownership of traditional land. Tension over boundaries between settled farmers and Herero pastoralists played a direct role in causing this rebellion.<sup>53</sup> According to Gerhardus Pool, the land question was the most important and fundamental cause for the start of the Nama-Herero rebellion. In regard to the behaviour of the traders and merchants, many of whom used the credit system to dispossess the Herero people, Pool writes: "It is a fact that the trade on credit contributed to the discontent of the Hereros, but it has never been proved that it was the main reason for the 1904 uprising."<sup>54</sup>

On 2 October 1904 General Von Trotha issued a proclamation stating the following:

*The Herero are no longer German subjects. They have murdered and plundered. ... Now, out of cowardice, they want to give up the fight. ... The Herero nation must leave the country. If it will not do so I shall compel it by force. Inside German territory every Herero tribesman, armed or unarmed, with or without cattle, will be shot. No women and children will be allowed in the territory: they will be driven back to their people or fired on. These are the last words to the Herero nation from me, the great General of the mighty German Emperor."*

The immediate effect of this edict was not only to exterminate the Herero, but also to seize their land and cattle, which was distributed to German colonists.

Hendrik Witbooi, who initially supported the Germans in their fight against the Hereros, turned against the Germans in October 1904. Witbooi changed his opinion about the German colonial administration because he felt that they did not care about any indigenous African group in Namibia and that it would only have been a matter of time before they would wipe out all Africans in the territory. Witbooi with the support of the Kaikhaun attacked a German military station at Hoachanas. After the Germans defeated the Namas/Kaikhaun, traditional ethnic structures were disbanded and all their communal land was confiscated as punishment for the "rebellion". Hoachanas ceased to exist as an important Nama community centre.<sup>55</sup>

It is estimated that up to 80% of the Hereros, 50% of the Namas and 30% of the Damaras perished during the 1904-1907 war. A large number of Hereros were forced to flee the country to neighbouring Botswana. Approximately 1 500 of the 14 000 German soldiers involved in the war died.

The Owambos remained neutral during the War. The Hereros, through a messenger, requested King Kambonde kaMpingana on 23 January 1904 to help them against the Germans. However, only one instance is reported where the Owambos supported the Hereros. On 28 January 1904 King Nehale of Ondongwa sent 500 Owambos to attack Fort Namutoni. During this event, seven German soldiers under the command of Sergeant Großmann fled to Tsumeb.<sup>56</sup>

At the end of the war between the German colonial government and the Namas and Hereros in 1907, the land and livestock of all black groups which had participated in the rebellion were confiscated. Only those blacks, such as the Rehoboth Basters, some Damaras and the Berseba Namas, who had not taken

<sup>53</sup> Many of the historical writers on Namibia usually refer to the 1904-1907 events as the "Herero Rebellion". However, Alexander argues differently. Except for the Rehobothers, some Damara groups and smaller Nama groups in the far southern parts of Namibia whom most signed peace treaties with the Germans, Alexander states that a large section of the Namas fought together with the Hereros against the Germans. Alexander further argues that the word "Rebellion" is not the right term to describe the events that happened between 1904 and 1907. Alexander rather prefers to use the term "war of liberation", because as he explains, these events were in fact the start of the struggle for national liberation against colonialism in Namibia. (Neville Alexander, *The Namibian war of anti-colonial resistance, 1904-7, 1988*, in Brain Wood, ed, *Namibia 1884-1984: Readings on Namibia's History and Society* (Namibia Support Committee, London, 1988) at 194.)

<sup>54</sup> Gerhardus Pool, *Die Herero Opstand 1904-1907* (Cape Town: HAUM, 1979) at 42-43, in Neville Alexander, *The Namibian war of anti-colonial resistance, 1904-7, 1988*, in Brain Wood, ed, *Namibia 1884-1984: Readings on Namibia's History and Society* (Namibia Support Committee, London, 1988) at 196. The three major histories of this war are: Jan Bart Gewald, *Herero Heroes* (Athens: Ohio University Press, 1999); Horst Drechslet, *Let Us Die Fighting: The Struggle of the Herero and Nama Against German Imperialism, 1885-1915* (London: Zed Press, 1980) and Jon Bridgeman, *The Revolt of the Hereros* (Berkeley: University of California Press, 1981).

<sup>55</sup> Klaus Dierks, "The Colonial Period: German Rule: The Resistance Culminates in Genocide: 1904-1906" *The Namibian*, 15 November 2000.

<sup>56</sup> *Id.*



part in the war, were allowed to retain their land and stock. During the remainder of German rule no new land passed into the possession of blacks.<sup>57</sup>

Thus, the wars during this period not only had a major effect in terms of loss of lives, but also drastically reshaped colonial policy in German South West Africa.<sup>58</sup> Large pieces of land previously occupied by Namas and Hereros were now available to German farmers. The conflict drastically reduced the local supply of labour, at the same time that the increased acreage available to white farmers also intensified the demand for labour. Foreign contract workers proved too expensive, both in wages and in transport costs. The German colonial government then turned to Owamboland as a source of cheap labour.

However, after the traumatic events of the Nama/Herero revolt, the German Reichstag was strongly opposed to further military action in the colony, particularly in the far north where there were no minerals, and no agricultural lands desired by white settlers.<sup>59</sup> Although Germany claimed all of South West Africa as a protectorate, treaties with the leaders of Owambo were only concluded in 1908. These treaties placed Owambo rulers under the authority and protection of the German Colonial Government.<sup>60</sup> With the help of German and Finnish Lutheran missionaries, protection treaties were signed with the Owambo kings. Regular contact was maintained with these kings to persuade them to send sufficient labour to areas inside the Police Zone.<sup>61</sup>

#### 2.7.4 The South African colonial period

German colonial rule came to an end with the surrender of their armed forces on 9 July 1915. South West Africa became a Protectorate of Great Britain with the British king's mandate held by South Africa under the terms of the Treaty of Versailles, signed on 28 June 1919. Under the terms of the Treaty and the South West Africa Act 49 of 1919, land held by German Colonial administration effectively became Crown (or state) land of South West Africa. The Governor General of the Union of South Africa had the power to legislate all matters, including the allocation of land.<sup>62</sup>

During the intervening period of military rule from 1915-1920, no legislation existed under which land settlement could be carried out. In this period the South African administration discouraged settlement. However, a number of South African stock farmers moved into the southern parts of the Namibian territory where they were issued with grazing or occupation licenses. Land in the south was freely available, because most land previously owned by Namas had been expropriated by the German colonial administration after the German and Nama/Herero War of 1904-1907.

It was only in 1920 when martial law came to an end that land settlement laws in force in the Union of South Africa were applied to the Namibian territory. A land board was also established to facilitate the settlement of white farmers from the Union of South Africa. The settlement laws were transferred in the same year to the South West African Administration. The South African Government considered the settlement in Namibia of white farmers from South Africa necessary in order to keep a strong hold over its new territory. In practice, the land board had no influence over land policy, which was entirely in the hands of the Administrator of South West Africa, who was authorised by the Governor-General of South Africa to set aside crown lands as reserves for the use and benefit of 'aboriginal natives'.

<sup>57</sup> H Bley in T Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4 (Switzerland: P. Schlettwein Publishing, 1999) at 74.

<sup>58</sup> T Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, (Switzerland: P. Schlettwein Publishing, 1999) at 59.

<sup>59</sup> G Clarence-Smith and R Moorosi, *Underdevelopment and class formation in Owamboland, 1844-1917* in R Palmer and N Parsons, eds, *The Roots of Rural Poverty in Central and Southern Africa*, 1988 at 96-112.

<sup>60</sup> A. Moleah, *Namibia, The Struggle for Liberation*, (Disa Press, Inc, Wilmington, Delaware, 1983) at 18.

<sup>61</sup> G Clarence-Smith and R Moorosi, *Underdevelopment and class formation in Owamboland, 1844-1917* in R Palmer and N Parsons, eds, *The Roots of Rural Poverty in Central and Southern Africa*, 1988 at 96-112.

<sup>62</sup> Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute For Social and Economic Research, University of Namibia, Windhoek, 1990 at 94.



During the 1920's South Africa followed a deliberate policy of settling poor South African whites in South West Africa. White settler farmers were financially and logistically supported by the South West African Administration, despite the drought conditions, lack of markets, and financial depression that prevailed during this period.<sup>63</sup>

To clear land designated for white settlement the colonial administration introduced the Native Administration Proclamation 11 of 1922. This law provided that natives, not in employment, may not be permitted to squat on the land of owners or lessees without permission of a magistrate, nor may more than ten families be employed without permission. It also authorised the administrator to set aside areas as native reserves for the sole use and occupation of natives generally, or for any race or tribe in particular.

The 1922 Native Administration Proclamation was in many ways based on the South African Native Land Act 27 of 1913, which prohibited land transactions between blacks and whites, and suggested that separate settlement areas be identified for different race groups.<sup>64</sup> The Native Administrative Proclamation 11 of 1922 provided regulations for the administration of native reserves and African urban residential areas. Although the South African Native Land Act was not made law in the South West Africa Mandate territory until 1928, the general principles of this Act were applied de facto in the territory from the beginning of the Mandate period.

**Map 3 - Police Zone prior to the implementation of the Odendaal Plan**



(Source: Namibia Scientific Society)

<sup>63</sup> Union of South Africa, *Report of the Commission on the Economic and Financial Relations between the Union of South Africa and the Mandate Territory of South West Africa*, (Pretoria, 1935), U.G. no. 16-1935; at 205-206, as quoted in Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute For Social and Economic Research, University of Namibia, Windhoek, 1990.

<sup>64</sup> Section 1 (1) of the Native Land Act 27 of 1913 stated that:

- a. a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a person other than a native, of any such land or of any right thereto, interest therein, or servitude thereover; and
- b. a person other than a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a native of any such land or of any right thereto, interest therein, or servitude thereover.



However, the Native Reserve Proclamation did not affect Owamboland, Okavango and a few other areas in the north, which were outside the white farming areas and under the administration of government-appointed Commissioners.<sup>65</sup> The South African administration continued the German policy of using the term "Police Zone" to make a distinction between different areas in the Namibian territory, and continued German policies restricting movement between these two areas.

In 1922, a Native Reserves Commission was established, tasked to formulate a basis for reserve policies. Some of the recommendations of the Commission were that:<sup>66</sup>

- \* The country should be more clearly segregated into black and white settlement areas.
- \* Black squatting on white farms should be prevented.
- \* Reserves recognised by German treaties were to be maintained, but the temporary reserves established during the military period should be closed.
- \* New reserves and more efficient control of existing reserves were to be established.

While the colonial administration did everything in its power to support white farmers settling in Namibia, little attention was given to the needs of the native black farmers living in native reserves. Generous loans were given to white farmers to build dams, boreholes and to buy livestock. The South African government further gave white farmers expert advice, back-up services, drought relief and regular access to the already subsidised South African marketing system. In contrast, almost nothing was spent on black farmers who lived in native reserves during the same period.<sup>67</sup> The Native Reserves Commission recommended in 1922 that 9% (5 million hectares) of land in the Police Zone should be set aside for native reserves. However, by 1925 a total of only 2 813 741 hectares of land south of the Police Zone accommodated a black population of 11 740 people. Over the same period 7 481 371 hectares (880 holdings) of land was available for 1 106 white settlers.<sup>68</sup>

In 1925, the South West Africa Constitution Act 42 of 1925 provided for the appointment of an Administrator and the election of an all-white Legislative Assembly and Executive Committee. The Legislative Assembly had the power to make laws and ordinances, except on certain matters, which were "reserved" and remained under the legislative power of the South African government. Issues pertaining to 'native affairs' were included among these reserved matters. The administrator had administrative powers delegated to him by the Governor-General of South Africa.<sup>69</sup>

The Native Administration Proclamation Act No.15 of 1928, along with the accompanying Government Notice 60 of 1930, provided for the appointment of a chief native commissioner, native commissioners and assistant commissioners. The (white) supreme chief resident in Namibia was given the powers to influence indigenous institutions, including the power to:<sup>70</sup>

- (1) recognise, appoint or remove any headman or chief of a tribe, location or native reserve
- (2) remove a tribe or a section of it from one part of the country to another
- (3) alter the boundaries of tribal areas
- (4) over-rule laws and customs of the indigenous people as well as decisions taken by their leaders.

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Section 2 (1) of the same Act stated that:

*The governor-general shall appoint a commission whose functions shall be to inquire and report -*

- a. *what areas should be set apart as areas within which natives shall not be permitted to acquire or hire land or interest in land;*
- b. *what areas should be set apart as areas within which persons other than natives shall not be permitted to acquire or hire land or interests in land;*
- c. *The commission shall submit with any such report -*
  - (i) *descriptions of the boundaries of any area which it proposes should be set apart;*
  - (ii) *a map or maps showing every such area.*

<sup>65</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 36.

<sup>66</sup> J.H. Wellington, *South West Africa and its Human Issues*, (London: Oxford University Press, 1967) at 278.

<sup>67</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 38.

<sup>68</sup> Statistical data obtained from Union of South Africa, Administrator's Reports 1923-1925 and Union of South Africa, Administrator's Report 1925, U.G. 26-26, 1926 at 59 in T. Emmett, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4 (Switzerland: P. Schlettwein Publishing, 1999) at 103 and *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 39.

<sup>69</sup> Legal Assistance Centre, *NAMLEX - Index to the Laws of Namibia*, 2000 update at 7.

<sup>70</sup> Native Administration Proclamation 15 of 1928.



The colonial government intended to bend traditional laws and leaders to its own purposes. It is generally acknowledged that colonial governments in Namibia manipulated customary laws and practices for their own ends. According to anthropologist Robert Gordon, "The use of 'customary law' by the state was an essential part of its strategy of co-optation of chiefs and other petty political figures into the control apparatus...Chiefs and headmen had to be kept strong enough to control their own people but weak enough to be controlled by the regime".<sup>71</sup> Thus, "traditional" authority over lands is not "traditional" at all, but has been structured by generations of colonial domination.

By 1946 land use in Namibia was well established into two areas. Those areas lying within the Police Zone were identified as surveyed farms, urban areas, native reserves, the Rehoboth Gebiet, prohibited diamond areas and unsurveyed Crown land. Areas outside the Police Zone were all communal land, including Owamboland, Kavango, Caprivi Zipfel, the Namib Desert and game reserves.

In the mid-1940's the demand to settle more 'landless' whites outstripped the availability of land. In August 1945, a General Rehabilitation Commission was appointed to enquire into mechanisms to "ensure social security for all European persons living in South West Africa." The outcome of the Commission's enquiry was that the boundary of the Police Zone was shifted in 1950, making a further 275 farms available. The boundary of the Sperrgebiet diamond area was also shifted to make farming areas available in the Namib Desert.

The process of allocating farms to whites was completed in 1960. At that date, 5 214 farm units existed, while the number of farmers was given as 5 216. The total commercial farming area in 1960 was approximately 39 million hectares<sup>72</sup>, thus averaging approximately 7 500 hectares per farm. However, by the end of 1965, 8 803 farming units existed, suggesting that some farmers owned more than one farming unit at the time.<sup>73</sup>

One of the most significant events in the future of black Namibians was the appointment of a "Commission of Enquiry into the Affairs of South West Africa". With Apartheid policies already functioning in South Africa, the South African Prime Minister H.F. Verwoerd appointed the Odendaal Commission on 11 September 1962 to advise the South African government on how a similar policy of separate development could be introduced in Namibia. The Commission's terms of reference were as follows<sup>74</sup>:

*(1) Having regard to what has already been planned and put into practice, to enquire thoroughly into further promoting the material and moral welfare and the social progress of the inhabitants of South West Africa, and more particularly its non-white inhabitants, and to submit a report with recommendations on a comprehensive five-year plan for the accelerated development of the various non-white groups of South West Africa, inside as well as outside their own territories, and for the further development and building-up of such Native territories in South West Africa.*

*(2) With a view to this investigation, the attention of the Commission is particularly directed to the task of ascertaining - while fully taking into consideration the background, traditions and habits of the Native inhabitants - how further provision should be made for their social and economic advancement, effective health services, suitable education and training, sufficient opportunities for employment, proper agricultural, industrial and mining development in respect of their territories, and for the best form of participation by the Natives in the administration and management of their own interests. The Commission is empowered to investigate any other matter which in its opinion may be of importance in this connection, including the financial implications and the matter in which any appropriation of funds should take place.*

<sup>71</sup> Robert Gordon, *Vernacular Law and the Future of Human Rights in Namibia*: NISER Discussion Paper No. 11, 1991 at 27-28.

<sup>72</sup> *Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988 at 39.

<sup>73</sup> Report of the General Rehabilitation Commission at 1 in Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute For Social and Economic Research, University of Namibia, Windhoek, 1990 at 23, 24.

<sup>74</sup> Republiek van Suid-Afrika, *Verslag van Kommissie van Ondersoek na aangeleenthede van Suidwes-Afrika*, Pretoria, R.P. no. 12/1964 at 2 in G Totemeyer, *Namibia Old and New: Traditional and Modern Leaders in Owamboland*, (London: C. Hurst and Company, 1978) at 49, 50.

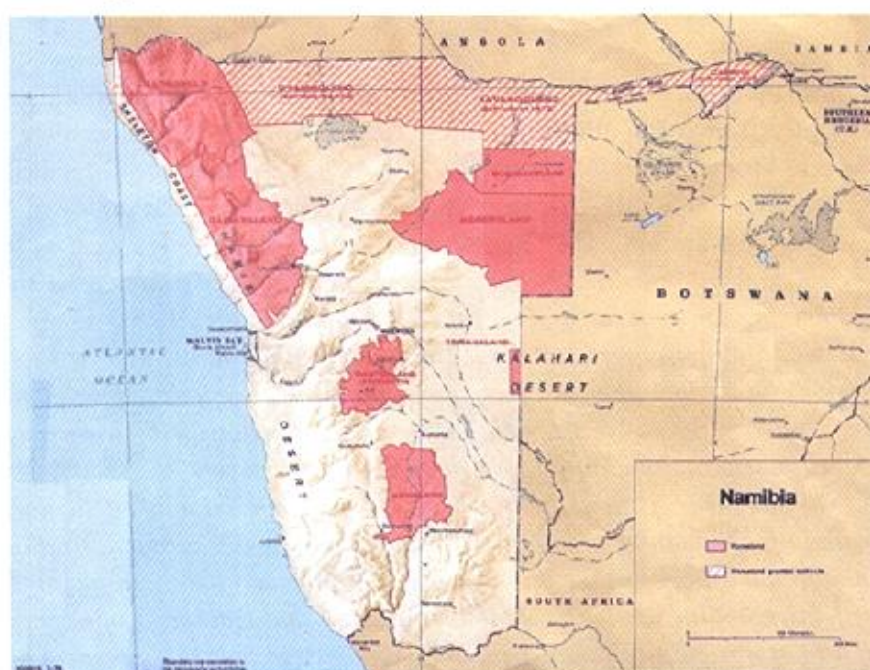


The Commission's report, which appeared on 12 December 1963, recommended the granting of self-government to the homelands and the transfer of all land within homeland boundaries to all the respective ethnic Legislative Assemblies. This meant that Assemblies would have the authority to release land for the alienation to individual 'citizens' of the various homelands, subject to permission from the South African Prime Minister. Alienation to a 'non-citizen' was only allowed with the permission of both the Legislative Assembly and the Prime Minister.<sup>75</sup>

After the Odendaal Commission defined the geographic, economic and political aspects of apartheid in South West Africa, the term Police Zone was used less. The Odendaal Commission's directive in 1964 led to the establishment of 10 reserves (homelands) for black people of South West Africa, as proclaimed in the Development of Self-Government for Native Nations in South West Africa Act 54 of 1968. This Act recognised Owamboland, Hereroland, Kaokoland, Okavangoland, Damaraland and Eastern Caprivi as "native nations". The Act was purportedly introduced into the Namibian territory in order to assist native nations in the territory of South West Africa to develop in an orderly manner to self-governance and independence.<sup>76</sup> It can be argued that the Odendaal Plan merely extended and rationalised an administrative system, which was already created in the 1920's by the Native Reserve Commission.

Although the Odendaal Plan increased land available to black Namibians by nearly 50%, the agricultural potential of the newly 'received' land was very limited. For example, Rohde has criticised the Odendaal Commission for expecting economic development to take place in areas which he refers to as "the most marginal of agricultural land".<sup>77</sup>

**Map 4 - Namibian "homelands" after the Odendaal Plan**



(Source: University of Texas, Perry-Castañeda Library Map Collection produced by the U.S. Central Intelligence Agency <http://www.odci.gov/cia/publications/mapspub/index.html>)

<sup>75</sup> Odendaal Commission at 85, 87, 97, 107 in Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute For Social and Economic Research, University of Namibia, Windhoek, 1990 at 94-95.

<sup>76</sup> Legal Assistance Centre, *NAMLEX - Index to the laws of Namibia*, 2000 update at 7.

<sup>77</sup> R Rohde, *Afternoons in Damaraland: Common Land and Common Sense in one of Namibia's Former 'Homelands'*, Occasional Paper No.41, (Edinburgh University Centre for African Studies, 1993) at 18.



Indeed, the whole concept of land "resettlement" by the Namibian government exists in the shadow of the Odendaal plan era "resettlement" of thousands of Damara on 223 previously white owned commercial farms acquired by the South West African government in the 1960s in order to create a "Damaraland" homeland. This resettlement experiment, still in operation with the resettled Damara and their families still on those lands, dwarfs in scale the hundred-odd farms purchased and resettled by the Namibian government in its first eleven years of independence. While extensive research has been done on the Damaraland experiment, suggesting that it has been a failure<sup>78</sup>, current resettlement policy has not been influenced by this research.



*The Goboboseb Mountains, south of the Ugab River in former Damaraland (now Erongo Region). Although the Odendaal Plan increased land available to black Namibians by nearly 50%, the agricultural potential of the newly 'received' land was in fact very limited. About 87% of "Damaraland" falls either within the desert or within the semi-desert agro-ecological region, where only limited potential exists for stock farming.*

With the introduction of Proclamation AG 19 in 1978, all Trust matters were vested to the South African Administrator General in Namibia. This paved the way for the promulgation of the Representative Authorities Proclamation 8 of 1980, better known as "AG 8". Through AG 8, "second-tier" governments were established in eleven ethnic groups, each having an executive and a legislative body with power to issue ordinances relating to its area of jurisdiction.

AG 8 enabled representative authorities to become trustees of land in the homelands. However, ownership still continued to rest with the central government, based in South Africa. AG 8 provided representative authorities the power to allocate, sell or lease communal land under their authority to a specific ethnic group, provided that the Cabinet issued a certificate that such land was not required for public or official purposes.

AG 8 lacked the support of Namibians as well as international political observers. In effect a legacy of the Odendaal Commission's principles, AG 8 nevertheless prevailed in Namibia until 1990 when it was repealed and replaced by the Constitution of Namibia.

<sup>78</sup> In addition to Robde above, see Sian Sullivan, *The 'Communalization' of Former Commercial Farmland: Perspectives from Damaraland and Implications for Land Reform*, SSD Report No. 25, Multi-Disciplinary Research Centre, University of Namibia, 1996; Jack Ratjindua Kambatuku, *Historical Profiles of Farms in Former Damaraland*, Occasional Paper No. 4, Desert Research Foundation of Namibia, 1996.



**The removal of the Damara Community of Aukeigas Native Reserve to Sorris-Sorris<sup>79</sup>:**  
**The Story of Abraham Gariseb.**

*The German Colonial Government originally proclaimed Aukeigas, an area of approximately 9 900 hectares as a Native Reserve in 1907. Aukeigas is approximately 20 km west of Windhoek. In 1915 part of Aukeigas was proclaimed as a Nature Park. In 1932 the Nature Park had been enlarged to an area covering 1387 hectares.<sup>80</sup> In 1958 Aukeigas, excluding the Nature Park, was sold to White farmers after the Damara community at Aukeigas was removed and resettled in Sorris-Sorris.<sup>81</sup>*

*A further 2 700 hectares of Aukeigas was donated by the South West African Administration in 1962 to be added to a planned game park. In 1979 the Daan Viljoen Game Park was proclaimed a conservation area, covering 3 946 hectares.<sup>82</sup> The Daan Viljoen Game Park is named after the South African administrator who presided over the removal of the Damara community to Sorris-Sorris.*

*The removal of Damara residents from Aukeigas took place in three stages: first to Okombahe Native Reserve in 1938 and in 1941, and then finally to Sorris-Sorris in 1958. The total number of people removed from Aukeigas was 401.*

*Sorris-Sorris borders the Namib Desert to the west. Before the Damara community was resettled in Sorris-Sorris, White farmers abandoned the area because of the increasingly difficult farming conditions. Drought and more than 3 decades of overgrazing finally started taking its toll in the 1990's. In 1992 the community of Sorris-Sorris experienced a third rainless year in succession. Large numbers of livestock died because of chronic grazing and water shortages.<sup>83</sup>*

*In 1992, members of the Sorris-Sorris community set up camp at the entrance to Daan Viljoen Game Park, demanding that their "ancestral homeland" be returned to them. The situation was defused, but nothing has come of the pleas of the Sorris-Sorris Community to return to Aukeigas.*

*During the pre-independence period of Namibia, discriminatory laws made by both the German and South African Colonial Governments shaped the lives of many people. The following story gives an account of the life of Abraham Gariseb, who grew up in Aukeigas Native Reserve, was resettled in Sorris-Sorris, farmed in Damaraland on a farm allocated to him under the Odendaal Plan and finally experienced a change of government in 1990, when Namibia received its independence.*

Abraham was born on 12 January 1919 in Windhoek and lived on the Native Reserve Aukeigas, now known as the Daan Viljoen Game Reserve. Abraham remembers that the South African Administration started negotiating with Damara residents at Aukeigas in the late 1930's, offering them alternative residence at Okombahe on the Omaruru River. The first group to leave Aukeigas for Okombahe did so under the leadership of Headman Seibeb. A second group also left for Okombahe, but Abraham could not remember the details of this trek.

In 1953, the government again visited the remaining occupants of Aukeigas. They offered to move the Aukeigas occupants to Sorris-Sorris. A delegation under the leadership of Filemon Gariseb requested the government to allow members of the Aukeigas community to visit the newly proposed settlement area of Sorris-Sorris in order to "see for themselves where their new home was going to be".

<sup>79</sup> Sorris-Sorris translated from Damara/Nama means "Sun Sun".

<sup>80</sup> Background information on Daan Viljoen Game Reserve obtained from the Ministry of Environment and Tourism.

<sup>81</sup> Zed Ngavirue, *Political Parties and Interest Groups in South West Africa (Namibia): A Study of a Plural Society (1972)*, Basel Namibia Studies Series 1 (Switzerland: P. Schlettwein Publishing, 1997) at 225.

<sup>82</sup> Information obtained from the Ministry of Environment and Tourism.

<sup>83</sup> Stephen Devereux, Bruce Frayne, Paul Harnett and Trina Naeraa, *Coping with Drought in Namibia: Informal Social Security Systems in Caprivi and Erongo*, 1992 at 107.



On their return from Sorris-Sorris, the expedition informed fellow community members of Aukeigas about the findings of their visit. The community then decided that they did not want to settle at Sorris-Sorris, because it lacked water and grazing for their animals.

After explaining their concerns to the government, a government official told them that they had to move to Sorris-Sorris, "whether you like it or not". The occupants of Aukeigas were then given a date to "pack up and leave" the reserve.

"The government transported some of our belongings with trucks to Sorris-Sorris and nearby Anixab. It took us three months to complete the trek of our cattle and goats from Aukeigas to Sorris-Sorris. The government only transported our animals halfway to Usakos. From there we moved them by foot to Sorris-Sorris. We lost some of our animals along the way, because there was no water for them to drink. The government never compensated us for the animals we lost along the way", Abraham says.

"In the early 1960's the government approached the residents at Sorris-Sorris again. They informed us that they were buying up farms from whites in the nearby areas of Sorris-Sorris. This, they said was in order for the Damaras to enlarge our existing land territory. Because the area around Sorris-Sorris lacked proper grazing for our livestock, my family and I moved east from Sorris-Sorris along the Ugab River to Onverwag."

Ever since the Damara community has been resettled in what became known as Damaraland, they have lacked financial and other support services in an environment that is extremely unfriendly towards human survival. As Abraham explains, "over the years we experienced terrible droughts and lost lots of animals. The white government helped us with boreholes and provided food for our animals when the rain stayed away."

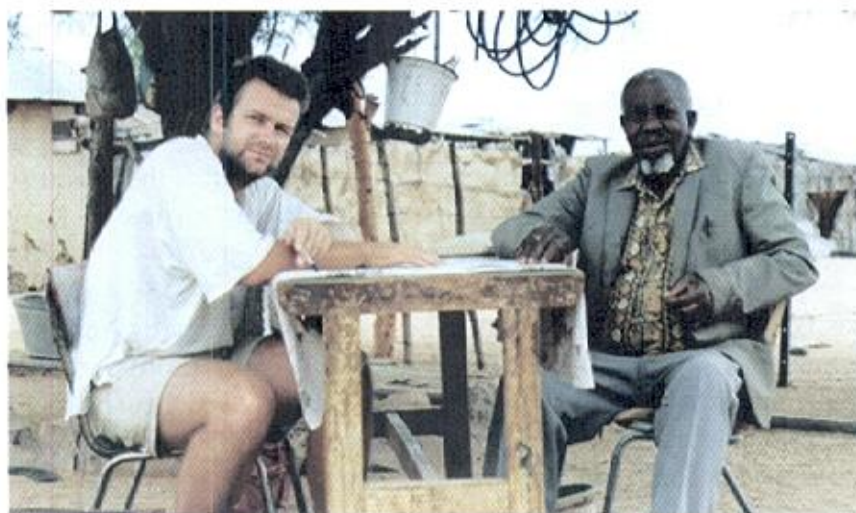
However, Abraham (like other farmers in the area) has learned how to survive in the harsh environmental conditions of Damaraland. Abraham proudly showed his small garden in his backyard where he "plants just about everything" from beetroot to chillies. A couple of years ago he had a fourteen-hectare garden on the Ugab Riverside. Here the Onverwag community planted date trees and vegetables.

A solar panel was donated to Onverwag by an agricultural aid organisation from Europe in the early 1990's in order to supply water to the garden, but was recently stolen which meant the end of the garden. The culprits are still at large. Abraham says that police investigations into criminal matters in the area, such as the stolen solar panel and stock theft take too long and some cases remain unsolved. "We can call the police to come out from either Uis or Khorixas to look for those thieves. We sometimes tell the police who the thieves are and who they should look out for, but still they are very slow to catch them", he states.

Can Abraham not get a loan from the government to improve his living conditions at Onverwag? "In the old days I was not allowed to obtain a loan from the government because of my skin colour. Today the Government thinks because I am 81 years old I am too old to get a loan. They see me as a risk", Abraham says.

Has he ever felt bitter towards the colonial government and what they have done to his community? "No", says Abraham. "God taught me through the years to forgive them. I know that one day in heaven we will all be equal".





*Willem Odendaal of the Legal Assistance Centre, with Abraham Gariseb*



*Abraham Gariseb's garden at Onverwag*

### **2.7.5 The legacy of colonial history in the land reform process**

Policy discussion often is dismissive of "history", preferring instead to focus on political or economic concerns. The point of this brief discussion of Namibian colonial history is to emphasise that the whole concept of land reform is historically driven. A completely economic agricultural policy in Namibia would not include land reform. But such a policy would not redress deeply felt grievances rooted in colonial history.

A brief review of the history of colonial dispossession of black lands in Namibia clearly shows that the existing land tenure structure was not market driven. The dispossession of black lands was a governmental enterprise, heavily subsidised by German and South African taxpayers, right up to independence in 1990. Therefore, any argument that land reform is expensive must necessarily consider the costs of the original seizure of these same lands, as well as the cost of converting these vast lands into commercial farms.

Namibian land reform policy is specifically not based on any ideology of restoring the ancestral lands of the various peoples of Namibia. The land reform process is not rooted in individual or group claims for the return of their fathers' or grandfathers' lands. While these particular land seizures may have been illegal or immoral, it is not the purpose of the current land reform process to redress such grievances. Nevertheless, these grievances are real, and are voiced every day in Namibia.



This leaves the basis for such a complex and expensive process as land reform unclear. On one hand, land reform can be seen as a general redress of injustice but falling to the entire Namibian population based on historical inequities resulting from racism and colonialism. But, on the other hand, land reform is being advanced as a kind of affirmative action or welfare scheme, designed to uplift and improve the living conditions of the masses of poor people in Namibia. While such a policy is clearly legitimate given that Article 23 of the Constitution specifically permits such affirmative action schemes, the question arises whether land reform is the most socially or economically efficient way to achieve this goal. This must be kept in mind in evaluating the resettlement projects, the embodiment of the government's land reform programme.

## **2.8 Namibia after independence**

Namibia gained its independence from South Africa on 21 March 1990, bringing a period of more than a century of colonial rule in Namibia to an end. A demand for land reform, rooted in the history just discussed, had long been a part of the programme of SWAPO. In any case, the unequal distribution of agricultural land and high rates of unemployment, for policy reasons of their own, drew the immediate attention of the newly elected government to land redistribution.

The government found itself caught between two opposing parties concerning the land question. White farmers, on the one side, argue that the redistribution of commercial farms for resettling thousands of people would have a devastating effect on the economy and the environment, and that it would cause massive unemployment among black farm workers. Some commercial farmers also argue that the communal areas in the northern, more water rich, area of the country should be commercialised in order to optimise productivity in those areas.<sup>84</sup>

Among black communal farmers there was an increasing demand to obtain commercial farms in order to relieve the pressure on grazing land in the communal areas. This demand was, by and large, unmet because the new Namibian government was unable to purchase significant numbers of farms in its first years in power. This led to increasing resentment among some SWAPO supporters, and a feeling of government betrayal on promises made before independence. In this sense, there is an argument that the now long delayed land question in Namibia must be addressed to the satisfaction of the landless majority in order to avoid a situation like that in Zimbabwe where white owned farms are invaded by war veterans.<sup>85</sup>

### **2.8.1 The National Land Conference on Land Reform and the Land Question**

The Namibian government was very sensitive to this issue and, in June 1991, one year after independence, it held a National Conference on Land Reform and the Land Question to address the land reform process in Namibia. The decision to hold the Conference was a brilliant political move: five hundred delegates from all parts of the country, including the government, political parties, farmers groups, trade unions, NGOs, church groups, traditional leaders, the business community, representatives of foreign governments and donor organisations attended the Conference, representing the full range of views on the "land question."<sup>86</sup> The purpose of this meeting was to achieve national consensus on the land problem and to provide a solid basis for the formulation of policy on land reform and to prepare a programme of action to implement the necessary changes and measures. There was also a clearly political purpose, indicating SWAPO's intent to move swiftly ahead with land reform as a national priority.

<sup>84</sup> Conversation with commercial farmer from the Oshana region.

<sup>85</sup> Uazava Kaumbi, "Personally Speaking- The Land Issue - A Pan Africanist View", *The Namibian*, 26 May 2000.

<sup>86</sup> The hundreds of papers presented at the National Land Conference are available as a NEPRU publication, *Papers from the National Land Conference, 1991*.



The Conference was intended to provide broad public input for the formulation of a land policy. It was, however, not binding on the government.<sup>87</sup> It adopted twenty-four recommendations in the form of consensus resolutions. These recommendations still influence government policy and were quite moderate and practical. These included a simple statement that "there was injustice concerning the acquisition of land in the past and something practicable must be done to rectify the situation", a recognition that underused land should be reallocated, and that large farms should not be permitted. Another resolution urged the implementation of a land tax, still a controversial idea in Namibia. It was decided that the restitution of ancestral land rights was impossible under existing conditions. Reform of communal land rights was also urged, as well as the creation of technical committees to study the situation and to make recommendations.

Discrimination against women in respect of land ownership under both customary and statutory law was explicitly recognised in the section of the conference document dealing with communal land. The Conference resolved that women should have equal rights to own, inherit and bequeath land, and that affirmative action for women should be implemented by means of training, low interest loans, and other unspecified mechanisms. The resolution also stated that women should be fairly represented on all future land boards or other bodies which deal with the allocation and use of land in the communal areas. Interestingly, however, there is no mention of women's rights in the section of the document on commercial land.

These recommendations, as moderate as they were, were not immediately acted on. It took four more years for the government to gazette the Agricultural (Commercial) Land Reform Act (1995). Given the complexity of the process involved, this may not have been an unreasonable delay: However, in the context of newly independent Namibia with only an eleven-year history and the political complaint that the government has not acted swiftly and decisively enough on land reform issues, this delay is critical.

### 2.8.2 The Technical Committee on Commercial Farmland

One recommendation of the Land Conference was that the government should appoint a technical committee on commercial farmland. This reflected the view that, before any meaningful land reform process could go forward, the government needed a detailed knowledge of existing commercial agriculture. The Cabinet established the Technical Committee on Commercial Farmland (TCCF) in November 1991. The Committee consisted of ten members: seven were government officials and three were from the private sector. The members of the committee were drawn from different disciplines to ensure that the land issue was covered from different angles, but there was only one woman amongst its nine members.

The committee was mandated to address the specific requests of the Conference concerning commercial farmland, which was defined to include all land under freehold title as well as communal land used under individual title for commercial farming. To facilitate its work, the TCCF invited contributions of the public. However, only the organised sectors of commercial agriculture responded with written submissions.<sup>88</sup>

The terms of reference of the committee were as follows:

1. to review and generate acceptable definitions of the main concepts used;
2. to assemble data available from government, institutional and academic sources on: under-utilised land, absentee ownership, multiple ownership of farms, and actual farm sizes; environmental factors affecting commercial farming, in particular constraints such as, land degradation; economic factors determining the viability of farm enterprises at different sizes, technologies, efficiencies, management strategies, and product mixes; forms of legal and economic control of commercial farmland; the status of commercial holdings on communal land; and the extent, status and allocation of state farmland

<sup>87</sup> Wolfgang Werner, *Land Reform in Namibia, the First Seven Years*. NEPRU Working Paper No.61, August 1997; Donna Pankhurst, *A Resolvable Conflict: The Politics of Land in Namibia*, Peace Research Report, No. 36, University of Bradford, at 117-124.

<sup>88</sup> Agricultural (Commercial) Land Reform Bill, Second Reading. Debates of the National Assembly (Hansard), Vol. 40 at 292



3. to prepare authoritative data sets on the principal issues at stake;
4. to evaluate the data and take stock of relevant previous research, including the results of the Land Reform Conference research programme;
5. to identify and assess the principle policy options in the light of the conference consensus and of the balance of views expressed during the proceedings; and
6. to formulate recommendations for government action and legislation in regard to: identifying the categories of intended beneficiaries of the land reform programme; facilitating the transfer of and access to the land identified as suitable for inclusion in the land reform programme; possible forms of taxation on commercial farmland and the economic units to which such taxation would apply; and reform of land tenure legislation consistent with the Constitution.

The TCCF did an extensive investigation and completed its report the next year and handed it over to the Prime Minister who, in turn, presented it to Cabinet. The TCCF report was formally adopted by the government and was subsequently tabled in Parliament.

A brief summary of some of the recommendations contained in the TCCF is important because these are still the basis of much of the government's land reform programme.

#### *1. Target Land*

The division of land between communal and commercial agriculture should be maintained. The division is to protect access to traditional communal land by preventing the privatisation of land through fencing. The committee identified land in the commercial farming areas which could be made available for inclusion in the land reform programme, with the goal of providing access to commercial farming areas for all Namibians and improving the life of communal farmers.

#### *2. Abandoned Land*

An initial amount of 370 614 hectares of abandoned land was identified by the TCCF, and the recommendation was that it should be expropriated for reallocation and brought into productive use.

#### *3. Under-utilised land*

A total of 4.052 million hectares of under-utilised land was identified. Of this, at least 2.026 million hectares are considered utilisable in a land reform programme. The TCCF stated that additional under-utilised land is available (but not readily quantifiable) within the boundaries of individual farms.

#### *4. Over-utilised land*

Livestock control should be enforced to reduce bush encroachment, erosion and desertification. The cost of land reclamation from bush encroachment, erosion and desertification has been described by the TCCF as "prohibitive". In a poor country, with vast expanses of degraded land, the high cost of reclamation impacts heavily on the land reform process. Obviously, if it is in fact "prohibitive", this means that vast areas of land must be permanently written off as without any value for human use.

#### *5. Multiple farms and excessive land ownership*

The TCCF defined the operational norm for farm sizes in the north, central and southern regions of the country. According to the TCCF findings, an excess of 1.306 million hectares existed.

The TCCF further recommended that land owned by absentee foreigners should be expropriated and reallocated to the land reform programme, but that local absentee owners should be permitted to retain their land if it is used productively. A national policy of first refusal by the state for all farms offered on the open market was recommended. In addition, it was recommended that an independent evaluator should price farms that are suitable for the land reform programme. The government was encouraged to make state land, where possible, available for land redistribution purposes.



In terms of fiscal and institutional matters, the Technical Committee on Commercial Farmland recommended the following:

1. The TCCF adhered to the principle of horizontal equity, and recommended that all tax concessions favouring agriculture be scrapped. These concessions should be gradually removed. This includes the land tax exemption for commercial farms.
2. Subsidies to commercial agriculture should be phased out gradually to allow the sector to remobilize its strength. The TCCF recommended that veterinary subsidies provided by the government should continue, including inspection and vaccination against diseases like foot and mouth disease and lung sickness.
3. Commercial business enterprises usually maintain reserve funds to cover periods when income is reduced. The TCCF recommended that this practice be extended to commercial farming enterprises in order to help them cope with the high risk factors in farming.
4. The TCCF recommended that a National Task Force on Land Reform be established which would have the responsibility of implementing the land reform programme.

The TCCF recommended that ownership of communal land must vest in the Government of Namibia. The TCCF recommended that a new Communal Land Act of Parliament must define powers, functions and duties of the President to regulate the control and utilisation of communal land on the advice of the Council of Traditional Leaders. It further recommended that a Communal Land Act should constitute land boards with the responsibility to advise the Minister, traditional leaders and regional councils on the most appropriate ways of allocating communal land in a standardised manner, as well as the power:

1. to adjudicate disputes over land claims which cannot be settled through arbitration at local level; and
2. to ascertain the extent to which existing communal land use rights are encroached upon by development projects, resettlement schemes and land reforms.

In addition, the TCCF also recommended that government, traditional leadership, and regional councils must be represented on the land boards which would supervise communal land. To ensure that communal land is not further encroached upon, existing land rights lawfully allocated, as well as areas fenced under lawful authority, must be recognised. Unlawful fencing must be stopped immediately.

Although the National Land Conference on Land Reform and the Land Question mentioned that women have historically been marginalised and suffered discrimination under both customary and statutory law, the TCCF did not make any recommendation on these issues.

### **2.8.3 The Cabinet Committee on Land Policy**

In February 1993, the Cabinet appointed a Cabinet Committee on Land Policy. The Cabinet Committee first reported back to Cabinet in November 1993 with recommendations on the land reform process. The government adopted the following recommendations made by the Cabinet Committee:

#### *1. Expansion of some communal areas*

The Cabinet Committee recommended the purchase of commercial farms adjacent to communal areas in order to extend communal areas. The main cost in this exercise would be to compensate commercial farm owners, since fences and water supplies would already be in place. The Cabinet Committee also foresees that lower beef exports could be expected under this scenario. Newly settled farmers would not have to repay the purchase price of the land, but would be required to take over operating costs of water points.

#### *2. Purchase of farms for allocation to communal area farmers*

The government is of the belief that prospective commercial farmers should buy their own land. In order



for this to happen the credit scheme administered by the Agricultural Bank should be reassessed to make credit more effectively and widely available. (Refer also to discussion under Section 2.6, the Affirmative Action Loan Scheme).

The government realises that a number of communal farmers are not able to buy land. In such cases commercial farms will have to be purchased and allocated by the government to communal farmers for individual use. Recurrent expenditure incurred in farm maintenance should be borne by individual beneficiaries. Commercial farm holdings should be large enough to provide beneficiaries with sufficient income to maintain a decent standard of living and to cover operating costs. The Ministry of Agriculture, Water and Rural Development would be responsible for the development of appropriate farm plans for each resettlement project.

The government realises that the costs of this programme are likely to be high and the distribution of benefits relatively low. The government is convinced that by augmenting subsidised interest rates for farm purchases in this way, land pressures in communal areas can be substantially reduced by settling medium to large communal farmers outside the communal areas.

This, in effect, creates a "double benefit" in the land reform process. As successful black farmers currently farming in the communal areas purchase existing commercial farms, those farms pass from white to black hands in the marketplace, accomplishing a part of the government's land reform process privately. And, at the same time, those successful black farmers vacate vast expanses of good grazing land in the communal areas, making this land available for poor black farmers at no cost to the government. These poor black farmers, in turn, will no longer need to be resettled by the government in the existing commercial areas, reducing the amount of commercial land the government needs to acquire.

### *3. Selective settlement of small-scale farmers on commercial farmland*

Small-scale stock farming on commercial farms should only be permitted within well-planned livestock development programmes. This will enable the government to provide small-stock farmers with the necessary training and management support. The Cabinet Committee is of the opinion that the granting of grazing rights to small-scale farmers outside a development project framework does not contribute to the sustainable development of small-scale farming and will ultimately lead to land degradation and continued poverty. Mixed farming is probably only feasible in the Tsumeb, Otavi and Grootfontein triangle.

### *4. Opening up of unused land in communal areas for the extension of communal and possibly commercial farming*

The Cabinet Committee recommends the extension of communal areas. In such cases no on-farm investment would be required except for the provision of water. The opening of unutilised land should only be done on the condition that proper land use plans are drawn up to ensure that land is being used in the most sustainable way. In order to facilitate the sustainable utilisation of newly developed communal lands new forms of land tenure should be introduced. This is to replace the present situation of free access to communal pastures with a system in which specific groups of grazers will be given possession of demarcated land areas and held responsible for its sound management.

The allocation of newly developed land should be accompanied with support schemes for beginning commercial farmers. The development of communal areas for commercial farming should not be excluded altogether. This however should not be done at the present time because providing fencing, water, and other infrastructure makes the development of communal land into commercial land a costly option.

### *5. Land Acquisition*

The government intends to achieve the above policies by:

1. purchasing commercial farms
2. prohibiting the ownership of land which is not used economically



3. limiting access to commercial farmland by non-Namibian citizens, and
4. limiting excessive land ownership.

The government will attempt, as much as possible, to purchase commercial farms on the open market and is committed to pay just and fair compensation for such farms. The market on its own might not be sufficient to yield adequate and appropriate land to significantly improve access to less privileged Namibians to such land. This "willing buyer, willing seller" policy should be augmented by provisions that enable government to speed up the acquisition of commercial farmland.

Where land is used uneconomically, government will introduce legislation to empower the President or the Ministry of Lands, Rehabilitation and Resettlement to acquire any land in the commercial farming sector which is not utilised productively. Such land purchases must meet the "just compensation" provision of Article 16.

To limit excessive land ownership, a progressive land tax should be introduced for all agricultural land. Land held in excess of maximum units determined for each agro-ecological zone will be subject to punitive tax rates to encourage - or even force — its sale. This land tax should be assessed and administered at regional levels.

These governmental policies are broader than the Agricultural (Commercial) Land Reform Act of 1995, as they represent a substantial part of the government's overall land plan. That Act, the subject of this report, is only one part of the legal process of land reform in Namibia. The Communal Lands Bill, for example, which was supposed to be enacted about the same time has still (late 2001) not been enacted. This Act would govern the land reform process in the communal lands - almost half of the arable land in Namibia. While this delay may be unfortunate, the political issues involved in the Communal Lands Bill are quite different. These lands are now occupied by 800,000 black people. While there are substantial issues of both land tenure and land use, the post-Apartheid issue of 4,000 whites occupying almost half of the usable land in Namibia has required a much more immediate political response.

## **2.9 Conclusion**

The Agriculture (Commercial) Land Reform Act of 1995 is the product of an intensive effort by the Namibian Government to address the need for land reform. The eleven-year legal history of Namibia is a short one by any standard, but the passing of a comprehensive land reform bill within five years of independence is, in itself, an impressive legislative feat.

Moreover, the legal history of the Act reveals that the Government engaged in a detailed fact finding process, including a national meeting the year after independence attended by more than five hundred organisations, followed within a year by a technical commission, which both investigated complex land matters and reported back to President Nujoma, again within a year. The Agricultural (Commercial) Land Reform Act followed by a little more than a year.

While this represents an impressive effort to address the "land question" in Namibia, the process has been a difficult one. Many factors contribute to these problems. The policies which underlie land reform are politically divisive and may be contradictory. A policy aimed primarily at poverty alleviation or affirmative action or the redress of historical inequities, is not necessarily the same policy that might be aimed at efficient redistribution of productive commercial agricultural land. Concerns about food security add another dimension, as Namibia imports most of basic foodstuffs, primarily from South Africa. Such contradictory interests become especially significant in a country with limited access to resources to finance land reform.



Moreover, all of the debate about the Agricultural (Commercial) Land Act (1995) occurred in the absence of experience with the land reform process. Very little land acquisition and redistribution had occurred in Namibia by 1995. It is only in the last five years that the Act itself has created the infrastructure for the actual process of land reform. This process, in turn, has not been adequately evaluated.



## Chapter 3

### The Role of Resettlement Projects in the Land Reform and Land Redistribution Process of Namibia

The land issue in Namibia, as we have stated, is one of the most important reasons why the war for independence was fought. Land reform is implicitly intertwined with the idea of resettlement projects. Land, by itself, is inert. It is the use that it is put to that gives it value. The expropriation of large farms will not, by itself, accomplish land reform. Landless people must be successfully resettled, forming prosperous new agricultural communities, in order for the land reform process to be complete.

#### 3.1 The history of resettlement projects in post-independence Namibia

Shortly after independence, the new Namibian Government had to deal with, among other issues, large numbers of landless and unemployed people dislocated by twenty years of war and economic upheaval, often migrating to squatter camps on the periphery of urban centres. Consequently, the government was tasked to find a solution for the increasing number of migrants leaving overcrowded rural areas in search of better opportunities. Obviously, the improved socio-economic opportunities afforded by land reform are one solution to this problem, a classic problem in the sociology of development.

The Ministry of Lands, Resettlement and Rehabilitation (MLRR) came into existence in September 1990 with the aim to "alleviate poverty...and to (provide) improved access to scarce resources which includes capital, skills and land" in Namibia. The MLRR (through the Directorate of Resettlement and Rehabilitation) was requested by Cabinet to formulate a policy on resettlement, which after approval by the Cabinet, has become the resettlement policy of the Namibian Government. The MLRR is tasked by the Cabinet to resettle Namibia's destitute and landless people. This means that the MLRR, as is reflected in its name, is directly involved in the purchase and allocation of land for resettlement purposes: land, resettlement, and rehabilitation is one process, housed in one ministry.

Human resettlement is a difficult social process. Poor people cannot simply be moved to commercial farms and expected to prosper and earn a living. Therefore, from the start, the Ministry has also provided resettled people with some level of support as well as building an infrastructure, including shelter, tools, food and water, in order to allow them to both start earning a living and also to meet basic needs. Resettlement projects form an essential part of the government's land reform and land redistribution policy. The government believes that resettlement projects will play a key role in rural development and in the alleviation of poverty. The objectives of the resettlement programme according to the Ministry's National Resettlement Policy (White Paper, October 2001) <sup>89</sup> are:

- \* To redress the past imbalances in the distribution of economic resources, particularly land.
- \* To give an opportunity to the target groups to produce their own food with a view to self sufficiency
- \* To bring small holder farmers into the mainstream of the Namibian economy by producing for the market
- \* To create employment through full-time farming
- \* To alleviate human and livestock pressure in the communal areas
- \* To offer an opportunity to citizens to reintegrate into society after many years of displacement by the colonisation process, the war of liberation and other adverse circumstances.

The Ministry of Lands, Resettlement and Rehabilitation states in its "National Resettlement Policy" that it is government policy to help Namibians to have access to land with secure tenure. According to the



Policy, the Ministry has to analyse applications for resettlement and judge applicants on the basis of their economic status. The MLRR identifies the categories of beneficiaries somewhat ambiguously as follows:

- a) People who have neither land, income nor livestock
- b) People who have neither land nor income, but few livestock
- c) People who have no land but have income or are livestock owners, but need land to be resettled on with their families and to graze their livestock.

It seems obvious that virtually every resident of the communal areas, almost 800,000 people, meets this definition. In addition, virtually every resident of the squatter camps around every Namibian city also qualifies. It apparently fits every poor person in the country.

The National Resettlement Policy states that resettlement has to be viewed as a national programme which the Ministry of Lands, Resettlement and Rehabilitation administers. It also states that it is important that those institutions that are expected to play a part in the resettlement programme are informed about their roles so that they can budget for activities, which they must undertake. The Resettlement Policy states that resettlement is to be seen as a test case for co-ordinated and integrated planning in Namibia.

The legislative basis for the acquisition and distribution of land in the freehold areas is provided by the Agricultural (Commercial) Land Reform Act of 1995. According to the National Resettlement Policy, land acquisition and the associated development efforts will be preceded by careful physical, social and economic planning to ensure that land acquisitions provide an adequate basis for achieving sustainable livelihoods for beneficiaries.

### **3.2 Who are the beneficiaries of resettlement projects?**

The Government, through the MLRR, has set up an order of priority of beneficiaries in their Resettlement Programme. The main target groups are the San, ex-soldiers, returnees from exile, disabled people and displaced agricultural workers. The reasons why the government has identified these groups as beneficiaries is explained in the National Resettlement Policy (White Paper, October 2001) as follows (reproduced verbatim):<sup>90</sup>

#### *1. The San Community*

The San Community has endured exploitation and discrimination at the hands of their fellow citizens throughout history. This includes the exploitation by colonial forces who used them as trackers and later left them helpless in former military camps. At present the San people are in the hands of farmers in both the communal and commercial areas as well as other sorts of employers where they are marginalised and subjected to unfair labour practices and inadequate shelter.

These people have suffered tremendously as a result of historical changes caused by the political constellations and ecological constraints. Therefore, they need to be helped in realising a new living by developing existing skills and acquiring new ones to be able to secure their sustenance.

#### *2. Ex-soldiers*

The government believes that it is part of its responsibility to integrate members of the former opposing

<sup>90</sup> This is at least the fourth version of the National Resettlement Policy (White Paper), with different versions being issued in July 1997, October 1997, 2000 and now 2001. While there are slight revisions in each draft, the basic resettlement policy is unchanged. These "objectives" are unchanged from the 1997 drafts.

<sup>91</sup> The 2001 "White Paper", while it retains the basic categories of the 1997 and 2000 white papers, reflects the MLRR's experience with existing resettlement programmes, by broadening two categories: category 3, formerly "Namibians from exile" is expanded to include "displaced, destitute and landless Namibians", reflecting the poverty-alleviation function of the resettlement program, irrespective of origin. Category 5, formerly "people expelled from farms" is now "people from overcrowded and [un]inhabitable communal areas", a complete shifting of that category, moving the "people displaced from farms" to category 3, and recognising the alleviation of poverty in the existing communal areas as a major goal of the resettlement programme.

The Prime Minister recently blamed some Parliamentarians for contributing to the pressure on overgrazed communal areas by keeping their own cattle there, instead of obtaining loans from commercial institutions to 're-distribute' commercial land by buying their own farms. Max Hamata, "Stop overgrazing, start buying, PM urges MPs", *The Namibian*, 15 November 2001.



forces.(PLAN, SWATF and KOEVOET) into society through resettlement and rehabilitation programmes, by training them to acquire functional life skills.

### *3. Displaced, destitute and landless Namibians*

Namibia has a history of colonial oppressive activities, e.g. mass genocide, racial atrocities, political harassment and the war situation that prevailed in the country, which forced many Namibians to flee the country of their birth. At independence some of these Namibians returned to their home country; but thousands of them had nowhere to settle and have no means to make a living because of the small farming units in the already overcrowded reserves.

These people also face other kinds of problems which the Government needs to solve. Shortly after independence, the Government of an independent Namibia embarked upon a repatriation programme aimed at bringing back home descendants of those Namibians who fled to Botswana during those years of German colonial occupation.

Equally important, is the fact that some Namibians who languished in jails and concentration camps, because of their political convictions. Upon the release of these Namibians from prisons and concentration camps, the need for land to resettle on was inevitable.

Some of these Namibians are skilled in agriculture and other technical fields and can make a living if they are provided with the necessary land for resettlement, equipment and financial support. Due to attitudinal constraints and a fragile economic base, thousands of the country's workforce are being retrenched from farms and other sectors of the economy. This phenomenon also forces them to seek for a livelihood in the land.

### *4. People with disabilities*

Humanity in any nation is measured by the way such a nation gives help to the most vulnerable groups in its society including women, children, the elderly and people with disabilities. The war situation that prevailed in Namibia increased the already high number of people with disabilities in the country.

The Government also considers alleviation of the situation of people with disability as part of its responsibility by assisting them to achieve an acceptable economic and social standing in the community, through resettlement and creation of institutions where they can acquire social help, get trained in different skills, become self-supportive and get their human and civil rights respected by society.

### *5. People from overcrowded and [un]inhabitable communal areas*

In some of the communal areas the destruction of the environment is eminent due to overgrazing and over utilization of the natural resources such as indigenous plants, trees and water.

Some of these people have livestock but have neither land for grazing land or for crop production, for their livelihood.

## **3.3 The role of institutions in resettlement**

The Ministry of Lands, Resettlement and Rehabilitation's primary function is to facilitate the resettlement programme in Namibia. There are also other ministries and institutions that support the MLRR's implementation of the resettlement programme. The following table, showing the functions of these various agencies, is adapted from a study report titled, "Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia."<sup>91</sup> It indicates the

<sup>91</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*, University of Cape Town, (Windhoek: NAPCOD, 1998) at 47, 48.



institutions that are involved in the resettlement programme as stipulated in the 2001 National Resettlement Policy (White Paper) and the Agricultural (Commercial) Land Reform Act 6 of 1995. Clearly, the scope of the land resettlement process is very broad, requiring the support of a vast technical and social services system.

**Table 2: The role of institutions in resettlement**

<b>Institution</b>	<b>Role in Resettlement</b>
<b>Ministry of Lands, Resettlement and Rehabilitation (MLRR)</b>	
i) Directorate of Resettlement	<ul style="list-style-type: none"> <li>* Planning and co-ordination of resettlement programmes;</li> <li>* Implementation of projects;</li> <li>* Supervision of resettlement projects;</li> <li>* Monitoring and evaluation of projects.</li> </ul>
ii) Directorate of Lands	<ul style="list-style-type: none"> <li>* Registration of leases;</li> <li>* Resource surveys and planning of proposed resettlement areas;</li> <li>* Development of planning guidelines and training of planners.</li> </ul>
iii) Surveyor General's Office	<ul style="list-style-type: none"> <li>* Provision of mapping and photography at appropriate scales.</li> </ul>
iv) Registrar of Deeds	<ul style="list-style-type: none"> <li>* Registration of leases and other real rights.</li> </ul>
v) Directorate of General Services	<ul style="list-style-type: none"> <li>* Financial control;</li> <li>* Planning and evaluation.</li> </ul>
<b>Ministry of Agriculture, Water and Rural Development (MAWRD)</b>	<ul style="list-style-type: none"> <li>* Provision of veterinary services;</li> <li>* Assistance in evaluation of farms;</li> <li>* Provision of agricultural extension and training;</li> <li>* Provision of credit facilities;</li> <li>* Provision of water;</li> <li>* Collection of grazing fees;</li> <li>* Survey, installation and maintenance of water points;</li> <li>* Support of co-operative schemes;</li> <li>* Market development.</li> </ul>
<b>Ministry of Environment and Tourism (MET)</b>	
i) Department of Environmental Affairs	<ul style="list-style-type: none"> <li>* Assisting in planning of wildlife based resettlement schemes;</li> <li>* Ensuring environmental soundness of plans.</li> </ul>
<b>Ministry of Regional, Local Government and Housing (MRLGH)</b>	<ul style="list-style-type: none"> <li>* Proclamation of resettlement areas when essential.</li> </ul>
<b>Ministry of Works, Transport and Telecommunications (MWTT)</b>	<ul style="list-style-type: none"> <li>* Provision of infrastructure in resettlement areas.</li> </ul>
<b>Ministry of Basic Education and Culture (MBEC)</b>	<ul style="list-style-type: none"> <li>* Provision of education, teachers and relevant materials.</li> </ul>
<b>Ministry of Health and Social Services (MHSS)</b>	<ul style="list-style-type: none"> <li>* Provision of health services.</li> </ul>
<b>National Planning Commission (NPC)</b>	<ul style="list-style-type: none"> <li>* To advise on project planning issues and funding.</li> </ul>
<b>Namibia Development Corporation (NDC)</b>	<ul style="list-style-type: none"> <li>* Provision of credit to aspiring small scale farmers</li> <li>* Assisting in planning of schemes and training of beneficiaries in relevant situations.</li> </ul>
<b>Agricultural Bank of Namibia</b>	<ul style="list-style-type: none"> <li>* Provisions of credit loans;</li> <li>* Assistance in evaluation of application forms.</li> </ul>
<b>Non-Governmental Organisations (NGOs)</b>	<ul style="list-style-type: none"> <li>* Planning, extension services, materials input and training where relevant.</li> </ul>
<b>The Land Tribunal (established by Agricultural (Commercial) Land Reform Act 6 of 1995)</b>	<ul style="list-style-type: none"> <li>* Recommendations to Minister in terms of the Act</li> </ul>



### 3.4 Selection of beneficiaries and application procedures for resettlement

The selection of beneficiaries of resettlement projects assumes a critical role, both in the success of the overall resettlement process, but also in the success of each individual resettlement project. Each project is, in effect, a new community. Given the small populations of the projects, selecting beneficiaries able to work hard and collectively to make the projects work is very important.

#### 3.4.1 The role of the Directorate of Resettlement and Rehabilitation in the resettlement application and selection procedures

According to the Division of Resettlement's Resettlement Manual of 2000,<sup>92</sup> the Directorate is responsible for the advertisement of resettlement projects, the receiving and processing of resettlement applications, placement of beneficiaries, management of resettlement projects, training of new small farmers and project beneficiaries, project appraisal and co-ordinating assistance. The Directorate also manages each resettlement programme through a project clerk.

The following services are situated within the Directorate of Resettlement and Rehabilitation.

##### *1. Projects management sub-division*

The Production and Marketing Section, Regional Project Co-ordination Section and Section Administration Human Development are responsible for day to day co-ordination of production, marketing, the issuing of lease agreements and the details of local administration of the resettlement projects. This also includes co-ordinating extension services and access to market outlets, monitoring and evaluating production records and advising beneficiaries on appropriate technologies. The co-ordination of the project needs with various government ministries and the private sector also occurs in this section. Ordinarily, one or more full time MLRR functionaries, usually project clerks, are on-site and responsible for each resettlement project.

##### *2. Infrastructure Development and Maintenance Section, Project Formulation and Evaluation Section, Capacity Building and Logistical support to projects.*

This section maintains infra-structural facilities such as water points, roads and fences. It acquires and delivers needed materials to resettlement schemes and keeps track of the physical infrastructure of each project, including buildings, roads, fences and water system. This is a very difficult task in rural Namibia.

#### 3.4.2 Responsibilities of regional staff members

Resettlement projects are mostly administered at the regional level. It is here that land is identified for resettlement and individual projects are matched to the relevant populations.

#### 3.4.3 Regional Resettlement Committees

These committees identify regional resettlement needs and help with the selection of farms in the region. It is here that the primary work of reviewing application forms and selecting applicants occurs.

<sup>92</sup> Ministry of Lands, Resettlement and Rehabilitation, Division: Resettlement, *Draft Resettlement Manual*, 2000 at 1.



The Regional Resettlement Committee's composition is complex, indicating the local interests that must be represented in the selection process. Being selected to receive "free land" obviously involves a number of complex social and political choices. These choices are made at the regional level by the regional resettlement committees. Representation is as follows:

- Governor (Chairperson)
- Regional Deputy Director (MLRR) (Co-chairperson)
- One representative of the youth
- One representative of a women's organisation
- One representative of traditional leaders
- One regional agricultural extension officer
- One regional veterinary officer
- One regional representative of non-governmental organisations
- Two regional councillors
- One regional educational officer
- One regional health officer
- One representative of agricultural farmers unions

These are, then, thirteen-member committees, chaired by the Governor of the region — an indication of the political importance invested in the resettlement process.

#### **3.4.4 The functions of the National Resettlement Committee**

The National Resettlement Committee's major function is to advise the MLRR and the Land Reform Advisory Commission (LRAC) on the resettlement projects, beneficiaries, and the demand for preferred settlement areas and types of settlements. It further advises on future resettlement projects. It also acts to approve applications recommended by regional resettlement applications and recommend them to the LRAC. Further, it has record keeping functions, collecting and maintaining the registry of leasehold agreements and to update the list of allotments.

The National Resettlement Committee composition is more political than the regional committees, but it does not select resettlement beneficiaries. Three resettlement officers represent the resettlement projects on the national committee, but these are MLRR employees and not beneficiaries. A director from the MLRR is chosen as chairperson. The bulk of the committee membership comes from the various ministries. All ministerial (MLRR) heads of divisions serve, putting that ministry in control of the Committee. The Ministry of Agriculture, Water and Development (MAWRD) and the Ministry of Health and Social Services (MHSS) each have one member. Two parastatals, the National Development Corporation and the Agricultural Bank of Namibia also have one member each. What is unclear is to what extent the National Resettlement Committee is simply an arm of the ministry, although membership composition clearly raises that implication.

#### **3.4.5 Resettlement application procedures**

Ms. Hausiku is a Senior Clerk at the Division Resettlement of the MLRR at Khorixas. She explained the resettlement application procedures as follows:

The Ministry advertises through the media that they have acquired land for people to be resettled on. Interested people can approach the MLRR's regional offices, the head office of the MLRR or the regional governor's office to complete an application form. Among other questions, the Ministry asks potential beneficiaries to state whether they are employed at the time of applying for resettlement, the qualifications or skills that each person has and the preferred area of resettlement. Applicants are requested to attach a salary slip to their application form. An applicant also needs to indicate the reasons why he/she is requesting resettlement.



The following criteria are printed in the application from which the applicant has to choose an appropriate reason. They are:

- i) My area is drought stricken.
- ii) The land I occupy has become too small.
- iii) I am expelled from the land I have been living on.
- iv) I have never owned/occupied land anywhere.

This list is oversimplified in the Namibian context. Indeed, a large number of people in Namibia can check three or even four of these reasons: category one not infrequently applies to every person in the "drought stricken" country. Category four has an ambiguous meaning: while few blacks have "owned" land anywhere, almost everyone has "occupied" land someplace. The intention seems to be to refer to people occupying land in communal areas (where "ownership" is currently impossible), in situations where their agricultural activities have outgrown the land available for their use.

The applicant also has to specify which kind of resettlement scheme he/she is interested in:

- i) Animal husbandry- (grazing)
- ii) Crop production
- iii) Mix of (i) and (ii)
- iv) Co-operatives-specify kind of production activities
- v) Processing Industries
- vi) Others (please specify).

These "choices" again are ambiguous in the Namibian context; there are only a few development schemes accepting members at any given point in time, almost all with very small economic opportunities, primarily in various forms of subsistence agriculture. Thus, there is not really much of a choice.

Applicants have to indicate whether they are displaced persons, returnees, ex-soldiers or landless persons. When an applicant completes an application form, it does not necessarily mean that land will be allocated to him or her. Applicants are cautioned that occupying land without formal allocation is a criminal offence.

The selection process then goes through several levels. After an application is completed, it has to be signed by the applicant, chief or councillor and relevant ministerial regional staff. The application is then sent to the ministerial regional office or regional government's office. The Regional Resettlement Officer of the Regional Resettlement Committee is the first person to approve or reject the application. If rejected, the applicant is asked to provide additional information regarding the application.

If the Regional Resettlement Officer of the MLRR approves the application, it is then forwarded to the National Resettlement Committee, which also needs to approve it. If rejected, it is sent back to the Regional Resettlement Committee.

Once the application form is approved by the National Resettlement Committee, it is forwarded to the Land Reform Advisory Commission, which also needs to approve it in order to forward it to the Minister of Lands, Resettlement and Rehabilitation.

Finally, if the Minister rejects the application, it is sent back to the Land Reform Advisory Commission. If the applicant is successful, he/she is informed through the Regional Resettlement Committee by letter or through newspapers.



### 3.4.6 Problems with the resettlement application process

Ms. Hausiku stated that the resettlement application process is very time consuming. It is apparently not unusual for an applicant to wait as long as two years before he/she can be resettled. It is, however, the policy of the MLRR to help those who have applied for resettlement first. In other words, land is allocated on a 'first come first served' basis. Suzman has raised the problem of widespread illiteracy in such a complex application process, especially for the San, people with little experience at any of these daunting bureaucratic procedures.<sup>93</sup> Advertising for applicants in newspapers; then notifying successful applicants in newspapers, is also a process that fails to reach the majority of the poor people of Namibia: newspapers are expensive and hard to get in rural areas.

The MLRR has expressed its dissatisfaction with some of the clauses in the Agricultural (Commercial) Land Reform Act, specifically with those which require that farms must be demarcated, gazetted, advertised and then resettled. These clauses are singled out as making the resettlement process "very tedious, cumbersome and costly". The MLRR argues that the Agricultural Land Reform Act needs to be amended to "make it more user friendly and to expedite the process".<sup>94</sup> But, given the cumbersome five stage selection process just described, it is not clear that it is the process of "demarcating, gazetting, and advertising" that is the main cause of the long delays. Is a five stage selection process really necessary? What decision making process is applied at each stage that cannot be consolidated into earlier stages?

The former Minister of Lands, Resettlement and Rehabilitation, Ms. Pendukeni Ithana, noted that the resettlement process is hindered by the "extremely cumbersome and time-consuming" procedures as prescribed in the Agricultural (Commercial) Land Reform Act. "But, for the sake of transparency and fairness to everyone who qualifies to be allocated land and the public in general this process must be adhered to", she stated.<sup>95</sup>

In 1998 the government decided to suspend the resettlement programme because of the drought conditions in the country and also to review its resettlement procedures. The programme was resumed again in June 1999, approximately a year after its suspension.<sup>96</sup> This caused a considerable delay in the allocation of resettlement applications. After the resumption of the resettlement programme, Minister Ithana vowed that the government would take steps to decentralise the resettlement process in order to speed up the settlement of the landless. With the introduction of regional councillors into the resettlement selection process, the MLRR anticipates that the allocation of land allotments to beneficiaries will speed up.<sup>97</sup>

The size of land allocated to a beneficiary, according to Ms Hausiku, depends on the amount of livestock such a person has. "It has happened in the past that some of the beneficiaries gave wrong information about the livestock that they own. In one case we have discovered that a person who stated that he owned thirty-seven cattle in fact did not own any cattle. He was allocated a piece of land in accordance with the amount of cattle that he said he had." This observation opens up a wide range of questions about the availability of basic information within the selection process. If a person can be assigned more land based on claims of the ownership of animals, each claimant potentially controls the size of his own land allocation, a process inviting fraud.

It is the task of institutions within the Ministry to identify potential beneficiaries of the Resettlement Programme in co-operation with the offices of the Regional Councils and with the assistance of the envisaged Land Use and Environmental Boards as well as Regional Land Boards. According to the White Paper on Resettlement Policy, the initial screening of applicants is done at this local level. The

<sup>93</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 89.

<sup>94</sup> Untitled notes obtained from the Ministry of Lands, Resettlement and Rehabilitation, Windhoek.

<sup>95</sup> Tabby Moyo, "New Battle line drawn on land, NUNW, allies to turn up heat", *The Namibian*, 13 April 1999.

<sup>96</sup> "Majority don't count on traditional issues", *The Namibian*, 22 June 2000.

<sup>97</sup> Tabby Moyo, "Govt speeding up land process", *The Namibian*, 30 August 2000.



logic is that basic investigation can occur at this level, to prevent both fraud and misallocation based on honest mistakes.

The Namibia National Farmers Union (NNFU) recently made submissions to the Government which included suggestions on the allocation process. They suggest that the Agricultural (Commercial) Land Reform Act should be amended to require that allotment plans be published, or made available for public inspection, to counter potential abuse and nepotism in the selection of beneficiaries. They also point to a flaw in the application process — at present, if a person applies for an allotment and there is no farm available for resettlement, their application lapses and they must start the procedure all over again in respect of another piece of land. The NNFU suggests that the Ministry should keep a database of applicants, which includes the date of application and the date of approval/rejection, and that this database should be open to public scrutiny. They further suggest that applicants who are approved in principle should be kept on a waiting list until an allotment becomes available, and that resettlement must take place within six months of the time a new farm becomes available - to eliminate the current system where long delays necessitate the appointment of caretakers for farms, who bring in their own livestock and thereby have a direct financial interest in remaining on the farm to the detriment of the more needy applicants.<sup>98</sup>

### 3.5 The land acquisition process

The government's land acquisition process has been the subject of some scrutiny over the past ten years. At a minimum, as we have seen, even the MLRR claims that the process has been slow, expensive, and bureaucratic, delaying the land resettlement process. Issues of transparency have been raised as well, arguing that there are inconsistent data, making it unclear exactly how much land the government has acquired, and what use has been put to those lands. The basic data, therefore, is presented here, as clearly as can be discussed.

An estimated 568 821 hectares of land — 97 farms — have been acquired by the government from 1990 to the first quarter of 2001, for resettlement purposes. Of this total, six farms, with 22 605 hectares of land was donated by Werner List, a Namibian businessman.

The remaining ninety-one farms, with 546 216 hectares of land has been purchased by the government on a "willing buyer, willing seller" basis at a total cost of N\$72,076,474.<sup>99</sup> This means the price per hectare is approximately N\$126.70. The Ministry estimates the number resettled on commercial farms to date at 27 600, putting the land cost per person at N\$2611, with an average of about 270 persons resettled on each farm acquired.

The Namibian State also owns a number of farms, mostly the former property of the South West Africa administration, but also held by the South African Armed Forces, and other governmental organisations. Seventy-two of these farms have been made available to the MLRR for land reform, but most of these have apparently not yet been used for that purpose.<sup>100</sup>

In sum, during the first ten years of independence, the government has acquired only about ten farms per year for resettlement purposes out of a total of about 5,500 farms in the hands of about 4,000 owners. Even simple maths reveals that this process is too slow and must be accelerated if meaningful land reform is to be accomplished, for example, in the first twenty or thirty years of independence.

<sup>98</sup> Submissions by the Namibia National Farmers Union Concerning the Agricultural (Commercial) Land Reform Act (Act No. 6 of 1995), November 2001.

<sup>99</sup> Information obtained from the Ministry of Lands, Resettlement and Rehabilitation, 2001.

<sup>100</sup> Wolfgang Werner, "Agriculture and Land," in Henning Melber, *Namibia: A Declaration of Independence, 1990-2000*, Windhoek, NEPRU Publication No. 7, 2000, at 42. Werner presents different data on state land purchases, reporting that 54 farms had been purchased by 1999, comprising about 341,000 hectares, including about 167,000 in the semi-arid Hardap and Karas regions. The MLRR itself reports that it acquired 364,755 hectares of land between 1990 and 1998, a figure close to Werner's. Most of the discrepancy (almost 200,000 hectares) with our data apparently reflects accelerated MLRR land purchases after 1999 and before the first quarter of 2001. A list of these farms is in Table 3.



The MLRR has further indicated that they are planning to buy 180 additional commercial farms for resettlement purposes during the period 2001 - 2011. The Ministry assumes that each farm to be purchased will average approximately 4 000 hectares. In other words, 720 000 additional hectares of agricultural land will be available for resettlement purposes. In all, the government's own data project that about 280 farms, or about 1 280 000 hectares, will be resettled in the first twenty years of Namibian independence, at best about 5% of the farms in Namibia. Thus, even if these resettlement projects are all successful, the pace of land reform and resettlement is very slow, and is projected to remain slow until 2011, which is as far as the current planning process extends.

Because there has been a great deal of confusion about the extent of these land purchases, they are produced here in Table 3. There is no data on the particular rationale for the purchase of each of these farms.

**Table 3: Number of farms purchased/acquired by the government for resettlement purposes from 1990 until the beginning of 2001<sup>101</sup>**

<i>Farm Name</i>	<i>Region</i>	<i>Farm size(ha)</i>	<i>Purchase price(N\$)</i>	<i>Year</i>
Ramona	Oshikoto	6619	1,600,080.00	1997
Welmoed	Oshikoto	6716	0.00	1997
Leeupos&Hugeland	Oshikoto	9317	1,211,257.70	1998
Klein-Nakusib	Oshikoto	2012	947,621.03	1998
Nakusib	Oshikoto	5007	0.00	1998
Excelsior	Oshikoto	6145	2,105,100.00	1991
Oerwoud	Oshikoto	4841	0.00	1991
Chutib	Oshikoto	6288	0.00	1991
Emmanuel	Oshikoto	3084	1,204,796.01	1999
Arcadia	Oshikoto	3084	0.00	1999
Quovadis	Otjozondjupa	7227	953,964.00	1997
Welmer	Otjozondjupa	3778	812,950.33	1997
Rem. of Doringboom	Otjozondjupa	6878	1,547,490.00	1998
Ondiri	Otjozondjupa	3483	752,328.00	1998
Otjinakui	Otjozondjupa	6917	1,590,974.60	1998
Otjisazu	Otjozondjupa	2836	609,734.02	1998
Ext. of Wagnog	Otjozondjupa	3479	730,614.63	1998
Paloma	Otjozondjupa	5614	1,403,600.93	2000
Cleveland	Otjozondjupa	4748	1,234,480.00	1995
Nevada	Otjozondjupa	5048	1,720,686.00	1995
Elandsweide	Otjozondjupa	7024	1,966,604.80	2001
Stilte	Kunene	5630	760,050.00	1996
Kleinhuis	Kunene	5209	936,720.00	1996
Namatanga	Kunene	2501	1,245,750.00	1996
Elandsput	Kunene	5929	978,285.00	1996
Nadas	Kunene	7329	1,172,562.90	1998
Die Vlake	Kunene	5630	855,760.00	1995
Nimitz	Kunene	2131	0.00	1998
Dwight East	Kunene	1932	0.00	1998
Dwight West	Kunene	3865	0.00	1998
Tsumis	Kunene	5561	0.00	1998
Michael	Kunene	3561	0.00	1998
Elf	Kunene	5555	0.00	1998
Grootrooibult	Omaheke	5489	2,005,025.00	1996
Steenbokpos	Omaheke	2436	616,383.00	1996
Dankbaar	Omaheke	5028	1,272,034.00	1997
Du Plessis	Omaheke	4102	986,010.00	1997
Coetzee	Omaheke	186	0.00	1997
Samekoms	Omaheke	6075	1,202,937.00	1997
Vasdraai	Omaheke	4315	863,000.00	1997
Danell	Omaheke	5023	1,255,807.50	1997
Kalahari Prag	Omaheke	4366	0.00	1997
Alex Eck	Omaheke	7050	747,733.09	1997
Goab	Omaheke	4709	1,224,594.00	1995
Heimat	Omaheke	11765	2,406,239.26	1997

<sup>101</sup> Information obtained from the Ministry of Lands, Resettlement and Rehabilitation, 2000-2001.



Rusplaas	Omaheke	3434	1,528,010.00	1993
Skoonheid	Omaheke	7104	0.00	1993
Rosenhof	Omaheke	3406	0.00	1993
Kamingama	Omaheke	3895	1,149,161.00	2000
Karamba	Omaheke	8601	2,537,315.00	2000
Ptn17-Kaukurus (Kunesmus)	Omaheke	300	2,219,480.30	2000
Ptn23 - Kaukurus	Omaheke	1015	0.00	2000
PtnJ -				
Kaukurus(Hessen)	Omaheke	5671	0.00	2000
PtnH - Kaukurus	Omaheke	6083	0.00	2000
Ext.of Farm				
Boomlager	Omaheke	3402	1,003,727.00	2000
Ext. of Farm Zimnik	Omaheke	2677	602,338.38	2000
Verlang	Omaheke	5054	1,010,758.60	2000
Dixieland	Omaheke	5146	1,440,757.40	2000
Vlakwater	Omaheke	5000	1,500,082.18	2001
Arbeidsvree	Omaheke	7952	2,306,037.92	2001
Kleinfontein North	Hardap	15287	1,360,095.00	1997
Nooitgedacht	Hardap	9442	0.00	1997
Part1 of Sekretaris- pan	Hardap	4000	638,931.11	1995
Rem. of Sekretaris- pan	Hardap	6908	0.00	1995
Bernafoy	Hardap	3729	1,300,000.00	1995
Jakkalsdraai	Hardap	6400	1,069,386.00	1991
Weiveld	Hardap	5481	0.00	1991
Uitsicht	Hardap	5000	857,691.00	1991
Ptn2(Panorama) of Uitsicht	Hardap	5721	0.00	1991
Ext. of Part1				
Westfalen	Hardap	1191	1,617,000.00	1995
Ext. Halifax	Hardap	6501	970,000.00	1991
Spoetnik	Hardap	2108	0.00	1991
Ext.Ptn1 of Halifax	Hardap	4306	0.00	1991
Mara	Hardap	4303	0.00	1991
Tulpsvlei	Hardap	2810	0.00	1991
Voigtsgrund	Hardap	6800	0.00	1990
Obub	Karas	9523	652,004.17	1998
Khabub	Karas	12483	943,800.00	1997
Haninabis	Karas	10212	606,739.61	1997
Tsachanabis	Karas	10570	317,100.00	1997
Grasheuwel	Karas	9304	418,635.00	1997
Ext. of Bruinheuwel	Karas	6017	240,691.54	1999
Ext. of Harib	Karas	5966	600,955.68	1999
Soekmekaar	Karas	5995	0.00	1999
Ptn.1 of Bruinheuwel	Karas	3063	0.00	1999
Dagbreek	Karas	11468	344,040.00	1997
Ptn. 1 of Kangus	Karas	2634	0.00	1997
Ptn. 2 of Itzawisis	Karas	614	0.00	1997
Belda	Karas	15110	453,297.42	1997
Aandblom	Karas	8862	400,101.54	2000
Ptn1of Sperlings- fontein (Langberg)	Karas	13719	976,072.88	2000
Ext. of Sperlings- fontein	Karas	14169	0.00	2000
Ptn1 of Klipdrift (Biesieputs)	Karas	6634	0.00	2000
Ext. of Klipdrift	Karas	6634	597,017.07	2000
Ptn1 of Tsaobismund	Erongo	8421	2,161,225.09	2001
Tsaobis	Erongo	13191	0.00	2001
Nautabis	Khomas	4936	1,332,850.46	2001
<b>Total land acquired/purchased 1990-2001</b>		<b>568821 ha</b>	<b>N\$72,076,474.15</b>	



**Table 4: Summary of number of farms per region bought by the MLRR\***

Region	Size (ha)	No. of Farms	Total Purchase Prize (NS)
Oshikoto	53,113	10	7,068,854.74
Otjozondjupa	57,030	11	13,323,427.31
Kunene*	59,882	12	5,949,127.90
Omaheke	129,284	27	27,877,430.63
Hardap	89,987	16	7,813,103.11
Karas	152,977	18	6,550,454.91
Erongo	21,612	2	2,161,225.09
Khomas	4,936	1	1,332,850.46
<b>Total</b>	<b>568,821</b>	<b>97</b>	<b>72,076,474.15</b>

\*Includes the farms Nimitz, Dwight East, Dwight West, Tsumis, Michael and Elf all donated by Mr. and Ms. Werner List.

In addition, the MLRR reported that sixteen new resettlement projects would be undertaken for 2000/2001. They are listed in Table 5. At the time of writing, it is not possible to either evaluate any of these projects or verify that they have actually been initiated.

**Table 5: MLRR resettlement projects, 2000/2001<sup>102</sup>**

Name of project	Region	Family Units	Houses constructed	mode
Mara	Hardap	16	6	Project
Westfallen	Hardap	14	0	Project
Bernafey	Hardap	10	0	Project
Greenwell Matongo	Hardap	12	6	Project
Mangetti Dune	Otjozondjupa	1203	30	Communal Area
Gam	Otjozondjupa	1460	0	Communal Area
Excelsior	Oshikoto	16	14	Project
Bravo	Oshikoto	50	0	Project
Tsinsabis	Oshikoto	496	20	Project
Skoonheid	Omaheke	86	40	Project
Drimiopsis	Omaheke	104	30	Project
Western Caprivi	Caprivi	1432	80	Communal Area
Ekoka	Ohangwena	506	0	Communal Area
Onandjendje	Omusati	37	8	Communal Area
Otjihau	Omusati	19	6	Communal Area
Queen Sofia	Kunene	40	0	Co-operative
<b>Total</b>		<b>5511</b>	<b>240</b>	

Summary: assuming average size of 5 per family = 27 555 persons

While the political and social process of "land reform" has come to refer to purchasing white owned farms and resettling blacks, redressing the historical evil of Apartheid, there is also resettlement occurring within the communal areas, the former black homelands. The government claims that more than 7 241 people have so far been resettled in communal areas from 1990 until the first half of 2000.<sup>103</sup> However, this number does not seem to be accurate. Data based on 1992 MLRR statistics used by Minister Ithana, claims that 14 864 people and their dependants had been resettled in the communal areas at Bagani, Mangetti Dune, Chetto, Omega 3, Onandjendje, Otjihau, Tsinsabis, Gam and Eiseb Block.<sup>104</sup> Suzman claims that most of the San in these projects were actually resettled by the South African army and have been provided with almost no support by the MLRR, thus these should not be classified as MLRR resettlement projects.<sup>105</sup>

Project leaders on the communal and commercial resettlement projects visited by the Legal Assistance

<sup>102</sup> Information obtained from the Ministry of Lands, Resettlement and Rehabilitation, 2000-2001.

<sup>103</sup> "Tragedy of the Commons", *Growth Magazine*, May/June 2000 (Internet article).

<sup>104</sup> Chrispin Inambao, "Government rejects 217 farm land offers", *The Namibian*, 16 March 1998.

<sup>105</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 92.



Project leaders on the communal and commercial resettlement projects visited by the Legal Assistance Centre were not able to indicate the number of beneficiaries living at their respective projects. Therefore, it is not clear that the number of people enrolled at these resettlement projects are actually present and the numbers used by the MLRR may actually inflate the numbers of beneficiaries of the resettlement projects. Accurate data on beneficiaries is critical to the evaluation of these resettlement projects.

Thus, it is not clear whether the total of 27 555 resettled people in both communal and commercial areas from 1990 to 2000/1 given by the MLRR is correct. Statistics obtained from the MLRR indicates that a total of 1 160 families have been resettled on commercial farms from 1990 until the end of 2000. In the Government's Vision 2030 plan,<sup>106</sup> the MLRR aims to resettle about 68 882 to 70 000 people by the year 2030. But, according to the MLRR's Resettlement and Rehabilitation, Resettlement Programme, 2001-2005, only 216 persons can be resettled per year, which means that only an additional 1 080 persons will be resettled over the next five years.<sup>107</sup>

Taking into consideration the slow progress of resettling beneficiaries under the current resettlement programme, it seems unlikely, even impossible, that the government will reach its aims for resettlement as stipulated in the Vision 2030 plan. Indeed, these statistics are so disparate that it is unclear that the Ministry is in full control of the resettlement process. By definition, an efficiently run resettlement farm will serve a known number of resettled farmers. If the number of persons living on these resettlement farms is unknown, they cannot be well functioning.

### 3.6 Public debates on the land reform issue in Namibia

The government's disparate data on the number of people resettled (discussed above) is widely circulated in Namibia and has provoked extensive criticism. The resettlement process has been criticised both for being too expensive and for taking too long.

Ponhele ya France, former National Union of Namibian Workers President and now Member of Parliament, has taken a strong position against certain aspects of the resettlement programme and the land reform process in Namibia. He argues that the government has no strategy to speed up the land reform process or to curb artificially inflated high costs of land. He also favours the principle that government must not compensate white farmers who own commercial land, since it was stolen.

White commercial farmers, according to Ya France should only be compensated for infrastructural development on farms. He further opposes Article 16 of the Namibian Constitution, which protects property rights, and is of the opinion that this clause "legitimised thieves to own land and sell it dearly" and that a totally new Chapter is needed to be created "out of the ruins of Chapter 3" [the "bill of rights"].<sup>108</sup> This strong political viewpoint does not go unnoticed in a political environment where the SWAPO government holds the necessary two-thirds majority necessary to amend the Constitution.

The National Union of Namibian Workers wants a referendum on Article 16 of the Constitution. Article 16 forbids the expropriation of property without compensation. The Union also called for the abolition of the "willing buyer willing seller" principle for acquiring land for resettlement. This principle, followed by the Ministry of Lands, Resettlement and Rehabilitation, is not specifically required by Article 16, but is implied in the Agricultural (Commercial) Land Reform Act (1995) and has been followed, it seems, as a matter of political expedience only. It defers to the economic power of white farmers, reassuring them of an orderly land reform process. In return, the commercial farmers' organisations officially support the land reform process. This accrues clear political benefits to the government in some sectors of the population, while resulting in considerable criticism in others.

<sup>106</sup> Information obtained from the Ministry of Lands, Resettlement and Rehabilitation Internet Web page.

<sup>107</sup> Ministry of Lands, Resettlement and Rehabilitation, *Resettlement Programme, 2001-2005* at 14.

<sup>108</sup> Oswald Shivute, "Ya France rips into Namibia's freedoms", *The Namibian*, 5 May 1998.



President Sam Nujoma in his autobiography, *Where Others Wavered*, also criticised the "willing buyer, willing seller" principle, dismissing it as a tool of colonial interests:

*It has to be said that the Constitutional Principles document was formulated by the Americans and the British to favour the interests of individual white settlers who had, 'by hook or by crook', acquired and occupied Namibian land during the colonial era...It must be clearly stated that the inclusion of a clause in the constitution concerning commercial lands - the so called 'willing seller, willing buyer' clause, which serves to perpetuate the status quo of inequity in land distribution in Namibia - was never in line with SWAPO's position in addressing the land question in Namibia. The inclusion of this clause has resulted in the problem of lands, which we have after the turn of the millennium.<sup>109</sup>*

The President's criticism is obviously an important statement of SWAPO's position on this issue. It is significant that he attributes this significance to the Article 16 requirement that land not be appropriated without "just compensation" — language which does not require the "willing buyer, willing seller" principle but perhaps, like the Agricultural (Commercial) Land Reform Act (1995), implies it. In any case, it is clear that the repudiation of the "willing buyer, willing seller" principle is a legal option available to the government, and arguably justified by both its roots in Namibia's colonial past and the high costs it imposes on independent Namibia.

The "willing buyer/willing seller" policy has also been criticised by experts on the land reform process. Resettlement project experts Hansen and his colleagues argue that the "willing buyer willing seller" policy is wasteful for two reasons:<sup>110</sup> On the one hand, it may be the weakest and least efficient farmers who sell their land, either because the land is degraded or because their farms are unprofitable. If this is the case, it is questionable as to whether poverty stricken, unskilled people with few support structures have any chance of making a success of resettlement on lands abandoned by commercial farmers as unusable. This issue was at the heart of the controversy about the resettlement of Damaraland in the middle 1960s.<sup>111</sup>

On the other hand, the "willing buyer/willing seller" approach is inefficient as it promotes the ad hoc purchase of individual farms with resulting high unit costs and low potential in terms of the number of people that can sustainably be resettled. It would be more efficient to have a policy of buying up blocks of commercial farms bordering existing communal areas or in proposed new areas for resettlement to lower support costs and maintain links with traditional farming systems.

These issues are hotly debated, both inside and outside of the National Assembly. Former Information and Broadcasting Minister, Ben Amathila, has stated that property rights must be respected. He asked the following question in Parliament, "I committed SWAPO and members of SWAPO to respect property because if the property (rights) on land cannot be respected, what about your car or your house?"<sup>112</sup>

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#### Discussion held in National Assembly on the Resettlement Programme 18 February 2000

*Mr. MATJILA: Mr. Chairman, just as a matter of interest, earlier this week, on the programme 'Channel 1' of the NBC, we were shown what is taking place on some of the State farms, of people who are supposed to be resettled. A case in point showed people lying under the trees in the shade, doing nothing,*

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<sup>109</sup> Sam Nujoma, *Where Others Wavered* (London: Panaf Books, 2001) at 419.

<sup>110</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshana and Oshanahe Regions of Namibia*. University of Cape Town, Draft, (Windhoek: NAPCOD, 1998).

<sup>111</sup> Sian Sullivan, *The 'Communalization' of Former Commercial Farmland: Perspectives from Damaraland and Implications for Land Reform*, SSD Research Report no. 26, Multi-Disciplinary Research Centre, University of Namibia, 1996.

<sup>112</sup> Tangeni Amupadhi, "MPs press for urgency, cool heads on land issue", *The Namibian*, 23 May 2000.



destroying, loafing, not prepared to do any spade of work at all, and even saying, "yes, I am still waiting for the government to deliver the food here..."

*HONOURABLE MEMBER (No name stated): They were all men.*

*Mr. MATJILA: This is a very shocking state of affairs when one considers that the government spends a lot of money on acquiring farms to resettle these people. What kind of people are we resettling here?*

*MINISTER OF HEALTH AND SOCIAL SERVICES (MOHSS): May I ask the Hon. Member a tiny question? Having seen what is happening, does the Hon. Member not think that we should resettle more women? What does the Hon. Member think about that?*

*Mr. MATJILA: Whilst I agree totally with the Hon. Member, because I think the Minister (MOHSS) there knows my viewpoint on that question of resettlement, in my culture women work the land and stay on the farms. But I want to know what is the Minister's (Ministry of Lands, Resettlement and Rehabilitation) attitude towards this: Aren't we perhaps wasting State funds, like we are now budgeting money to increase the number of loafers on these State farms?*

*DEPUTY MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION:*

*I thank Hon. Matjila for the concern he has shared with the House. The policy of resettlement is the only way through which we can empower our previously disadvantaged people, and it is a very difficult process. These elements that do not appreciate the acts by the government and the money that the government pumps into these farms and the resettlement programme will eventually be sorted out. We admit that it is an expensive process, but obviously we had to start somewhere. Those that fall along the way were obviously some of the wrong choices...*

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The Deputy Minister of Lands, Resettlement and Rehabilitation, Isak Katali said that the resettlement process is inevitably a complex process, which cannot be rushed if transparency and fairness are serious goals. The programme aims to assist the poor and it would be "unrealistic to place the burden of negotiating land with potential beneficiaries since considerable resources and expertise are required." Katali further added that Government is happy with the price at which land has been acquired since the appointment of a government valuation expert.<sup>113</sup> Indeed, the prices reported are reasonable market prices in a Namibian context.

By 2001 the government has been offered 759 commercial farms. A total of 505 of these farms were turned down, leaving them for sale in the private sector. The government has shown interest in 254 farms since 1991, or about one farm in three put on sale, but only actually purchased 97 for land reform purposes, only about 13% of the farms sold in Namibia over this ten year period, a number that will not sustain a significant land reform process.

Reasons given by MLRR why the government has only been interested in 97 of the 759 farms offered, include: unsuitability of the land for resettlement, due to rockiness, bush encroachment or poor infrastructure; farm size is too small; price restrictions; and unsuitable locations.<sup>114</sup> Without the opportunity to physically study these 662 farms it is impossible to evaluate the MLRR's refusal to purchase these farms for land reform or resettlement purposes. Still, it is a very large proportion of farms, and raises significant questions about the possibilities of land reform in Namibia. Most importantly if such a great proportion of Namibian commercial agricultural land is so degraded that it cannot be purchased for land resettlement purposes, it is also unlikely to be worth anything as agricultural land. Is this the state of Namibian agriculture?

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<sup>113</sup> "Tragedy of the Commons", *Growth Magazine*, May/June 2000 (Internet article).

<sup>114</sup> Questions in National Assembly answered by Minister Ithana, Second Session Third Parliament, 30 November 2000.



The Namibia National Farmers Unions points out that farming areas in Namibia have not yet been classified into agro-ecological zones, as required by section 14(4) of the Agricultural (Commercial) Land Reform Act, as regulations on these zones have yet to be published.<sup>115</sup> Thus, there is as yet no systematic approach to the environmental aspects of potential resettlement farms, nor to their agricultural potential.

Resettlement projects have also been implemented in communal areas. By 1998, nine resettlement projects had been implemented in communal areas, benefiting mostly San people who were ex-soldiers left behind by the South African army. Most of these projects pre-date the MLRR and were initiated by the South African army.<sup>116</sup> It can be argued that these projects might be more cost-effective than resettlement projects in commercial areas, because they are allocated in higher rainfall areas and also involve lower acquisition costs because the government takes the position that communal lands are state lands, thus available for public use including resettlement.

But these projects also encroach on already overcrowded communal areas, creating additional poverty in already poverty-stricken communal areas. In addition, the unused land in communal areas is most often very poor land - or it would already be occupied. Resettling people to marginal lands is not likely to result in functioning and prosperous resettlement programmes.

### 3.7 Research on the resettlement programme

At present there is no reliable assessment of the impact that land redistribution and resettlement will have on the livelihoods of beneficiaries. Wolfgang Werner of the Namibian Economic Policy Research Unit (NEPRU) argues that this is due to the fact that no baseline data exists against which the impact could be measured. This is further complicated by the fact that beneficiaries are not homogeneous, but have many different backgrounds, and different economic circumstances.<sup>117</sup>

An evaluation was undertaken in 2000 on resettlement projects by the Division of Co-operative Development in the Ministry of Agriculture, Water and Rural Development in close consultation with the Land Reform Advisory Commission. They commissioned NEPRU, an NGO engaged in policy research, to conduct a study on resettlement co-operatives in Namibia in order to make recommendations regarding the future of existing and potential co-operatives of this kind. The findings were presented by NEPRU at a workshop in Windhoek in August 2000.

NEPRU was required to visit a sample of resettlement projects classified by the MLRR as co-operative resettlement projects in order to make recommendations on how these projects could be transformed into viable, self-supporting and legally registered co-operatives. According to the MLRR Annual Report for 1996/97 and 1997/98, nine of the Ministry's 24 resettlement projects ongoing at the end of 1997/98 were classified as having adopted the co-operative model, whereas the rest were classified as individual plots. The nine co-operative resettlement projects are as follows: Bernafey, Westfallen, Greenwell Matongo, Skoonheid, Drimiopsis, Excelsior, Eendombe, Onamatadiva and Queen Sofia.

The resettlement policy requires that, in order to facilitate the smooth functioning of a co-operative type of resettlement project and cater for a meaningful input of the Government and donor agencies, the Co-operatives Act must be applied.<sup>118</sup> In terms of the Namibian Co-operatives Act, a co-operative requires more than just the pooling of labour for a common purpose. The principles that define co-operatives include open and voluntary membership; control by members, with each member having one vote; the provision of benefits to members, rather than a profit motive; the provision of ongoing education to

<sup>115</sup>Submissions by the Namibia National Farmers Union Concerning the Agricultural (Commercial) Land Reform Act (Act No. 6 of 1995), November 2001.

<sup>116</sup>James Sazman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 92.

<sup>117</sup>Wolfgang Werner, *An Overview of Land Reform in Namibia* (Internet article, 1998) at 4.

<sup>118</sup>Resettlement Co-operatives in Namibia: Past and Future - Workshop to discuss the Preliminary Findings of a Study Conducted by NEPRU for the Division of Co-Operative Development, Ministry of Agriculture, Water and Rural Development, Greiter's Conference Centre, Workshop Notes, 1 August 2000.



members; all members to hold shares in the co-operative; and the drafting of by-laws which set forth key operating procedures. Moreover, a co-operative must have at least seven members above age eighteen.

During the NEPRU research team's visits to the different co-operative resettlement projects, little documentation related to the different projects was found nor were any project proposals, business plans or systematic recording of production located. None of the classified co-operative resettlement projects are meeting the conditions and procedures for the setting up and registration of a co-operative as laid down in the Co-operatives Act. Moreover, many of them were too small, and had too unstable a membership, to actually have enough members to form a co-operative. Therefore, there are no "co-operative" resettlement programmes, although the government uses that label to describe some of its projects.

The allocation of suitable land for individual plots depends on the type of resettlement and the prevailing agro-ecological limitations of the given area. The beneficiaries are free to use and develop their holdings for the purpose they have applied for. However, there is a condition that the land allocated must be productively used by the landholders. A target minimum income level has to be established in order to monitor whether resettlement is making people's lives different. This figure has to be adjusted when necessary to reflect changes in the economy. A family or a group may choose to have subsidiary income generating activities, for example a vegetable garden, brick-making enterprise, poultry raising, tailoring or a bakery.

There is also a continuing problem defining the legal status of the individual plots within resettlement programmes. It is doubtful whether most of the administrators are aware of the legal status of the projects or of the legal status of beneficiaries to land and resource rights. Beneficiaries are supposed to share resources and co-operate in collective activities. In contrast with the caution that surrounds the preparation and implementation of the Communal Land Reform Act, the MLRR initiated its resettlement and rehabilitation programme very quickly. As a result, the programme currently reflects the lack of planning, consultation and research that was supposed to have been done in its initial stages.<sup>119</sup>

For example, in 1991 the United Nations Food and Agriculture Organization evaluated the possible purchase for resettlement of a 20 000 ha 1 500 sheep enterprise, consisting of Mara, Tulpvlei and Halifax farms, near Maltahöhe, a medium potential small stock area receiving about 150 mm annual rainfall.<sup>120</sup> Their report recommended against the purchase of these three farms. Seven farms, including Mara, Tulpvlei, Halifax, Uitzicht, Jakkalsdraai and Weiveld were subsequently bought by the MLRR in the Hardap Region. The farm Mara was declared a failure by the MLRR internal monitoring report of July 1999.<sup>121</sup> It is doubtful that people can be successfully resettled on these farms.

Maclean, who did an assessment study of the environmental implications of resettlement, also noted that "...the planning of the resettlement process is neither inclusive, transparent, nor participatory. Policy provisions designate the MLRR as the principal authority...(and) decision making by the MLRR is not informed by prior investigations into the context of resettlement projects".<sup>122</sup> The result is a top down resettlement process undertaken on an ad hoc basis. The implications of this type of planning are that resettlement projects are poorly planned and poorly administered, with the residents having little involvement in the process. While few of the resettlement projects have a long history, it seems unlikely that this poor planning process will undermine the ultimate success of the projects.

<sup>119</sup> Conversation with Anthropology researcher, Dr James Suzman.

<sup>120</sup> P McAaslan, RH Behnke and J Howard, *Namibia: Assistance in implementation of Agricultural (Commercial) Land Reform Act FAO/UNDP - Final Report*, December 1995 at 22.

<sup>121</sup> *Resettlement Co-operatives in Namibia: Past and Future - Workshop to discuss the Preliminary Findings of a Study Conducted by NEPRU for the Division of Co-Operative Development, Ministry of Agriculture, Water and Rural Development, Greiter's Conference Centre, Workshop Notes, 1 August 2000.*

<sup>122</sup> Maclean, 1998, at 90 in James Suzman, Draft Chapter 7, *Land and Resettlement*, 2000.



An assessment study of five resettlement projects in Namibia carried out by M. Phil Environmental Science students at the University of Cape Town in 1998 looked at the environmental implications of the programme.<sup>123</sup> The broad environmental impacts of these projects require that a distinction be made between the farms that have been resettled since 1991 and the farms that will be resettled in the future.

In the study it was recommended that an Environmental Impact Assessment (EIA) be conducted on all government farms prior to the resettlement process. Where resettlement schemes are already in existence it is suggested that an evaluation be conducted to identify current problems. The former Minister of Land, Resettlement and Rehabilitation, Ms. Ithana, remarked that her ministry had redesigned the resettlement programme by providing professional services to beneficiaries and setting up constant supervision, particularly on stock breeding and control to avoid overgrazing. She added, "We (the MLRR) had hoped resettlement would empower these categories to improve their livelihood, but alas not so many of our resettled beneficiaries have changed for the better. Most of them have even degraded the land we have given them."<sup>124</sup>

The Minister has reason for concern that overgrazing and inefficient land and soil management is degrading land on resettlement projects. Once land has been allocated to applicants, they are required to control their number of livestock in accordance with the carrying capacity of the resettlement area to avoid overgrazing. It is the duty of agricultural extension officers to determine the carrying capacity of resettlement areas. However, conversations with resettlement project leaders indicated that the MLRR has not provided beneficiaries with the necessary services concerning stock breeding and stock control in order to avoid overgrazing. Most project clerks have not received agricultural training on how to supervise beneficiaries on land and soil management.<sup>125</sup>

The issues that need urgent attention from the MLRR concerning the biophysical environment on resettlement projects, according to the researchers Hansen et al<sup>126</sup>, include wood and water usage, bush encroachment, wildlife depletion, and desertification.

Most of the beneficiaries of resettlement projects do not have access to electricity or drinkable tap water. Beneficiaries often need to rely on wood for fuel purposes, contributing to the problem of deforestation in many of the resettlement areas. Most projects also suffer from a lack of co-ordinating and management skills. Efforts to obtain water to irrigate gardens are often hampered by diesel pumps that are either broken or stolen or because of the unavailability of diesel fuel.

The problems of bush encroachment, wild life depletion and desertification, common throughout Namibia, are also noticeable on resettlement projects. Bush encroachment involves the gradual replacement of grasslands by types of bush that are inedible to cattle and sheep. Bush encroachment can be regarded as a product of competition between plant species for moisture. Bush species not only have a competitive edge over grass in the battle for moisture, they also have a better chance to withstand drought and do not require the critical period of regeneration as annual grass species. Once invader bush takes hold as a result of drought or overgrazing, the consequence is a gradual diminution of grazing and a reduction in the land's carrying capacity.<sup>127</sup>

<sup>123</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*, University of Cape Town, Draft, (Windhoek: NAPCOD, 1998).

<sup>124</sup> Tangeni Amupadhi, "Resettled farmers degrading land", *The Namibian*, 6 May 1999.

<sup>125</sup> LAC research team interviews with resettlement project leaders at Skoonheid, Drimiopsis, Otjihaue and Onandjendje.

<sup>126</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998).

<sup>127</sup> SWA/Namibia, *Beleidsadvieskomitee vir landbou, Voorgestelde landboubeleid*, at 19-22; SWA/Namibia, Dept. of Agriculture and Nature Conservation, Agri Info, 2.1, 1989 at 7-9 in Fiona Adams and Wolfgang Werner with contributions by Peter Vale, *The Land Issue in Namibia: An Inquiry*, Namibia Institute for Social and Economic Research, University of Namibia, Windhoek, 1990 at 85.



It would be unfair to blame the process of bush encroachment solely on beneficiaries of resettlement schemes. Commercial farmers owned most of the resettlement areas bought by the MLRR. Beneficiaries have inherited land that has been mismanaged and abused for decades. However, problems of overcrowding and poverty often mean that beneficiaries are continuing with the same process of degrading land.

According to the National Resettlement Policy the Ministry of Environment and Tourism (MET) is supposed to "promote sustainable development within all sectors and across all regions to ensure that present and future generations of Namibians gain optimal benefit from the equitable and sustainable utilisation of Namibia's renewable resources." The Ministry of Environment and Tourism "should assist in the planning of wildlife-based resettlement schemes and ensuring the environmental soundness of plans." In support of the National Resettlement Policy, the National Land Policy states that, "environmental issues are not the sole concern of the rural areas. They encompass the whole country. All future development will be scrutinised for its environmental impact." Despite the strong language of this policy, it appears that the MET is not effectively monitoring the resettlement schemes, nor regulating the environmental damage of the resettlement projects.

Other than the above statement in the National Resettlement Policy, which makes the responsibility of environmental conservation that of the Ministry of Environment and Tourism, nothing else is mentioned in the National Resettlement Policy about the importance of protecting the environment and promoting sustainable development. The result is that environmental concerns are being ignored. Representatives from the MAWRD and MET have stated that they have never been consulted in terms of resettlement and their apparent roles as set out in the National Resettlement Policy.<sup>128</sup> When it is remembered that the commercial farms acquired for resettlement programmes commonly have extensive environmental damage, the failure of the MLRR to honour the National Resettlement Policy in this respect is very serious.

We can speculate here that at least part of the problem doubtlessly has to do with both increasing costs, and the already lengthy delays in the resettlement programme. Proper environmental assessment and the repair of environmental damage is both expensive and time consuming. The MLRR has limited resources for land resettlement, and the choice to spend more money on environmental concerns may well mean the purchase of fewer farms. It is not an easy choice to make, but apparently the pressure to buy more land and resettle more people is prevailing.

During visits to resettlement projects, the presence of the Ministry of Environment and Tourism could not be found, except at the Gam resettlement project where the MET shares an office building with the Namibian Police. At the time of visiting Gam, the MET office was closed and no one at the project could tell the research team where the ministry's officers were.

The absence of wildlife in resettlement areas is also indicative of environment mis-management. It is ironic that in a time where conservancies in communal areas are experiencing an increase in numbers of their wildlife, resettlement projects seem to be experiencing a depletion of wildlife. A resettlement project co-ordinator based at the Windhoek MLRR office made the following observations about the Ministry's approach towards conservation: "The Ministry of Lands Resettlement and Rehabilitation does not seem to be aware of the potential that lies in promoting community-based tourism and conservation among beneficiaries. Look at all those areas in Omaheke region for example. Those are good areas for kudu, gemsbok and even eland to roam freely. All the Ministry needs to do is to maintain the infrastructure of these farms. Why is it that so many commercial farmers these days turn to guests and hunting farms? It is because they know that they can make money out of it."

<sup>128</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg. 1998. *Retrospective Assessment of the Environmental Implications of Resettlement in the Oshana and Omaheke Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998) at 53.



Werner doubts whether some of the resettlement projects are economically viable and sustainable. He argues as follows:<sup>129</sup>

*If it is assumed that in the long run most of the commercial farm land purchased is suitable only for extensive livestock farming, most allocations made to beneficiaries are too small for suitable livestock farming. Only in two instances did households get about 1 000 hectares of land. In the semi-arid Kunene region, allocations per family unit are as little as 300 hectares. The inadequacy of these allocations become clear when compared to recommendations made by the Technical Committee on Commercial Farmland, in its 1992 report. Its conclusion was that a minimum of 1 500 hectares was necessary in order 'to generate an acceptable income' if land was to be given free of charge to beneficiaries.*<sup>130</sup>

This figure needs to be adjusted upwards as the average rainfall amounts and reliability decrease. The Land Reform Advisory Commission has also adopted a recommendation that allocations must not be less than 1000 hectares in cattle farming areas and 3000 hectares in the southern small stock farming areas.<sup>131</sup> None of the resettlement programmes are allocating this much land to individual or family beneficiaries. In plain language this means that the government is nowhere allotting as much land as its own research indicates is the minimum necessary to support a family. If these projects cannot support the families that live there, they will presumably fail.

Attempts are currently being made to encourage dryland cropping on resettlement projects where it seems feasible. The success of marketing these crops by beneficiaries needs to be seen. Dryland farming, raising food crops without irrigation, is a risky venture in Namibia, even on commercial farms. At Mangetti Dune and Gam Resettlements, indications of malnutrition and ill-health are prevalent since food aid to these projects was stopped.<sup>132</sup>

Most resettlement projects do not appear to have the capacity to provide self-sustainability to beneficiaries over the long term. Current agricultural production on most of the projects does not seem to be providing enough food for the settlers.

The single exception in this case might be the resettlement project at Excelsior. However, the ability of the project beneficiaries to sustain and maintain development and food income generation activities in the future at Excelsior is doubtful. Excelsior was financed and managed by Spain as a foreign aid effort. The result was both efficient management and substantial investment in training and infrastructure. The Spanish co-operation management contract with the MLRR expired in August 2000, which means that Spanish agricultural expertise has been lost.

Access to cash remains a major problem on all of the projects. Projects like sewing and knitting were started at some of the projects (notably Skoonheid and Mangetti Dune), but failed because of among other reasons, bad management decisions and lack of commitment by both beneficiaries and project leaders.

An important source of income for beneficiaries, most notably on Skoonheid, Drimiopsis and Tsinsabis, is still wage labour on nearby commercial farms. In one incident a government official warned a settler at Skoonheid that he stands the chance of losing his house if he continues working on neighbouring commercial farms. Other important sources of income on resettlement projects are the pensions that

<sup>129</sup> Wolfgang Werner, *An Overview of Land Reform in Namibia* (Internet article, 1998) at 4.

<sup>130</sup> Republic of Namibia, *Report of the technical committee on commercial farmland* (Windhoek: Office of the Prime Minister) in Wolfgang Werner, *An Overview of Land Reform in Namibia* (Internet article, 1998).

<sup>131</sup> Wolfgang Werner, *ibid.*, and P McAuslan, RH Behnke and J Howard, *Namibia: Assistance in implementation of Agricultural (Commercial) Land Reform Act* FAO/UNDP, 1995 at 22.

<sup>132</sup> Observations by LAC research team during visits to a number of Resettlement Projects, May-July 2000. Also compare the discussion below on marketing problems of products on resettlement projects Excelsior and Tsinsabis.



elderly people receive monthly. This is often the only cash income that exists on many resettlement projects.

The National Resettlement Policy, however, does not forbid beneficiaries from generating an extra income by working on commercial farms or businesses in the nearby vicinity of a resettlement project. Mr. Nataniel Ndikwetepo, control officer at the Oshakati office of the Ministry of Lands, Resettlement and Rehabilitation, said that their office encourages resettlement beneficiaries to look for additional forms of income. "Beneficiaries should learn to become self-dependant. We therefore encourage them to look for other means of obtaining income than just waiting for us (the MLRR) to provide for them. Most of these people are not supposed to stay on the projects for the rest of their lives. They should see resettlement projects as a stopover to do something better in the future..."

### 3.8 The problem of land tenure: the land rights of beneficiaries on resettlement projects

The main aim of the resettlement programme in Namibia, according to Minister Ithana, is to create projects that are viable and sustainable so that families can be self-supporting. To reach these goals, land is to be provided to the landless in order to empower these people to be co-responsible for administering the lands. While the Government will remain the owner of these lands, settlers as lessees will get long-term, enforceable rights to remain on the land. According to Minister Ithana, the MLRR wants beneficiaries of the resettlement programme to develop land as envisaged in the Communal Land Reform Bill. The Bill provides that communal land may be used as collateral at financial institutions to enable beneficiaries to borrow money to develop the land.<sup>133</sup> Yet, the legal status of settlers in the resettlement schemes is still unclear, ten years after the resettlement programme began.

In terms of Sections 42 of the Agricultural (Commercial) Land Reform Act, lease agreements of 99 years will be registered on land granted under the terms of the Act.<sup>134</sup> The National Resettlement Policy does not mention that Section 47 of the Agricultural (Commercial) Land Reform Act provides for the option to purchase a farming unit after a successful probation of five years, a completely inconsistent approach to the settler's land tenure. Werner and Vigne point out that an inconsistency exists regarding the use of lease agreements to obtain credit. The National Resettlement Policy states that "the leasehold system will be arranged so that the beneficiaries can use the land as collateral to get a loan from lending institutions" (White Paper, October 2001, p.8), while section 46(1)(a) of the Agricultural (Commercial) Land Reform Act prohibits any encumbrance of a lease except with the permission of the Minister upon recommendation of the Land Reform Advisory Commission. Lending institutions, inherently conservative in nature, are not likely to lend money based on collateral of uncertain legal title, although (in theory) a loan might be given on a properly-registered 99-year lease which had some marketable value.

Beyond this, a common misconception is that secure tenure leads to credit access by using land and improvements as collateral. For the majority of the poor, the lack of formal employment or a regular income prohibit them from accessing loans, whether they may have minor property assets or not.<sup>135</sup> Also, the high transaction costs for lending institutions compared to the relatively low returns make small-scale credit an unattractive business proposition.<sup>136</sup>

<sup>133</sup> *The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 2, Number 2, April 1999 at 7.

<sup>134</sup> Section 42 of the Agricultural (Commercial) Land Reform Act provides for:

(1) *The terms of any lease granted in respect of a farming unit under the provisions of this Part shall be ninety-nine years.*  
(2) *The Minister shall cause any lease referred to in subsection (1) to be registered in accordance with the provisions of the Deeds Registries Act, 1937 (Act 47 of 1937) or the Registration of Deeds in Rehoboth Act, 1976 (Act 93 of 1976), whichever is applicable.*

<sup>135</sup> S Christensen, *Report on a Flexible Land Tenure System For Namibia* (Windhoek, Namibia: Ministry of Lands, Resettlement and Rehabilitation, 1997) in Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshana and Oshanahe Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998).

<sup>136</sup> For more discussion of the role of lending institutions in rural development, see for example, Ministry of Agriculture, Water and Rural Development, *Study on Rural Water Supply Development Fund and Saving Services: Final Report* (July 2001).



Affirmative Action Loans can only be granted against security of a mortgage bond. Cultivation by the farmer is a prerequisite. Most beneficiaries, interviewed by the LAC research team about their status in security of land tenure on resettlement projects, were unsure about the procedures they should follow to acquire loans.

It is stated in the National Land Policy that "...persons, families, groups or communities with forms of land rights other than customary rights are entitled to use these rights as collateral when applying from credit lending institutions."<sup>137</sup> The Policy further states that Government will promote the development of lending institutions that recognise these new forms of collateral.

Not a single settler interviewed during LAC visits to resettlement projects was sure about their land tenure status or could show a contract indicating that they had entered into a 99-year leasehold agreement with the government after applying to be resettled (although one man reported that he had signed some sort of contract, but was not clear about its meaning). This means that beneficiaries are excluded from obtaining loans from the Affirmative Action Loan Scheme.

According to the Office of the Minister of Justice and Attorney General, a mortgage bond as defined by the Deeds Registries Act (section 102 of Act 47 of 1937) means a bond attested by the registrar of deeds "specially hypothecating immovable property."

Immovable property in terms of the Act includes (a) any registered lease of rights to minerals; and (b) any registered lease of land which, when entered into was for a period not less than ten years or the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods together with the first period amount in all not less than ten years (section 102).

The Act also provides that no hypothecation of a lease or a sub-lease shall be registered in any deeds register unless such hypothecation is effected by means of a mortgage bond, if the lease or sub-lease is immovable property (section 81(a) of the Act).

It follows that once a lease is registered in a deeds registry, it becomes possible to register a mortgage bond over such a lease. Thus, a lease mortgaged can be sold in execution if the moneys due in terms of the bond are not paid.<sup>138</sup> It is possible to pass a notarial bond over a lease or sublease if such lease is not registered (section 82 (b) of the Act). Although it is stated by the MLRR that resettlement allotments will be registered with the Registrar of Deeds, not a single allotment has yet been registered with the Deeds Office. The process of issuing leases to resettlement beneficiaries has been very slow.<sup>139</sup>

When all of these factors are considered together, the basic problem becomes clear. There is no substitute for clear and unambiguous legal rights to land. Land law is a complex matter, well beyond the scope of most laypersons, and clearly so for uneducated settlers in resettlement projects. Yet, a clear legal right to land is absolutely necessary in order for settlers to compete in a modern agricultural economy. This difficult legal problem simply cannot be resolved by the settlers themselves because they lack access to lawyers. Rather, if resettlement programmes are to succeed, the settlers need to be provided with these legal instruments by the MLRR as part of the resettlement process. No provision at all has been made for this at this time, even though it is completely consistent with existing MLRR policy to provide such legal documentation.

<sup>137</sup> Ministry of Lands, Resettlement and Rehabilitation, *National Land Policy*, April 1998 at 14.

<sup>138</sup> Stated in a letter sent to the Permanent Secretary of the MLRR by the Office of the Attorney-General under the following heading, "A LETTER TO AGRIBANK CONFIRMING THAT THIS LEASE AGREEMENT CAN BE MORTGAGED", 16 August 2000.

<sup>139</sup> Conversation with MLRR official.



### 3.9 Resettlement projects: a cycle of poverty?

Beneficiaries of resettlement projects are caught in a vicious circle because of their poverty: they have to sell agricultural produce to obtain some cash, which in turn lands them in a food deficit situation.

The only reason that rampant starvation and malnutrition do not ravage the resettlement projects is because the government operates a "Food for Work" programme in virtually every resettlement project. In return for some number of hours of work on common projects, settlers receive food packages. This food is the main remuneration in most resettlement programmes; indeed, it is the only "income" many settlers receive. In order for the beneficiaries to survive, the Food for Work programme needs to remain in place. The beneficiaries are then kept heavily dependent on government support for their welfare.<sup>140</sup>

This, in turn, creates a cash-poor economy that encourages settlers to improvise ways to earn cash income. The MLRR has admitted that some of the beneficiaries on resettlement projects are leasing out their plots, mostly to communal farmers from overgrazed areas, who have been paying as much as N\$200 a month.<sup>141</sup> This however, comes as no surprise, as land beneficiaries who lease out land are mostly cash-poor peasants with limited alternative means of income.

One of the main criticisms against the resettlement programme has been that it does not provide sufficient training on how to effectively utilise land obtained from the government, nor does it provide access to modern farm equipment. Thus, the reality of life in the resettlement projects is of settlers being dumped on a few hectares of poor land, equipped with hoes and shovels, and expected to earn a living. This is a process certain to fail. A viable resettlement programme requires an infrastructure to support settlers while they gain access to the kind of substantial agricultural enterprises that can support a reasonable life-style.

The Namibia National Farmers Union suggests that the Agricultural (Commercial) Land Reform Act should be amended to make the "after-care" of settlers a binding Government obligation, whereby the Government is required to provide technical and financial support either directly, through contracting parties, or through joint ventures with Namibian institutions.<sup>142</sup>

The dilemma in which the government's resettlement policy finds itself at this point in time is perhaps best explained by a project co-ordinator at the MLRR in Windhoek. He stated the following: "Are we sure what we are doing? I don't know. Take for example a project like Otjihau near Onesi in the Omusati region. Now, take a young man aged between 26 to 35. Place him in the bush, where there are no infrastructures, no markets where he can sell his products. If this guy has not received any agricultural training, how will he make it? Youngsters these days don't want to stay in the bush. They want to see the city lights. They want to have an office job. They want to wear Nike trainers, just like you and me...."

<sup>140</sup> Conversation with Wolfgang Werner.

<sup>141</sup> Chrispin Inambao, "Resettlement beneficiaries lease out land", *The Namibian*, 17 May 2000.

<sup>142</sup> *Submissions by the Namibia National Farmers Union Concerning the Agricultural (Commercial) Land Reform Act (Act No. 6 of 1995)*, November 2001.

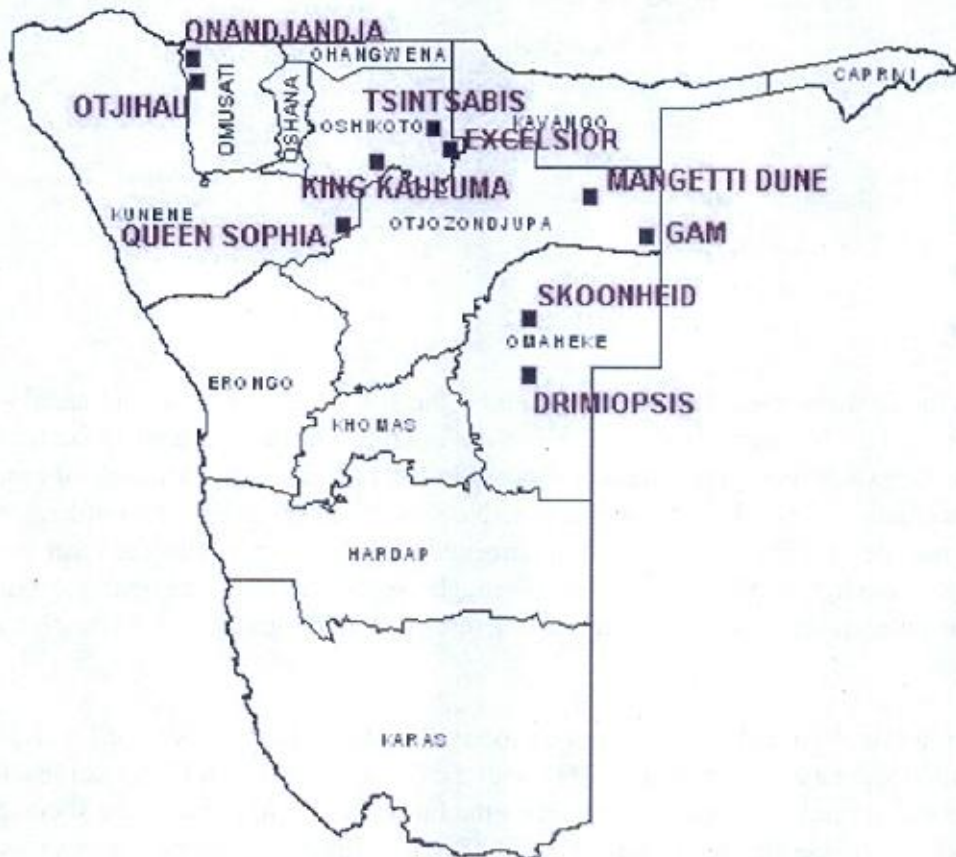


## Chapter 4

### The Resettlement Projects: Field Observations

The resettlement process, at its most elemental level, must be judged by its success at the community level. If viable rural communities are formed, the programme, even if expensive and with some problems, could well be a success. Therefore, the LAC research team visited ten projects, a selected (and not random) "sample" of the ninety-seven resettlement projects, chosen in consultation with the MLRR, and indicative of the range of resettlement projects in operation across Namibia.

Map 5 - Resettlement projects visited as part of the Legal Assistance Centre research

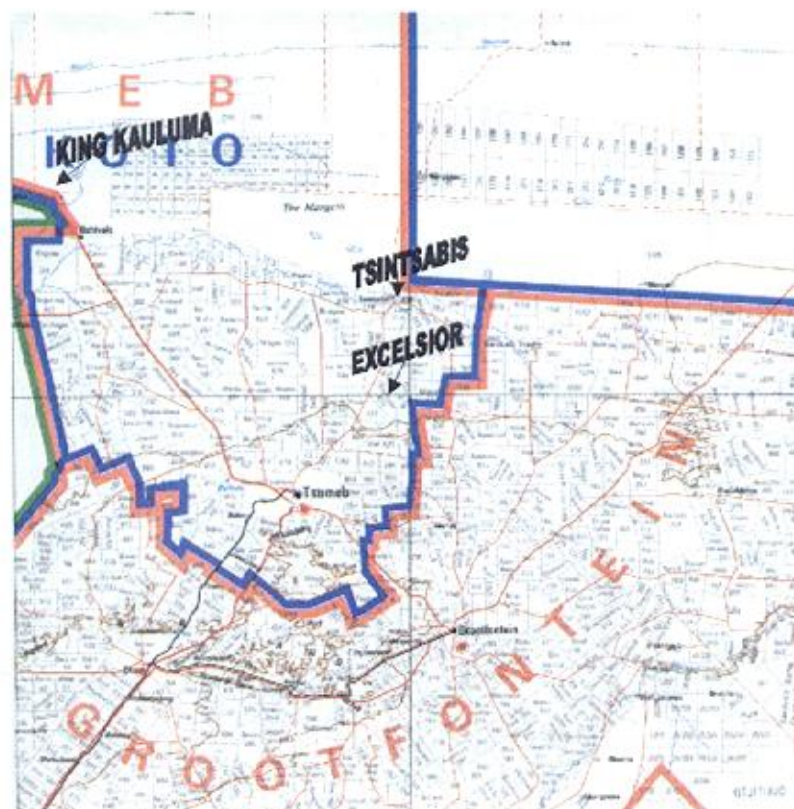


(Source: Map constructed by Willem Odendaal and Alfa Diakite, Legal Assistance Centre)

These projects were all in the north, north east, and east because the MLRR did not recommend visiting any projects in the south. Therefore, we should say at the outset that we assume these projects to roughly represent successfully operating resettlement projects, rather than the full range of MLRR resettlement projects as a whole: these projects may well represent "better than average" projects. Nevertheless, we believe that these projects give us a reasonable picture of the prospects and problems of MLRR resettlement projects as a whole. Field reports of these visits, conducted with the permission of the Ministry, were written and form the basis for this section.

Because the LAC wanted to explore gender aspects of the resettlement projects, as well as general resettlement conditions, interviewees were all asked about the respective rights of male and female family members over their land and accommodation, about women's participation in decision-making, and about issues such as violence against women.





#### 4.1 Excelsior

Excelsior was the first resettlement project visited by the LAC research team and clearly represents a "model" project that the Ministry is proud of. Excelsior is a 6 145 ha farm located 38 km north of Tsumeb on the Tsumeb-Tsintsabis road. The farm was bought in 1991 as part of the Ministry of Lands, Resettlement and Rehabilitation's resettlement programme. No reason was given by the co-ordinator at Excelsior why a formal resettlement project was not implemented until five years after the farm was purchased. According to the researchers Hansen et al, no thorough assessment of the agricultural potential of the farm, nor of the potential environmental impact of a resettlement programme was completed prior to the purchase.<sup>143</sup>

Excelsior is a pilot resettlement project based on foreign funding. The Ministry of Lands, Resettlement and Rehabilitation signed an agreement in 1997 with the Spanish Agency for International Co-operation (AECI) to establish a rural development project on the farm in order to improve the social conditions of beneficiaries who were resettled on the farm.<sup>144</sup> EPTISA, a Spanish agricultural agency, was awarded the contract to manage Excelsior in co-operation with the MLRR using funding from AECI. EPTISA's three year contract with Government expired in June 2000, although the technical support team stayed on at the farm until August. Thus, the experiment in foreign co-operation in managing this resettlement project is over and the project is now on its own.

Interviews were conducted with the national co-ordinator of EPTISA's project at Excelsior, Ms Ntembu, and with four male and four female residents of Excelsior. Currently, the project hosts fourteen households with ninety permanent residents on the farm. Most of the people at Excelsior spoke either Damara-Nama or Oshiwambo as a first language. Afrikaans is spoken by most of the residents, except for a few women. The fact that the residents of Excelsior cannot speak or understand English fluently is seen as an obstacle to the project by both Ms Ntembu and her Spanish colleagues. None of the project co-ordinators

<sup>143</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environmental Implications of Resettlement in the Oshana and Omaheke Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998) at 62.

<sup>144</sup> *The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 2, Number 2, April 1999, at 7.



can speak Damara-Nama or Afrikaans. There is a clear communication problem in the administration of the project. It is difficult to imagine how people were effectively trained under these conditions.

Ms. Ntembu pointed out that only one couple out of the fourteen that are living on the farm is legally married. More women were resettled on the farm than men when the project started, with their partners joining them later. Thus, women are in the position as "founders," giving them an important role in running the project.



*Some of the beneficiaries of the Excelsior Resettlement Project.*

Some of the interviewees indicated that they were already resident on the farm when the government bought it, meaning they had remained there in an unclear, and possibly illegal, status during the five-year period before the resettlement project began. The majority of interviewees spoke Damara/Nama and Oshiwambo. Oshiwambo speaking residents settled on the farm after the project started, while the Damara/Nama had lived there as farm workers. Most of the Oshiwambo speakers who were resettled on Excelsior came from the King Kauluma project, which was planned as a resettlement scheme for returnee ex-PLAN (People's Liberation Army of Namibia) soldiers.

Petrus, an Oshiwambo speaking man who has been living at Excelsior for six months, complained that the previous land he occupied in Owamboland was better. The pasture area that he now has to graze his animals is much smaller than what he formerly had. He is satisfied with the house that he owns, but complains that he has not yet received any agricultural training. He lives with his partner, to whom he is not married, in one house. He said that both of them own the house. Petrus is married by customary law, but his wife lives in Omuthiya, approximately 160 km north of Excelsior.

Mara, an Oshiwambo-speaking woman, said that she has been living on Excelsior for two years, tending one hectare to cultivate vegetables for her own use. She has ownership of her house, because she has signed a 99-year leasehold agreement with the government. If she dies, her partner will be able to continue to live in the house. The government has provided the settlers with tractors, cattle and communal fields to cultivate. She also has ownership of some of the cattle. She has received training in elementary agricultural practices such as how to sow seeds and how to look after the animals since being resettled on the farm.



She is satisfied with her standard of living. There is a school for the children and well-kept roads, which link them to Tsumeb to sell their produce. Soon they will have electricity. Women are actively involved in the decision making process of the community. Mara would like their village to get a clinic and a church. She has contact with other family members, and her grandmother sends her money on occasion. Violence against women occurs on the farm, however, it seems to be less of a problem than at her previous residence. Ms Ntembu said that women's rights to live on the farm if they separate from their partners are automatically guaranteed. According to Ms Ntembu, a woman has first option whether to live in the house or leave the house if she separates from her husband. Women, she says, should not have to worry about taking care of their children once they separate from their partners.

Violence against women is not seen as a problem on Excelsior. "The men know that if they misbehave by beating their women, we (the project team) will deal with them," Ms Ntembu said. Alcohol abuse, according to Ms Ntembu is nearly non-existent on the farm. "The shop at Excelsior does not sell any "hot stuff" (hard liquor) to the beneficiaries, only beer", Ms Ntembu stated.

Liz, an Oshiwambo speaking woman who was previously resident at the King Kauluma Project, said that she has been living at Excelsior for three years. She has received training on how to plant vegetables and look after animals. She has also been trained in the literacy programme on the farm. More women tend to attend the literacy classes than men do. A mobile clinic visits the farm once a month to look after their health needs. She says that the MLRR gave her the house that she is currently living in. If she separates from her partner, she will continue to live in the house. When she dies, her children will get the house. When it comes to making decisions in their community, both men and women take part. She has links with her family members in other areas, but she does not receive any money from them. Liz does not see violence against women as a problem and feels the project leaders see to it that women are treated on an equal basis with men.

Mattias is a Damara/Nama speaking man who moved from Tsumeb to Excelsior two years ago. He is an experienced farm labourer who worked on a number of farms in the area. He and his girlfriend Cecilia have been living together with their children for a number of years. Mattias said that they have equal property and tenure rights on the farm. Both of them work on the resettlement communal garden where they grow vegetables.

Angelica is a Damara/Nama speaking woman who lives with her partner, Samuel. They used to work and live at a commercial farm nearby. They have five children living with them. Angelica and Samuel both signed as beneficiaries to settle on Excelsior. Angelica said that their lifestyles have improved a lot since moving to Excelsior. She is happy about the Spanish and Namibian government's involvement in the project. She works on the land together with her husband and children, hoping that they will be able to sustain themselves within the next couple of years. She was concerned about the lack of transport to take their produce to market in Tsumeb. To solve this problem she suggested that they would buy donkeys for transport.

Samuel is not sure about the 99-year lease contract that he had signed and could not tell why he signed the contract or the meaning of it. He said that the government has not properly explained his rights on the farm, elaborating that someone from the government has spoken to him once about financial support, but that it was very complicated and most of what he was told he has forgotten. He would like to be able to apply for financial assistance after the Spanish consultants leave the project, but feels that he lacks proper knowledge to do so. He feels it is important to get a small loan to obtain the necessary implements to work the land.



## 4.2 Tsintsabis

The Resettlement Project at Tsintsabis, in the same general area as Excelsior, was started in 1991. Prior to that, the farm had been used as an army base by the South African Defence Force and was vacated just before Namibia gained its independence. The 1862 ha farm is located 65 km north of Tsumeb. Most of the residents on Tsintsabis are San, followed by Damara and Oshiwambo language speakers. Interviews were conducted with the project clerk at Tsintsabis, Mr. Nghidipo Haufiku, and with three men and three women who are residents at Tsintsabis. San women beneficiaries at Tsintsabis, indicated that they did not want to be interviewed, a refusal that may have some significance.

Mr. Nghidipo Haufiku, project clerk for seven years, said that 169 family units are settled on the project. The number of family units living at Tsintsabis is alarming in view of recommendations made in a report on the agricultural potential of government farms in 1994. It is stated in the report that Tsintsabis would not be able to even sustain eighty families (based on the fact that eighty houses were being constructed). It was further recommended in the report that the number of families to be settled should be determined by the carrying capacity of the farm and on the minimum economically viable land one family needs.<sup>145</sup>

Mr. Haufiku said that both men and women are defined as beneficiaries when they get married or live together. When someone dies the partner will have the right to stay on in the house. When there is a conflict between the partners, the woman will have right to stay in the house.

In one interview, Mr. Geelbooi, a San speaking resident said that he used to live together with his wife. He committed adultery and his wife ordered him to leave the house. He then left the house to stay at another house in Tsintsabis. According to Mr. Geelbooi he is still trying to reconcile with his wife two years after he separated from his wife. His wife has not yet responded to his pleas, but he feels positive that they will live together again in the same house. His story clearly indicates that women's property rights at Tsintsabis are taken seriously.

Karel, another San settler, said that he has been a resident at Tsintsabis before Namibia became independent. He had work as a farm labourer for the South African Police/Army when they were still active on the farm. Karel feels positive about his future prospects on the farm. With his wife, he shares a house, which both of them helped to build. They also have a small garden where they produce vegetables for their own use. He gained valuable experience during the years of working as a farm labourer on commercial farms. He feels that he will make a success with cattle farming but does not know how to apply for a loan to buy cattle "because it seems so complicated."

Women are members of the local community council. The council deals with problems the residents experience in their communities. Women are involved in the community projects, at the moment helping with the building of more houses at Tsintsabis.

Mr. Haufiku said that the residents in Tsintsabis are getting training and assistance on how to do crop cultivation and cattle farming. A Damara>Nama speaking woman said that when they first settled on the farm they used to get agricultural training. "Nowadays we do not receive any such training. We are only busy with making bricks to build new houses and do not get enough time to grow our vegetables." Obviously, it is not clear how much training is actually taking place, or what the substance of such training might be. Similarly, it is not clear what agricultural assistance the government is providing.

Some of the women who have been interviewed complained that not enough is done to provide work opportunities for women, with a few saying they would like to find work in Tsumeb. They complained that men are more involved in the operation of farming implements than women are. "It is easy for

<sup>145</sup> JA Heusken, *Report on the Broad Agricultural Potential of the Government Farms "Oerwoud, Chudip, Tsintsabis" Oshikoto Region, and "Bravo" Okavango Region*, (Windhoek: Ministry of Lands, Resettlement, and Rehabilitation, 1994) in Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998).



men...", one woman said, "...they can get work on neighbouring farms and get an additional income, but our women have it very difficult...".

There used to be a sewing and home economics project at Tsintsabis but it has come to an end. "We used to sell our things [needlework] in Tsumeb, but nowadays we don't anymore. We have it difficult with getting an income from just selling vegetables, because sometimes we have no cars to take the vegetables to town, or sometimes the people in town are not interested in buying our vegetables...", one woman claimed.

The reason why beneficiaries might find it difficult to sell their produce to shops in Tsumeb could be that shop owners are getting a regular and cheaper supply of vegetables from South African suppliers. Beneficiaries may also lack basic business skills. A weekly supply agreement with shops could secure some sort of income. But this depends on whether beneficiaries can actually supply vegetables on a regular basis and at cheaper costs than South African suppliers do. Another concern is that beneficiaries often sell their products to obtain cash, but at the same time are unable to provide food for their own needs. There is a shop at Tsintsabis, which mainly sells alcohol and a few basic necessities like maize meal and sugar to residents.

Maria, an Oshiwambo speaking woman, said that she has been resident at Tsintsabis for six years. She is married and has children. Both she and her husband are beneficiaries of the resettlement project. According to Maria, if either one of them decides to get a divorce, it will be sorted out between themselves without outside interference and with the children's interests considered. If she dies her children will be allowed to continue living in the house. She said that the government has given them assistance in terms of the building of infrastructure and services, but not in terms of providing finance. They do not pay for any of the government services provided to them.

At the time of the LAC visit, electricity cables had been laid at Tsintsabis on a "Food for Work" basis, in which most of the male beneficiaries participated. Beneficiaries will have access to electricity by buying electricity through a card system that is installed in every house. Electrification is seen as a positive step to stop the observable process of deforestation, taking all nearby wood for fuel. However, it is unclear whether beneficiaries will be able to afford to buy electricity.

Beneficiaries are also involved in another "Food for Work" project, working on their own houses and fields on alternate weeks. A Damara/Nama speaking woman reported that they are dependent on the "Food for Work" system. Maria expressed her concern that the community might lose their food supply if there are no more projects left for them to participate in. The project has been in operation for ten years and clearly has not become self-supporting during this period.



*Beneficiaries at Tsintsabis involved in a "Food for Work" project.*



Marta, a Damara speaking resident, said that violence against women occurs in the village, especially when some of the men have had too much to drink. She thinks that violence is less of a problem in Tsinsabis than in the rest of the country because members of the community know each other very well. "If a husband assaults his wife, the others will know about it. Someone will talk to him, to make him stop what he is doing."

### 4.3 The King Kauluma Project

King Kauluma is situated 30 km north of Oshivelo. There are currently about sixty residents living at King Kauluma. Interviews were conducted with two men and three women residents.

Johnny is an ex-PLAN (People's Liberation Army of Namibia) fighter. According to Johnny, the government settled a number of PLAN returnees at King Kauluma after independence, providing basic infrastructure, including housing, water and a clinic. The government also built a school at King Kauluma a few years after independence. An overseas NGO, known by the acronym of Sodi/Ceret, provided financial and technical assistance for a number of development projects: a bakery, a restaurant, bar and lodge for travellers, and a poultry farm. When the LAC research team visited King Kauluma, none of these projects was in operation, except for the bar and restaurant, which now seems to function as a *cuca* shop. Residents stated that the Sodi/Ceret sponsored projects failed because of bad management and corruption.



*Housing at King Kauluma.*

Stefanus, also an ex-PLAN fighter has been a resident at King Kauluma for ten years. He said that residents at King Kauluma used to get agricultural training from the government when the project was started, but that the government has stopped its support to them. "They (the government) wanted us to move from King Kauluma to other projects, after we have been here for some years. Some of our people have been moved to Excelsior and Tsintsabis. They also wanted us to move to Omusati region, but we didn't want to, because we already were having our own projects here at King Kauluma. Now they do not want to help us anymore. We have not got a clinic here anymore. I think the government wanted to take King Kauluma for themselves, to put up some farms. The communication between us and the officials were not good..."

The King Kauluma project received assistance from the MLRR until 1995. However, according to an official at the MLRR in Oshakati, the Ministry has pulled out of the project because of a "misunderstanding" with the SWAPO party. SWAPO has since argued that the king of Ndonga gave King Kauluma to



them after Namibia's independence, evidently indicating a dispute over ownership of the project, which is on communal lands. Another reason why King Kauluma is not suited for residents is because the area is used by the Namibian Defence Force (NDF) for shooting practice. The MLRR is also of the opinion that the soil quality at King Kauluma is too poor for crop cultivation.

Andrea is also a resident at King Kauluma. She works as a cleaner at both the King Kauluma Primary School and the Oshivelo Police Station, some 30 km from King Kauluma. She said that the community experiences cases of domestic violence against women from time to time. It is apparently difficult to report cases because the police, who are located at Oshivelo, are often very slow to respond. However, Stefanus said that violence against women in the village is basically non-existent, because if you are violent (referring to sexual violence) against a woman "you will be punished" by the other villagers.

Andrea really wishes that the government would help them again as they did in the past, because she thinks that they are able to make a good living at King Kauluma with the support of the government. "We really need electricity and better water supplies," she said. "Electricity is better than using wood. Usually it is the women who have to collect the wood and water. It is hard work and takes a long time to find, because we have to walk long distances every day."

Anna has been living at King Kauluma for ten years. She returned from Angola after the war and settled at King Kauluma after the government moved her there. She is married under customary law and has a child from a previous relationship. The field which they use for cultivation is approximately two hectares in size. It belongs to both Anna and her husband. If one of them decides to divorce or dies, the field will go to the one who stays behind. Anna has decided not to move to another resettlement area, because she feels the conditions at King Kauluma are better than at the other resettlement areas.

Anna says that they are sometimes able to sell some of their products to the nearby villages of Oshivelo and Omuthiya. They are in close connection with other families in rural areas and support each other financially if the need arises. According to her, women take part in decision making in King Kauluma.



*King Kauluma used to be an old South West African Defence Force Base before independence. After independence the Ministry of Lands, Resettlement and Rehabilitation resettled mostly ex-PLAN fighters here. The Ministry has since the mid-1990's stopped supporting the project.*

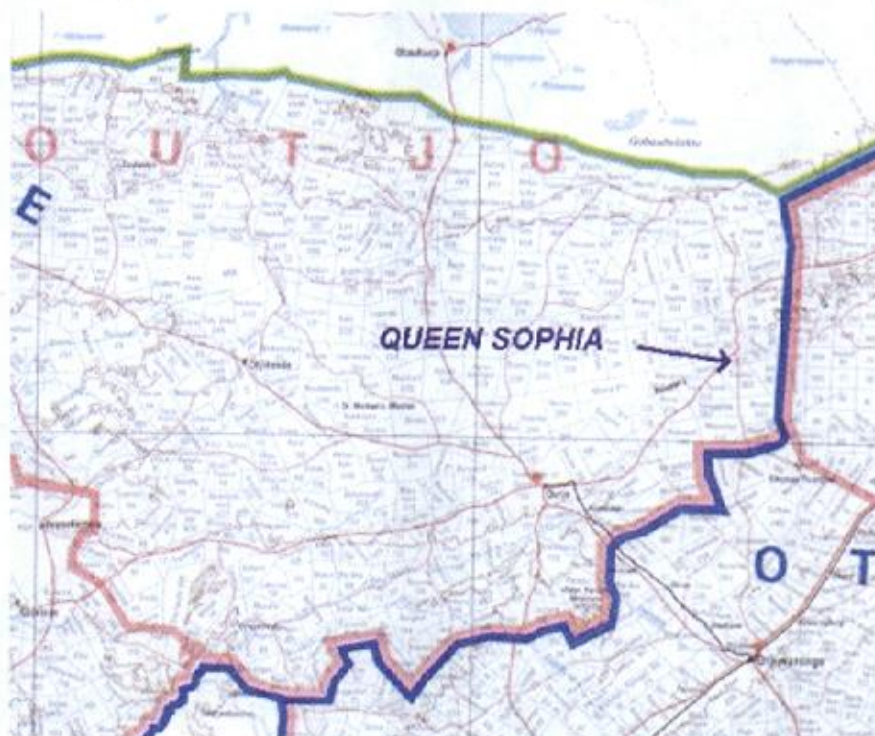
Leticia is a teacher at King Kauluma Primary School. She was resettled at King Kauluma in 1990, after returning from Angola. She was born in Eenhana, in the Ohangwena region, but has decided not to return there. According to Leticia, both the husband and wife have equal rights to work the land and share in the



crop output. If a couple decides to divorce or separate, they should come to an agreement to divide the land in two equal halves. Leticia is not married, but has rights to graze her cattle in the area. The only assistance the community receives from the government at the present time is the school.

#### 4.4 Queen Sofia Resettlement Project

The Queen Sofia Resettlement Project is located in the Kunene Region, approximately 60 km east of Outjo. The project includes the six farms Nimitz, Dwight East, Dwight West, Tsumis, Michael and Elf, totalling 22,606 hectares, donated to the government in 1998 by Werner List.



The Spanish Agency for International Co-operation (AECI), as at Excelsior Resettlement Project, supports the Queen Sofia Resettlement Project. The Spanish International Co-operation has granted an amount of N\$3 million to the Queen Sofia Project.<sup>146</sup> The MLRR initially planned to use the Queen Sofia project as a resettlement for ex-PLAN fighters. The project was supposed to have started during 1999. However, according to a member of the Spanish project team, the project has been delayed by one year because of "unforeseen" administrative problems between the Ministry of Lands, Resettlement and Rehabilitation and the AECI.

For this reason, no interviews were conducted on the Queen Sofia Project. An official of the MLRR in Oshakati informed the LAC research team that a visit to the Queen Sofia Resettlement Project, would be "pre-mature as, the project has not yet started in earnest, for it to have any material and spiritual impact-change, on the project members."<sup>147</sup>

The agreement between the government and the AECI is that the AECI will run the project for three years. The AECI will give assistance to beneficiaries in the form of crop cultivation and livestock farming. The planned number of family units to be resettled at Queen Sofia is eighty, approximately 400 people. The building of houses and planning of infrastructure such as sewerage pipes were started at the beginning of 2000. In mid 2000, the project suffered another setback when some of the beneficiaries left the project, apparently because of a loss of interest, leaving only about fifty beneficiaries on the farm. The MLRR is currently trying to attract evicted farm workers from neighbouring commercial farms to

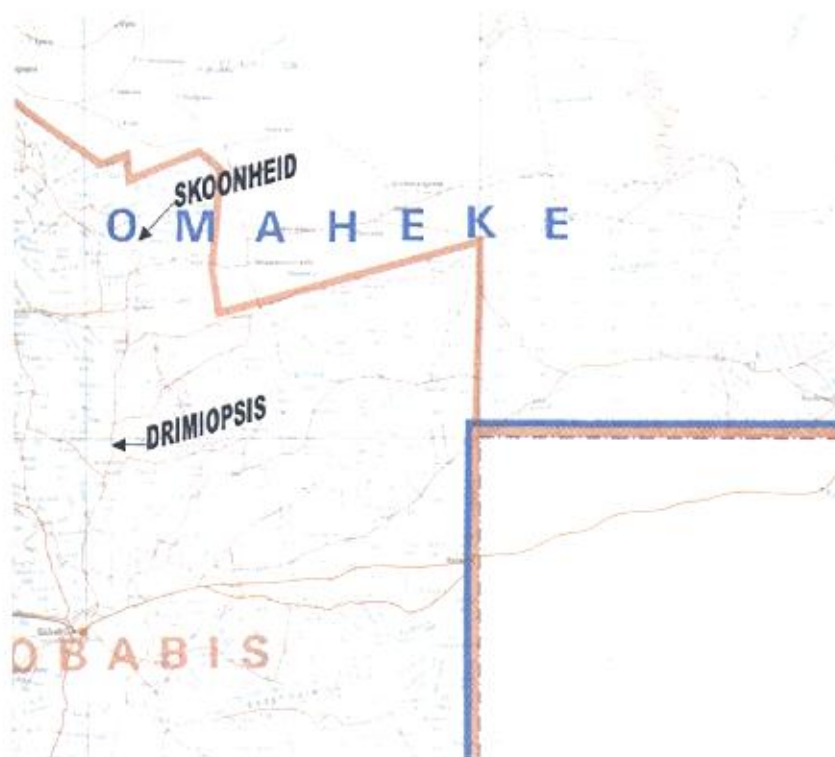
<sup>146</sup> *The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 2, Number 2, April 1999, at 7.

<sup>147</sup> Correspondence received by Mr. Vilho K Nghipondoka, Deputy Director, Ministry of Lands, Resettlement and Rehabilitation, North-Northwestern Region, 20 June 2000.



#### 4.5 Skoonheid Resettlement Project

The Skoonheid Resettlement Project is located approximately 110 km north of Gobabis. Resettlement on the three farms, with a combined size of 14 824 hectares, started in 1993. The main project centres



around forty houses crowded around a central compound, called "little Katutura" by residents.<sup>148</sup> Interviews were conducted with the project clerk at Skoonheid, Ms Uanivi Frederika, and with three men and six women beneficiaries living at the project.



The population of Skoonheid is reported by the MLRR at 229, but according to Ms. Frederika, the population is only 150. There is a fluctuation caused both by visiting family and friends and by beneficiaries taking part time employment elsewhere.<sup>149</sup> If visitors stay for longer than two or three months, they are asked to leave, although as Ms Frederika explained, "we allow for leniency in some cases". Ms Frederika said that they have experienced problems in the past with some beneficiaries who had hid family members that escaped from prison. She said that the beneficiaries "own" their houses, but did not know whether they have signed a contract with the government.

*Entrance to Skoonheid Resettlement Project, Omaheke Region.*

More women than men are living on Skoonheid. The majority of beneficiaries are San but there are also Damara, Herero and Owambo beneficiaries. Most of the settlers have previously been working on commercial

<sup>148</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001, at 98.

<sup>149</sup> Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environmental Implications of Resettlement in the Oshana and Omaheke Regions of Namibia*, University of Cape Town, Draft (Windhoek: NAPCOD, 1998) at 115.



More women than men are living on Skoonheid. The majority of beneficiaries are San but there are also Damara, Herero and Owambo beneficiaries. Most of the settlers have previously been working on commercial farms. The activities on the farm range from vegetable gardening to cattle and goats owned by individual settlers. Some of them sell their produce to nearby farms, schools and at Epukiro. A new irrigation system is in the process of being completed. The nearest clinic, run by the Ministry of Health and Social Services is at Epukiro, 14 km away. Monthly visits by the mobile clinic from Epukiro are made to Skoonheid and consultations are free. Ms Fredericka said that they have problems handling emergency cases because of the lack of transport. Sometimes the pay phone, the only way of communicating with other towns and farms, is out of order. "We do our best to help people in emergency cases," Ms Fredericka said.

There are two schools in the area. Manuel, an Oshiwambo speaking settler, said that he sends his two children to school but that he finds it difficult to pay school fees, totalling N\$360. He receives no income from his work at the project and therefore has to work on commercial farms to pay school fees. An MLRR official once warned him that the MLRR would reassign his house if he continues to work for white farmers.

Beneficiaries reported that stock theft has become a serious problem at Skoonheid. Gerson, a Damara-speaking settler reported: "I had thirty chickens. I counted them every day. Then suddenly they became less by the day. The same thing happened with my goats. The thieves come at night. They stole two of my goats."

The San community is blamed for many of the problems at Skoonheid, including the theft of vegetables and livestock. "Ja meneer dis al hierdie donnerse Boesmans wat onse goed so steel," ("Yes sir, it is all these Bushmen who are stealing our belongings.") one man asserted. The relationship between the San and the rest of the beneficiaries is strained. One woman referred to the San as dirty and said that they act as if though the government has given Skoonheid only to them. A Damara speaking woman reported that people in the community are not working well together. "We are divided. These Bushmen think this place only belongs to them."

A Damara speaking man said that the police do not always respond when they are called out to solve a crime. The community is therefore forced to deal with criminals themselves. One person reported that suspected thieves are tied to trees when they are caught, and held there until the police arrive. The police complain that they often have a shortage of vehicles in order to investigate theft cases on nearby farms. The nearest police station from Skoonheid is 25 km away.

Some of the San beneficiaries stated in interviews that the 'other' people on the farm do not like them. "Hulle sien ons Boesmans as dom en sleg," ("They see us Bushmen as stupid and bad,") one San woman said. A San man claimed that the clerk, Ms Fredericka, seems to dislike the San. Ms Frederika reported an incident where a San beneficiary stole a chicken from a Damara settler.

San communities, according to Suzman, have a strong feeling that land given to them should be under their control. Suzman refers to a conversation he had with a Skoonheid resident who explained, "If we get some space then it is not long before the blacks take it and bring in their cattle. When they come, they don't see us and we must live under them...When we tell them to leave they say you are just Bushman - you cannot have land."<sup>150</sup>

Women take part in the household and communal gardening decision making processes. Violence against women seems to be a problem on the farm, especially among the San community. "There is a great need for organisations like the Legal Assistance Centre in places like this to educate men about the bad effects of violence against women," Ms Fredericka remarked. A woman was killed at Skoonheid by her drunken

<sup>150</sup> James Suzman, Draft Chapter 7, *Land and Resettlement*, 2000.



husband the previous year. Most cases of violence, according to Ms Fredericka are related to alcohol abuse. She encourages women to report abusive husbands, but "...women sometimes feel sorry for their husbands and do not report them. Most men here don't respect their wives." When couples fight, women are the ones who leave the house.

Margaret said men assault their wives mostly when wives abuse alcohol. "Women get drunk and as a result they get assaulted by their husbands." However, she thinks that the violence at Skoonheid is less than the farm where she used to live.

People settled on the farm are too poor to buy liquor from bottle stores. A number of beneficiaries brew tombo, a very strong traditional type of beer, from fruit collected from the veld. Recently on the nearby farm, Finale, a number of San farm workers' family members died after drinking lethal tombo. Some of the victims were resident at Skoonheid and were buried on the farm. Alcohol is clearly a problem.

The Ministry of Basic Education runs literacy classes for beneficiaries at Skoonheid. Claudia, who is responsible for the classes, says that women and young girls are usually more interested in becoming literate than men are. Claudia is also responsible for running a kindergarten for approximately thirty children, who are taught basic reading and writing skills. Ms Fredericka said that they sometimes experience unwillingness from parents to send their children to kindergarten. The MLRR provides food rations to the community. If there is a delay in delivering the food rations, parents sometimes refuse to send their children to school as a boycott against the MLRR.

Financial assistance to beneficiaries is non-existent. The Ministry of Basic Education gives advice to beneficiaries on how to obtain loans and develop business skills. The reality is, however, that beneficiaries cannot provide any collateral as security for small development loans.

Gerson and Rosa, both Damara beneficiaries, are married and have seven children, four living with them. They have been living on the farm for six years. They lived on a farm before where they worked as labourers and are familiar with farming practices. They do not know the size of the overall farm, but they feel that they have a reasonable piece of land for the family to make a living.

They live in a brick house with two bedrooms, a kitchen and a bathroom. Water and toilet facilities are inside the house, but the toilet is not flushing because of the new water system that is being installed. They do not have electricity, but hope to receive it very soon. In general, they are happy with their house. They own eleven cattle and seven goats. "It could have been good to farm here, if it were not for the theft of livestock," Rosa said.

They grow vegetables that they are sometimes able to sell to neighbouring communities. Gerson complained that the diesel pump used to irrigate their vegetable plots sometimes runs out of fuel, usually supplied by the Ministry. "When we do not have fuel, the pump is not working. That means that we can't water our vegetables and if we don't water our vegetables regularly, they die. We were once without diesel for nearly two weeks. Most of our vegetables died. I don't know why they don't supply us with enough fuel."

When Gerson and Rosa need money to pay the school fees of their children, they sell some of their livestock. He gets an additional income by fixing and selling donkey carts. Rosa works for the Ministry of Health and Social Services as a para-nurse on a voluntary basis. She also works with her husband and son in the garden. Rosa believes she has equal rights and ownership to the land, although the house is in the name of her husband. In case her husband divorces her or dies, she thinks she will be able to stay on in the house and use the land. "Although, if my husband dies, I would not like to live on my own here, the San are not good. I think I will move to Gobabis if he dies..." she said. "Sometimes when he gets angry at me, he says I should go out of the house. I am glad that he doesn't abuse drinking otherwise I am afraid that he might hit me..."



Rosa sees her 'gender role' as being involved in all household activities, like cleaning, cooking and working in the garden. Gerson works in the garden and looks after the livestock. They share the money they get from selling vegetables on an equal basis. Gerson was proud to say that they never need money from any of his family members living elsewhere. "We live much better here, because we work for our own house, land and well-being. We are planning to work even harder and make our lives better."

Beatrice is thirty-four years of age, unmarried and is living alone since 1995. The father of her children sometimes gives her money to buy food. She also gets financial assistance from her family in Gobabis. She has six children, with three living with her, two living with their grandmother and one living in hostel at school. Her house was given to her by the MLRR. She has a small garden where she and her children grow vegetables for their own consumption. She sometimes sells vegetables to the Roman Catholic School at Epukiro. She does not have any livestock.

Beatrice worked as a domestic worker in Gobabis before she settled at Skoonheid, but at the time she applied for the resettlement scheme she was unemployed. She says that her life at the moment is much better than what it used to be. She is attending literacy classes. She does not have to pay any money to stay on the farm. "I can work hard here to get food and money. I think I can improve my life if I just work harder and if I can obtain financial help, I can start a needle-work business." However, Beatrice said that she does not have the knowledge of how to obtain such a loan.

Her monthly expenditure is approximately as follows: clothes, N\$17; food, N\$100; and school expenses for children, N\$16. The beneficiaries at Skoonheid get a monthly food package from the government, usually including 25 kg of maize meal, two bottles of cooking oil, a bag of beans and two cans of fish.

Women, according to Beatrice, are allowed to cultivate land. She produces food for her own consumption and income. "I don't believe there is any discrimination on the basis of sex. Women also take part in household and community decisions." The relationship with the San community is not good. "We are always told by the San people that this is their farm. It makes me feel very unhappy," she said. She also sees violence on the farm as a terrible problem, but admits that it is worse in Gobabis where she used to live. "People get drunk and then they fight. Men are fighting each other, men are beating up their wives and their girlfriends and women are also beating up men."

Bernadine is thirty-six years old and has six children. Three of her children are going to school in Drimiopsis, two live with her and one lives with his grandmother in Gobabis. She is not married, but she lives with her boyfriend. She works in the garden, sells the vegetables, knits clothes from wool, and cleans houses for a cash income.

The house is in her boyfriend's name, "because I am under him," Bernadine says. Before she settled at Skoonheid, she worked at a farm near the village of Helena. "I did not get an income by my employer. At the end of the month I was always told that I owed the farmer money equal to my wages. We were also forced to buy from our employer's shop. We live better here and we have a better income."

Bernadine's monthly expenditures are as follows: cosmetics, N\$20; food, N\$100; and clothing, N\$40. She wants to obtain a loan. "I want to make enough crafts and wool caps and sell them to the market," she said. Bernadine said that single women are allowed to get housing independently from men at Skoonheid. "When a couple is married, the house is usually given to the husband", she said.

Most of the people that were interviewed said that they did not receive any agricultural training: they are relying on the experience they gained while working on commercial farms. A number of people complained that the project clerk, Ms Frederika, is not very helpful. "She does not fulfil her duties and she is not always here," one woman claimed. "She does not hold regular meetings with us. She is not interested in our well-being or problems." "The San people are not working together," another man complained.



The beneficiaries are happy with the easy access they have to the well-maintained dirt road. However, lack of transport seems to be a big problem. Some complained about the long distance that they have to travel to get to the hospital in Gobabis, over 100 km away. Most of the people rely on a donkey cart to get to Gobabis, which is very time consuming and expensive.

Angelica is a seventeen year-old Damara-speaking settler. She lives with her mother at Skoonheid and assists with the daily household tasks. She also helps the manager, Ms Fredericka, assist in the kindergarten, and looks after her grandfather's goats because he is too old to do it on his own. Angelica left school the previous year after grade six because her family could not pay her school fees. She would like to continue with school, whenever there is enough money to do so. "There are not a lot of activities at Skoonheid to keep young people busy," according to Angelica. She considers moving to Windhoek to live with her aunt. "There I might find work as a domestic worker and get a good income", she said.

Beneficiaries at Skoonheid do not have electricity, which means that they have to gather wood to cook their food. Women are usually occupied with the task of collecting wood. The area is blessed with an amazing "forest" of camelthorn (*Acacia erioloba*) and sweetthorn (*Acacia karoo*) trees. However, some of Namibia's most well known and protected trees may be in danger from over-cutting.

Women are confused about the meaning of the term equal gender rights. Most women said that they have equal rights, but when asked about who the decision-makers are at Skoonheid, they reply by saying that, "Ms Fredericka makes decisions for all of us at the project and at home our husbands decide for us". The LAC interviewers noted that this belief has a negative effect on the co-operation between management and beneficiaries. The management approach at Skoonheid is top down, rather than participatory. A number of people, especially women, experience difficulties with the operational structure but are afraid to question it because of the negative consequences it might have for themselves and the community.

"The future looks good for us here at Skoonheid. It just depends whether the other tribe (the San) are able to change their attitude," Margaret concluded. The problem of inter-group relations casts a long shadow over the future of the project. The "top down" management appears unable or unwilling to address these difficult human issues.



*San beneficiaries preparing a meal at Skoonheid. Residents on this project are dependent on food rations from the Ministry of Lands, Resettlement and Rehabilitation.*



#### 4.6 Drimiopsis Resettlement Project

Drimiopsis, home to 120 family units, is located 47 km north of Gobabis. However this number fluctuates as family members visit beneficiaries. It is apparent that that Drimiopsis is badly overcrowded, with all the appearance of a rural squatter camp. A substantial number of squatters not registered under the project contribute to over-crowding. The farm is 2 262 hectares but the actual area that is being used for the resettlement is much smaller. Interviews were conducted with Gerard, the project clerk at Drimiopsis, and three men and three women residents living at the project.

Gerard is a Damara speaking settler who has been appointed as the MLRR clerk in 1999. He has been resident at Drimiopsis for nearly seven years. This resettlement project differs from other resettlement projects, because it was initially established as a temporary resettlement camp. A number of people who lived at Drimiopsis have been reallocated to Skoonheid. The majority of beneficiaries at Drimiopsis are displaced San and Damara farm workers.

MAWRD maintains the resettlement's two waterholes. The two diesel engines that pump water from the waterholes to the beneficiaries' gardens have been stolen twice. This caused the project to be without water for several weeks. The two waterholes do not supply enough water to the project: "Beneficiaries complain a lot about the lack of water at the project. They complain because they are unable to develop their vegetable gardens", Gerard reported.

There are three schools in the Drimiopsis area. One is operated by the Catholic Church. The other two, both a primary and secondary school, are run by the Ministry of Basic Education and Culture. Gerard said that most children living at the project attend these schools. However, school attendance has always been a problem in the area. It is not uncommon to hear of parents who discourage their children from attending school. Many parents cannot afford to pay the school fees that are required to send their children to school. Some parents reported that their children feel too ashamed to go to school because they see better off children wearing school uniforms.

The MLRR operates a "Food for Work" programme for beneficiaries. In return they are required to work in the project's communal garden from at least 8 am to 11 am. These workers receive vegetables for their own consumption, while surplus vegetables are sold to schools at Drimiopsis and Gobabis. Profits made from the selling of vegetables used to be shared among beneficiaries, but the money is now put into a bank account in Gobabis. The money is used to buy seeds and tools. Gerhard acknowledges that the government is slow to respond to the beneficiaries' requests to provide seeds and implements. Only a few settlers own livestock.

A sewing project designed to provide women beneficiaries with an income ended because the project ran out of money to buy materials to make clothes. They are now waiting for donors to supply material for this project. "The task and responsibilities of a project clerk is difficult. The problem I experience is that very little co-ordination exists between the various ministries involved at the Drimiopsis Resettlement Project. The beneficiaries always want to know from me why they do not receive any benefits from the government. I then tell them that I am trying my best. They don't believe me. I want to encourage them to also make their point of view heard whenever a government official visits the project. I think the most difficult thing in the world is to deal with people," Gerard concluded. This is probably a good description of the position of a project director, caught between the needs of beneficiaries and the MLRR bureaucracy.

Dina is a fifty-three year-old San, who has been living at Drimiopsis since 1993. She is married, with three children, two of them with her and the other one living with her brother. She and her husband never officially applied to the MLRR to be resettled. They worked near Drimiopsis as domestic workers for a white household before they came to the project. Dina says that she has little contact with her relatives,



who have visited her only once since she settled at the project, although they live only 30 km away. The house she and her family live in at the project is registered in her name and has two bedrooms, a bathroom, toilet and kitchen. Currently there are eight people living there.

Dina has an income from selling vegetables from the family garden. Beneficiaries are not allowed to sell the vegetables themselves: the officials of the project sell them and put the money into a bank account. "I don't know what happens to the money. I have never seen any of it," she said. Dina said that it is sometimes difficult to make a living without any financial assistance. "I wish I could get money to make a business with crafts and baking bread, but at the moment I don't have any money. I cannot talk of expenditures, because I don't have any money to spend. All I am getting from working here are a few vegetables. I am not allowed to sell them. I only receive food rations from the government. Sometimes I get an income when somebody hires me to clean his or her house. When we worked for the white farmers, they whipped us with sjamboks and they didn't pay us very well, but we received a bit of money every week plus food." Dina wishes that she could go on pension. "At least then I can get some money and live better. I will buy myself a donkey cart and things for the house when I go on pension."

"Women beneficiaries in Drimiopsis work in gardens, plant, keep their houses clean and collect vegetables and fruits. We were trained to work in the gardens. We do not do other work like laying pipes and putting up fences. The men do it. We would not like to do it. The work is too heavy for us," Dina continued.

Dina was asked whether they receive education on family planning. "Contraceptives are free at the bush clinic. People from the clinic talk to us, especially to the women about contraceptives. I agree that it is not good to have many children, because there is not enough food for them."

Women, according to Dina, are not very involved in decision making at Drimiopsis. "It is only the people in the management who are deciding for us. Women are usually not included. In our homes men tell us everything. My husband sometimes tells me to repeat things after him, because he thinks I will forget things he asked me to do." Violence against women is a serious problem at Drimiopsis, Dina reports: "Men are very violent with their wives and children. Very serious violence is taking place in Drimiopsis. Blood runs here...."

George cannot remember when he started to live at the Drimiopsis project. "I was born in Angola, but grew up in the Okavango". He does not have any relatives, but says he has a girlfriend. He lives with two other men in a house. He worked for forty-eight years in the gold mines of South Africa. There he learned to speak Afrikaans, English, Zulu, Xhosa, Fanigalo and Tsonga. "The work in the mines were good, but today I cannot hear properly. I think the machines in the mines made me deaf. I keep on hearing this buzzing sound in my ears."

"When I left South Africa I was told that I would receive a pension. Up until today I have not received any money from the mine. When I returned to Namibia, I worked on farms all over the country. I worked on farms near Grootfontein, Outjo, Otjiwarongo, Windhoek, Keetmanshoop and finally Gobabis. The Miesies once told me to go and live alone at one of the cattle posts on her farm to take care of the cattle. I told her that I don't want to live there on my own. She then told me to take my things and leave...It was then, that I found out that the government was giving houses to workers who have been chased away from farms. Today I have nothing. Just this house I am living in. I don't even know where my family is. I receive food from the government. I am too old to work in the garden. This year I will be ninety years old", George states, ending his story his life leading to Drimiopsis which, for him, is a retirement home.

Bettie is a fifty-two year old San beneficiary. She is married and has six children. Two of them are adults and the other four are not going to school, because they do not have proper clothes to wear. She and her husband worked as labourers on a farm in the area when they heard that the government was giving



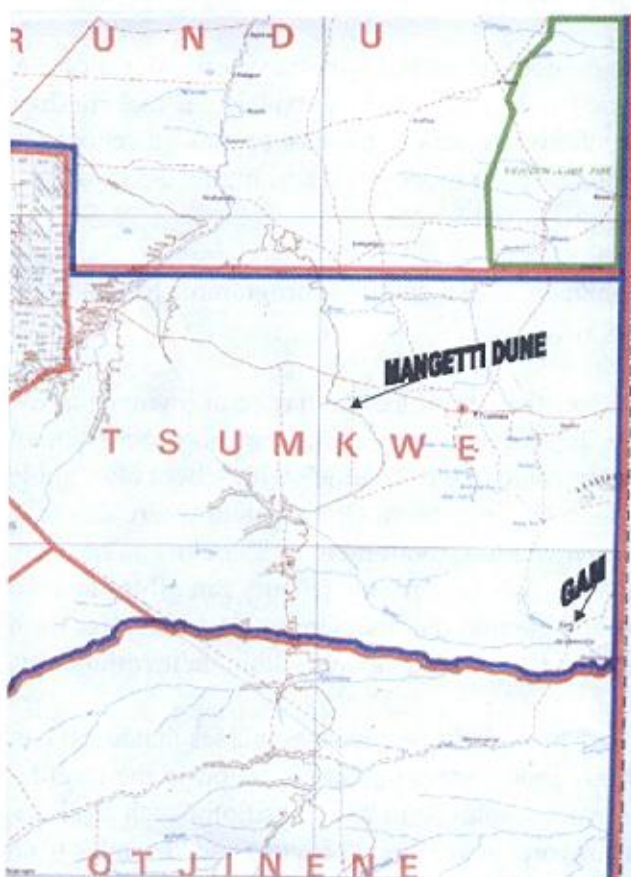
houses to people. When they first came to Drimiopsis they were given zinc houses and later, after some years, brick houses were built for them. She cannot remember the year when she and her family settled there and is not sure in whose name the house is registered.

Bettie said that she does not earn any money and only gets cooking oil, beans and maize meal from the government. "They don't pay us for working in the garden, I don't have any money to buy anything", she said. She does not think she will get a financial loan: "How will I be able to pay it back?" She does not get any financial help from other family members, but they do visit one another on a regular basis.

Bettie said that women are encouraged to plant their own small gardens, so that they can sell the vegetables. "But we don't see any money and there is no water... when it comes to making decisions, the clerk makes all them and my husband decides everything at home, I don't make any decisions... Violence against women is also a problem in Drimiopsis. Men bite their wives until the blood runs. Women drink too much, they get drunk, misbehave and get beaten up by men..."

Asked whether the beneficiaries receive family planning. "Contraceptives are available, I was sterilised long ago..." Bettie's wish for the future is to obtain enough money to start her own business. "I want to make mats and carpets to sell and gain an income to buy things for my house and shoes for my children..."

#### 4.7 Mangetti Dune Resettlement Project



Mangetti Dune is a sprawling resettlement project, composed of a number of small settlements, spread over miles of sand on an abandoned South African Defence Force base, and transformed into a resettlement area for displaced San by the MLRR in 1992. The Government has since set up a health clinic, mortuary, police station, and primary school. It is mainly San children that attend the primary school. Although it is listed by the MLRR as having a population of 2 923, census data for West Tsumkwe region indicate a population of 500 to 1000 less, indicating considerable "unofficial" out-migration from the project.<sup>151</sup> This appears to result from unsatisfied beneficiaries simply leaving.

To get to Mangetti Dune, one has to follow the Grootfontein-Rundu main road for 56 km and then turn off to the right at the Tsumkwe sign. Mangetti Dune is situated 144 km further on in a remote region. Housing conditions are rudimentary, with plain houses built of poles with zinc roofs.

Interviews were conducted with the resettlement project assistant, Ms Amapindi Heleni, the Mangetti

Dune police station commander Sergeant Shivolo, the principal of Mangetti Primary School, Dr. Bosshart, a Swiss doctor who has run the clinic at Mangetti Dune since 1990, and three women who are beneficiaries of the project.

Although Ms. Heleni has been working as project assistant at Mangetti Dune since 1997, she was not able to give the LAC research team an overview of the aims, policies or activities of the Mangetti Dune

<sup>151</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 93.



Resettlement Project. "Such important information could be obtained from the Ministry of Lands, Resettlement and Rehabilitation's head office in Windhoek," she said.

The activities at the project involve sewing (only for women), gardening (cabbage, tomatoes and carrots) and crop cultivation (mahango, maize and sorghum). According to Ms. Heleni, each family unit owns a garden with all the produce used for their own consumption. The MLRR provides beneficiaries with seeds and field clearing machinery to plant mahango, maize and sorghum. Beneficiaries are sometimes provided with clothes. Elderly people receive an additional income through pensions.

Not much crime is reported at the Mangetti Dune police station, according to Sergeant Shivolo. The police station deals mainly with cases of housebreaking and catapult shooting. Very few, if any, cases of domestic violence are reported. The police post is responsible for a number of villages around Mangetti Dune, approximately a radius of 70 km in each direction, including Omatako, Kanovlei, Lehebu, Danger, Kaukutudi and Medulet. Sergeant Shivolo complained about the lack of transport the police have at Mangetti Dune: they have no vehicle. "This severely constraints our ability to perform our duties."

Sergeant Shivolo reported a number of cases which were supposed to have been finished some years ago, but due to the lack of transportation, no telephone connections and very few visits from police officers from Tsumeb headquarters, a number of criminal cases remain uninvestigated. The Mangetti Dune police station experiences difficulties in obtaining assistance from the Tsumkwe police station, especially after five in the afternoon when the Tsumkwe police station apparently closes down for the day.

The school principal's main concern is that San people do not understand why they need education. A high number of students drop out every year. The reason for this, the principal explains, is that children often need to walk very long distances to school. Parents were asked in the past to make a school fee contribution, but it was soon realised that many parents have no money. According to the principal, Mangetti Dune experiences an unemployment rate of approximately 96%.

Nearly 220 children are attending the school. The school has a hostel and meal programme for children, which provides them with a daily meal provided by the MEC.

The principal feels that some progress has been made over the period that he has been involved at the school. The school progressed from grade 5 to grade 7. His main concern is that no further school opportunities exist for pupils beyond grade 7. Pupils who would like to continue with school after grade 7 need to go to Tsumkwe, where they can complete grade 10, or to go to Grootfontein where they can complete grade 12. Even these options are difficult. To travel to Grootfontein or Tsumkwe is not easy because of the lack of transport and hostel costs involved. Very few, if any, parents can afford to send their children to these schools. The principal also is of the opinion that the San, in general, suffer from low self-esteem because they are lacking well-qualified and trained role models within their community.

Dr Bosshart, a Swiss citizen, is in charge of the Mangetti Dune clinic. She has two nurses that assist her. According to her, the government has never been serious about managing and monitoring the resettlement projects in the Mangetti Dune area. San people are not employed in basic positions, such as cleaners. There seems to be a tendency for the MLRR is to "import" government officials and "friends" from other regions to "watch over" the San people. Few employment opportunities exist for San people in Mangetti Dune. Contrary to all the other statements given in interviews held there, Dr Bosshart believes that alcohol abuse and domestic violence are a problem in Mangetti Dune. She attributes this to the few employment opportunities existing for San people.

Cases of sexual abuse are not uncommon in Mangetti Dune. Dr Bosshart cited an incident where she examined two San girls aged 10 and 11 and discovered that they had sexually transmitted diseases (STDs).

<sup>192</sup> Conversation with James Suzman.



The parents informed her that they had been forced by a police officer at gunpoint to have sexual intercourse with him. A charge was laid against the officer in Grootfontein. Instead of being suspended from his duties while charges of sexual abuse are being investigated against him, he was transferred to the Gam police station.

Dr Bosshart also reported a case of illegal fencing in the area of Mangetti Dune. A communal farmer from the Okavango region moved into the Kanovlei area, near Mangetti Dune, with his cattle and ordered the San residents there to leave the area. He then started to fence off the area. The Directorate of Forestry made several attempts to remove him from the area and it is not known if they succeeded. San people, according to Dr Bosshart, would rather move than to cause conflict with communal farmers that move into their territory. There remains a strong perception among neighbouring communities, such as the Okavangos and Hereros, that the former Bushmanland is empty land and there for the taking. This was demonstrated by an incident where Herero at Gam following their 1990 repatriation to Namibia<sup>152</sup> sought to take possession of San lands in Nyae Nyae.

Pauline, who is thirty years old, is married and has three children, two attending school while the other is still a baby. She works for the traditional council as a community support worker. There are five persons living in her house, owned by her husband because "he is a man". If they should divorce, she would have to leave the house and go back to her family. Pauline is not sure what will happen to the house if her husband dies before her. Her husband owns about seventy cattle, but she and her husband have not received any agricultural training since they were resettled in Mangetti Dune.

Most of the people in Mangetti Dune are unemployed. Crop cultivating is practised, but crops are mostly used for personal consumption. Women tend to make beads and crafts to obtain some form of income, but few crafts are sold. The only financial assistance Pauline received while living in Mangetti Dune was a loan from the Evangelical Lutheran Church in Namibia (ELCIN) in 1990 that she used to buy cattle and garden equipment. She was not asked to repay the loan. Pauline hopes that the government will assist them in the future with financing development projects, such as a project where women could produce needlework. There used to be a needlework project, but it ended because of bad management. Women did not see the benefits of the project, because it was not profitable.

Women receive family planning advice at the clinic and contraceptives are distributed freely. However, Pauline doubts whether most women make use of contraceptives because men do not like to use them.

The project has gardens where settlers can grow food for themselves. They do not earn any income from gardening because they produce mainly for subsistence. Residents have access to schools and well-maintained roads to bigger centres like Grootfontein and Tsumkwe. However, lack of transport is a problem. The nearest hospital in the region is in Grootfontein, approximately 200 km away. Water is available, but it is too far away to carry on foot; there is no electricity.



*A nearly completed house for a beneficiary household at Mangetti Dune Resettlement Project.*



There are also no markets in Mangetti Dune where products can be bought or sold. Men as well as women are involved in decision-making concerning the resettlement community. Pauline's husband makes most of the decisions at home. She says that women, in general, are less involved in making decisions concerning activities at home.

Pauline's mother and brother also live at Mangetti Dune, while other family members live in nearby villages. Family visits are made on a regular basis. She sends her family money when they need it if she can. She never asks money of them. Women, according to Pauline, send money more often to other family members than men do.

Violence against women in Mangetti Dune is not a major problem, "I don't know of such cases", Pauline says. She feels that the situation in Mangetti Dune has improved since the resettlement project has started there. Her wish for the future is that more development projects should come to Mangetti Dune to provide equal employment opportunities to everyone.

Alma is thirty years old, married with two children, one in school while the other is still a baby. She is unemployed, although she does casual work. She complains that she is only paid half the money she earns as a casual labourer.

She lives in Menduletu, a nearby village, which is part of the project. Eleven people live in her four-bedroom house, including her relatives, as well as her husband's relatives. She settled in Menduletu in 1992 and used to live in Uukongo in Ohangwena region. Her father, a Lutheran pastor, was her only support. She is employed by the project and only earns money if the project leaders manage to sell her crafts, giving her 50% of the income. Her husband does not work. There are no other income generating activities in Mangetti Dune. "Most people here are unemployed and poor."

The house they are living in belongs to her husband. Alma feels that regular transport to Grootfontein would help them to sell their products and this would improve their financial situation. Alma said that her household does not have household expenditures "because we do not have any money to buy anything".

She and her husband have five cattle, received from ELCIN in past years, but no financial assistance. Both of them work in the garden, but Alma complains that they do not have enough water. "When we settled in Mangetti Dune, we did not receive any agricultural training".

The disadvantages of the project are that beneficiaries do not receive materials for needlework and have no money. No markets exist where they can sell their products. No schools, clinics, hospitals or water are available at Menduletu. All of these facilities are in Mangetti Dune, which takes a long time to reach by foot. Men and women are involved in making decisions at Menduletu.

"There is no violence taking place here. I think that living here is better than in Uukongo. I can't say why, but this is only how I feel. I think our future will be better if we receive better payment from the project. Even NS100 per month will be good, because it will enable me to buy clothes for my children and myself. The government could make transport available for women to go to town and sell their things to get an income. The type of things we can sell are needlework, beads, and bags", Alma reported.





*Monica Nganjone of the Legal Assistance Centre interviewing women at Mangetti Dune.*

Ulanda is thirty-four years old, unmarried, has one child in school and one baby. She arrived in Mangetti Dune in 1997 from Rundu in Okavango where she used to live with her husband who works for the Namibian Defence Force there. She worked as a domestic worker for a white woman in Rundu before she came to Mangetti Dune. She now lives with her boyfriend and two children. She does needlework at the project while her boyfriend, who is unemployed, stays at home.

She and her boyfriend built the house they are living in and it belongs to both of them. They do not receive any income from the project, except for the occasional money she receives when her needlework is sold. They sometimes live only on wild fruits collected on the veld and her children are often hungry.

Ulanda says that men do not work because there is no field where they could cultivate vegetables. Beneficiaries do not receive any cattle or financial assistance from the government. Ulanda's family has no expenditures because they have no income. "The project does not mean anything to me, because we do not get any income", she says. "Even if we make clothes for ourselves at the project, we do not have a market here and nobody offers us transport to go and sell our products in Grootfontein. They only give us 50% of the profit they receive for selling our products," she claims. "At home our husbands make decisions for us. At the project, Ms. Amutenya, the clerk, makes decisions."

Ulanda has relatives in Mangetti Dune and M'kata. They visit each other and sometimes her brother sends her money to relieve the pain of unemployment, suffering and poverty.

No violence against women exists in Mangetti Dune, according to Ulanda. "Life used to treat us better in the past. We need better and bigger projects at Mangetti Dune, something that will give us an income every month. Our men are suffering, they must be employed in other new projects and make an income. It is not good for men to have no jobs. They become violent and frustrated without jobs," Ulanda concluded.





*San children at Mangetti Dune Primary School.*

#### 4.8 Gam Resettlement Project

Gam, situated near the Botswana border in the far-eastern part of the Otjozondjupa region, is a resettlement project for approximately 423 families according to MLRR data. Gam is different from other resettlement projects because it is a settlement almost exclusively for Herero people who were voluntarily resettled from Botswana after Namibia gained independence. These people are descendants of a group of Herero who fled to Botswana during the 1904-7 war against the Germans. A small number of San families also live at Gam. The first group of Herero returned to Namibia in 1982 and more families returned between 1993 and 1996. Gam was established as a resettlement area for Herero returnees after they were left with "nowhere to stay".<sup>153</sup>

Interviews at Gam were conducted with Mr K. Tjihapa, the technical agricultural advisor of the Ministry of Agriculture, Water and Rural Development, Chief Tjiho, Chief Uapimbi Justice Kahindua, four women and one man who are members of the Gam resettlement project.

The Gam resettlement area is situated on limestone rock with a shallow soil depth, only 20cm in some places. The soil is not very fertile, so cultivating crops is difficult. According to Mr. Tjihapa, 200ha of land situated six kilometres outside Gam were cleared for agricultural purposes in 1999. Here beneficiaries are allowed to garden and grow crops. The MAWRD provides free seeds and services to beneficiaries.

Most settlers are directly or indirectly dependent on cattle farming. Gam experiences periodic droughts and water shortages. Little has been done in terms of securing sustainable water resources for either beneficiaries or cattle. Most of the existing water points were established before independence.<sup>154</sup>

The previous Minister of Lands, Resettlement and Rehabilitation, Richard Kapelwa Kabajani, acknowledged in the MLRR budget speech of 9 March 1995 that the Gam district is known for its lack of established water sources. The Minister stated that, "the shortage of water relates to difficulties in siting successful boreholes rather than to the intrinsic lack of resources. Similarly, water bearing formations are commonly very deep, masked by thick dry and sandy deposits that make the identification from the

<sup>153</sup> NSHR Special Report, *Dumped and Abandoned: Suffer the Herero Returnees*, Windhoek, Namibia, 19 March 1998 at 4.

<sup>154</sup> *Ibid* at 7.



surface very difficult". The Minister also stated that if the project has to be relocated, the additional financial implications would be enormous. The efforts of the MLRR to find alternative sources of funds have not been successful. Countries that were approached by the Namibian government apparently have found the Gam project financially unappealing.<sup>155</sup>

The area around Gam is badly overgrazed and environmentally degraded. Some of the beneficiaries complain that they find it difficult to secure an adequate grazing area for their cattle in the dry season. Grazing around Gam can also be lethal to cattle. Cattle farmers in the area complain about the presence of *otjikurjoma* (poison leaf) that kills cattle within hours after it has been eaten. Cattle cannot differentiate *otjikurjoma* from other plants. One farmer claimed that he has lost fifteen cattle during 2000 after they ate the poisonous plant.

Grazing problems in Gam forced a number of settler farmers to move into neighbouring areas such as the Nyae-Nyae Conservancy and Tsumkwe in search of better grazing and water resources. This situation has contributed towards the existing tension between Herero settler and San communities concerning the dispute of "ownership" of land in the eastern Otjozondjupa region.

Social services at Gam include a clinic and morgue, a primary school, a police station, a Ministry of Environment and Tourism office, a local and traditional councillors' office, a community hall, a small shop and bottle store, a number of churches and a soccer field. Construction on new offices for MAWRD has nearly been completed. According to Mr. Tjihapa, MAWRD is constructing offices at Gam to provide farmers "with an even better and improved technical and support service". The MLRR in 1998 terminated its resettlement project management.

Chief Tjiho returned to Namibia in 1982. His movements were restricted to Okakarara until 1986 when the South West African Administration resettled him and a number of other Botswana returnees at Gam, where he was soon chosen as the community's chief. Chief Tjiho feels that the Namibian Government is only looking after the interests of the 1993 returnees from Botswana and not to the needs of Herero who returned in the 1980's.

It soon became clear that the Herero community of Gam is divided into two political camps and is experiencing a leadership crisis. One group supports the Democratic Turnhalle Alliance (DTA) while the other supports SWAPO. The traditional councillor, who is a SWAPO supporter and a returnee under the Namibian government's returnee scheme of 1993, introduced himself as Uapimbi Justice Kahindua of the Kambazembi Royal House. Councillor Kahindua complained that the supporters of Chief Tjiho undermine his authority as a government appointed traditional councillor.

Chief Tjiho argues that his community, which represents the majority of the Gam community, recognises him as their legitimate leader. Chief Tjiho believes that the government is punishing his group for not supporting SWAPO. "Everything the government has done since 1993 was only to help those who support SWAPO. What have they done for us? We don't get help with our cattle, no water, the water points we are using today were given to us before independence."

A recent incident in Gam clearly shows to what extent the community is divided by politics. Meatco, the parastatal corporation that dominates the Namibian meat industry, visited the Gam community in order to inform local communal farmers about livestock buying and selling procedures. Meatco apparently only informed Chief Tjiho about the scheduled meeting and not the traditional councillor, Uapimbi Justice Kahindua. The outcome was that only the followers of Chief Tjiho attended the meeting, while supporters loyal to the traditional councillor did not receive the information Meatco gave to the community.

<sup>155</sup> Republic of Namibia, Budget Speech delivered by the Minister of Lands, Resettlement and Rehabilitation, Honourable Richard Kapelwa Kahajani, 9 March 1995 at 9-11.



This incident forced the traditional councillor, Kahindua, to seek advice from Minister Nicky Iyambo who, in turn, issued an official letter to the Gam community:

### **TO WHOM IT MAY CONCERN**

The Government Ministries/Departments/Agencies as well as the NGOs operating from the Otjozondjupa Region and the surrounding areas are hereby informed in terms of section 6 of the Traditional Authorities Act No.17 of 1995 and as amended in 1997, to take cognisance and deal with the recognised Traditional Authorities on issues that pertain to traditional matters, especially on the bona fide right of issuing permits to community members to sell or slaughter their live stock in the area.

The recognised Traditional Authorities in the Otjozondjupa Region are as follows:

- \* Omatako Traditional Authority headed by Chief John N. Arnold
- \* Ju//hoas Traditional Authority headed by Chief Tsambkzao#oma
- \* Kambazembi Royal House headed by Chief Tuvahi David Kambazembi

The above chiefs are having several Traditional Councillors ruling different villages such as Gam, Tsumkwe, Okamatapati and Okakarara. The recognised Traditional Councillor of Gam is Hon. Uapimbi Justice Kahindua serving under the Kambazembi Royal House.

Government institutions, especially the Police at Gam, are kindly requested to deal with the representatives of recognised Traditional Authorities. This is very important particularly in matters of settling customary disputes, selling livestock, permission where there is a need for such and other issues.

.....  
DR N IYAMBO (MP)  
Minister\*

\*The letter was not signed by the Minister, but a stamp with his name was used to authorise it.

Dr Iyambo later stated at a meeting in Oshakati that there is nothing wrong with appointing traditional leaders, "rather than electing them as some people prefer."<sup>156</sup> According to Dr Iyambo, it is not for the majority to elect traditional leaders. He pointed to countries like Spain and England where "not a single queen or king was voted into power". "Traditional customs and laws should be executed within the framework of the modern way of life and respect for human rights", stated the Minister.

Recently, around fifty Herero traditional leaders launched a legal challenge to the government's decision to only recognise a few Herero leaders through the Traditional Authority Act. Some Herero traditional leaders took the government to court after the Ministry of Regional, Local Government and Housing failed to explain the reasons behind their exclusion from the Government Gazette of March 1998, which recognised only some leaders. The Herero traditional leaders claim that the majority of the Herero leaders have not been recognised by the government because of political reasons: most Herero traditional leaders support the DTA, an opposition political party. They claim the government is recognising a group of SWAPO supporters as traditional Herero chiefs.<sup>157</sup>

A number of interviews were held with Gam resettlement beneficiaries who returned to Namibia from Botswana in 1993.

<sup>156</sup> "Majority don't count on traditional issues", *The Namibian*, 22 June 2000.

<sup>157</sup> Christof Maletsky, "Hereros to march as legal challenge starts", *The Namibian*, 1 March 2001, at 5.





*Most residents at Gam Resettlement project stay in mud houses.*

Mara is fifty six years old, unmarried and lives with her five children in a hut that she built herself of mud, cow dung, and sticks. Her children attend school at Gam Primary School. A delegation from the Namibian Government under the leadership of Paramount Chief Riruako visited the Herero in Botswana to discuss the repatriation process. After an agreement was reached, they were transported to Gam and resettled. According to Mara, all the Herero people living in Gam have returned from Botswana.

Land allotments (erven) were given without regard to gender. The Namibian Government provided them with tents for shelter when they first arrived in Gam in 1993. Mara is not aware of any freehold or leasehold agreement she might have signed with the government. "We just live here on the land with no agreement, this land was given to us by the government. The only procedure I followed to come here was to go to the government office in Maun, Botswana. After about ten visits to their office, my application to be resettled in Namibia was finally accepted. I then got onto a truck. The Botswana government took us halfway and the Namibian government took us on to Gam.

I am not living with my boyfriend, although he is also living in Gam. I have my own cattle, but relatives in other parts of the country look after them. I make decisions concerning the selling of my cattle. An uncle of mine is the head of the household, simply because of the fact that he is an old and respected person, not because he is a man. When two people get married and they start to live together, the husband is the head of the house. This is how it is in our culture and this is how we would like to keep it. A male family member usually inherits the family house.

The clinic at Gam provides family planning education to women. Contraceptives are given to women free of charge. Domestic violence against women is not common in Gam. The biggest problem we experience is theft. The police in Gam do not like to be called out to investigate crimes. "I think they are useless", Mara says. They complain that they do not have transport. The community often has to solve crime by themselves.

"My land is where my cattle are. I do not cultivate land, although I have access to it. Our biggest problem is lack of rain in this area and the fact that we do not have enough seeds to plant. We only cultivate land to grow vegetables for our own consumption. We are not able to cultivate enough vegetables to sell to other people. I also do not know to whom I could sell it. We don't have transport and people do not have money to buy vegetables.

I am living in Gam to provide my children with good education. The school is here in Gam and the children need us to look after them. I support my children through selling vetkoeke (a local variety of



bread). I also sometimes have to sell cattle to pay for my children's school fees. I used to participate in a project selling vetkoeke, but it all fell apart when the government stopped donating flour, oil and sugar for the project. The government now only gives food to the community about once a year. There is no such support as "the Food for Work" programme in Gam. I am selling vetkoeke from my house and they sell well.

We do not receive any agricultural assistance from the government. Things in Gam are not as good as what they were in Botswana. Grazing conditions for cattle in Botswana were better. We have big problems with otjikurjoma in Gam. I have lost many cattle.

Some of my relatives still live in Botswana, while others live here in the Otjozondjupa region. I only see those ones who live in Gam. It is now many years since I have last seen my relatives in Botswana. I don't have enough money to visit them. My relatives in Botswana also don't visit me. My boyfriend, Lemik Kuhanga, came with me to Gam. He was the one who convinced me to come to Namibia."

Mara summed up the problems of Gam as follows:

- \* Lack of proper housing. We need zinc roofs, because our houses get wet during the rainy season.
- \* The villagers suffer from sporadic hunger, because they do not have enough food.
- \* We need to be supplied with seeds to plant vegetables.
- \* We do not receive any financial assistance to do improvements to their houses, or to engage in business activities.
- \* No markets exist to sell our products.
- \* Gam is lacking employment opportunities and the rate of unemployment is high.

She further identified improvements she would like to happen in the future in Gam, including building of a secondary school, increased employment opportunities, and improved communications. "We do not receive any newspapers, radio (only weak Otjiherero reception) or television reception, or have any telephone connections at Gam. Our people die and get buried without us knowing about it."

Maryam is 27 years of age, married, with seven children. Two of her children are at school in Gam while the other five are too young to attend school. She and her husband live in the nearby village, Mbari, where she looks after their livestock. The village settlement where she and her family live belongs to her husband's grandfather. Maryam and her husband do not have a place of their own because they do not have enough money to build a house. They live with her husband's parents and relatives. Her husband takes care of the old people in the village. Maryam's father lives in Mangetti Dune and they only see each other once a year or at occasions such as funerals or weddings. She visits her two sisters in Gam on a regular basis. They sometimes support each other financially.

Maryam and her family came from Botswana in 1993. She heard over the radio that public meetings were held to inform people about the resettlement project in Gam. She went to the Botswana authorities to renounce her Botswana citizenship after she applied for resettlement at a government office in Maun, Botswana. The resettlement process took her nearly seven months to complete and then she and her family were transported to Namibia. The Namibian Government provided them with food each month for nearly two years. They were given maize meal, cooking oil, sugar, salt, soap. The government has stopped its food distribution to the beneficiaries, except for a "Food for Work" project that was recently started by the Ministry of Works, Transport and Communication.

Maryam has lost all her five cattle and ten goats because they ate otjikurjoma. She cultivates a small piece of land, using a plough that belongs to her in-laws. The crops are for her family's own consumption. Maryam complains that she does not have access to financial assistance. "I don't have any security such as a house, because my husband owns it. I also do not have money in the bank". She makes a living from farming, eating what she cultivates, drinking milk or eating the meat of goats and cattle that have died



from otjikurjoma. She also has an income from assisting the Ministry of Basic Education and Culture with their literacy programme.

If she has to divorce her husband, she will have to move back to her relatives in Mangetti Dune. The same rule applies if her husband dies before her. "This is not my house and I knew right from the start when we got married that I will not have a home of my own," Maryam matter-of-factly states.

Family planning education is given regularly at the clinic. Contraceptives are freely available at the clinic. Most men are against family planning, according to Maryam, complaining that contraceptives are not healthy. They also do not believe in using condoms. Men are not well informed about the dangers of Aids, according to Maryam.

Maryam summed up the problems of Gam as follows: most houses in Gam are made of clay, sticks and cow dung and tend to collapse during the rainy season; a high rate of unemployment exists in Gam and the nearby villages. Children go to school but there is no work after they have completed school; no institutions exist to teach young people practical skills; no financial assistance exists to help the poor.

Maryam says it is better to live in Namibia than to live in Botswana. In Botswana it felt as if though she was living under a colonial system. However, the most serious problem she identifies in Gam is hunger and poverty. The government of Botswana used to provide them with enough food and they did not experience the problem of otjikurjoma that is killing their livestock.



*The Ministry of Lands, Resettlement and Rehabilitation has built only a few houses to accommodate Herero returnees from Botswana.*

Rita is fifty-six years old and divorced. She married when she was fifteen years old, an arranged marriage to her uncle's son. Her husband started to abuse her after she refused him sex and she moved in with her parents. She did not say how many children she has, but said that she is looking after her three grand children, two attending school in Gam and one at school in Tsumkwe.

Some relatives live with her in Gam, while others live in the nearby village of Mbari. Her family owns a house in Gam. Relatives visit each other on a regular basis, but are too poor to support other family members financially. Rita said that she does not have access to loans, because she does not know how to obtain a loan. She owns a couple of goats and one cow. Rita earns some income from selling homebrewed beer. Apart from that, she depends on the government state pension of N\$20 a month. She does not own land to plough or cultivate on. Rita claims that food and other services are distributed to those with the right political affiliations, meaning SWAPO party supporters.

Rita owns a house made out of mud, clay, cow dung and sticks. She came to Gam in 1993 with a group of women from Botswana. She applied to the government of Botswana to be resettled in Namibia



because she wanted to return back to the country of her forefathers and mothers, to the "bones of her ancestors". She works at a fifteen member soap-making project, funded by the government. The income generated from the project is very small and most is ploughed back into the project.

Domestic violence in Gam according to Rita is a problem. Rita mentioned a recent case when a police officer tried to shoot his wife. Theft is common in Gam. "The police do not catch many criminals. They live here among us", Rita said. Although contraceptives are freely available at the clinic, Rita feels that the amount of children a mother can have should be left in the hands of the Creator.

Rita summed up the problems of Gam as follows: lack of proper housing and support services; bleak prospects for economic development — people are hungry, worse than the conditions from where she came from in Botswana; no markets; and poor communications.

Saul is forty-one years old, married with three children and involved in a "Food for Work" scheme organised by the Ministry of Regional and Local Government and Housing for improving roads in the area. He lives with his ninety-year old grandfather. According to his family tradition, his grandfather will remain the head of the homestead as long as he lives.

Saul says that his wife has no ownership rights of either the homestead plot or the house they live in. "Indirectly my wife makes decisions concerning the household. People might from time to time refer to my house as my wife's house, but in reality everyone knows that the husband or man at the homestead is the one who makes the decisions. If I divorce my wife, she can go back to her parents' house, or she could continue living in the same house, but in a different room. Everything I own today, except for my clothes, also belongs to my wife. When I die, my wife cannot be disinherited by my brother, as is usually the custom in our culture. She will stay on in the house with my relatives and her children. She may not get another man after my death. I have told her not to do so".

Saul feels that the lifestyle in Gam is better than what it was in Botswana. In 1995 he received agricultural training from MAWRD. The advantage of living in Gam is that there is more water available for his cattle, and the price that he gets for selling his cattle are also higher than in Botswana. He is pleased with the education his children receive in Gam. He feels that his family is more economically independent in Gam. In Botswana they were more dependent on government assistance.

Farmers have been promised since 1996 that government veterinarian services will assist them in getting rid of the otjikurjoma plant that poisons livestock. They have not yet received any help in this matter. The only assistance he received, as a communal farmer, was seeds to plant crops.

Saul has not yet tried to obtain a loan from the government because, from what he has heard from those who have applied for loans, he doubts whether he will be able to meet the loan requirements and conditions. "When farmers in Gam try to use their livestock as security, they are told that their cattle are a risk and that they will die anytime from otjikurjoma", he says.

The biggest problem in Gam, according to Saul, is the dispute over traditional authority rule. "This is hindering the process of economic development in Gam. The community is not happy with the government-recognised traditional authority of Chief Uapimbi. Chief Tjiho, the traditional leader was elected by the majority of the community in Gam, but is not recognised by the government. The government appointed Chief Uapimbi, because he is a member of the ruling party, but most people do not want him. I would accept the authority of Chief Uapimbi only if the majority of the people vote for him. Some government officials in the MAWRD are refusing to assist those who do not support Chief Uapimbi."

Saul is in agreement with the family planning programme the clinic offers residents. "I would like to see that more people make use of contraceptives. People in Gam are very poor and most of them cannot



afford to feed and pay the school fees of their children. The use of condoms to protect both men and women against HIV/Aids is equally important. We receive visitors from outside our region, and we are not sure what their HIV status is." "Most of the crimes occurring in Gam, like theft and violence, are related to the abuse of alcohol."

Andrina is 30 years old, not married, and employed part time by the resettlement project. She has three children, two attending school, while one is still a baby. Together the four of them are the only occupants of the house she owns. She has been living in Gam since 1993. "I sell meat and do hairdressing to get an income. When I lived in Botswana I worked as a hairdresser. There I received a better income. Women in Gam also do cooking and needlework or they make and sell soap. The men in the village bring in most of the money. They make donkey carts, coffins, zinc buckets and fix guns and pistols".

She received financial assistance from a woman in Gam who enabled her to buy salon products. The financial assistance was very small. Andrina feels that she needs to have access to a loan in order to improve her salon services. Her monthly expenditures are as follows: food: N\$300; clothes: N\$30; transport: N\$300; and salon products: N\$400.

Andrina is not involved in farming. Beneficiaries of the project cultivate vegetables for their own consumption. Few beneficiaries, according to Andrina, received agricultural training at Gam.

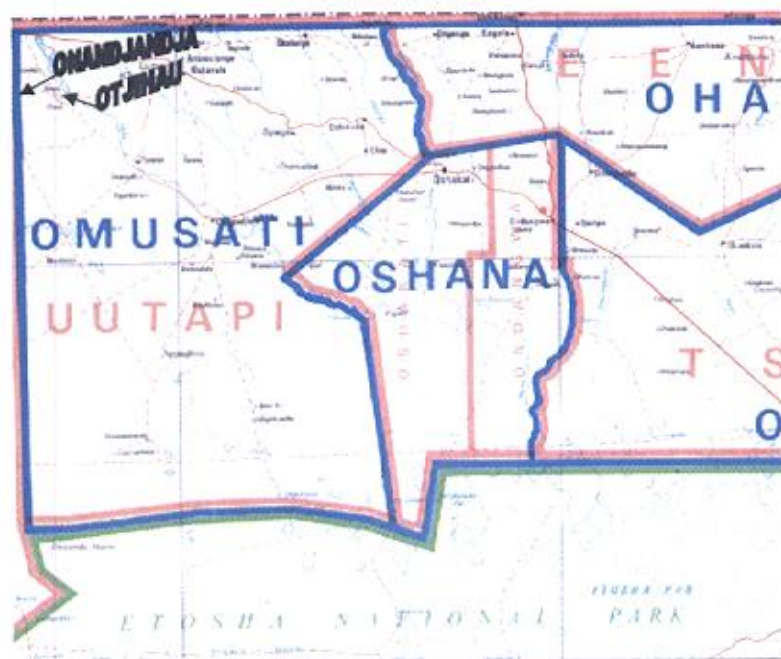
The advantages of the project are the school and the fact that beneficiaries receive free diesel from the MAWRD to pump water for their cattle. Beneficiaries also received free land when they returned to Namibia. The disadvantages of the project are that they have no medicine at the clinic and there is no ambulance to transport patients to hospitals. The road to Gam is in poor condition, especially in the rainy season, so that patients sometimes cannot get to a hospital.

The Gam community has access to water, but according to Andrina, the distances people need to walk are too far. There is no electricity. Andrina has relatives living in Gam and Botswana. Relatives visit each other but this is sometimes difficult because of the long distances they have to travel between Gam and Botswana. Although Gam is only about 20 km away from the border, there is no border post. This means that they must detour 800 km to use the Buitepos border post in order to visit relatives in Botswana.

Andrina says she does not have the right to move freely and decide where to live and work. Her children do not have any documents to travel with and are therefore unable to travel to and from Botswana to visit relatives. Prospects of work for children at Gam after they have finished primary school, are very limited. There is no secondary school in Gam. No employment except farming exists in the Gam area.



#### 4.9 Onandjendje and Otjihau Resettlement Projects



The LAC research team was assisted by Mr. Nataniel Ndikwetepo, a control officer at the Oshakati office of the MLRR during their visit to this region. This office is responsible for communal area resettlement projects in the northwestern region of Namibia. This includes resettlement projects in Endombe, Onamatadiva and Ekoka in the Ohangwena region. These three projects, run by ELCIN until 1996 when the MLRR took them over, mostly accommodate San people. Mr. Ndikwetepo also arranged the LAC research team's visit to the Otjihau and Onandjendje resettlement projects. Mr. Matheus, the project clerk of Otjihau and Mr. Nehoya, the project clerk of Onandjendje assisted with conducting interviews.

The Otjihau project was started in May 1991 and the Onandjendje project was started in October 1992. Most beneficiaries living at both projects lived in exile during the liberation struggle period. Others were former PLAN, Koevoet or South West Africa Defence Force members, some disabled during the war. Most beneficiaries that lived in exile during the liberation struggle were homeless or landless when they returned to Namibia. The government, through the MLRR, provided these people with land and homes as part of its National Resettlement Policy.

Both resettlement projects are situated near the village of Onesi in the Omusati Region, approximately 200 km west of Oshakati. The Otjihau project is situated 4 km east of Onesi, while the Onandjendje project is situated approximately 28 km west of Onesi, site of a school, police station and clinic.

The Otjihau project, with 131 residents, consists of 600 hectares, while the Onandjendje project, with 154 residents, is about 900 hectares. Twenty-two houses were built in Otjihau while ten were built in Onandjendje and both projects were fenced. In 1990, the government acquired land for resettlement purposes in the northern former communal areas, after negotiating with traditional leaders who are responsible for the allocation of the communal lands. The MLRR negotiated with senior headman Daniel Shooya from Uukolonkadhi to obtain land for both resettlement projects. Senior headman Shooya did not receive any compensation for the land he gave to the government. Villagers were paid to assist the MLRR with the demarcation process of both projects.

No leasehold agreements exist between beneficiaries and the government, because all communal land is legally classified as state-owned. This will change, however, if the Communal Land Reform Bill becomes law. Occupational rights of beneficiaries will be determined after the MLRR terminates its administration of the two projects. According to Mr. Ndikwetepo, the purpose of the two projects is to assist residents to develop their skills, then most will be employed in government institutions like the defence force or the police. "We at the MLRR believe that beneficiaries should adopt a participatory approach. They should know that they can do things for themselves." Disabled and old people are sometimes assisted by the "Food for Work" programme.



Every household has a garden of four hectares where vegetables are grown for home consumption. Each project also has a communal garden, where vegetables and crops, such as mahango, sorghum and maize are produced and sold to markets in Oshakati. About 40% of the income generated from the communal gardens is divided among the residents. Another 40% of the income is invested or used to cover the operating costs on the projects. The remaining 20% is put into beneficiaries' bank accounts. Both projects have a community development committee that represents the beneficiaries.

Women enjoy the same employment rights as men on both projects. If a husband divorces his wife, she will be allowed to remain at the project. However, according to Mr. Ndikwetepo, the Ministry has never had a case on the two projects where a woman was forced to leave the common home. If such an incident might happen, the wife would then be the one to leave the home and be settled on another piece of land in the resettlement area.

Focus group discussions were held with beneficiaries at both resettlement projects. The first focus group discussion took place at Otjihau and the second one at Onandjendje.

The Otjihau resettlement focus group participants were as follows: Victoria, who was born in exile, has been living in Otjihau for seven years. She goes to school in Onesi and also helps her parents in the family garden. Erica, Natalia, and Monica have also been living with their husbands at Onandjendje for seven years. They live on the project because their husbands were in exile. Erica works in her garden and is a kindergarten teacher at the project. Natalia bakes bread and Monica serves on the project committee. Gideon comes from the village of Eengela. He is visiting his uncle at the project and is not yet sure when he will return to his village. Nuseko, born in Angola, has been living for nine years at the project with her parents, who returned to Namibia after independence. Frebus, from the village of Ongenga, has been staying on the project for seven years. He and his girlfriend live with his uncle who is an ex-combatant. He cultivates crops, repairs fences and drives the project's tractor. The project clerks of Otjihau and Onandjendje both took part in the discussion group and acted as translators.



The MLRR currently supports the beneficiaries by providing them with houses, farming implements, seeds, and a tractor. Some residents own cattle and goats. The Otjihau project has a shortage of housing, and lacks electricity.

*Otjihau Resettlement Project.*

Men own the houses in most cases. Disputes among family members sometimes occur in cases when husbands die. Sometimes relatives of a deceased husband claim that they own his property after he dies and that his wife does not have any right to his property. In such cases the government, church groups, and traditional leaders are requested to mediate disputes between the husband's family and his wife. Mr. Matteus, the Otjihau project co-ordinator, said he does not know of a divorce at the project. He says that in the past husbands chased their wives away from their houses without divorcing them. In such cases, women return to the houses of their parents, sometimes without any belongings other than the clothes they are wearing.



Violence against women in Onesi and the Otjihau projects seems to be common practice. A woman living at the project was seriously beaten up by her husband because she apparently served him cold porridge. Violence against women is most prevalent when residents abuse alcohol.

Residents said they use contraceptives, whenever available at the Onesi clinic. Some of the women said that men do not take the use of condoms seriously. One of the men in the group claimed that it is against God's will for men to use contraceptives. "Women have been created by the Heavenly Father to give birth to our children, ...and it is a sin to interfere with His work."

Mr. Matheus said the lack of sufficient water is the project's biggest problem. Diesel pumps that supply water to the project have been broken for a long time. The MLRR provided the project with solar panels to supply water, but they have been stolen and vandalized. Mr. Matheus said that the police are incapable of catching criminals, "botsotsos" in the local language. "With all this talk of human rights, the botsotsos are having it easy these days. They come here over night, steal our things — solar panels, sewing machines and farming implements — and go and sell it in Oshakati. We know who they are. They walk around in our villages every day, teasing us by saying that we can't catch them because they have all these human rights. What can we do? The police are not allowed to beat them up and force them to confess that they have stolen our things. We sometimes have to get help from our traditional leaders to sort out this problem of the botsotsos..." Mr. Matheus claims that some criminals cross the Angolan border and rob the people at the resettlement at gunpoint. There is also a "mad man" in the village who harasses and robs old people.



*Water reservoir at Otjihau.*

Family members and friends of beneficiaries are allowed to visit and live at the project. They are requested to register on their arrival in order to control the number of visitors at the project. Beneficiaries are encouraged to find work outside the project in order to obtain extra income, but cannot remain away for an indefinite period without losing their right to live in the project.

A focus group discussion also took place with some of the beneficiaries at the Onandjendje project. Mr. Henok Nehoya helped with the translations of the interviews.

Frieda comes from Oniipa, near Ondangwa. She is married to an ex-PLAN combatant and got to know about the Onandjendje project through the MLRR. Nina is also married to an ex soldier and has been living on the project for nearly eight years. Philip was also an ex-combatant. His wife and children returned with him from Angola just before Namibia gained independence.

Johannes has been living at the project since 1992. He was a soldier in the South African Defence Force. He is living on his own at the project. Tobias is an ex-PLAN soldier who has been living with his wife and children on the project for seven years. Jafeta lived in exile as a PLAN soldier. He lost his leg in a landmine explosion and formerly lived at a rehabilitation centre for the disabled. He has been living on the project with his wife and children since 1992.





The MLRR provides the resettlement project with farming implements. Houses and boreholes have also been provided by the MLRR. As at the Otjihau project, there are not enough houses for all the settlers. Only two of the three boreholes function and the houses have no piped water. A four-hectare plot is allocated to each family unit. According to Mr. Nehoya the boreholes at the project need to be rehabilitated because the solar pumps do not provide enough water for the needs of the project.

*Solar water pump at Onandjendje Project.*

One beneficiary complained that they have to share their tractor with the Otjihau project. This hampers the project's agricultural work because they are always behind schedule. He also claimed that they have never received any agricultural training when they were resettled at the project. The government told them that they would get training and assistance on how to control the weeds and insects that are destroying their crops, but they have not yet received any help. "The government should be more serious with the agricultural help they give us. We live on the land, our only form of survival, the only way that we can make an income for ourselves. We have enough good soil to cultivate crops for our own use and to export to other parts of the region. Although we experience problems with the water pressure to irrigate the land, I think we have enough water at the project to serve our needs. The government needs to help us with better water pumps and more equipment."

Beneficiaries were also unhappy about the fact that they do not have a clinic or a secondary school. The closest clinic is in Onesi, 28 km away. Johannes pointed out that materials to build a clinic were delivered by the councillor of the constituency some time ago, who informed them that a clinic would soon be built. The building of the clinic is the responsibility of the Ministry of Regional and Local Government and Housing and not of the MLRR. "As far as we are aware, the MLRR only provides us with assistance to cultivate our lands, the building of houses and the maintenance of our boreholes."

There is a primary school near the project, but the secondary school is in Onesi. Most beneficiaries feel that the distance to travel to Onesi is too far, because there is no public transport. There is also a problem in reporting criminal cases to the police. The nearest police station is also at Onesi. One interviewee reported the following, "...when we finally manage to report cases to the police, they are sometimes very slow to respond. The police complain that they have no vehicle to come out here." Mr. Nehoya claimed that the Onandjendje project does not experience the high crime rate that the Otjihau project has. Criminal cases at the project involve petty theft and abusive language among people when they are under the influence of alcohol. Mr. Nehoya is however concerned that crime might increase because of the opening of a new road linking the Onandjendje project with Onesi, making access to the project easier for botsotsos. As with the Otjihau project, the beneficiaries at Onandjendje rely on the help of the traditional authorities to solve crime when the police are not available.





*The communal garden at Onandjendje.*

Beneficiaries stated that women are allowed to own houses at the project. Some of the men are of the opinion that if a woman who is legally married through either customary or civil law decides to divorce, she will have the right to live on and continue using land at the project. They are not sure if a woman who is not married should be allowed to have the same rights when they separate from their partners.

Some of the beneficiaries said that they make use of contraceptives to prevent HIV/AIDS and unwanted pregnancies. All the men interviewed said that they use condoms as part of family planning and to prevent HIV/AIDS and other STDs. One male interviewee stated that contraceptives are not always available. "Look around you. Can you see any shops where you could get things like condoms? There is no clinic here where we can get condoms regularly. Here we live on our own. All we get is radio reception. We need to buy batteries to operate them. They are expensive and we do not go to the shops so often in towns. Here is no electricity, television and newspapers. It is easier for you people living in towns like Windhoek. The people from the government, who visit us from Oshakati and Windhoek, they always ask us what do we want? We tell them we want enough water, support with our crops and we want news. We want to hear what is going on in the rest of the country. We want to know what the government is doing in other parts of the country. We have only heard about the other resettlement projects, like the one here where we are living. We would like to know whether they are doing better or worse than us. Can you maybe come back one day and show us a video what other projects are doing? We want to know..."

#### **4.10 Conclusion**

We have chosen to quote from the LAC interviews at length to let the settlers speak for themselves. While our final chapter will offer some general recommendations for the future of the MLRR resettlement programme, the voices of the beneficiaries of the resettlement projects must be seen as going far beyond the narrow conclusions of any report of this kind. At best, they summarize many of the hopes and dreams of ordinary Namibians, people who often have few material possessions, but have great hope for their future in their new nation. The purpose of land reform under the Agricultural (Commercial) Land Reform Act of 1995, and the MLRR's resettlement programme is ultimately measured in terms of these modest human aspirations.

Many of the people interviewed report a life that is better than it was before their resettlement. They have modest incomes, adequate food, some work, housing, schooling for their children, and the prospect of life getting modestly better. In this sense, some of the resettlement projects are effective at poverty amelioration.



Still, we cannot help but comment that, while these stories are full of hope for the future, they are still sad stories of unmet expectations. Yet, it seems that these beneficiaries all had relatively modest expectations of the resettlement process: a good house, a garden, a school for their children, some opportunity to communicate with their families and friends, to feel a part of their society, and some way to make a small income to buy some of the necessities of life.



## **Chapter 5**

### **The Land Reform Process in Namibia: A Preliminary Evaluation**

The purpose of this chapter is to present our evaluation of the results of our research on the resettlement process in Namibia. At the outset of this undertaking, we emphasise that the land reform and resettlement process is complex and difficult. Therefore, we urge that the government and NGOs devote adequate research to this process in order to provide the best understanding possible of the processes.

#### **5.1 The land reform process: an overview**

Land reform is a complex social process that is designed to fundamentally transform the social order. Because land represents both wealth and power, any process that takes land from one group of people and transfers it to another introduces fundamental social change. It may be useful to break the process down to three distinct stages that are largely unrelated. First, the government acquires sufficient land for resettlement. This is not a simple process: it involves the political decision to acquire land for resettlement, the allocation of money for that process, and the creation and training of a substantial governmental bureaucracy to carry this out.

Second, once sufficient lands are available for resettlement, some process must select the beneficiaries of the land reform process. This is a difficult process in a nation with large numbers of poor people because to be selected is a social benefit not available to those who are not selected. Put another way, beneficiaries of land resettlement programmes receive land, houses, food, tools, and other benefits such as education and social support. More bluntly, land reform is "free money" for some people and not for others. This makes the selection process both political and fraught with the possibility of fraud. A transparent selection process is absolutely critical to preserving the integrity of any land reform programme.

Third, once the beneficiaries are selected and they are moved to resettlement projects, those resettlement projects must be successful. This requires extensive state support, and, again, a third set of state employees with broad duties ranging from managing the resettlement projects, to training settlers in new agricultural methods, to distributing food and materials to settlers. Moreover, a group of settlers from different communities and different parts of the country, often speaking different languages, must be organised to function as a new community, an immense social effort. Ultimately, these settlers must be able to earn a good income on the resettlement project. If a community is not formed, and a good income cannot be earned, the resettlement project must ultimately fail.

It is important, in discussing the land reform process, to be aware of these three stages and their interrelationship with each other.

#### **5.2 The acquisition of land for land reform purposes**

It only takes some simple maths to conclude that the Namibian government at its present pace is not acquiring enough land for land reform purposes. With a base of 4 500 farms, and only about ninety acquired in the first ten years since independence, we can see that, at this pace, the government might purchase and resettle 900 farms in 100 years, not more than 20% of the total. This is not a pace that will satisfy the black majority politically; nor will it meaningfully meet the letter and spirit of Article 10 and Article 23 of the Constitution, the ideal of equality and a commitment to affirmative action to achieve that equality in rural social and economic relations in Namibia. Nor, on a social level, will it permit large numbers of black Namibians to achieve better living and working conditions.



There is no evidence that the MLRR is proceeding to purchase farms for resettlement based on any kind of plan. Isolated farms are acquired when they are offered for sale, but only if they are "suitable" for resettlement given unknown criteria. It seems that almost six out of seven farms on the market have been rejected as "unsuitable". This piece by piece approach to land reform is not likely to be productive. The alternative policy is for the MLRR to adopt a much broader and more transparent land reform programme, consistent with a similarly broad programme of agricultural development, then to proactively identify major regions for resettlement, and finally to acquire blocks of farms in those regions consistent with this policy.

At the outset, these regions might be productive areas adjacent to existing communal areas, already impoverished areas that are overcrowded with blacks who need land and income. But, just as some of the original communal areas were simply the creations of state policy, it might also make sense to acquire blocks of land far from communal areas.

Furthermore, much agricultural land in Namibia is environmentally degraded. The acquisition of such lands for resettlement moves black farmers to environmentally ruined farms, and ensures both failure and further environmental degradation. In addition, rejecting agricultural lands for acquisition because they are environmentally degraded further speeds up the process of environmental decay because it leaves those lands either abandoned, or in private hands, free to continue the land use patterns that have already ruined the land.

The remedy for this is to put the restoration of the environment at the core of the land reform process. In order for land to be "reformed" it must first be productive. Therefore, a major state effort to acquire degraded lands for restoration with a future view toward land reform can better accomplish both objectives.

At the same time, Namibia also lacks a comprehensive policy for development of the agricultural sector as a whole. At a time when the government is engaged in an expensive and potentially environmental destructive effort to attain self-sufficiency in the production of electricity, the country lacks a similar policy relating to self-sufficiency in agriculture. Namibian agriculture is based on a cattle economy which is both damaging to the environment and also dependent on a volatile and depressed international market for beef. In spite of having a large agricultural sector, and a small population, Namibia is self sufficient only in beef, dairy, and mutton. This kind of monoculture, dependant on world markets, is not good agricultural policy. The existing agricultural model was created by South Africa, in order to use Namibia as a market for South African agricultural crops.<sup>158</sup> Cattle farming has deep roots in black Namibia, and is suited to Namibian climactic conditions, so any transition to other forms of agriculture will be difficult.

Namibia could grow much more grain than it now does; and much more fruit, vegetables, and nuts. Excellent examples of new commercial agricultural initiatives since independence are the date project at the Naute Dam and the vineyard irrigation project at Ausenkehr, next to the Orange River. Vast parts of the Okavango and Caprivi Regions are unexplored in terms of crop production.

Similarly, eleven years after independence, Namibia's agriculture is still rigidly divided between a white commercial sector and a black communal sector, and the two colonial-era agricultural economies have virtually no relationship to each other. Namibia needs an integrated agricultural economy, which depends on a new model of agricultural planning that transforms the former colonial policies.

<sup>158</sup> Brigitte Lau and Peter Reiner, *100 Years of Agricultural Development in Colonial Namibia: A Historical Overview of Visions and Experiments* (Windhoek: National Archives, 1993) describes the wide range of agricultural products successfully raised in Namibia over the past 100 years, before South African agricultural policy re-shaped Namibian agriculture to be dependent on beef cattle and small stock.



This type of effort, absolutely necessary for an effective land reform programme, however, requires a level of rural and agricultural planning that has not been seen in Namibia. Land reform and resettlement policy should be a part of this broader policy of agricultural and rural redevelopment. Whole blocks of commercial and communal lands need to be surveyed and inventoried. Plans for environmental reconstruction need to be developed. Ironically, the ground work for this reconstruction can provide both jobs and skills for labourers that can later be used in resettlement projects.

Finally, we have seen in our visits to these projects that most resettlement projects do not take adequate account of the agricultural potential of the land. Obviously, land with little carrying capacity cannot provide meaningful employment for hundreds of settlers. Land reform must begin with the land: a rational assessment of the future potential of each commercial farm selected for resettlement. Much Namibian land is not degraded, yet still, because of its aridity, has a low carrying capacity. Small plots intended to grow crops are not likely to support a family in most of Namibia. Water resources need to be carefully evaluated before resettlement projects are begun.

### **5.3 Selection of resettlement project beneficiaries**

We are prepared to say the least about this aspect of the resettlement process: there is simply too little information. The five-tiered process of the selection of settlers was described in Chapter 2. Namibia has at least several hundred thousand poor people who qualify for resettlement under the MLRR's published criteria. Indeed, when we discussed these criteria our reaction was that they might apply to a substantial percentage of the entire population of the country. Our research team did not find settlers who did not meet these criteria: all were poor people, some displaced by war, some driven off farms, and in need of a livelihood. Still, it is not clear how these particular beneficiaries were selected, compared to others, or how particular beneficiaries were placed on particular resettlement projects. Low levels of literacy and education in rural Namibia also may impact on the selection process, discouraging those who are illiterate either from initially applying, or from sustaining the two-year or more waiting process.

The place this might be the most clearly tested is in the level of planning that matches particular recipients up with individual projects. Basic agricultural skills were lacking in a number of the projects. Matching the skills of particular beneficiaries with the needs of particular projects might lead to more skilful farming methods, and higher incomes. Similarly, more attention to inter-group dynamics might also provide better matches between beneficiaries and individual resettlement projects.

A danger exists to the extent that the resettlement programme is perceived as simply "dumping" poor people in rural slums. Indeed, the idea that resettlement beneficiaries are "loafers" has reached the floor of the National Assembly. This is unfortunate, for this is not what our research team found. By and large, we found the resettlement projects full of working people with a desire to make a living, but frustrated by a lack of support and a lack of opportunity. Many are unemployed or underemployed so, on any given day, many people will be sitting or standing around and not working.

But this is illustrative of the difficulties these projects face. Careful selection of beneficiaries and appropriate staffing of each resettlement project is a critical element of their ultimate success. It appears that the MLRR could be more systematic in the selection and assignment process.

### **5.4 Sustainability**

The Ministry of Lands, Resettlement and Rehabilitation states in its draft White Paper on Resettlement Policy in 1997 that it would restrict its support for individual resettlement projects to five years. It reasons that, "within this period it is expected of settlers (beneficiaries) to have gained enough experience



and self-confidence to be able to support themselves."<sup>159</sup> This policy has apparently been liberalised in the 2001 White Paper, which states (at 9) that "the type of settlement and the category of beneficiaries will determine the length of support". This change to a more flexible policy is fortunate because the LAC research team did not find one resettlement project that is sustainable after five years. It is not known that any of the 97 resettlement projects are sustainable. Our opinion is that sustainability can only be achieved if development projects are implemented over a longer-term period of ten to fifteen years, (and perhaps more) on condition that projects are monitored independently by consultants on a tender and five year renewable contract basis. Even then, this monitoring process must be active, and the MLRR must be prepared to intervene and restructure failing projects. It must also provide more education and technical support.

For example, the Skoonheid resettlement project was started in 1993. When the LAC research team visited the project in June 2000, beneficiaries still relied heavily on monthly food handouts from the government. No scheduled annual development plans exist on how sustainability will be achieved over the given five-year period. It is also doubtful whether project clerks on resettlement projects are compelled by the MLRR to compile annual project activity reports.

At Excelsior the government assigned a Spanish development consultancy on a three-year basis to assist with development projects. Although the Spanish input into the project is highly commendable in terms of providing housing and agricultural training to beneficiaries, it is doubtful whether the project will be sustainable in the long run. A positive spirit among beneficiaries was present when the LAC research team visited Excelsior. However, at the time of the visit the Spanish co-ordinators were still present at the project, and it was clear that the co-ordinators were making most of the decisions for beneficiaries. Although beneficiaries have gained by the transfer of technical skills from the Spanish co-ordinators, one feels somewhat sceptical whether strong leadership skills have been developed among beneficiaries through the presence of the Spanish co-ordinators at the project. It is currently not known whether the MLRR is now monitoring the activities of the project after the Spanish have left.

The Queen Sofia project has been hampered by a number of drawbacks. First, the project only got off the ground a year after the government and Spanish agreed on a contract. As with Excelsior, the Queen Sofia project will be run on a three-year contract basis in co-operation with the Spanish. Having lost one year, only two years remain to implement the project's goals. Secondly, some of the beneficiaries left before it started, forcing the MLRR to search for new beneficiaries in order to save the project.

The approach that both the MLRR and foreign development agencies might take in the future is to identify beneficiaries with potential leadership skills and send them on management courses design to deal with the day to day operational functions of resettlement projects. This is crucial in terms of achieving sustainability on resettlement projects. Another option, which is already happening at Queen Sofia, is to use neighbouring commercial farmers to assist with resettlement projects.

Contrary to the MLRR statement that the aim of resettlement projects is the upliftment of the beneficiaries "so that they can attain an acceptable level of social and economic development in order to support themselves"<sup>160</sup>, one feels that the resettlement programme is currently being run as a welfare programme. The more beneficiaries become dependant on outside help, the less equipped they will be in the long run to solve their own problems.

<sup>159</sup> Ministry of Lands, Resettlement and Rehabilitation, *White Paper on Resettlement Policy*, (Draft, July 1997) at 9; Ministry of Lands, Resettlement and Rehabilitation, *White Paper on Resettlement Policy*, October 2001, at 9.

<sup>160</sup> Ministry of Lands, Resettlement and Rehabilitation, *White Paper on Resettlement Policy*, (October 2001), Executive Summary.



## 5.5 The economic basis of resettlement projects

The lack of proper Environmental Impact Assessments is evident when visiting resettlement projects. For example, the Gam area should never have been chosen as a resettlement project because it is too dry and environmentally damaged. There have been many problems drilling boreholes in the region. When the Herero repatriates from Botswana were resettled at Gam, the pressure on the area's water resources increased and adequate water cannot be provided. In addition, the area is not fit for cattle grazing because of the presence of *otjikurjoma* (poison leaf) that kills cattle in hours after it has been eaten and because of the generally degraded environmental conditions.

It is also doubtful whether gardening activities, proposed by the MLRR, are suited to most projects. At Onandjendje, for example, beneficiaries stated that they rely solely on rainfall for their crops. The environmental conditions on the majority of projects restrict sustainable gardening practices, unless irrigation systems are provided. In addition, distance from markets and poor transportation means that garden crops cannot be sold. The productivity of these gardening and dry-land farming operations is very low.<sup>161</sup> These projects are best suited for livestock farming, which is the use that commercial farmers made of the land.

In 1994, the Land Use Planning Unit of the MLRR conducted a study to look at the agricultural possibilities of Skoonheid, Rosenhof and Rusplaas. It was recommended that fifteen hectares of land is needed per head of cattle in order to keep to the carrying capacity of the land. The condition attached to this recommendation is that grazing should be practised on a rotating basis. In the same study it was discovered that the carrying capacity of the project was exceeded by 250%, because of Herero cattle farmers overstocking the land. The conclusion made in the study report was that gardening at the project is only feasible on a small (non-commercial) scale on condition that an irrigation system is used.<sup>162</sup> In other words, little opportunity exists for beneficiaries at the Skoonheid resettlement project to get involved in crop or livestock farming. At Otjihau livestock farming is also restricted because of the fact that the area around the project is badly overgrazed and little grass is left for livestock to survive.

The LAC research team suggests that the MLRR do Environmental Impact Assessments before it acquires land for resettlement purposes. This would determine the suitability of the land for agricultural activities as well as to help prevent continued environmental degradation. Given the widespread existence of degraded pasture and farming lands in Namibia, it may be necessary for the MLRR to build its own capability to restore farms before they are allocated to the resettlement process. In other words, "land reform" has an ecological quality as well as a social and political quality: degraded lands cannot be resettled, so they either must be left idle or restored.

## 5.6 Land tenure security and obtaining collateral

Scholars of the land reform process report that it is essential for settlers to have a legal interest in their land. This security of tenure gives them a motivation to develop their lands, and also ensures inter-generational stability, so that spouses and children are not impoverished on the death of a parent or partner. Yet, it seems this basic condition is not met in the projects the research team visited most beneficiaries are not sure what type of occupational rights they are holding on resettlement projects.

The MLRR has consistently stated that beneficiaries are entitled to 99 year leasehold agreements, which will be registered with the Deeds Office as soon as the MLRR has completed their process in providing beneficiaries with official certificates — which is currently taking place. Thus, while the MLRR is attempting to meet its legal obligation here, most settlers are not aware of their legal right to their lands.

<sup>161</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 94, reports that per capita annual crop output from four of the resettlement projects visited in this report as: Tsintsabis, 15 kg; Mangetti Dune, 11 kg; Drimops, 24 kg; and Skoonheid, 27 kg - in his words "inadequate to nourish a rabbit for a year."

<sup>162</sup> Dorenda van Seumeren, *De (on)mogelijkheid van een resettlementproject*, onderzoekverslag, Culturele Antropologie, Universiteit van Utrecht, 2000 at 78.



In addition, it is not clear exactly what legal rights are conveyed to beneficiaries through these 99-year leases. Are these leases renewable? Will their families inherit these properties as a matter of right, or will the MLRR have a role in approving these lease transfers? Can these leases be sold or traded? If put up as collateral for loans, can these leases be foreclosed on by banks or financial institutions? Can beneficiaries be ejected from their leases for bad behaviour?

This clearly represents some kind of failure - at a minimum one of communication between the government and project beneficiaries. But it may be more than that. The reason beneficiaries are supposed to have a legal interest in their project is to give them a sense of ownership, of the social status that accompanies land ownership, stability in their communities, and a feeling that their work will permanently benefit their families. No one interviewed in this study had any knowledge of their legal status in the resettlement project that they were supposed to be committed to building; therefore, they have no sense of "ownership" in their respective resettlement projects.

This is part of a broader problem. The legal status of the lands of black citizens of Namibia is a lesser status than the legal status of white citizens, who most often own their land in freehold. Blacks most often hold legally undefinable usufructuary interests in communal lands, perhaps 99-year leaseholds on resettlement projects, or undefined "squatters" rights in hundreds of informal peri-urban settlements. The Namibian government has been unable to even address this situation, let alone offer blacks definite legal rights to their lands.

Beyond these broad policy problems, there is a more immediate issue. This legal uncertainty makes most black land unavailable as collateral for a loan. This is also true of the 99-year leases in resettlement projects. In theory, land leases given to a beneficiary could be used as collateral. However, in reality it seems highly unlikely that any resettlement beneficiary will be in the position to be granted a loan from a commercial bank by using his/her ten hectare piece of government allocated land as collateral. In terms of obtaining development loans from the Agricultural Bank's Affirmative Action Loan Scheme, only affluent communal farmers who would like to settle in commercial areas are in a position to qualify for these loans. In reality, beneficiaries living on resettlement projects will find it extremely difficult to gain access to the Affirmative Action Loan Scheme.

The research team found few settlers who had been able to obtain loans to start businesses, improve their homes, or better their lives. Many, if not most, were too poor to pay for school fees. Small businesses present opportunities wherever communities of people live. Yet, almost any small business requires some capital in order to begin operations.

At a minimum, it seems that the MLRR should make a greater effort to inform settlers of their legal rights within the settlement project. This should include some formal delivery of the document confirming registration of their 99-year leasehold at the Deeds Office, as well as basic education of the meaning of this tenure right. The use of long-term leases as collateral in loans should be clearly explained, as well as the process of applying for loans. The relevant bank and loan officers should also be trained in making appropriate agricultural or small business loans within the context of the resettlement projects. These very basic reforms are necessary to enable people who have never participated in the commercial sector to become functionally literate in these practices.

But, more realistically, it also seems that the government will need to guarantee some or all of these loans. From a purely business perspective, no bank wants to foreclose on a 99 year lease on a ten hectare plot on a resettlement scheme. Such property, while it has a commercial value, is simply too much trouble to administer and re-sell to recoup the bank's investment. Such foreclosures would also destabilise the populations of the various resettlement schemes, replacing MLRR selected beneficiaries with people who bought the 99-year leases from banks.



Given the lack of business experience of most beneficiaries, there is likely to be a high rate of business failure and a resulting high rate of default on these loans. This is a problem very different than one of the basic access of poor people to government loans and must be planned for. Providing support and assistance with the various small business ventures, as with agricultural production, will be necessary.

### **5.7 Decision-making processes on resettlement projects**

The general feeling one gets when visiting resettlement projects is that beneficiaries are not encouraged to participate in decision-making processes or to use their own initiative. Instead, decision-making is often left in the hands of project clerks or managers, MLRR employees who, in most cases, do not consult beneficiaries on their needs and concerns. Decision-making on resettlement projects, in general, follows a top-down instead of a bottom-up approach.

This presents a number of serious problems in relationship to building a new and functional community in a resettlement project in a five-year period. Top down management prevents settlers from developing their own community-based governance models. Then, when the MLRR leaves at the end of five years, there is no local tradition of governance and the resettlement project is left without leadership or a functioning government. Under such conditions, it cannot succeed. Factional struggles break out, as at Gam, and the resulting social chaos makes a productive living impossible.

The research team also found some tendency, especially in some projects, for women to defer to men in governance matters. This was not universally true, for women were often fully involved in governance, and many managers were also women.

We recommend here that an active governance plan be prepared for every resettlement project that emphasises collective decision-making and its role in community building. This plan should specifically address the role of women in community governance. While different governance models might be considered, we note that the co-operative model has a positive history in Namibia and is referred to in some resettlement projects, but at the same time, its elements are not properly followed. It is important that whatever governance model is used, it is carefully planned, taught, and monitored.

### **5.8 Lack of capacity building programmes**

Resettlement project clerks or managers on most of the projects do not have technical and managerial skills. Few of them have a background in agriculture. It is unclear what criteria the MLRR applies when appointing project leaders to resettlement projects, but there are no apparent educational qualifications. At best it seems they are relegated to the civil service ranks as "clerks", a description that very much understates their actual function as managers of resettlement projects. We recommend that project leaders be educated in the social sciences or agricultural sciences and appropriately trained for the task of managing a resettlement project.

This reconceptualisation of the role of project managers is consistent with recognising the critical importance of the leadership function in resettlement projects. Dozens or even hundreds of people, of diverse backgrounds, from different parts of Namibia are moved together, to begin a lifetime social experiment. Good leadership is essential in the initial period of any resettlement project. This can not be relegated to a "clerical" function. Millions of dollars of resources are invested in each resettlement project, and a lack of leadership risks the success of the whole effort.

Capacity building of resettlement project beneficiaries through suitable skills training courses can make a considerable difference in order to develop projects efficiently. We recommend that there be appropriate skills training in every resettlement project for the beneficiaries. These skills, obviously, will vary depending on the economic base of the project, but should include basic agricultural or industrial skills, basic education in language and maths, and, if necessary, skills in governance or inter-group relations.



The important consideration is that the settlers in a project be fully trained to deal with the range of issues confronting them as educated people, capable of making their own choices, and not as passive beneficiaries of a welfare scheme.

### **5.9 Avoiding paternalism in the land reform process**

In all its publications, the MLRR refers to persons living on resettlement projects as either "settlers" or "beneficiaries". There is a historically negative and even offensive connotation to the term "settler". The word "settler" is associated with Namibia's colonial history, referring to white settler farmers. Settler, for all its historical baggage, at least has the virtue of equating black settlers with white settlers, evoking a common process that has public recognition.

However, the term "beneficiary" is equally open for criticism because it evokes a "gift" from a welfare state. Being referred to as a "beneficiary" means that one is receiving something without making a contribution to one's own welfare. In other words, people living on resettlement projects are dependent on benefits received from the government. Thus, both of these terms have unfortunate connotations that undermine the resettlement process, and evoke either racism or paternalism.

Referring to persons living on resettlement projects as "participants" is perhaps a better option. "Participation" means that poor people themselves are involved in identifying the problems they are facing. It also means that they are in a mutual participatory relationship with the government in terms of negotiating and designing realistic plans to achieve their goals. From the term participation grows the term empowerment.<sup>163</sup> People participating in their own development are permanently empowered. Yet one gets the feeling that most resettlement beneficiaries are lacking the self-motivation and self-confidence needed make successes of their projects.

This difficulty of terminology underscores the importance of a clear legal land-holding right that participants in resettlement schemes can acquire. This would make them simply "land-holders", a legal right that carries with it all the implicit recognition that land-holders gain in agrarian societies.

### **5.10 Communication and co-ordination between regional MLRR offices, other ministries, and projects**

Project leaders often complained that resettlement supervisors from the different ministries seldom visit projects or are aware of the beneficiaries needs. Supplies such as diesel fuel, farming implements and seeds often arrive late on projects. This often results in the "breaking down" of projects. For example, if a project does not receive diesel fuel, then water for irrigation cannot be supplied to gardens. This means that vegetables and other crops die, impoverishing an entire resettlement project, and undermining the resettlement process.

Communication links between the different ministries involved in resettlement projects and project leaders should be strengthened in order for resettlement projects to be managed more efficiently. In particular, to the extent that these are agricultural resettlement projects, the Ministry of Agriculture, Water, and Rural Development should play a larger role in supporting their agricultural infrastructure. To the extent that environmental degradation is an issue at each project, the failure of involvement of the Ministry of Environment and Tourism is notable.

The procurement of basic supplies for resettlement projects needs to be put on a more sustainable administrative basis. Interruptions in the supply of the items necessary for a basic agricultural infrastructure

<sup>163</sup> Community Development, *Poverty Alleviation Solutions*, Oxfam Hong Kong (<http://www.oxfam.org.hk>).



were described in most of the resettlement projects. Agricultural operations are notoriously dependent on weather and other changing social conditions. The MLRR needs a flexible capability of supplying needed materials to the resettlement farms when they are needed. The cost of failure here is the failure of the project itself.

### **5.11 Income opportunities available for beneficiaries**

Beneficiaries do not earn an income from the resettlement project and, since their lack of means was among the reasons for their initial resettlement, the resettlement projects are poverty stricken. This reality forces them to search for income opportunities elsewhere. Beneficiaries living on resettlement projects in commercial areas often seek temporary work on neighbouring commercial farms to sustain themselves. But many resettlement projects are so remote that there are no opportunities for supplemental income. This leaves the beneficiaries with no income at all, dependent entirely on limited food assistance from the government. But limited food aid does not pay for such necessities as clothing, medicine and toiletries, transportation, school fees, family emergencies, and other expenses that accompany basic human dignity.

The MLRR should, with the assistance of the NGO sector, look at alternative means other than agriculture to generate income activities on projects. The potential benefits of introducing tourism on resettlement projects remain largely unexplored. Projects like sewing, craft and furniture production can also be introduced to projects. However, training and good management courses would be essential to make such projects sustainable.

Without adequate income opportunities it seems likely that the resettlement projects will ultimately fail. At a minimum, resettlement projects often take on the character of rural slums, appearing to be vast "squatter" camps. This image cannot help but injure the self-respect of beneficiaries, and to reduce the appeal of resettlement projects to potential beneficiaries. All of those who are resettled have a choice: they can continue to live under their existing conditions in the communal areas or in peri-urban squatter camps. To the extent that resettlement projects represent institutionalised poverty and despair, people will not enrol in them.

### **5.12 Ethnic tensions in the resettlement projects**

Ethnic tension is noticeable among beneficiaries at some of the projects visited. At Skoonheid and Drimiopsis the majority of beneficiaries are San. Other beneficiaries are mainly Damaras and Owambos. At Skoonheid conflict between San and other ethnic groups has a negative influence on the project, with each group blaming the other for the project's problems.

Van Seumeren, a researcher from the Netherlands, noted that the Skoonheid project leader was not popular among beneficiaries. One beneficiary reported to Van Seumeren that this leader sees both the San and Damara as lazy, stupid and unreliable. Another beneficiary claimed that the project leader "only looks after her own colour", meaning that she is only concerned about the welfare of her ethnic group, the Hereros.<sup>164</sup>

Strong leadership, effective management, and perhaps public education are needed to root out ethnic tension on resettlement projects. MLRR supervisors should be trained to solve these problems. Indeed, such efforts are required in multi-cultural Namibia.

Another issue producing ethnic tension lies in the state taking communal lands, almost always in the hands of one ethnic group, and using those lands to resettle people from other ethnic groups. Too often

<sup>164</sup> Dorenda van Seumeren, *De (on)mogelijkheden van een resettlementproject*, onderzoekverslag, Culturele Antropologie, Universiteit van Utrecht, 2000 at 86.



the state is insensitive to local perceptions in a large and poor country. Such actions may be necessary to achieve national unity in a multi-ethnic nation, but they should not be taken without adequate measures to address inter-group relations.

### **5.13 Alcohol abuse and violence**

World wide, conditions of poverty and despair are associated with violence and substance abuse. It is no different in Namibia's resettlement projects. Alcohol abuse is especially common on Skoonheid and Drimiopsis. The abuse of alcohol is often stated by beneficiaries as the reason why violence occurs on projects. Violence at Mangetti Dune, although not admitted by beneficiaries, seems to be common, especially over weekends, according to the clinic doctor at the project. At Otjihau and Onandjendje beneficiaries stated that violence against women is also common. At Tsintsabis, alcohol is more freely available for purchase than food. At Excelsior, the project leader mentioned that beneficiaries are encouraged not to abuse alcohol.

It is important to note that on all projects, beneficiaries stated that interpersonal violence on projects is less than in the places they lived before. This most likely means that whatever structures exist at resettlement projects, they are more effective than the structures that existed where people lived previously. In a country with limited police services, the resettlement communities do exert a level of social control, through their managers, community organisation, or both. And, in reality, alcohol is less available in rural areas than in cities, and requires some means to purchase it, itself a problem in cash-poor economies.

The MLRR should, once again, include training in how to deal with alcohol abuse and domestic violence for its project directors, as well as insure that appropriate public education occurs in the resettlement projects. Related to concerns raised in our discussion of public safety concerns, each resettlement project should have some means to provide basic public safety to protect its inhabitants from violence.

### **5.14 Crime**

Related to problems of alcohol, resettlement projects generally lack security and many have significant crime problems. There is a weak police presence in some of these areas, a common problem in rural Namibia. At the Otjihau resettlement project, beneficiaries complained about criminals stealing their belongings. The nearby police officers at Onesi seem unable to solve these crimes, which means that the community sometimes has to deal with criminals by relying on assistance from the traditional authorities, or through various quasi-vigilante "self-help" methods that encourage lawlessness.

The insecure situation in Angola also affects the lives of Otjihau beneficiaries. Some claimed that Angolans crossing the border are robbing residents at gunpoint, then fleeing back to Angola.

At Skoonheid, a particularly disorganised resettlement project, cases of theft and assault are common. In 1999 two settlers were murdered in an alcohol abuse related fight, the only known killings in a resettlement project.

Recommendations here take two forms. Obviously, making police services accessible in rural Namibia is an issue well beyond the immediate scope of resettlement projects. Rural police stations, for example, commonly lack transport, hence cannot respond to complaints or dangerous situations across a police district that might extend 100 km or more. Effective local police services should be available at each resettlement project.

On a more basic level, the directors of resettlement projects could take more initiative in matters of security. This could involve both training and vesting some limited police authority, such as community



watchmen, in each resettlement community. Indeed, some of the respondents gave great deference to the authority of the project leaders, expressing a fear of discipline or expulsion from the project for misbehaviour. To the extent that this authority exists, it must be put on a formal, legal basis otherwise it carries some potential for abuse.

Beyond this, problems in community building often appear as security issues. A strong community can do much to secure itself. A decaying community cannot be made whole by even extensive police activity. This reinforces the need for the MLRR to take careful measures to effectively organise resettlement communities and to meet basic human needs.

### **5.15 Food for Work**

Beneficiaries are dependent on "Food for Work" projects from the government. This means that beneficiaries receive food in return for work delivered on the resettlement project. When Tsintsabis was visited, one such scheme, a bricklaying project, was in operation.

The problem with the Food for Work schemes is that they provide only a temporary solution to a long-term problem. They also make beneficiaries dependent on government support, because beneficiaries expect that the government will always be there to support them.

On the other hand, at projects where there were no Food for Work schemes in operation, beneficiaries, with no income and living in extreme poverty, complained of hunger. It seems that, at a minimum, there must be food security in the resettlement projects. Indeed, because of the isolation of the projects, it is unconscionable for the MLRR to resettle people, then leave them and their children hungry. In such conditions, beneficiaries can only survive by abandoning their resettlement project. Therefore, a basic Food for Work programme must be maintained at each resettlement project until sufficient income is generated so that beneficiaries can feed themselves and their families. At the same time, the MLRR must work harder to provide meaningful employment and income on the resettlement projects.

### **5.16 Isolation of projects**

Many resettlement projects are located far from big towns or trade centres. This situation creates a general feeling of isolation among beneficiaries, which ultimately undermines their confidence in themselves and their community. Beneficiaries complain that they rarely know what goes on in the rest of the country, because they do not receive daily newspapers, television or radio reports. It also creates an impression that the resettled people are being marginalised, effectively "dumped" in the far regions of the country.

The isolation of projects also negatively influences the economic activities of most project communities. The fact that projects are isolated also makes the marketing of products very difficult. Beneficiaries in general do not have access to transport which makes it difficult for them to get in touch with family and visit other communities. Most beneficiaries also complained about the lack of public transportation to and from projects. Again, poor transportation is a problem throughout rural Namibia.

We recommend that measures be taken to improve both communication and transportation at the resettlement projects. At the same time, we refer back to our comments on the lack of systematic planning of the resettlement process. Grouping resettlement projects, resettling large blocks of farms at one time, putting resettlement projects closer to population centres, will all make resettlement projects both more attractive and more efficient, in turn making communications and transportation easier and more cost effective.

Locating resettlement projects along major highways, in populated regions of the country, would also communicate a powerful message about the Government's commitment to the resettlement process: that it is a fundamental policy in the transformation of Namibia from a divided nation under apartheid to a



nation where all peoples live together and share the country. Residents of resettlement projects must feel "included" in Namibian politics and society, not banished to the margins.

### **5.17 Lack of proper housing and support services**

The MLRR has provided housing for beneficiaries on most resettlement projects. By 1998 the MLRR reported that it had spent N\$10 million, constructing 268 brick houses.<sup>165</sup> However, given the large number of people resettled, a lack of proper housing exists. There is a need for more housing at Otjihau and Onandjendje. At Gam a large section of the community still has no proper housing. Many of the Herero returnees live in huts made of sticks, mud and cow dung. Other settlers are provided only with basic housing materials and build only rudimentary houses. Many houses are built of zinc, a material that heats to high temperatures in a hot climate, forcing beneficiaries to sleep outside.

Resettlement projects must not become rural slums. Their appearance as such undermines the entire resettlement process, discouraging individuals from applying for resettlement. Accordingly, the MLRR should provide adequate and appropriate basic housing in the resettlement projects.

Most projects do not have electricity or other energy sources. It is common for many resettlement communities to rely on collecting wood for cooking food and lighting purposes. This in turn has a negative effect on the environment around resettlement projects which are soon depleted of trees for many miles, accelerating desertification and making wood prohibitively expensive.

Accessible piped water for domestic use is also a problem at many resettlement projects. Long walks for water are common, as are interruptions in water availability due to poor quality pumps or poor pump maintenance. Pumps are also vandalised or stolen, a security problem.

### **5.18 Protection of the rights of women**

Women have the same property and social rights in their lands on resettlement projects as men do. These rights are guaranteed under Article 10 of the Namibian constitution. There are a number of concerns here.

At the outset, equal opportunity poverty and hunger does not advance the cause of either men or women, nor does it provide a sound social or economic basis for resettlement projects. All of the adverse conditions on the resettlement schemes described in this report impact disproportionately on women, because they are primary care givers for children. Poor housing conditions, poor food, lack of fuel for cooking, long walks to water points all undermine the basic rights of women.

Ignorance of basic legal rights is a problem at all resettlement projects. Most beneficiaries, women and men alike, are ignorant of their legal right to their lands on resettlement projects. Thus, even if women have an equal right to their land, houses, and personal property, they cannot exercise that right if they are ignorant of their basic property rights. Basic education in human rights under the Namibian Constitution is needed.

Some women on some projects were very assertive of their rights, assuring interviewers that they had an equal right to their property. Other women were less assertive, believing that men owned their commonly held property, or culturally deferring to men on economic issues.

At the same time, it is important to say that, in general, women in the resettlement projects feel that conditions for women are better in the resettlement projects than they were before. This may well reflect

<sup>165</sup> James Suzman, *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, 2001 at 97. Suzman reports major discrepancies in MLRR data on housing construction, including data claiming that 80 houses had been constructed in resettlement projects in Caprivi, when only 35 actually exist.



the transformation that occurs when families choose to move from their former community to a resettlement project. Because beneficiaries must affirmatively choose to participate in a resettlement project, they are already indicating an openness to change. Such an uprooting from former communities itself may have a liberating effect on women, as well as on their families.

Still, there were enough problems in the position of women in resettlement projects in order to recommend that the MLRR include this issue in both their training programmes for project leaders, as well as in the various educational and training programmes occurring in the projects.

### 5.19 Economic feasibility of projects

Land reform is necessarily an expensive social process. Indeed, it may be that the actual expense of the land is only a small fraction of the total expenditure of the land reform and resettlement process. Many of our recommendations involve additional expenses still. At the same time, the failure of a land reform and resettlement process may be more expensive still.

Between Namibian independence in 1990 and 2000, N\$589 million was budgeted to the operations of the MLRR. A further N\$100m has been earmarked for direct land purchases, indicating that resettlement and administrative costs are up to six times higher than the cost of land acquisition itself, assuming that, aside from land conveyancing and surveying, almost all expenditures of the MLRR are for land reform and resettlement.

Evaluating all this expenditure is complex and can take a number of forms. The simplest is simply to look at this expenditure in relationship to the benefits affording the existing beneficiaries.

Despite all of these moneys allocated to land reform, no concrete evidence shows that it has contributed to poverty reduction. Deputy Minister of Lands, Resettlement and Rehabilitation Mr. Katali admits that no detailed studies have been conducted so far to determine the success of the programmes. However, Katali insists that regular monitoring of the resettlement programme is taking place. It is arguable whether the resettlement programme is an effective way of tackling poverty. The programme is costly and has only reached small numbers of people: 27 600 persons have been resettled since independence according to the MLRR.

At current costs (May 2000 data) households would have to earn more than N\$1000 a month from their new farms on resettlement projects if they are to be better off than if the resettlement moneys were simply invested in the bank. This is already well above what most communal households currently earn from their agricultural activities.<sup>166</sup> In other words, MLRR administrative costs apparently eat up most of the resettlement money, leaving most of the beneficiaries in poverty.

But this model does not account for the development of an infrastructure for future resettlement projects, nor does it account for the future economic, social, and political benefits of resettlement. For example, to the extent that leaving existing commercial farmlands in white hands has the potential to be politically destabilising, those future political costs have some economic value that must be paid for in the present.

Put another way, land reform is extremely expensive in the short run. Commercial farms with great value are purchased by the state, an immediate expense, and taken out of production, a recurring expense reflecting a lost production value for an unknown number of years. Less experienced farmers are then resettled on that land, another expense, and supported until they build a sufficient economic base to earn their own livelihood, still another expense. But all these expenses are built into the land reform process itself. The expectation is that these expenses will return broad benefits to future generations by structuring a social order that is more equitable and, therefore, more stable.

<sup>166</sup> Growth Namibia, "Couldn't happen in Namibia?", Misanet news and information network (Internet article, May 2000).



But, this does not have meaning to poor people living on existing resettlement projects, nor for the immediate future of these resettlement projects. These projects must be successful in the short term for land reform to be effective for future generations. This means, simply, that the MLRR must provide more services to the existing and future resettlement projects at even higher administrative costs.

At the same time, the land reform and resettlement process must be carefully evaluated as a poverty-amelioration measure. Simply put, the future of small-scale agriculture in Namibia, as well as in the rest of rural Southern Africa, may be economically very limited. Therefore, resettling 100 000 or more Namibians to small-scale agricultural schemes may never be an effective way to reduce rural poverty.

But, these increased expenditures must be carefully and independently evaluated. Each resettlement project must be subject to a rigorous and independent evaluation process, as must the overall MLRR resettlement scheme.

## **5.20 Conclusion**

It is evident through this report that the resettlement programme has not achieved its aims as set out in the White Paper on Resettlement Policy (2001). A number of reasons can be given for this, also detailed in this report. The Ministry of Lands, Resettlement and Rehabilitation is lacking experienced and trained personnel at ground level, where it matters most, at resettlement projects. This is evident in the lack of co-ordination, communication and motivation observed among project leaders.

At top management level, the MLRR is unrealistic with its time-table for implementation of the resettlement programme. The MLRR seems to have ignored international experiences of resettlement programmes that have failed because of quick fix solutions, lacking careful planning and not paying adequate attention to social and cultural factors. Resettlement programmes involve complex human processes, which require careful social planning in order to be successful. Resettlement projects should be evaluated on a regular basis, in order to determine their effect on beneficiaries, the environment and the economy. Independent agencies or consultancies should do this evaluation and monitoring of resettlement projects.

Political and economic considerations aside, successful resettlement can only be achieved if the human factor is at the centre of the resettlement process. People who are resettled should participate in the process that is designed to benefit them. The MLRR might make more of an effort to act as a facilitator of the resettlement process in Namibia, rather than take on itself the whole top-down responsibility as manager. Resettlement should be a combined participatory effort, where beneficiaries, more government ministries, the commercial and communal farming sectors, NGOs, and development aid donors are involved together. This is where the true spirit of reconciliation and democracy lies in Namibia.

The Namibian commercial agricultural landscape, as we know it today, is the product of only a few generations of colonial domination. But this forced alienation of Namibian land and the dispossession of black Namibians was also an expensive process, financed by colonial German and South African authorities willing to put great resources into their colonial enterprise. This land has great value, both economic and symbolic. Land reform is a political process, designed to redress historic inequities that are still deeply felt. This land needs to be ecologically restored and made available for all Namibians. But there are a number of different ways that this process can occur. The existing limited and expensive land resettlement process is only one of the processes that must be considered.

Land reform and land resettlement schemes must be part of a national agricultural and rural development policy that is designed to transform rural Namibia from the apartheid era form that it took, most recognisable in the form of 5 200 large farms, still held by 4 500 commercial farmers, to another, still to be determined, agrarian order. Making these choices requires both great political and social imagination, as well as making use of the best research and evaluation of existing land reform and resettlement methods, both in Namibia and in the rest of Africa.



## BIBLIOGRAPHY

### BOOKS, POLICIES & REPORTS

- Adams, F and Werner, W with contributions by Vale, P. *The Land Issue in Namibia: An Inquiry*, Namibia Institute For Social and Economic Research, University of Namibia, Windhoek, 1990.
- Alexander, N. *The Namibian war of anti-colonial resistance, 1904-7*, in *Namibia 1884-1984: Readings on Namibia's history and society*, Wood, B, ed, Namibia Support Committee, London, 1988.
- Bridgeman, J. *The Revolt of the Hereros* (Berkeley: University of California Press, 1981).
- Christensen, S. *Report on a flexible Land Tenure System For Namibia*, Ministry of Lands, Resettlement and Rehabilitation, (Windhoek, Namibia, 1997), in Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*. University of Cape Town (draft), (Windhoek: NAPCOD, 1998).
- Clarence-Smith, G and Moorsom, R. *Underdevelopment and class formation in Owamboland, 1844-1917* in Palmer, R and Parsons, N, eds, *The roots of rural poverty in central and southern Africa*, 1988.
- Devereux, S, Frayne, B, Hamett, P, and Naeraa, T. *Coping with Drought in Namibia: Informal Social Security Systems in Caprivi and Erongo*, NISER, 1992.
- de Vries, J. *Manasse Tjiseseta: Chief of Omaruru, 1884-1898, Namibia*, (Koln, 1999).
- de Wet. *Land and Its Dynamics in Namibia*, paper presented at Cabinet Retreat, Swakopmund, December 2000.
- Drechsler, H. 'Let us die fighting': the struggle of the Herero and Nama against German imperialism (1884-1915), (London: Zed Press, 1980) in Emmett, T, ed, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, (Switzerland: P. Schlettwein Publishing, 1999).
- Emmett, T. *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, (Switzerland: P. Schlettwein Publishing, 1999).
- Gewald, JB. *Herero Heroes* (Athens: Ohio University Press, 1999).
- Gordon, R. *Vernacular Law and the Future of Human Rights in Namibia*, NISER Discussion Paper No. 11, Namibian Institute for Social and Economic Research, 1991.
- Hangula, L. *Ancestral Land in Namibia*, SSD Discussion Paper No. 20, (Windhoek: Social Sciences Division, Multi-Disciplinary Research Centre, University of Namibia, 1998).
- Hangula, L. "Land Reform in Namibia", in Van Seumeren, D, *De (on)mogelijkheid van een resettlement project: onderzoekverslag*, Culturele Antropologie, Universiteit van Utrecht, 2000.
- Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg. *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*. University of Cape Town (draft), (Windhoek: NAPCOD, 1998).



Hartmann, A. *Biotechnology and Biosafety in Namibia: A Country Study*, Namibian Biotechnology Alliance, 1999.

Heusken, JA. *Report on the Broad Agricultural Potential of the Government Farms "Oerwoud, Chuudip, Tsintsabis" Oshikoto Region, and "Bravo" Okavango Region*, Directorate of Lands, Ministry of Lands, Resettlement, and Rehabilitation, Republic of Namibia, Windhoek, 1994, in Hansen, Liber, Mafune, McLean, Nijenhuis and Stoffberg, *Retrospective Assessment of the Environment Implications of Resettlement in the Oshikoto and Omaheke Regions of Namibia*. University of Cape Town (draft), (Windhoek: NAPCOD, 1998).

Jones, B and Baker, L. *A Toolbox for the establishment of Communal Area Conservancies*, Ministry of Environment and Tourism, Republic of Namibia, 1999.

Kakujaha-Mutundu, O, and Kavezeri, ST. *Farmworkers Project Research Report Series: No. 4, Overview of the Agricultural Sector in Namibia*, Legal Assistance Centre, 1997.

Kambatuku, JR. *Historical Profiles of Farms in Former Damaraland*, Occasional Paper no. 4, Desert Research Foundation of Namibia, 1996.

Katali, HI. Deputy Minister of Lands, Resettlement and Rehabilitation, Motivation speech on *The Agricultural (Commercial) Land Reform Second Amendment Bill*, 26 October 2000 at 1 and 2.

Kolberg, H. *International Conference and Programme for Plant Genetic Resources: Country Report for Namibia*, July 1995.

Lau, B and Reiner, P. *100 Years of Agricultural Development in Colonial Namibia: A Historical Overview of Visions and Experiments*, (Windhoek: National Archives, 1993).

Legal Assistance Centre, *NAMLEX-Index to the Laws of Namibia*, 2000 update.

Legal Assistance Centre, *Proposals for Divorce Law Reform in Namibia*, 2000.

Mabhiza, C. *Rural African Women in subsistence agriculture: the land reform programmes in post independence Namibia and Zimbabwe, a Comparative Study*, 1999.

McAuslan, P, Behnke, RH and Howard, J. *Namibia: Assistance in implementation of Agricultural (Commercial) Land Reform Act*, FAO/UNDP, 1995.

Ministry of Agriculture, Water and Rural Development, *Study on Rural Water Supply Development Fund and Saving Services: Final Report* (July 2001).

Ministry of Lands, Resettlement and Rehabilitation. *National Land Policy*, April 1998.

Ministry of Lands, Resettlement and Rehabilitation. *Resettlement Programme, 2001-2005*, Windhoek.

Ministry of Lands, Resettlement and Rehabilitation. *White Paper on Resettlement*. (October 2001).

Ministry of Lands, Resettlement and Rehabilitation. *White Paper on Resettlement* (Draft, October 1997).

Ministry of Lands, Resettlement and Rehabilitation. *White Paper on Resettlement* (Draft, July 1997).

Ministry of Lands, Resettlement and Rehabilitation, Division: Resettlement. *Draft Resettlement Manual*, 2000.



Moleah, A. *Namibia, The Struggle for Liberation* (Disa Press Inc, Wilmington, DE, 1983).

Moorsom, R. *Colonialisation and proletarianisation: an explanatory investigating of the formation of the working class in Namibia under German and South African colonial rule to 1945*. University of Sussex, M.A. thesis, 1973 in Emmett, T, ed, *Popular Resistance and the Roots of Nationalism in Namibia, 1915-1966*, Basel Namibia Studies Series 4, (Switzerland: P. Schlettwein Publishing, 1999).

Moorsom, R. *Transforming a Wasted Land*, (London: Catholic Institute for International Relations, 1982).

*Namibia: Perspectives for National Reconstruction and Development*, United Nations Institute for Namibia, 1988.

Namibian National Farmers Union. *Position Paper on Land, with specific reference to Rural Communal Land*. November 1996.

Namibian National Farmers Union. *Submissions by the Namibia National Farmers Union Concerning the Agricultural (Commercial) Land Reform Act (Act No. 6 of 1995)*. November 2001.

*NANGOF Position paper: Gender implications of the land policy in Land, Environment and Gender*, November 2000, compiled by the Legal Assistance Centre.

National Society for Human Rights. *Dumped and Abandoned: Suffer the Herero Returnees*, Windhoek, Namibia, March 19, 1998.

Ngavirue, Z. *Political Parties and Interest Groups in South West Africa (Namibia): A Study of a Plural Society (1972)*, Basel Namibia Studies Series 1, (Switzerland: P. Schlettwein Publishing, 1997).

Nujoma, S. *Where Others Wavered* (London: Panaf Books, 2001).

Pankhurst, D. *A Resolvable Conflict: The Politics of Land in Namibia*, Peace Research Report, No. 36, University of Bradford.

Republic of Namibia. *Land Reform: To Promote Equity and Fairness*, Windhoek, August 1994.

Republic of South Africa, *Report of the Commission of Enquiry into South West African Affairs, 1962-63* (Pretoria: Government Printer, 1964).

Republiek van Suid-Afrika, *Verslag van Kommissie van Ondersoek na aangeleenthede van Suidwes-Afrika*, Pretoria, R.P. No. 12/1964 in Tötemeyer, G, *Namibia Old and New: Traditional and Modern Leaders in Owamboland*, (London: C. Hurst and Company, 1978).

*Resettlement Co-operatives in Namibia: Past and Future - Workshop to discuss the Preliminary Findings of a Study Conducted by NEPRU for the Division of Co-Operative Development, Ministry of Agriculture, Water and Rural Development*, Workshop Notes, Greiters Conference Centre, 1 August 2000.

Rohde, R. *Afternoons in Damaraland: Common Land and Common Sense in one of Namibia's Former 'Homelands'*, Occasional Paper No.41, Centre for African Studies, Edinburgh University, 1993.

Sullivan, S. *The 'Communalization of Former Commercial Farmland: Perspectives from Damaraland and Implications for Land Reform*, SSD Report No. 25, Multi-Disciplinary Research Centre, University of Namibia, 1996.



Suzman, J. *An Assessment of the Status of the San in Namibia*, (Windhoek: Legal Assistance Centre), 2001.

Suzman, J. Draft Chapter 7, *Land and Resettlement*, 2000.

Tötemeyer, G. *Namibia Old and New: Traditional and Modern Leaders in Owamboland*, (C. Hurst and Company, London, 1978).

UNDP, *Namibia Human Development Report 1998*.

Van Seumeren, D. *De (on)mogelijkheden van een resettlementproject*, onderzoekverslag, Culturele Antropologie, Universiteit van Utrecht, 2000.

Wellington, JH. *South West Africa and its Human Issues*, (London: Oxford University Press, 1967).

Werner, W. "Agriculture and Land" in Melber, H, *Namibia: A Decade of Independence, 1990-2000*, Namibian Economic Policy Research Unit, Publication No. 7, 2000.

Werner, W. *Land Reform in Namibia, the First Seven Years*, NEPRU Working Paper No.61, August 1997.

Werner, W. Ph.D.thesis: 'An Economic and Social History of the Herero of Namibia, 1915-1946' University of Cape Town (1989), substantially published as *No One Will Become Rich: Economy and society in the Herero Reserves in Namibia, 1915-1946*, (Basel, 1998).



## PERIODICALS, NEWSPAPER & INTERNET ARTICLES

- Amupadhi, T. "Govt 'to take land' but Constitution will apply", *The Namibian*, 16 May 2000.
- Amupadhi, T. "MPs press for urgency, cool heads on land issue", *The Namibian*, 23 May 2000.
- Amupadhi, T. "Resettled farmers degrading land", *The Namibian*, 6 May 1999.
- Bethune, S. "Namibia's Challenge: Sustainable water use", in *Namibia Environment* Vol. 1, Tarr, P, ed, 1998.
- Coutsoukis, P, *Information on Namibia*, Information Technology Associates, 1999 (Internet article).
- Dierks, K. "The Colonial Period: German Rule: The Resistance Culminates in Genocide: 1904-1906", *The Namibian*, 15 November 2000, Internet article.
- Grobler, G. *On the Record*, Growth Magazine, May/June 2000 (Internet article).
- Growth Namibia. Couldn't happen in Namibia?* Misanet news and information network, May 2000 (Internet article).
- Hamata, M. "Stop overgrazing, start buying, PM urges MPs", *The Namibian*, 15 November 2001.
- Harring, SL. "The Constitution of Namibia and the Land Question: The Inconsistency of Schedule 5 and Article 100 as Applied to Communal Lands with the "Rights and Freedoms" Guaranteed Communal Land Holders", *12 South African Journal on Human Rights* 467 (1996).
- Inambao, C. "Government rejects 217 farm land offers", *The Namibian*, 16 March 1998.
- Inambao, C. "Resettlement beneficiaries lease out land", *The Namibian*, 17 May 2000.
- Kaumbi, U. "Personally Speaking- The Land Issue - A Pan Africanist View", *The Namibian*, 26 May 2000.
- "Majority don't count on traditional issues", *The Namibian*, 22 June 2000.
- Maletsky, C. "Govt to carve up illegal fenced off land", *The Namibian*, 13 October 2000.
- Maletsky, C. "Hereros to march as legal challenge starts", *The Namibian*, 1 March 2001.
- Maletsky, C. "N\$60m boost for land reform", *The Namibian*, 9 June 2000.
- Maletsky, C. "State 'resurrects' old SA legislation to be used against illegal fencers", *The Namibian*, 1 March 2001.
- Ministry of Environment and Tourism in Windhoek, *History of Daan Viljoen Game Reserve*. (unpublished).
- Ministry of Lands, Resettlement and Rehabilitation, Internet Web page.
- Moyo, T. "Govt speeding up land process", *The Namibian*, 30 August 2000.
- Moyo, T. "New Battle line drawn on land, NUNW, allies to turn up heat", *The Namibian*, 13 April 1999.



Nthengwe, D. "Agribank defends its art of banking", *Namibia Economist*, Friday 16 June 2000.

"NC calls for Presidential probe on illegal fencing", *The Namibian*, 18 May 2000.

"NNFU Battles Illegal Fencing", *The Namibian*, 29 January 1999.

Oxfam Hong Kong, Community Development, Poverty Alleviation Solutions, <<http://www.oxfam.org.hk>>.

Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation budget speech, delivered by Minister Richard Kapelwa Kabajani, 9 March 1995.

Republic of Namibia, *Report of the technical committee on commercial farmland* (1992), Windhoek: Office of the Prime Minister in Werner, Wolfgang, *An Overview of Land Reform in Namibia*, 1998 (Internet article).

Rademeyer, R. "Geld vir die grondloses", *Die Republikein*, 2 Junie 2000.

Schmoekel, W. "The Myth of the White Farmer: Commercial Agriculture in Namibia, 1900-1983," (1985) *International Journal of African History* 18.

Shigwedha, A. "NC explains its rejection of Communal Land Bill," *The Namibian*, 19 May 2000.

Shivute, O. "Ya France rips into Namibia's freedoms," *The Namibian*, 5 May 1998.

Simmons, R. Directorate of Environmental Affairs, Ministry of Environment and Tourism, Namibia, 1998 (Internet article).

*The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 2 Number 2, April 1999.

*The Land @ 10*, Newsletter of the Ministry of Lands, Resettlement and Rehabilitation, Issue 4 Number 4, August 2000.

"Tragedy of the Commons", *Growth Magazine*, May/June 2000 (Internet Article).

Werner, W. *An overview of Land Reform in Namibia*, 1998 (Internet article).

Wood, B, ed. Namibia, 1884-1984: *Readings on Namibia's History and Society* (1988), obtained from Internet site: Encyclopaedia Britannica, Britannica.com Inc, 1999-2000.