

The legacy of Namibia's landless generational farm-working community

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Abstract

An estimated half of the roughly 50 000 farmworkers employed in Namibia during the height of the apartheid era considered themselves generational farmworkers. This group, mainly from minority language communities, laboured on farms over multiple generations as a result of their having no access to land elsewhere and depended on farmers in order to meet their most basic needs: a place to stay, food to eat, and water to drink. While the Government of the Republic of Namibia (GRN) has made commitments to protect the few generational farmworkers still employed on farms, most former generational farmworkers are no longer employed on farms. This growing demographic group, who have been underserved by GRN resettlement programmes and now constitute a highly marginal, predominantly unemployed underclass, accounts for a significant proportion of the in-migration of unskilled and unemployed people into informal settlements on the fringes of Namibia's towns and villages. This paper argues for the recognition of this group as an apartheid legacy population that should be prioritised in land resettlement and provided extensive support as they adjust to life in peri-urban settlements.

1 Introduction

At the Omaheke "Town Hall Consultation" with President Hage Geingob, held on 11 July 2019, Chief Frederik Langman, Traditional Leader of the =Kau//Eisi San, informed the gathered dignitaries that "before independence most of the San

people were farmworkers but after independence most have been fired from the farms.” As a result of this he noted that “most of them have been wandering around the country not knowing where to sleep or to stay.”¹

Chief Langman was making this point specifically in relation to the San constituents of his traditional community. But he was also invoking a broader problem, one that lies at the intersection of a sequence of demographic, developmental and economic challenges and that are felt particularly acutely by an historically significant segment of Namibia’s population, “generational farmworkers”. This group, who retained no independent rights of residence anywhere in Namibia other than the farms on which they laboured over several generations, were the progeny of the peculiarities of South West Africa’s highly exploitative farm labour system and the inflexible ethnic logic of apartheid’s “homeland” system.

Even though it would be some years before the term “generational farmworkers” entered Namibia’s political lexicon, the unique challenges faced by this community were well understood by Namibia’s first democratic government in 1990.² But while generational farmworkers were identified as a priority concern at the time and specific provisions were made for them in the agricultural land reform and resettlement policies, this community has been notably underserved over the course of the last three decades.³ As a result, early opportunities to limit the impact of a ballooning socioeconomic problem through resettlement were squandered. The fact that these communities’ challenges have continued to grow is firstly symptomatic of broader demographic changes that have seen Namibia’s national population double since independence, placing unprecedented pressure on rural livelihoods; and secondly it is an unintended consequence of initiatives aimed at formalising what was once an ad hoc and highly exploitative farm labour market, specifically the introduction of social security, minimum wage and other legislation intended to regulate the farm labour market and bring it into line with the normative standards associated with other employment sectors.

In both his opening and closing keynote addresses at the Second National Land Conference held in Windhoek in October 2018, President Hage Geingob made specific reference to generational farmworkers. Noting that “as the son of a farmworker, the plight of generational farmworkers” was “close to his heart,”⁴ he instructed delegates at the conference to be mindful of the unique challenges faced by this community and recommended that “all resettlement programmes should pay special attention to the plight of generational farmworkers who themselves are

1 *New Era*, ‘From the town hall: Omaheke engages Geingob in lively interaction’, 15 July 2019.

2 GRN, *National Conference on Land Reform and the Land Question: Windhoek, 25 June-1 July 1991, Volume 1*, Office of the Prime Minister, Windhoek, 1991.

3 Kaapama, P., ‘Commercial land reforms in postcolonial Namibia: What happened to liberation struggle rhetoric?’, in H. Melber (ed.), *Transitions in Namibia: Which Change for Whom?*, Nordica Africa Institute, Uppsala, 2007.

4 President Geingob, closing keynote address at the Second National Land Conference, 1 October 2018.

inherently landless, more so when the farm they lived on all their lives changes in ownership.⁵

In line with President's admonitions, two specific resolutions were passed by delegates at the conference vis-à-vis generational farmworkers. These were that government should:

- develop a policy to protect generational farmworkers by providing alternative residence or providing a portion of the land to such workers; and
- develop a policy to ensure farmers offer unhindered access to graves and heritage sites and structures.⁶

It remains to be seen whether there is sufficient political appetite to give these policies teeth and, if so, the extent to which the GRN is able to effectively implement them, given the historical shortcomings in translating well-intentioned policy into effective practice. Nevertheless, early signs are positive, as soon after the conclusion of the Second National Land Conference, the Minister for Land Reform, Utoni Nujoma, stated that primarily as a result of budgetary constraints that meant they could not take on more ambitious resolutions, the Ministry of Land Reform (MLR) would focus its efforts on “low hanging fruits”, among them the two resolutions that focussed on generational farmworkers.⁷

But in passing these resolutions to address the challenges faced by generational farmworkers, delegates attending the 2nd National Land Conference failed to take into account the fact that, as alluded to in Chief Langman's comments at the Omaheke Town Hall, there are now very few among the generational farm-working community who are still employed on Namibia's commercial farms, and as a result they primarily form an apartheid legacy community characterised by landlessness, poverty and unemployment, rather than an active category of employees with specific workplace issues to manage. Indeed, after Namibian independence, the legislative and economic framework that made it possible for farmworkers to be employed on a generational basis was effectively dismantled with the result that the generational farmworker community is now comprised predominantly of populations who live in peri-urban settlements, eking out a living on the fringes of Namibia's communal areas and on resettlement farms.⁸ Indeed, despite Namibia's population having increased fourfold since 1971, the current number of individuals formally employed as agricultural workers in Namibia is less than 20% of the size of the commercial agriculture labour force in that year.

5 President Geingob, opening keynote address at the Second National Land Conference, 1 October 2018.

6 GRN, 'Resolutions of the Second National Land Conference, 1st–5th October 2018', Ministry of Land Reform, Windhoek, 2018.

7 Kahiurika, Ndanki, 'Farmworker evictions a 2019 priority – Nujoma', *The Namibian*, 24 January 2019.

8 Suzman, J., *In the Margins: A Qualitative Examination of the Status of Farm Workers in the Commercial and Communal Farming Areas of the Omaheke Region (Research Report Series No. 1)*, Farm Workers Project, Legal Assistance Centre, Windhoek, 1995; Werner W., *Land Acquisition for Resettlement: An assessment*, Ministry of Lands and Resettlement and GTZ, Windhoek, 2009.

From a policy and planning perspective, it is therefore vital to recognise that the generational farm-working community extends beyond those still employed in agriculture and includes:

- the ever-growing population of the dependants and descendants of apartheid-era generational farmworkers who over the course of the last three decades have been unable to find work on farms, and who now account for a significant proportion of the population of the rapidly growing informal settlements like Kanaan on the outskirts of Gobabis; and
- other unemployed generational farmworkers who now depend on informal and unregulated labour exchange in communal areas where they hold no traditional land rights, and where their labour relationships fall outside of the scope of the better regulated and more carefully managed formal agricultural employment contracts now characteristic of commercial farms.
- In view of the above-mentioned, this chapter will argue that:
- it is necessary to conceptualise generational farmworkers not just as a contemporary community but as an apartheid legacy community who, like former PLAN fighters and other legacy communities, are afflicted by a series of challenges very specific to their particular circumstances;
- future efforts to address the plight of the generational farm-working community must extend beyond those who still retain employment on commercial farms and include those in peri-urban settlements who continue to provide cheap labour in communal areas; and
- policy initiatives to address the status of generational farmworkers need to be mindful of both the particular historical circumstances that gave rise to the phenomenon of this group, and to their changing demographic profile.

2 Context

Addressing the specific challenges faced by generational farmworkers in Namibia requires understanding of the specific historical, economic, social and cultural forces that gave rise to this legacy community. It is as a result of these that generational farmworkers are caught in a self-replicating cycle of poverty; are poorly placed to compete for jobs in the urban areas where many now congregate; and lack the basic capital resources or security of tenure to establish themselves independently as farmers. It is also as a result of these challenges that a strong case can be made that, purely on the basis of needs, this community should be and should have been the primary focus of initiatives to sustainably resettle people on commercial farmland purchased by the GRN for resettlement purposes.

Creating economically viable commercial farming operations in a country that is predominantly arid and semi-arid posed a series of critical challenges to Namibia's first white settler farmers during the period of German rule and subsequently, after

1917, the period during which South West Africa was administered by the Republic of South Africa. Beyond various state subsidies and support programmes, the two key elements of administrative support for farmers in their efforts to develop economically viable farms were firstly to ensure that they were allocated enough land to farm at a commercial scale, and secondly to ensure that they had access to sufficient cheap labour to work that land. To this end, policies were developed firstly to ensure that farmers had easy access to “migrant labour” by relocating some traditional communities into environmentally marginal native reserves, and secondly by empowering farmers to press-gang indigenous populations into their labour forces and retain their services against their will by means of statutes including the Masters and Servants Proclamation of 1907 and the Vagrancy Proclamation of 1920.

Namibia’s generational farm-working population is comprised primarily, but not exclusively, of the descendants of people from traditional communities that were not granted quasi-autonomous communal areas by the 1963 Odendaal Commission or native reserves under South West African administrations. It must therefore be recognised that this community had its genesis in the differential land dispensations granted to specific “ethnic” communities by the apartheid regime, and that it is composed primarily of people from minority language communities who were not afforded communal areas of their own. Many in this group claim strong ancestral associations with land in both commercial and communal farming areas, as well as with land areas set aside for nature conservation. Thus, for example, the generational farmworker community in Omaheke Region is comprised mainly of San and Khoekhoegowab speakers⁹ with established ancestral ties to land across much of the commercial farming block, as well as in Aminuis, the Korridor, eastern Hereroland and the Tswana-speaking areas like the Ben-Hur/Shaka complex of farms and Epukiro RC. The generational farmworking community of the Outjo District has ties to both commercial farmland and state land in the form of Etosha National Park from which a significant number of Hai||om were evicted in 1955.

The generational farm labour system arose partially as a result of commercial farmers’ desire to secure stable and secure labour forces during a period characterised by crippling labour shortages. It also arose as a result of the fact that a significant proportion of the generational farmworker population is comprised of the descendants of people who claimed individual farms as part of their traditional territories and simply remained there when white farmers moved in. Thus, for example, in the Omaheke area between 1917 and 1960, Ju|’hoansi generational farmworkers typically worked on farms they associated with their traditional *n!oresi* (territories). Their status as generational farmworkers was cemented by the fact

9 Central Statistics Office, *Living Conditions in Namibia: The 1993/1994 Namibia Household Income and Expenditure Survey*, Windhoek, 1995, p. 275.

that up until the 1970s, farmers often expected the children of adult staff to work. This was viewed as desirable because it meant that from an early age they became accustomed to the specific work regimens of individual farms and familiar with the sometimes idiosyncratic demands of their employers. Importantly, those who grew up on the farms served what in effect were long agricultural apprenticeships and so became highly skilled farmworkers in their own right whom employers often valued and were keen on retaining. Thus, by the mid-1980s it was not uncommon for three generations from the same family to be working together on the same farms.

While agricultural employment in South West Africa was legally regulated, it was done with a light touch. In practice this meant that commercial farmers were often left free to administer their farms as they saw fit. While migrant labourers typically had greater leverage to demand employment in formal terms from commercial farmers because they could theoretically leave their jobs, farmers wielded considerable leverage over generational farmworkers largely because members of this community were entirely dependent on farmers in order to meet their most basic needs. With nowhere to live outside of the commercial farms on which they were employed, generational farmworkers had little option but to accept whatever conditions farmers offered. Thus, during the 1960s, 1970s and early 1980s, generational farmworkers typically worked outside of any formal contractual arrangements with their employers. This resulted in a wide variety of labour regimes on the commercial farms, some considerably more exploitative than others. On some farms, generational farmworkers were only ever paid in “farm rations”, whereas on others they were offered cash and food. On some they were provided with housing, but on many others they were left to build their own housing.

Despite the fact that farmers had few enforceable legal obligations to their workers, many nevertheless assumed a paternalistic duty of care for their workers’ families enshrined in the concept of *baasskap* (“boss-ship”). This not only increased the extent of the dependency of this population on their employers but also resulted in farmers often tolerating large populations of workers’ dependants living on their farms, with women and children often being given work on a casual basis. For example, in 1984 it was reported that 81 individual farms in the Outjo, Grootfontein, Tsumeb, Otjiwarongo and Gobabis districts hosted San generational farm-working populations that exceeded 50 individuals, and a further 141 farms hosted populations of between 30 and 50 individuals.¹⁰

The highly restrictive nature of farm life during the apartheid period severely limited future prospects for generational farm labourers after independence. While populations in communal areas and townships had access to some state schooling, the children of generational farmworkers were largely excluded from the state

10 Marais et al., *Ondersoek na die Boesmanbevolkingsgroepe in SWA* (The Brand Report), Development Directorate, South West Africa Administration, Windhoek, 1984.

education system altogether. In a few instances, farmers took it upon themselves to establish farm-schools which provided the children of some generational farmworkers a rudimentary education, but the numbers catered for under such programmes were statistically insignificant. The net result of this was that while generational farmworkers became highly specialised agricultural professionals by 1991, they had few transferrable skills or qualifications to enable them to access anything other than unskilled jobs in other sectors of the economy.

During the mid-1970s the farm labour market in South West Africa entered a significant transitional period. Prior to then it had been shaped by an undersupply of labour and efforts by farmers to recruit widely and even retain labourers by force. Indeed, the number of people employed in commercial agriculture peaked at around 50 000 in 1971. As many as half of these were migrant labourers with homes in Khoekhoegowab-, Oshiwambo- and Otjiherero-speaking communal areas.¹¹ By 1975, however, the agricultural labour market had increasingly come to be reorganised on the basis of an oversupply of labour. This was in part a demographic issue, as Namibia's population in 1975 of close to a million was nearly double what it had been in 1950, and in part a result of the fact that by 1975 farmers were beginning to rely ever more on mechanisation, and had by then completed many of the longer-term, more labour-intensive projects like fence erection and waterpoint development needed to make their farms economically viable. As a result, by 1991 the population of people formally employed on farms had declined by close to forty percent, to 32 613.¹²

There is no comprehensive dataset with which to accurately chart the rates of decline in agricultural employment between 1975 and 1991. Qualitative evidence combined with partial census data suggests that the process accelerated rapidly during the 1980s, as it became increasingly clear that Namibian independence would be inevitable. It is also clear that purging of excess labour from commercial farms in the run up to independence occurred across Namibia, and in numerical terms probably impacted migrant labourers as severely as generational ones. For migrant labourers, the loss of a job necessitated either a return to communal areas or migration into townships. Generational farmworkers from minority communities and who also typically had no urban connections and no access to land in communal areas lacked either option. As a result, those who lost their jobs and their dependants had nowhere to go. Thus by 1991 hundreds of generational farmworkers squatted along the verges of roads like the C22 that cuts northwards through Omaheke Region from Gobabis to Otjinene and southwards from Gobabis to Aminuis. Others gathered in buffer zones between commercial and communal

11 Suzman, J., *An Assessment of the Status of the San in Namibia*, Report No. 4 of 5 on the *Regional Assessment of the Status of the San in Southern Africa*, Legal Assistance Centre, Windhoek, 2001, p. 61.

12 Central Statistics Office, *Living Conditions in Namibia: The 1993/1994 Namibia Household Income and Expenditure Survey*, Windhoek, 1995, p. 275.

farming areas like Oshivelo in Oshikoto Region, and many others still gravitated to existing communal areas where they squatted on the peripheries of villages or sought informal employment at cattle posts, often in return for food.

After 1991, formal employment on commercial farms continued to decline, and as a result, by 2013 the number of people formally employed in commercial agriculture in Namibia had declined from its historical high of over 50 000 people in 1971 to well below 10 000 (see Table 1).

There were several critical factors that further accelerated this decline:

- the formalisation of farm labour with the introduction of the Labour Act (No. 6 of 1992), the Social Security Act (No. 34 of 1994) and later in 2003 the introduction of minimum wage requirements;
- the purchase of 517 farms by the GRN for resettlement purposes, and job losses associated with these purchases;
- the decline in support and subsidies for established commercial farmers;
- the expansion of tourism and the transformation of many formerly far more labour-intensive cattle ranches into less labour-intensive hunting and tourism concerns; and
- increasing unemployment nationally and an increasingly saturated labour market that enabled commercial farmers to be far more selective in employment practices.

3 Definition, identification and enumeration

Recognising that generational farmworkers are an apartheid legacy community also requires recognition of the fact that the children and dependants of individual labourers on farms that were developed during the apartheid era form part of this constituency. It furthermore requires recognition of the fact that this community is primarily, though not exclusively, made up of individuals from ethno-linguistic communities that were *not* granted specific land entitlements through the Odendaal Commission. This community can therefore be broadly defined as being made up people who have:

- limited access to land in communal or commercial farming areas by means of historical association, membership of a traditional community or established kinship links;
- a multi-generational family history of farm labour during and beyond the apartheid era primarily in commercial farming areas, but also in communal areas where the place of employment was also the individual or family's primary residence and where loss of employment would render the individual and dependants without anywhere to go "home"; and
- a lack of access to capital assets and historically limited access to formal education, making it difficult to compete for jobs in other sectors.

- While not directly pertinent to their classification as a legacy community, it must be recognised that this community falls into several residential categories:
- those who still retain employment on farms and use these farms as their primary and only permanent residence;
- those who as a result of losing their jobs on farms now form part of a highly mobile itinerant population living on the fringes of urban and rural settlements and who depend on informal, usually short-term labour exchange in order to survive; and
- those who now live in group resettlement facilities with insufficient land access to develop viable small-scale farms and who consequently depend on state aid and informal short-term labour contracts in order to make a living.

It is similarly difficult to accurately establish the size of the current legacy community of generational farmworkers. There are of course some from all traditional communities in Namibia who simply as a result of long service on farms during the apartheid era or some other reasons were effectively alienated from their traditional communities or lands. But by far the largest linguistic constituency of this community hail from Namibia's San- and Khoekhoegowab-speaking communities who, like the Omaheke Region's G/obanin people simply had no direct association with lands allocated to their linguistic communities under the Odendaal Commission. In 1995 the Legal Assistance Centre and the Social Sciences Division of the Multi-Disciplinary Research Centre at the University of Namibia conducted a farm survey, and found that 90% of their San respondents were the children of farm workers.¹³ While establishing the size of this community should be a priority for the MLR in future, for now it is only possible to infer the size of this community based on what is at best partial historical data.

Table 1: Agricultural employment in Namibia 2013/2014¹⁴

Type of workforce	Number of Paid Work Force						Number of Unpaid Work Force					
	Permanent workers			Temporary workers			Contract workers			Household members		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Management	438	142	580	43	9	52	11	3	14	244	213	457
Technical	356	47	403	139	23	162	5	0	5	14	8	22
Clerical	44	60	104	13	16	29	4	0	4	8	17	25
Farm labourer	6 269	1 182	7 451	1 874	933	2 807	953	168	1 121	748	810	1 558
Other	460	334	794	55	23	78	84	10	94	134	102	236
Total	7 567	1 765	9 332	2 124	1 004	3 128	1 057	181	1 238	1 148	1 150	2 298

13 Devereaux, S., V. Katjiuanjo & G. Van Rooy, *The Living and Working Conditions of Farm Workers in Namibia*, Farmworkers Project, Legal Assistance Centre and Social Sciences Division, Multi-Disciplinary Research Centre, University of Namibia, Windhoek, 1996.

14 Namibia Statistics Agency, *Namibia Census of Agriculture 2013/2014*, Windhoek, p. 59.

The best available numerical data comes courtesy of the Brand Report on Namibia's San Population, which was published in 1984.¹⁵ It is important to note, however, that it only pertains to San generational farmworkers, and crucially omits other linguistic constituencies, most notably the large Khoekhoegowab-speaking generational farm-working populations in the regions of Hardap, Omaheke, Khomas and Kunene. The Brand Report indicates that in 1981, in total 15 900 San lived on commercial farms across the country and that a further 7 823 lived as farmworkers and casual labourers, and their dependants, working for Oshiwambo-, Otjiherero- and Kavango-speaking farmers in communal areas. Based on demographic trends which have seen Namibia's total population increase to the point that it is now approximately 150% larger than it was in 1981, it is reasonable to assume that this extended community alone represents a population in the region of 35 000 individuals, half of whom will be under the age of 16. Based on prior qualitative research into the status of generational farmworkers in Namibia¹⁶ which suggests that San comprised roughly half of the total of generational farm-working community, the total is probably more likely to be in the region of 70 000 individuals and to account for a significant proportion of the populations now based in informal settlements like Kanaan outside Gobabis and the Outjo's Plakkersdorp.

4 Efforts to address the status of general farmworkers post-1991

Since 1991, there has been a clear failure to translate often well-intentioned policy into effective practice in respect of generational farmworkers. This is partially a consequence of a clear shift in MLR priorities from poverty eradication and addressing the needs of the most marginalised towards a more mainstream economic transformation agenda based on the transfer of capital assets "to previously disadvantaged" populations regardless of contemporary economic and social needs.

While the term "generational farmworkers" was not specifically used at the time there was a clear acknowledgement in all early deliberations on land reform of the unique challenges faced by this group in the years immediately following independence. At the 1991 *National Conference on Land Reform and the Land Question*, for example, it was agreed that in the absence of ancestral land claims

15 Marais et al., *Onderzoek na die Boesmanbevolkingsgroepe in SWA* (The Brand Report), Development Directorate, South West Africa Administration, Windhoek, 1984.

16 See Suzman, J., *In the Margins: A Qualitative Examination of the Status of Farm Workers in the Commercial and Communal Farming Areas of the Omaheke Region* (Research Report Series No. 1), Farm Workers Project, Legal Assistance Centre, Windhoek, 1995; Gebhardt, F., 'The Socio-Economic Status of Farm Labourers in Namibia', in *South African Legal Bulletin*, Vol. 4, Nos. 1 & 2.

“that disadvantaged groups, in particular the San and the disabled, should receive special protection of their land rights”.¹⁷ This determination was subsequently reaffirmed in the National Land Policy (NLP) (section 101). It was stated that “restitution of land rights abrogated by the colonial and South African authorities prior to independence will not form part of Namibia’s land policy. However, this policy does commit special support to all landless or historically disadvantaged communities.”

The focus in the first instance on social equity, justice and poverty eradication rather was also reaffirmed in the NLP that was developed in 1997, which stipulated that:

Within Namibia’s unitary land system, Government Policy will at all times seek to secure and promote the interests of the poor, ensuring that they are in practice able to enjoy the rights which they are assured in principle. A special commitment will be made to ensuring equity in land access and security in land tenure. Special programmes to help the poor to acquire and develop land will be considered.

The most important individual piece of legislation ratified after independence relating to the status of generational farmworkers was the Agricultural (Commercial) Land Reform Act (No. 6 of 1995) (ACLRA). The ACLRA Act was intended, among other things, to address “long-standing grievances about the injustice of colonial land allocations” (NLP section 3), and to ensure that the equity in land access called for in the NLP was translated into effective practice.

Specifically, the ACLRA granted the GRN the mandate to establish a resettlement programme by purchasing commercial farms on a “willing seller, willing buyer” basis, as well as in exceptional circumstances to acquire “underutilised” or “excessive” lands with a view to redistributing these to “Namibian citizens who do not own or otherwise have the use of adequate agricultural land and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices” (section 14(1)).

This restitutive focus is also clearly present in the Preamble to the ACLRA, which uses near-identical wording to that in section 14(1). The implicit identification of generational farmers as being among the primary intended beneficiaries for resettlement on commercial farmland was also made explicit in the eligibility criteria established in 2001 National Resettlement Policy. These are:

- people who have no land, no income and no livestock;
- people who have neither land nor income but a few heads of stock; and
- people who have no land but have income and livestock and need land to resettle their families or graze their livestock.

17 GRN, *National Conference on Land Reform and the Land Question: Windhoek, 25 June-1 July 1991, Volume 1*, Consensus No. 14, Office of the Prime Minister, Windhoek, 1991.

5 Resettlement

In its National Resettlement Policy criteria for resettlement, the MLR notes that “Generational farm workers have been described as being among the most marginalized people in our society”¹⁸ and that as a result are to be afforded special consideration in resettlement applications.

The widespread recognition that resettlement on former commercial farms acquired by the GRN was the only realistic short-option to address the plight of unemployed generational farmworkers was made clear in 1991 and 1993 when several hundred generational farmworkers and their dependants who had been squatting on the verges of the C22 in Omaheke Region were resettled at Drimiopsis and Skoonheid. Despite this promising start, the GRN’s broad-based resettlement programme stalled over subsequent years. While the process was held back to some extent by challenges in acquiring land from commercial farmers on a willing seller, willing buyer basis, the primary constraints were institutional. Several successive independent reviews of the resettlement process since independence have highlighted a range of problems.¹⁹ Key among these are:

- an insufficiently clear and occasionally contradictory policy framework;
- severe budgetary constraints;
- unrealistic and inappropriate goals;
- systematic failure to consider the social and political dimensions of rural poverty in particular vis-à-vis landless generational farmworkers;
- poor inter-ministerial co-ordination in respect of support programmes;
- capacity and resource issues resulting in the poor management of resettlement facilities;
- failure to make specific allowances for illiterate applicants or engage in proactive outreach to vulnerable individuals who otherwise lacked the means, networks or resources to formally apply for resettlement or understand their entitlements; and

18 MLR, *Resettlement Criteria* (http://209.88.21.57/documents/20541/88025/Resettlement_Criteria.pdf/88db4b77-0fb4-472a-a271-8a8441c5ce4d, accessed 18/08/2019).

19 Department of Environmental and Geographical Science – Masters Students, *A Retrospective Assessment of the Environmental Implications of Resettlement in Namibia (RAEIR)*, University of Cape Town, 1998; Maclean, B., *Resettlement and Namibian San Communities: Perspectives for Sustainable Community Development Through Empowerment*, M.Phil Thesis, University of Cape Town, Cape Town, 1998; Suzman, J., *An Assessment of the Status of the San in Namibia*, Legal Assistance Centre, Windhoek, 2001; Werner, W., *Land Acquisition for Resettlement: An assessment*, Ministry of Lands and Resettlement and GTZ, Windhoek, 2009; Werner, W. & W. Odendaal, *Livelihoods after land reform: Namibia country report*, Land, Environment and Development Project, Legal Assistance Centre, Windhoek, 2010; Ombudsman of Namibia, *The Promised Land and Frustrated Expectations: A report on the Land Reform and Resettlement Programme in Namibia*, 2018 (<https://www.ombudsman.org.na/wp-content/uploads/2018/09/Land-Resettlement-recommendations.pdf>).

- the fact that resettlement on commercial land is a zero-sum game because the purchase of a farm typically results in the displacement of a similar number of people that could be settled on that land on a sustainable basis.

Subsequent to the turn of the millennium, Government efforts to meet land acquisition targets proceeded far quicker than during the first ten years after independence. Thus, when the Second National Land Conference was convened in 2018, government had acquired a total of 443 farms for resettlement purposes totalling in excess of three million hectares (see Table 2). Furthermore, the MLR has reported that a total of 5 352 individuals have been formally resettled since the programme's inception.

Table 2: Namibia resettlement farms and beneficiaries, September 2018²⁰

Region/Place	Number of farms	Total farmland (Ha)	Total beneficiaries resettled	Average beneficiaries per farm	Average area (Ha) per beneficiary
//Kharas	95	927 366.63	218	2.3	4 254
Hardap	91	689 445.07	371	4.1	1 858
Omaheke	88	462 220.27	1 443	16.4	320
Otjozondjupa	60	282 549.39	467	7.8	605.0
Erongo	25	211 067.24	90	3.6	2 345.2
Farms under the Division of the Marginalised Community	22	116 606.59	864	39.3	135.0
Oshikoto	17	64 558.02	1 494	87.9	43.2
Kunene	16	93 193.83	194	12.1	480.4
Queen Sofia Resettlement Project	15	88 669.39	89	5.9	996.3
Khomas	14	86 283.47	122	8.7	707.2
Total	443	3 021 959.90	5 352	12.1	564.6²¹

Importantly though, over this period of accelerating farm purchases, the initial focus on using resettlement land to support unemployed generational farmworkers and other impoverished and landless beneficiaries was pushed aside in favour of resettling a broader category of “previously disadvantaged” – a constituency that included many who by national standards were already economically well-off. In part this shift was motivated by constraints in public finances and the desire of the MLR to recover some of its investments in land purchases through the receipt of payments from resettlement beneficiaries for long leases, as well as the net reduction of ongoing costs associated with providing development support and food aid to the poorest settlers. It was also because other, better networked, more economically empowered individuals were better able to capitalise on loopholes

20 Namibia Statistics Agency, *Namibia Land Statistics Booklet*, NSA, Windhoek, September 2018.

21 This figure is a recalculation of the figure published in the *Namibia Land Statistics Booklet* (September 2018) prepared by the Namibia Statistics Agency, which erroneously states that at a national level the average size of land allocated to individual settlers was a remarkable 11 745 ha (p. 39).

in the policy and on political influence in order to achieve personal ambitions of becoming large-scale landowners. As a result, while resettlement initiatives have had some success in redressing historical racial imbalances in land ownership, they have significantly served to entrench and exacerbate broader economic inequality in Namibia. Thus a 2007 assessment of the expropriation principle and its impact on land reform in Namibia reviewed recent allocations of resettlement land at that time and concluded that there is “no doubt that most of Government’s land reform efforts have been designed to help middle class or wealthy black Namibians” to acquire farms.²² Indeed, over the past two decades the resettlement programme has been characterised by the granting of plots of several thousand hectares of land on leasehold terms to economically secure applicants and the herding of poorer applicants, most notably those from well recognised generational farm working communities, into poorly organised and under-supported “Group Resettlement Programmes”, where large numbers of settlers have been allocated places in quasi-communal resettlement villages where, in practice, individual households do not have sufficient access to land to do anything more with than engage in small-scale horticultural activities. For example, whereas the hundred and fifty or so generational farm-working families resettled at Skoonheid in Omaheke Region have no formal leasehold rights and are in practice limited to a few hectares of land each on which to farm, and as a result remain dependent on external support, the Governor of Zambezi Region, Lawrence Sampofu, has been resettled on an individual farm plot approaching 2 000 hectares in extent – moreover in Omaheke, a region to which he has no historical ties.²³

Of greater concern, a leaked list documenting individual beneficiaries of resettlement land between 2011 and January 2018²⁴ revealed that the Zambezi Governor was not alone among politically prominent individuals being allocated resettlement land at the expense of others. The list – now published online by the Office of the Ombudsman – details the allocation of substantial tracts of land to former ministers, active deputy ministers, spouses of deceased ministers, retired army generals, senior bureaucrats including permanent secretaries (among them a number employed in the MLR) business people and judges, many of whom are now among Namibia’s highest earners. These beneficiaries typically already own substantial capital assets, including shareholdings in various business enterprises and own homes in the capital while also retaining customary rights to land in communal areas. Understandably, for generational farmworkers this is a betrayal of if not the letter of the resettlement policy, then certainly of its spirit, not least because

22 Harring, S. & W. Odendaal, “No Resettlement Available”: *An assessment of the expropriation principle and its impact on land reform in Namibia*, Land, Environment and Development Project (LEAD), Legal Assistance Centre (LAC), Windhoek, 2007.

23 Likela, Sakeus, “Top Govt officials benefit from resettlement farms”, *The Namibian*, 25 September 2018.

24 <https://www.ombudsman.org.na/news/list-of-land-resettlement-beneficiaries/>.

those with the means to operate at a commercial or semi-commercial scale are already catered for under the Affirmative Action Loan Scheme, by means of which they are offered direct support to service debts incurred in the purchase of commercial land.

Regardless of the merits or questions concerning each individual case, from the perspective of the thousands of generational farmworkers who now live without access to land and with little or no opportunities for employment, the allocation of substantial resettlement land holdings to those who are considerably better off reeks of cronyism and was described repeatedly in interviews as “apartheid”. Thus far, the GRN’s response to criticism in this regard has resulted in their repackaging the MLR’s shift in focus towards supporting “middle class or wealthy black Namibians” in the form of a three-tiered resettlement programme.²⁵ Using the nomenclature proposed in the Draft Resettlement Policy for 2018–2027, the first tier is based on a “High Economic Value Model”. It is intended to benefit individuals with sufficient access to capital to farm at a quasi-commercial scale. The senior government and politically prominent individuals that have acquired resettlement land are among those who have been resettled on this basis. The second tier is the Moderate Economic Value Model. The MLR classifies this as a “semi-commercial model” intended to benefit already “established communal farmers whose farming enterprises’ successes are threatened by the environment in which they are operating i.e. shared grazing which often is not well managed.” The stated objective of this particular model is to “enhance the welfare of the people through improvement of productivity and to enable them to be self-reliant in terms of food security”.²⁶ The final tier, the Lower Economic Value Model is the one under which generational farmworkers have been resettled.

According to the MLR’s Draft Revised National Resettlement Policy, the Lower Economic Value Model is intended to benefit “landless citizens who are neither farming in communal areas nor leasing on privately owned commercial farmland. It also includes those with or without capital, those with access to capital (bank loans, cash or livestock) or [who] are low to medium income earners or have no income.”²⁷ Notwithstanding the fact the most economically and socially marginalised were identified as the priority candidates for resettlement in the ACLRA, the Draft Revised National Resettlement Policy also notes that the Lower Economic Value Model “presents an option or opportunity for people that arguably feel they have been left out under the current land reform practices” and that it could offer “post-settlement support in the form of housing, infrastructure, knowledge and skills ... in order to afford them an opportunity to develop and maintain their new environment and gradually ensure self-reliance.”²⁸

25 *Revised National Resettlement Policy, 2018 – 2027*.

26 *Ibid.*, section 13.2.

27 *Ibid.*, p. 23.

28 *Ibid.*, p. 24.

For now, the majority of the relatively small number of generational farmworkers that have acquired access to land under the resettlement programme have been resettled in seven group initiatives across the Hardap, Omaheke, Otjozondjupa and Oshikoto regions. Reflecting the lack of a uniform strategy or approach, there is considerable variation between these facilities. Even so, there are a number of characteristics these have in common and that have raised questions about their economic sustainability. These include:

- inadequate land for sustainable farming;
- high levels of dependency on state aid and external development support;
- a lack of clarity regarding land tenure security;
- ad hoc planning;
- insufficient resources and support;
- inadequate inter-ministerial planning and co-operation; and
- failure to deal with illegal settlers on facilities like Skoonheid.

6 Conclusions and recommendations

It may have enabled the GRN to better meet stated targets for land acquisition, but the shift in focus from resettling the most impoverished Namibians to those capable of assisting the GRN to recover some capital costs through servicing leaseholds is in the long run a false economy. This is firstly because those that have been resettled under the Lower Economic Value Model will, as a result of being resettled on units too small to ever enable them to farm at even a modest subsistence level, continue to rely on the costly GRN support supplemented by occasional third-party financed projects and low value, ad hoc wage labour on farms. Indeed, in the case of resettlement facilities like Skoonheid and Ondera, local commercial farmers now have access to a large, highly qualified pool of generational farmworkers that they can afford to employ on a casual or temporary basis, thereby avoiding some of the more onerous obligations and costs that would have arisen had they been employed on a permanent basis. Secondly, it is because by precipitating the migration of these communities to urban fringes, they have in effect transferred the costs of development support to stretched municipal authorities that are already unable to meet the extensive costs associated with service provision in informal settlements. In addition, these municipal authorities must bear the social and economic costs (policing etc.) brought about by hosting a ballooning unemployed population with few realistic prospects of accessing the job market on urban fringes.

It is unclear how many people still in employment on commercial farms consider themselves generational farmworkers. This number might be established by adding appropriate census questions or on the basis of targeted sampling surveys.

Beyond establishing protections and access rights for generational farmworkers in line with the resolutions at the Second National Land Conference, Namibia is

obliged under a range of international instruments to ensure that any individuals involuntarily displaced by GRN programmes, including purchases of agricultural land for resettlement purposes, are themselves immediately resettled and compensated on the basis of an appropriate resettlement action plan that seeks to secure their free prior and informed consent.²⁹ This is also an established principle in the private sector and among international development banks, including the World Bank³⁰ and the African Development Bank.³¹

Given the substantial declines in the agricultural labour market since independence, however, it is clear that while establishing adequate protections for the handful of generational farmworkers still in employment on farms remains important, priority needs to be given to addressing the needs of the broader legacy community which is comprised primarily of people who no longer have employment or residential rights on commercial farms.

Based on the assumption that roughly half the commercial agricultural labour force in 1970 was comprised of generational farmworkers, it is reasonable to assume that this legacy community today is in the region of 75 000 people, the majority of whom now live in informal urban settlements and on the fringes of towns and villages in communal areas. Given the inadequacy of using inferred data, there is clearly an urgent need to get a better understanding of the size and distribution of this community based at the very least on targeted surveys, or ideally a more comprehensive census. Doing so will not only help to make the urgent case for their prioritisation in resettlement, but also offer a better sense of what is realistically achievable through resettlement, and the extent to which interventions will need to focus on alternative support such as enabling this group to better access education or compete for limited jobs in urban areas. Such research would also be likely to provide municipalities who are now battling to cope with large-scale urban in-migration with a better sense of the scale and costs of the challenges they face.

To the extent that there simply aren't the resources or land to sustainably resettle all generational farmworkers, priority must also be given to initiatives to help them adjust to life in peri-urban settlements. There is a well-established precedent in post-independence Namibia for enacting legislation or developing programmes to meet the particular needs of specific apartheid legacy communities. Indeed, this principle underwrites the majority of established restitutive and restorative

29 Terminski, B., 'Development-Induced Displacement and Resettlement: Causes, Consequences, and Legal Context', *Revista europea de derecho de la navegación y aeronáutica*, Vol. 30, 2013; see also Articles 17 and 25 of the Universal Declaration of Human Rights (UDHR); Articles 6 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); Article 22 of the African Charter of Human and Peoples' Rights; the UN Declaration on the Right to Development 1986; the Vienna Declaration and Program of Action of 1993; and the Rio Declaration on Environment and Development, 1992.

30 World Bank, *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects*, Washington D.C., 2004.

31 African Development Bank, *Involuntary Resettlement Policy*, Tunis, 2003.

economic and social empowerment programmes in contemporary Namibia. There is thus a strong case to be made in favour of recognising that generational farmworkers constitute just such a community, and as a result of this, providing them priority support in education, accessing health care and retraining.

This noted, resettlement remains the most effective short- and medium-term approach for addressing the challenges faced by generational farm-working families, many of whom, thanks to a long apprenticeship on farms, retain the skills necessary to manage sustainable enterprises, but lack the resources or access to capital to do so. It is nevertheless clear that the effective and sustainable resettlement of generational farmworkers demands that they are resettled on plots that will enable them to farm at least at a subsistence scale, and that they are provided the necessary support to do so. While resettlement into group programmes remains an option, it must be recognised that doing so creates village settlement in which people will rely on limited employment opportunities and will depend on extensive long-term third-party technical and financial support.

