NAMIBIA UNIVERSITY OF SCIENCE AND TECHNOLOGY

NELGA
Network of Excellence on Land Governance in Africa
Southern African Hub

Opinion Pieces and Dialogues on Land Governance

Contributions from Stakeholders in Namibia

2021 Windhoek, Namibia

Preface

The Department of Land and Property Sciences (DLPS) at the Namibia University of Science and Technology (NUST) was selected as the Southern Africa Node for the Network of Excellence on Land Governance in Africa (NELGA). The Node has embarked upon a strategy to proactively contribute to national and regional dialogues on relevant land governance issues. In June 2017 the Node decided to carry out public outreach on land governance through publishing opinion pieces on land governance in the local newspapers. This booklet contains contributions made between 2017-2020.

The main aim of these publications is to inform the public on various land governance related issues in different countries in Southern Africa (including Namibia). This is a platform for academics to diffuse their specialised knowledge on land governance to the public, including policy makers. It is an opportunity to stimulate dialogue on topical issues. Furthermore, this exercise has the potential to enhance the visibility of the NUST, NELGA partner Universities, and other NELGA stakeholders since these opinion pieces are disseminated on various platforms including; websites and social media (e.g. Facebook).

The department through the office of the NELGA Regional Advisor facilitates this activity. Arrangements are made with various newspapers to provide space for the NELGA authors to publish their opinion pieces. The opportunity to publish opinion pieces is open to all representatives from NELGA Universities, partners and stakeholders in Southern Africa including students. The contributors concentrate in their areas of expertise. The contributions made are from the following areas of expertise; land tenure, restitution, expropriation, property rental, taxations, valuations, land reform, land rights, land governance, land markets, land disputes, illegal fencing, informal settlements, land law, Urbanisation, housing, land use and sustainable development.

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Most importantly this initiative and book would not have become a reality without the tireless efforts from the individuals who submitted/contributed their opinion pieces for publication to the newspapers. Special thanks goes to the following contributors of the land governance opinions pieces:

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Table of Contents

1. Urban Land and Tenure Security

1.1 Demand Secure Tenure In Informal Settlements

by **Royal Mabakeng**, Published in the Namibian, 2019-05-14

Huge housing backlog in Windhoek. Photo credits: Infomante

Informal Settlement growth poses a challenge for inhabitants, planners and local authority officials. Nonetheless, when governments and international development organisations are looking for solutions to problems faced by informal settlement communities, they rarely look at the people in these areas as problem-solvers; informal settlers are considered as beneficiaries, and in some instances a headache.

Which areas should Namibians consider as informal settlements? These are the areas found on the periphery of many towns, comprising 40% of the urban population, according to recent statistics shared by the Shack Dwellers Federation of Namibia (SDFN). Informal settlements' households have limited individual water connections, limited or no toilets, houses are built out of substandard materials, and owners have no security of tenure for the land.

These are the locations in urban areas that authorities do not recognise as part of the formal built environment. Informality adds to the challenges for occupiers, as many have no physical addresses, and cannot access municipal and/or emergency services, partly due to the lack of roads and other infrastructure.

An additional struggle is that too many people are forced into open-air defecation,

which denies residents the right to dignity, and puts women and girls at risks of crime and diseases.

In instances when solutions are provided, it is normally using a piecemeal approach, that is usually top-down, as most upgrading is implemented based on what "the authorities" believe is a priority. Lately, upgrading informal settlements focuses on the installation and improvement of services (water, toilets and housing structures), instead of focusing on tenure security. Although this delivery of services solves some of the problems, it is not a sustainable approach.

Sustainable solutions need to be rooted in secure land tenure for occupants of informal settlements. Development researchers have noted tenure security as an essential element for poverty reduction and the improvement of livelihoods. Hence, it is one of the important goals under the sustainable development goals (SDGs) set by the United Nations General Assembly in 2015, which Namibia has committed to. Important to note is that the majority of people housed in informal settlements have no assurances that they have the rights to develop the land, or occupy it in perpetuity.

The Flexible Land Tenure Act, Act 4 of 2012 brings about a solution. The law aims to create an environment in which communities own land and can be empowered economically as a result of having secure land rights. Residents will have the option of accessing either starter title or land titles once the Ministry of Land Reform (MLR) starts the implementation. Research shows that the most land tenure secure residents invest more in their structures, and actively contribute to community development. In Namibia, communities living in informal settlements have been able to improve their level of tenure security by using participatory enumerations. However, security in the form of secure land titles is still lacking.

During the second national land conference last year, the SDFN informed the nation that 40% of the urban population lives in informal settlements. This has clearly shown that the housing challenge is real, and requires urgent solutions. This data presents an opportunity to plan adequately, and provide those people in informal settlements with tenure security through the delivery of development rights for people already occupying land in informal settlements.

There is an understanding that the Namibia Statistics Agency has data on the country's population, but is it sufficient? Experience shows that in most cases, during the census, populations in informal settlements are underestimated. Hence, the lack or absence of data results in a lack of planning, or the prioritisation of projects for informal settlements.

Since 2009, the SDFN has collected data on its members and other communities in informal settlements, creating a clear picture of what challenges households face, and what solutions are available. The communities are leaders in data-collection: using flexible methods for counting households, mapping available services, and recording the settlement sizes. The data generated and methods used are cost-effective ways to implement data-based solutions.

The available data could be a starting point to inform the government on levels of affordability, rates of population growth, and the development priorities of communities. Moreover, development practitioners, in partnership with communities, can design projects using the visualised and analysed data.

For this to have any impact, it requires the involvement of active and progressive individuals from the public and private sector who collaborate with communities in informal settlements. Moreover, projects geared towards improving lives in informal settlements should have tenure security as an entry point for upgrading.

Demographic data on informal settlement households, supported by socio-economic and spatial data, once analysed and visualised, can be one of the tools for stakeholders to use in planning. This, in turn, may contribute to the better implementation of developmental plans, while ensuring that there is transparency and accountability.

The solutions to problems facing informal households do not lie with one ministry, local authority, start-up or NGO. There is a need for a systematic approach that encompasses tenure security for communities in informal settlement communities, using a people-centred land use participatory planning process. This is vital in our quest to reduce poverty and implement sustainable solutions in informal settlements.

Equally, important, relevant data on informal settlements is vital in supporting evidence-based decision-making and ensuring effective policy implementation.

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1.2 How Housing Developments Affect the Value of Existing Homes

by **Elina David-Teodol**, Published in The Namibian, 2019-10-01

Huge housing backlog in Windhoek
Photo credits: https://www.canaanempire.com/

There Is a general understanding that new housing developments increase the value of the existing homes in a neighbourhood. This sounds comforting, isn't it? The real estate market and its growth depend on various factors.
What happens if it is just that one new luxury home development in your neighbourhood? What does it mean for your home value? Will this have a negative or positive impact on the value of your older house? And what if it's several new homes, and not just one new home? Will the impact be negative or positive?

But who cares! The truth is that we have a national housing backlog of 110 000 units, which is growing annually by 3 700 units. Ten years ago, the City of Windhoek approved the extension of various suburbs in Windhoek such as Rocky Crest, Otjomuise, Goreangab, Khomasdal, Academia, Cimbebasia and Kleine Kuppe. This is good for the nation, isn't it?

For instance, Rocky Crest Extension 5 measuring 43 hectares is expected to yield 307 erven, of which 256 are for single residential purposes, while the rest are designated for a service station, a playground and a private school. So, the question is, what effect will the 307 erven have on the value of existing property in Rocky Crest? Has the impact of flooding the housing market with new homes ever been part of the discussion of the strategical transformation of our cities and the national development plans (NDPs)?

I believe that the question of the impact on house prices is never directly addressed during the planning process, as price impacts are not a material consideration in planning decisions. Yet, prices can be expected to adjust to changes in amenities and local services arising from the development, and to the number of dwellings on the market.

The biggest question that many homeowners ask is: what causes property value to increase because of which prevailing factors? Real estate appreciation takes place because of factors like economic trends, household finances, and consumer confidence. These factors, among others, are major drivers influencing property values.

Many people fear that new housing developments will worsen local amenities, reduce their well-being, and perhaps even

undermine the capital values of their home – often regardless of the quality of the development envisaged, or whether there is a shortage of homes to meet local needs.

Uncertainty about potential price reductions, or even just slower capital appreciation, is often part of people's objections to change, not only in the immediate neighbourhood, but also in the general locality.

Studies have shown that house prices do not always decline because of new developments, despite widely held fears that they do, which in itself fuels much opposition to a new housing development. Those living in the developing area should not be concerned that they will lose out just because a new development occurs in their neighbourhood.

If the new construction brings more people with more money to your area, the surrounding establishments will improve, and your property values will go up. However, if the demand doesn't hold and they build all new homes near you and nobody is willing to move into them (or at least not at that price level), then your property value will decline.

Also, if there is a sudden increase in the number of new houses available, it will push property prices down.

On the other hand, if there is an increasing demand for homes or a limited addition to the number of available houses, then the prices might move up. But if people are buying in the new development after it's been built or at pre-construction prices, then there shouldn't be any worries.

One thing that may affect you is that if there are plenty of empty new houses/units which are not selling fast, then yes, it can affect your property value because buyers will have a wide range to choose from, and may have strong bargaining power. Prevailing logic suggests that if a potential buyer is faced with a choice between two houses of the same characteristics: one being old and the other being new in the same area for the same price, he will buy the newer one.

All things being the same, nobody will want to spend N$800 000 or more on an old house which will need hundreds of thousands of dollars in repairs if they can get a brand-new home of the same characteristics for N$950 000. Besides, it is widely believed that many homeowners rarely maintain their properties but live in anticipation that their properties would fetch the same value as the new home.

Realistically, there is a need for homeowners to be mindful of changes in the current housing situation and upcoming municipal developments such as plans for new schools, hospitals, shopping malls and public infrastructure in the area that may impact their property value.

In a nutshell, I would, therefore, recommend that homeowners should seek real estate professionals' advice to gather information about current market trends in their area for informed decision-making. They should ask about the sales trends of units, stock levels and sales prices in the neighbourhood. What are

the percentages of new home sales vs the existing stock of property? Ask about the absorption rate, or how long it takes for a property to be sold (in months) in your area.

Finally, a home is an investment that comes with many investment benefits and risks. Thus, knowing about essential factors that might affect your property value will help you protect your investment and make an informed decision.

N$76b needed to clear housing backlog. Photo credits: https://www.canaanempire.com/

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1.3 Property Taxes A Potential Revenue Stream For Smaller Towns

by **Verinjaerako Kangotue**, Published in The Namibian, 2018-05-15

Photo credits: https://www.makaan.com/iq/legal-taxes-laws/what-is-property-tax

Local Authorities in many Namibian towns are constrained by limited revenues to provide the necessary services to their inhabitants. For emerging towns to become engines of growth and structural transformation in Namibia, a coordinated public policy on municipal and town financing options is imperative.

However, implementing these policies is expensive for most councils since they are underfunded. Large public investments are needed in infrastructure, public services, affordable housing and directed support for most urban development firms to fuel growth.

The problem for many towns is that the necessary public investments that enable urbanisation to become a force for sustainable economic growth are constrained by limited revenues of local authorities tasked with implementing urban development policies. These financial constraints are even a bigger problem for larger towns like Windhoek and Swakopmund.

As a result, in many towns, fast-paced urbanisation has surpassed public investment, resulting in the emergence of widespread slums, congestion, crime, contagious diseases and growing informal unemployment. Poor infrastructure and low-quality housing makes towns less attractive to foreign investment, further harming job creation in the towns. As the urban population in Namibia grows, demand on public investment will rise, unless it is addressed.

With this in mind, land and physical properties present the largest source of untapped municipal revenue, allowing most towns in Namibia to capture the collectively generated land value appreciation caused by the urbanisation and other property market forces.

For instance, in a town like Outjo, property taxes raise a little more than taxi and parking fees. Therefore, modest investments in the form of property tax systems and policies can help to dramatically expand municipal revenues, which will enhance public service and infrastructure development.

In Namibia, property taxes have the potential to become the leading source of municipal revenues for many town councils. It is estimated that at an average of 0,000949% tax rate on 60 000 erven in Windhoek, for example, could generate over N$342 million per year under full tax compliance.

Furthermore, property taxes have several additional benefits to the town councils. Taxing land and improvements together is often fairer than other forms of taxes.

When local authorities invest in building roads, schools, and parks near a property, it leads to an increase in the value of the properties in those areas. Other economic and demographic forces also play a role in the increase in property values as it places higher demand on land.

If the system is designed appropriately, the individuals who gain more from betterment can be taxed for the benefit of the wider community.
Property taxes can allow authorities to obtain returns on their investments into public services and infrastructure that raise the value of nearby properties. This means implementing these taxes provides authorities with higher projected future income stream bases on which it may be possible to finance current and future projects through the capital markets, such as the use of municipal bonds.

The fixed supply of land in towns encourages efficient land use. Taxing land and property, though less efficient than taxing land alone, is found to be less harmful to investment and growth than income and corporate taxes. One more thing, since properties are immovable and they are highly visible assets, it is easier to identify their owners since that is public information.

The Local Authorities Act No. 23 of 1992, part XV, talks of rates and taxes on rateable properties falling under all municipal, town and village councils, but this is ignored. Councils, especially in small and emerging towns and villages, have three main areas of focus in implementing property tax systems in their areas of jurisdiction, and these are broadening the tax base, valuing the tax base, and property tax appeals and collection.

Councils should try to broaden their tax base in order to develop an up-to-date physical and legal cadastre that documents information on all erven and immovable properties, as well as information on their ownership. This highlights the importance of land rights registration in implementing property taxes.

Similarly, though taxing the owners of these assets is fairer, occupiers can be easier to identify in the case of unclear rights over property, which may be used in the informal settlement areas. Exemptions to property taxes may be useful in allowing policymakers to achieve certain goals for urban development, but careful consideration is needed against the added tax burden on other citizens.

Implementing these taxes requires policymakers to make difficult decisions as in what to tax, whom to tax, what to exempt from taxation, and how to set the tax rate for property.

Experience from other successful towns that have implemented property tax successfully like Windhoek and Swakopmund suggest a number of ways in which property tax implementation can be improved. These range from technological advancements in GIS mapping that can allow for rapid expansion of the registered tax base; automation of billing

and payment systems to improve tax collection; and the design of appropriate valuation processes and policies to match administrative capacity.

Crucial to the effective implementation of a property tax policy is public support for these taxes. Clear and transparent linkages between taxation and benefits can aid in the legitimate price paid for public services (betterments) attained.

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1.4 Is Your House An Asset Or Liability?

by **Verinjaerako Kangotue**, Published in The Namibian, 2018-06-07

Photo credits: www.toppr.com

To most Namibians, a property/house is considered an asset. Even if you ask your grandparents, they will tell you that real estate is the greatest asset you will ever own in your lifetime.

But before we go far, let us define an asset: 'an asset is something that we own, something of value that brings us cash flow. That is why even from an accounting perspective, a house owned by a company will be reported on the asset side of balance sheets.'

However, if we view a property/house from a cash-flow perspective, few things will change. My understanding is anything that increases our cash flow should be considered an asset, and anything that decreases our cash flow should be considered as a liability.

With that background, I can simplify that an asset is something that puts money in our pocket, while liabilities take money out of our pockets. Many people believe that their homes are assets to them, but is this true? Your house is an asset yes, but your mortgage is a liability because a mortgage is debt you need to pay off before your house or property becomes a full asset. However, a school of thought is obstinate that your house is a liability. A simple way of looking at it was popularised by Robert Kiyosaki in his book "Rich Dad Poor Dad" with focus on an individual's cash flows.

A good example will be to ask a group of prudent investors whether their house is an asset or liability, and most of them will tell you that a house is a liability because they look at assets as things that earn them money. Let me put this into perspective: if you are living in your house as opposed to renting it out and getting an income, that house is not making you money. In fact, it is a money pit because when the geyser breaks or the roof is leaking, you need to spend more money to fix that. Even after you purchase your house, you keep paying monthly mortgage installments, so in that sense, a house is a liability. Let us assume you have paid the house off; you will still have to pay monthly expenses on that property such as municipal tax levies, insurance and annual maintenance costs.

One may argue that the value of the house increases annually, and I do not dispute that since generally, the housing prices are on the rise. However, it will be naive to believe the growth achieved over the past decade would constantly be achieved in the future. Look at what is happening in the property market in Windhoek; prices are falling. Another important factor is that the long-term value of your house may be irrelevant since one only receives the value of the house when you sell it.

Many people retire in their houses, and most will live there until they die. So, only their heirs will receive the benefit of the increased value of that particular property.

Others will then ask: does that mean real estate is a bad investment? My answer is, not necessarily. If you are buying a house to rent out a section thereof and your rental income covers your expenses, then your house is an asset and not a liability. But if not, then it is a liability. The cruel truth is that our homes are in fact not assets, but liabilities to most of us. But they are assets to the banks since they produce positive cash flows to the banks on a monthly basis. The main point of this article is not to discourage you from buying a house or investing in properties, but rather to make you aware that you could make a serious financial mistake should you purchase your house with the idea that it is an investment.

To have future financial independence, we should strive to have income from multiple sources. This is achievable by only increasing our asset base and diversification, or by investing in things like company shares which pay out dividends, or perhaps purchasing a property with the intention of renting out a section or whole house to tenants, and get positive cash flow to cover the costs of the house's monthly expenses. One can even study further, which will enable you to earn a higher salary.

Our future financial independence will not come from purchasing multimillion-dollar properties or buying boats or cars and using every dollar earned to pay off our debts, but from making prudent, financially sound investments with positive cash flows.

The bottom line here is, before you buy your next house, you should be able to ask yourself "what's it going to cost me?", as opposed to "how much can I make from it?" My personal advice is that do not commit a huge percentage of your income to buying an 'asset' that may turn out to be a liability. In fact, that will even help you keep your monthly housing costs in line with your monthly income.

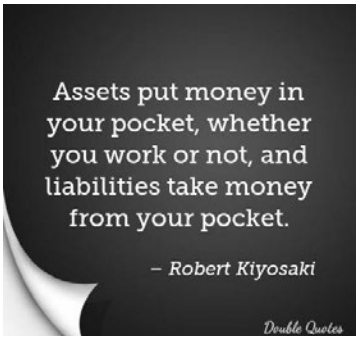

Photo credits: https://www.linkedin.com/pulse/assets-liabilities-fine-line-between-julius-cortes/

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1.5 Could Namibia Be Headed For A Housing Bubble?

by **Sam Mwando**, Published in The Namibian, 2018-06-12

Photo credits: https://www.businessinsider.com/is-there-a-housing-bubble-market-crash-2022-5

A Bubble exists when the price of an asset is over-inflated, relative to some benchmark. Could Namibia be headed for a housing bubble, as was the case with the United States of America (USA), resulting in the 2008 world financial crisis? Commentators and analysts have written scantily about a possible housing bubble in the Namibian housing market.
Referring to the recent American housing crisis, perhaps we could understand the local dynamics. The term housing bubble came to prominence in the immediate aftermath of the 2008 global financial crisis. Were there any distinct red flags that preceded the crash? Just like tsunamis or earthquakes, financial crises are not easy to predict with certainty.

What is, however, interesting to consider is what led to America's housing bubble. Some of these factors could indeed be used as warning signs for the Namibian housing market.

Research shows that the following factors caused the US housing bubble: (i) low mortgage interest rates, (ii) low short-term interest rates, (iii) relaxed regulatory standards for mortgage loans and (iv) irrational exuberance by market players.

For instance, from 2002 to 2004, the Federal Reserve Bank of America, which is the equivalent of the Bank of Namibia (BoN), pushed the federal funds rate (our repo rate) down to historically low levels in an attempt to stimulate economic growth from the 2001 recession. Over the course of 2001, the Federal Reserve Bank lowered the federal funds rate 11 times, from 6,50% to 1,75%. However, in the mortgage market, this meant that payments were cheaper because their interest rates were based on the short-term treasury bill yields, which are based on the federal funds rate. Unfortunately, this in turn lowered commercial banks' incomes, which are based on interest-bearing loans. Consequently, many prospective homeowners who previously could not afford conventional mortgages were delighted to be approved for the interest-only loans. This situation created what we now know as sub-prime mortgages, which are loans essentially meant to be offered to prospective borrowers with 'bad' credit records.

As many unqualified borrowers entered the mortgage market, demand increased. As prices kept rising, many people bought homes for resale. They exhibited irrational

excitement, a hallmark of any asset bubble.

While we cannot make comparisons between the American and Namibian housing markets, a few lessons can be learnt. Firstly, a large part of the Namibian population, who qualify, depend on mortgages to finance their house purchase. Namibia has a well-functioning and developed mortgage market. Nonetheless, approximately 15% of Namibia's population can access traditional, collateralised home loan facilities. Secondly, most citizens, even if gainfully employed, simply do not have the financial means to enter the formal property market. Average housing prices, even for modest sized properties, far exceed affordable costs for most Namibians.

What is the current state of the Namibian mortgage market and the residential housing market? The first place to start is to scrutinise the number of residential units on the market for sale. The catchphrase in residential sales advertisements is "selling under valuation". This is uncharacteristic, as it contradicts the belief that property appreciates in value with time. Does this mean that residential properties have been over-valued in the recent past?

Alternatively, is the residential property market simply self-correcting?

This situation may mean two things: either there is an oversupply of overpriced properties on the market by developers, or individual incomes have not caught up with the current house prices. Residential prices are bound to drop if the supply of property in the long-term outstrips effective demand. When that happens, then the housing bubble bursts.

A recent study by the Institute for Public Policy Research citing a ministerial statement reveals that the housing backlog in Namibia could be in excess of 100 000 units. The report, however, notes that despite this huge backlog, property developers are constructing residential units that are unaffordable to the majority of Namibians.

Apart from the sustained increase in house prices over the last few years, which are in fact declining, there are no indications of a housing bubble, US-style.

The local mortgage lenders are risk averse. In the quest to limit risk in their home finance portfolios, commercial banks target only low-risk salaried borrowers. The BoN has been tightening regulations on mortgage lending, especially for secondary properties requiring prospective buyers to put down a deposit. Additionally, the BoN repo rate has been maintained at 6,75% over the last few years, with no indication to lowering it. No amount of financial engineering, such as securitisation, by local commercial banks, would allow individuals/businesses who do not meet the requirements for mortgages to apply for one.

Additionally, the Namibian market seems to be self-correcting, as evidenced by the significant discounts on properties on sale. This means that buyers, sellers and mortgage lenders are not exhibiting irrational, exuberant tendencies. All key actors in the market realise that property prices will not continue to skyrocket.

Namibia finds itself in a precarious situation, where the demand for housing outstrips supply, especially the supply of decent low to medium cost housing, of which there is an acute shortage. Therefore, the crisis in Namibia and specifically Windhoek may not be a looming housing bubble, but rather the inadequate supply of serviced land, limited finance options for low-cost housing and limited finances to municipalities to service land for housing.

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1.6 Sectional Title (Flats) Repairs and Maintenance – Owner or Body Corporate?

by **Verinjaerako Kangotue**, Published in The Namibian, 2019-02-08

Photo credits: Fine and Country

Owners of Sectional title schemes or 'flats' as they are known in Namibia often think the body corporate is automatically responsible for the repairs and maintenance of their sections (units) and common property.

Basic maintenance and repair functions are the responsibility of the body corporate as set out in the management rules for sectional titles under the Sectional Titles Act, 2009.

The act stipulates that the body corporate must maintain all the common property and keep it in a state of good and serviceable repair, while the owner must repair and maintain his or her individual section in a good repair state.

Of course, failure to maintain the section (unit) for which one is responsible often has a challenging effect on other sections of the property. Things like leaking roofs and showers may damage the unit, the unit below, or the next unit if they share a wall.

However, not all damage is due to negligence. Another example that might be of serious nature may be a sinking foundation or foundation failure, which are not maintenance related. This may cause cracks on the walls and floors, and in some extreme cases compromise the building's structural integrity.

While the damage to properties is not always extensive, water leakages may cause damp problems (wetness) that may be difficult and expensive to fix. Thus, with two scenarios already highlighted, what is the body corporate's responsibility and in addition, one may ask, does it extend to the repair of damage to individual sections or units?

It is obvious that, in the two scenarios above, the owner who has a leaking shower must repair the leak themselves since that is a sectional (unit) damage. On the other hand, the body corporate must repair the leaking roof, and remedy the failure of the foundations. But do they have some responsibility for the damage to the other (third party) damaged unit?

The Sectional Titles Act no 2 of 2009 assigns the legal responsibility for maintenance and repair of the common property to the body corporate, and maintenance and repair of sections (units) to their registered owners, not "tenants "or "occupants".

The act is silent on the responsibility for consequential or resultant damage, so this means the body corporate is not automatically responsible for the repair of damage to sections caused by a failure of common property, but the legal owner concerned can make a claim for the reasonable cost of the repair from the body corporate. Likewise, the owner whose section is damaged by a leak from another section is entitled to claim the cost of their repair from the other owner. Making a claim from the body corporate, or another owner, could be as simple as sending a copy of the repair invoice and payment receipt with a polite request for reimbursement. If the request is refused, the owner may seek assistance from the Office of the Ombudsman.

With this in view, all unit owners must be aware of exact insurance cover held by their body corporate. It is also important to know the value of the insurance cover to ensure it is sufficient to protect you from loss or damage to common property or personal injury that may arise.

The Sectional Titles Act makes it clear that it is the responsibility of the body corporate to insure the building. The owners, through special resolution, may prescribe all improvements to the common property within the scheme to be insured to their full replacement value, which is the current cost to replace a building, or to reinstate a property to its original state, if destroyed, against any such risks and damages.

The body corporate will then recover the insurance premiums required from the levy fund paid by all the owners.

This insurance should cover against fire, lightning, malicious acts, storms, floods (especially in flood-prone areas in the northern parts of Namibia), earthquakes, bursting pipes, impact of any buildings by a motor-vehicle or other object, housebreaking, and the loss of income or rent due to any of the aforementioned.

This is not a complete list. I only wanted to provide an indication of the types of damages that are generally covered by the insurance taken out by the body corporate.

Worth mentioning is that the body corporate should take all reasonable steps to ensure that all the unit owners are insured against any liability which may arise in respect of death, human injuries, and loss of property or damage to property. These liabilities may arise as a direct result of or in connection with the common property.

One important thing many sectional unit owners should know is that they are not covered for their household contents in their unit, and they must cover those themselves. If there was a fire, the insurance cover would pay for the structures, including built-in cardboards, but not for their personal possessions like televisions, computers and beds.

Under-insurance can also pose a big and serious problem in sectional titles, and it is very difficult to explain to owners, as it has to be approved in the budget. Many owners understand the insurable value to be equivalent to the selling price of their unit, but there is no correlation between the former and the latter in most cases.

With this in mind, I stress the importance of owners making enquiries regarding the quality and value of the insurance held by their body corporate, and not just to assume that this is adequately provided for. It is, therefore, crucial for owners and tenants of sectional titles (flats) to familiarise themselves with the relevant provisions of the Sectional Titles Act no 2 of 2009.

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1.7 How to Insure Your House/Property

by **Verinjaerako Kangotue**, Published in The Namibian, 2019-06-14

Photo credits: www.einsurance.com

Property Owners should have building insurance to ensure that their properties are fully covered in the event of damage.

For example, if a tree smashes into your property during a storm, leaving it uninhabitable for several weeks building insurance will cover the cost of the repairs. Building insurance can be extended to cover the entirety of the property, including garages, swimming pools, boundary walls and outbuildings.

Generally speaking, there is cover against both natural and man-made disasters (e.g. fire damage, vandalism, building subsidence, leakages, car accidents, floods and falling trees, etc).

Property owners must always check their policy documents to verify the extent to which their property is covered, to ensure that the cover meets their needs.

It is amazing to see how a significant number of Namibian property owners make the mistake of insuring their property or homes for the price it will take to sell it in the market, otherwise known as the estimated market value.

To shed light on this, let me differentiate between the replacement cost and market value of a property.
I will use a specific scenario where I had valued/assessed the insurable value of a seven-bedroom property at Langstrand, Walvis Bay, a year ago.

The insurable value of this property was N$3,5 million, excluding household contents. The client was not happy with my valuation because around the same time a local estate agent advised that his house could be sold for around N$1,5 million. He argued that my valuation would result in his property being over-insured.

Market value is the price at which a willing buyer and a willing seller agree to transact a sale of this property. Market value would be determined by analysing recent sales of similar property in the market (Langstrand, Walvis Bay, in this case), while taking into consideration the current market conditions, the state of the economy and time factor.

The market value includes the whole property which is the land and all improvements such as house, garage, carport, site works, etc.

My client was confusing the market value of his property with the insurable

replacement cost or insurable reinstatement value; the latter being the current cost to replace a building, or to reinstate a property to its original state if destroyed. This value normally excludes land value and considers the value of improvements only.

The reason being that land is indestructible. The replacement cost/value is calculated by adding the estimated cost to replace the building, contractor fees, demolition cost and expenses incurred for removal of debris.

Photo credits: https://homeia.com/why-insurance-gives-first-time-home-buyers-peace-of-mind/

One more thing, an estate agent cannot determine a property's market value. Only a qualified and experienced professional property valuer is equipped with skills and competencies to determine the value at which your property must be insured/sold to ensure sufficient insurance cover.

It is imperative to remember that this value is estimated based on what it would cost you to demolish and re-build the house in the case of total destruction, for example, in the case of a fire or earthquake.

One would ask why it is wrong to insure one's property at the market value. Even though the property at Langstrand was in a good and safe neighbourhood and is a minute's walk from the beach, the building or the structures on this property were dilapidated and in bad state of repair with cracks running from the floor to the roof.

Certainly, these defects negatively affect the market value but will not affect the replacement value. So if my client's property is insured using the market value estimated by the estate agent, it would have been under-insured by around 60%. In the event of total destruction, it will cost approximately N$3,5 million to reconstruct the house to the same specifications, including demolition costs, debris removal and professional fees. At a sum insured of N$1,5million the house could have been under insured.

I come across many property owners who have either under or over insured property due to the fact that they are unaware that they need to obtain insurance cover at a replacement cost and over market value. Without a clear understanding of the difference between these two valuation bases, the property owner is bound to face the obvious reality of not being able to reinstate the property in the event of destruction of the property by any disaster.

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1.8 Property Crowd-funding, an Alternative to Housing Finance

by **Uaurika Kahireke**, Published in The Namibian, 2018-08-03

Photo credits: https://scaleupitaly.com/italian-crowdfunding-platforms-the-2020-statistics/

The Human right to housing is recognised in the Universal Declaration of Human Rights in Article 25: 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and the necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.'

The right to housing is further enshrined in the African Charter on Human and People's Rights. All this makes a house an indispensable asset for every household. However, due to the high cost of housing, most households have been left with no option than to settle informally, or to rent. Ironically, most tenants rent properties at rates equal to monthly mortgage repayments.

In Namibia, these situations are further worsened by the rural-urban migration, which increases demand for housing in urban areas. The Namibia Statistics Agency's most recent projection for the next 25 years is that the percentage of citizens expected to live in urban areas by 2041 would have grown to 67%, from the current 43%.

Global estimates show that for these families to afford a decent house, to be financed from financial intermediaries, they need to incur other expenses. These include life cover, fire cover, 30% of gross income as instalment, and a good credit rating as a precondition. As such, housing finance is a key part of the housing system, making home ownership possible for some, but impossible for many.

Lack of serviced land has often been identified as one of the most pressing issues in the provision of affordable housing in Namibia. However, a study in 2011 by the Bank of Namibia showed that more than 73% of Namibians do not have access to traditional housing finance offered by financial institutions. Various reports have indicated that the largest backlog of housing in Namibia is in the low-income sector, which group does not qualify for traditional housing funding due to a lack of collateral and their low-income base. Currently in Namibia, financial institutions also do not have consistent strategies to support housing finance for the low-income groups. A study by the Centre for Affordable Housing Finance in Africa revealed that only those earning above N$10 000 per month may qualify for a mortgage bond. Citizens earning

Photo credits: https://www.zricks.com/Updates/Should-I-invest-in-real-estate-crowdfunding-/1432

between N$1 500 and N$4 601 may not have access to mortgages.

This calls for an innovative funding mechanism which will also cater for the low-income category. The question, however, is whether the development of an alternative regulated property financing market could be a solution for Namibia. Should Namibia follow modern times' trends in which digital technology is transforming the world of business and society? Various new peer to peer (crowd-funding) online investment vehicles that offer inclusivity have become available to real estate entrepreneurs nowadays. Crowd-funding has been in existence since the 2008 global economic downturn.

This phenomenon is becoming a valuable alternative source of funding for entrepreneurs seeking external and emerging approaches for implementing their ideas, despite not having traditional monetary resources such as banks and venture capital (Sheng et al, 2016). The crowd-funding market is an evolving market that has shown considerable growth over the last few years and estimates of the global market show that at the end of 2015, the value was over US$145,29 billion. A real estate crowd-funding platform offers financing vehicles which are more inclusive, open, democratic and unbiased than traditional property financing methods (Lakhani, Hutter et al, 2014). Crowd-funding platforms offer property financing opportunities at a faster rate, lower cost and more flexibility than traditional financing options.

There are four major crowd-funding models for regulation, and these are the loan-based crowd-funding model, equity model crowd-funding, donations and reward-based crowd-funding platforms. Loan-based crowd-funding platforms are those on which people lend money to individuals or businesses in the hope of a financial return in the form of interest payments, and a repayment of capital over time.

The lending model is developing quickly into an alternative to bank lending, and in equity/investment-based crowd-funding platforms, people invest in unlisted shares or debt securities issued by individuals, companies or projects. Donations or reward-based crowd-funding platforms are where individuals provide money to a company or project for benevolent reasons, or for a non-monetary reward. Non-governmental organisations like a shack dwellers federation can leverage on the wide reach of the internet for funding opportunities.

In platforms like these, developers can upload projects online to attract investors, hopefully in the process to avoid the stringent requirements of traditional commercial banks. The question also becomes: will this have an impact on

the overall market as a whole; will it lower prices and astronomical returns in property development projects? And lastly, will it help foster competition in the financial market, and facilitate access to financing options for the excluded?

Since real estate crowd-funding is security-based, it is a regulated activity, and most countries have developed regulatory frameworks to better protect stakeholders. Currently, there is a cloud of uncertainty concerning crowd-funding platforms' regulatory framework, which could fall into a multi-sectoral regime approach, where bits of the platform operations could fall under the regimes of the Bank of Namibia and the Namibian Financial Institutions Supervisory Authority.

According to the World Bank, a crowd-funding regulatory framework should control the transparency, speed, and scale that advances in technology and the internet can deliver to early-stage funding marketplaces, and at the same time provide investor protection. Otherwise, its platforms will become rife with fraud, which could lead to a market collapse. A clear regulatory strategy provides for market development and promotes transparency so much desired by investors who want basic investor protection rights and clear exit strategies.

These platforms have the potential to reduce poverty and provide access to land and property for Africa by efficiently mobilising and matching those requiring financing with those providing investment or donation opportunities.

The success of a crowd-funding platform for financing land and property projects in an African context is further enhanced by the deeply entrenched African culture and traditional set-up in which community-based financing, solidarity and fundraising already existed for some time.

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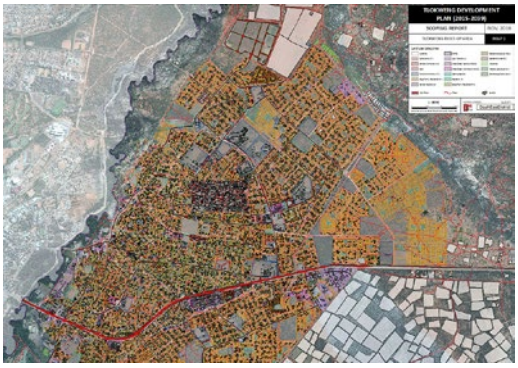
1.9 Towards a Spatially Enabled Namibia

by **Celina Awala**, Published in The Namibian, 2019-05-24



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Expanding economic activities and increasing human requirements place growing pressure on the capabilities of national land administration systems around the globe. Namibia is no exception. The relationship of humankind to land is dynamic due to rapid developments and population growth.

Current and future land administration systems must manage the increasingly complex relationship between human beings and land in terms of land rights, restrictions, responsibilities, value, use and development.

Spatial data and information are catalysts in the determination of the ongoing demand for responsive and sustainable land administration. They support the decision-making process, and the management and use of land as a national asset.

Spatial data are geographically referenced data. The term has been used interchangeably in research and practice, with names such as geographical information, geospatial data, land information, geoinformation, to mention just a few. Spatial data can be used in various technological applications to study and analyse spatial-related phenomena. It can aid in answering spatial- related questions of "what happens where"?

Data and information about land is a major asset to governments as it facilitates good governance, and is essential for informed policy decision-making in the public and private sectors. In general, spatial data is crucial for better analysis and understanding of phenomena patterns in relation to space on land.

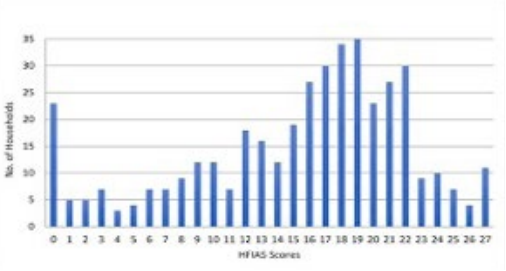
Namibia aspires to become an industrialised nation by the year 2030, as stated in the Vision 2030 objectives and the fifth National Development Plan (NDP5). Subsequently, the African Union (AU) agenda 2063 and the United Nations sustainable development goals (SDGs) call for economic growth, sustainable development and improved living standards, and the well-being of all citizens.

https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.itmb.ca%2Fpressrelease.php%3Fmap%3DNamibia&psig=AOvVaw2WBYD2OCXeAWg_c2zss4S&ust=1605176542740000&source=images&cd=vfe&ved=0CA0QjhxqFwoTCIimsN-i-uwCFQAAAAAdAAAAABAI

These high-level objectives place enormous pressure on the capacity and capability of the current land administration systems to provide up-to-date, fit-for-purpose spatial data and related information and services. Spatial data and information are the backbone of a well-functioning land administration system, and play a crucial role in answering location-based questions of who owns which parcel of land? What is the parcel extent? Where in the country is the parcel located?

Generally, transportation, environmental protection, housing, agriculture and disaster management are some of the functional areas that could benefit from the use and integration of spatial data in their work processes.

As a country, Namibia has laid a good foundation with regards to the legal and institutional framework through the enactment of the Land Survey Act 1993 (Act No 33 of 1993), Statistics Act 2011 (Act No 9 of 2011), the national spatial data infrastructure policy of 2015 –– and other sectoral laws that guide and facilitate the collection, management and distribution of spatial data.



These and other reforms are an indication of commitment by the Namibian government to improve the use of spatial data for effective and efficient decision-making, which will lead to improved land governance and economic growth.

The importance of spatial data in land administration and governance have been recently demonstrated with the production and publication of the land statistics report (Namibia Land Statistics 2018) by the National Statistics Agency (NSA). The report is crucial and unique due to its ability to visualise the distribution and extent of commercial farming units in the country. Additional analysis based on different attributes can be done on a live database.

This and other benefits could be realised in a more effective and efficient manner if we embrace the power of a spatially enabled society. A "spatially enabled" society and government is one that makes use and benefits from a wide range of spatial data, information and services to

organise its land and water resources-related activities (FIG, 2012).

However, the abovementioned benefits and many more cannot be realised with the status quo in our public sector employment structure. We currently do not have provision for positions of geo-information analysts/practitioners on the public service employment structure, except for land surveyors and land valuers, who are merely data producers.

This has demonstrated the gap and lack of personnel with capabilities to carry out a spatially intelligent analysis. Consequently, our graduates who can integrate and manipulate the data are either unemployed or employed in wrong positions.

In addition, up-to-date data and information can be achieved through the decentralisation and deconcentration of power and responsibilities of collecting and management to the lower levels of governance and administration: regional and local authorities.

https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.mapsland.com%2Fafrica%2Fnamibia%2Fdetailed-road-map-of-namibia-with-national-parks&psig=AOvVaw1glguqZyIFZ6iNOZ-Rm8sE&ust=1605176807594000&source=images&cd-=vfe&ved=0CA0QjhxqFwoTCPi11eGj-uwCFQAAAAAdAAAAABAO

Hence the call for the government to amend the public service employment structure to make provision for the geo-information specialists and practitioners, specially to place them in local authorities and regional councils. In addition, the government should provide funding to train more people in the field of geo-information sciences and technology.

In light of the current economic challenges, the country may not be in a position to place personnel at all the relevant institutions, but gradual efforts can be made by making provision for geoinformation specialists on the public service employment structure.

Furthermore, efforts should be made to fund more trainees, awareness creation and employing the few available graduates in the field to speed up the process of spatial data integration in land administration services and other functional areas to provide visually convincing information.

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1.10 Sustainable Development Goals and Tenure Security in Namibia

by **Åse Christensen**, Published in The Namibian, 2017-06-13

Photo credits: https://www.borregaard.com/sustainability/sustainable-development-goals/

With the launch of the new NDP5, it is clear that the government keeps focusing on sustainable development and putting a lot of attention on poverty alleviation and inequality in access to basic services.

The NDP5 is aligned with the sustainable development goals, the Southern African Development Community's regional integrated strategic plan, Vision 2030 and the Harambee Prosperity Plan (HPP). Furthermore, a number of land and housing projects have been launched – the Mass Housing Programme (MHP) and the Massive Urban Land Servicing Project (MULSP).

The MHP has so far mainly catered for the provision of housing to middle-income people, and it is still to be seen whether the continuation of the project will also focus on low-income earners. MULSP committed to servicing 200 000 plots countrywide.

In a Namibian urban context, we experience a high rate of rural-to-urban migration, and to Windhoek alone, the in-migration rate is around 4% per annum. The urban population in Namibia has increased by 14,1% over the 20 years from 1991-2011, with large regional differences. The sustainable development goals (SDGs) have a number of goals and targets that are directly related to poverty alleviation, tenure security, urban development, and land governance. Hence, the current international development agenda is highly relevant to the Namibian development agenda. The quality of urban settlements is dependent on the rules and regulations in place, as well as proper implementation.

The installation of basic services without surety of who is going to pay for the services provided, including consumption, is a risky investment for national, regional, and local governments. It only makes sense to install services while at the same time also providing, as a minimum, a basic and initial tenure security to people. To the best of my knowledge, the state does not have any current plans to provide free of charge freehold title to all low-income and informal settlers. With the current national financial crisis, I consider it out of the question to expect something along those lines in the near future.

GLII Partners' Momentum and Focus
Photo credits: GLII Partners' Momentum and Focus

In Rwanda, they managed to record around 10 million parcels over a five-year period. Obviously, this was not possible within the freehold system due to high costs, slow registration processes and weak institutions. Therefore, an alternative and more flexible approach was selected. All private land was registered by applying a first-time systematic registration approach, based on general boundaries, with the aim of creating a complete public record of landholdings. This alternative approach provided an initial level of tenure security, protecting people from forced eviction without compensation. It can then be upgraded when need arises and/or economic affordability allows. The average cost was US$6 (around N$79) per parcel.

In Namibia, we also have a flexible and alternative land tenure system. It is the flexible land tenure system (FLTS), and the act was passed by parliament in 2012. It is designed specifically to provide tenure security to urban low-income and informal settlers. It provides basic, and much-needed, protection against forced eviction without compensation. The two new title forms entail the right to transfer rights, and the title also allows for the mortgaging and establishment of servitudes.

FLTS is also supposed to, over time, empower the persons concerned economically. To the best of my knowledge, it will only make sense to provide initial tenure security by applying the FLTS, while at the same time installing basic services, and allowing people to improve their housing conditions. It is worth mentioning that the UN-Habitat is considering the FLTS as innovative, and one of the pro-poor land tenure systems in developing countries which provides the most solid legal framework and foundation for further development.

- The HPP, MHP and MULSP talk about service and housing provision;
- SDGs talk about urbanisation, housing, inequality and tenure security;
- FLTS provides tenure security to urban low-income and informal settlers;

So, implementing the HPP, MHP and MULSP with the FLTS as a tool will make us able to achieve the housing and tenure security goals of Vision 2030 and the SDGs.

It calls for good planning and coordination of the HPP, MHP, and MULSP. And it calls for close cooperation between the responsible ministries and local authorities, and other stakeholders. If properly organised and

coordinated, it will make a tremendous improvement for the middle- and low-income people currently residing in informal settlements. In Namibia, it is still doable, although we have to deal with it now before it gets out of control due to the high urban migration rates.

So, maybe we need to nudge the relevant institutions to put it first on the agenda and accelerate the delivery of tenure security to urban low-income and informal settlers. In my opinion, this is the best way we can address inequality and provide a solid foundation for further development of the country and ensure that we reach the set goals of the Harambee Prosperity Plan, Vision 2030, and the SDGs. Experience from Rwanda shows that it is indeed possible.

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1.11 Lack of Integrated Data is Costing Namibia

by **Royal Mabakeng**, Published in The Namibian, 2020-05-08

Photo credits: https://it-resource.schneider-electric.com/software-digital-services/eight-steps-to-plan-for-successful-data-integration

This is a reflective piece on how the government can improve the use of data to effectively aid communities during any pandemic.

This area has been relegated to the background for quite a while now and needs urgent revival for proper decision-making, stronger communities and institutions.

In Namibia, there is a general challenge concerning data capture, storage, management, and its use to enhance effective and efficient decision-making. Without population data, no meaningful decision can be made. This certainly amplifies the adage "bad data is better than no data at all".

Big data is considered a gold mine, as authorities can use it to reveal patterns and understand human behaviour. Governments that utilise data are able to make informed decisions on the needs of a country. Moreover, data promotes the intelligent allocation of financial and human resources.

Where do we find ourselves as a country during this pandemic (Covid-19) – especially with regards to the use of citizens' data?

It's been reported that the central government is sending requests to local government to provide verification data for beneficiaries of the N$750 once-off emergency income grant.

As Namibians, we are aware that the reliance on individuals to manually share data for government programmes can be tempered with, as in the classical example of the housing waiting list saga.

Based on criticism of the government's emergency income grant (EIG) circulated on social media, there is a challenge in equal access to aid during the Covid-19 pandemic. This may have been caused by a lack of up-to-date information and the inability to use data to inform decision-making.

For a country with a population of 2,5 million, data capture, storage and management on population for resource distribution and informed decision-making should not be difficult, since government decision-making and implementation are already decentralised.

It is a matter of having local and regional authorities to digitally verify existing and new data sets on vulnerable constituents and forward these to central government for the incorporation into a centralised database. This will certainly help reduce the duplication of work and efforts of agencies and organisations requesting information of citizens.

Namibia spends billions of dollars on the collection of data each year, which competes with the expenditure of some of the advanced countries with larger populations.

For example, by 2012 the US was estimated to have spent 75 billion pounds supporting 585 000 enumerators.

Germany spent about 750 million pounds on around 80 000 enumerators. The Netherlands spends little or no funds on census data collection as the reliance on population data is informed by local and national registries.

The country has integrated databases supported by local and national agencies that inform central governments' decisions.

Namibia can learn and take inspiration by spending no funds on countrywide enumerations.

Instead enhance the capacity of local government by investing in information technology (IT) infrastructure and skills.

If an integrated database does not already exist in Namibia, I suggest we create one through the National Spatial Data Infrastructure (NSDI) managed by the Namibia Statistics Agency (NSA). This will not take a long time to create and subsequently operate.
The database can serve different purposes, but most importantly it is to inform the government of the needs and service gaps in the country without government officials travelling or sending faxes to local authorities to obtain needed data.

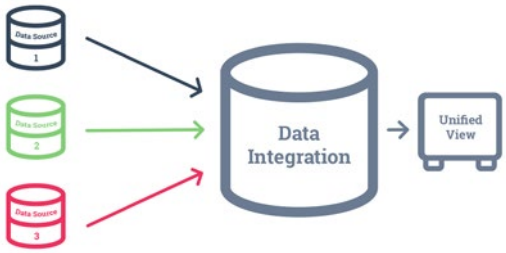

Photo credits: https://hevodata.com/learn/data-integration/

Firstly, one of the government agencies dealing with data capture, storage and management on behalf of Namibians is the Ministry of Home Affairs, Immigration, Safety and Security, which registers births and deaths, and keeps immigration records. These various data sets can be linked to a central data centre.

Therefore, one will not need to constantly provide hard copies of your identity document when needing government services.

When a child is born, birth certificates have serial numbers. These can be linked to parents through ID numbers. Secondly, information concerning employment can be provided by the relevant institution, supported by the Directorate of Inland Revenue.

Lastly, the decentralised institutions such as municipalities, towns and village councils can provide data on rate payers, supported by the deeds registry from the Ministry of Agriculture, Water and Land Reform.

All this can be linked to a central database that is managed and updated by a government agency.

Maps of local authorities supported by the latest satellite images can be used to identify the communities needing the most assistance. One can carry out an analysis on where the highest densities are, or which communities will struggle with social distancing.

There would be no need to have people queue up to benefit for government aid. Donations can be dropped at the doorstep and records of beneficiaries can be updated for future interventions.

The implementation strategy of the establishment of the central data centre needs the conceptualisation, designing, testing and deployment through collaborative efforts of public institutions, the private sector, civil society and individuals.

The government could hire a group of computer scientists and software engineers to support all government institutions in order to implement a centralised database.

Ground truthing will be important, but you will need fewer human resources than we currently do.

The only people who can benefit from the status quo of no distributed database are the corrupt and proponents of nepotism.

Let's keep in mind the government should ensure effective service delivery so that all citizens can meet their basic needs.

Service delivery can be improved with proper IT infrastructure complemented by professionals at all levels of government.

Namibia has the capacity. Funding will not be a major issue. All we need is robust political will.

**** Menare Royal Mabakeng is a junior lecturer in the land and property sciences department at the Namibia University of Science and Technology (NUST), with a main research interest in fit-for-purpose land administration. She writes in her personal capacity.***

1.12 Exclusion in planning perpetrates poverty in informal settlements

by **Royal Mabakeng**, Published in New Era, 2020-07-31

Photo credits: https://bookboon.com/blog/2017/10/planning-skills-7-tips-not-only-for-managers/

Photo credits: https://www.scrum.org/resources/blog/plans-are-nothing-planning-everything

We should recognise that people in informal settlements have the same right to share the city with the same dignity and equality as other residents. Without the active participation of informal settlement residents in upgrading projects, any upgrading plans proposed are destined to flop. Post the pandemic, we (Namibian planning practitioners, donors and private sector) should look towards the inclusion of people in informal settlements communities in planning and upgrading of the informal settlements.

Some people are of the opinion that speaking about problems or challenges will not bring about change. There is some truth to that line of thought. However, understanding the problem and origins can be of great assistance in identifying solutions that are desired by those affected. While some parts of the world are discussing smart cities, Namibian towns are challenged with providing secure land rights to most of the urban poor. Fortunately, the urban land reform debate finally came to the forefront on the national development agenda, after the focus has been on rural areas for the past 20 years. The focus on urban land reform could influence the emergence of innovative solutions; however, there is a risk of excluding communities affected from actively participating.

The problems faced by the poor and low income who make up 40% of the urban population living in informal settlements are relevant for discussion, mainly as the poor are also important residents of the city as they contribute to vital services of the urban economy. In Namibia, like many developing countries, the poor are found at the periphery of cities, living in uncomfortable conditions with no tenure security and high anxiety caused by possibilities of eviction. Despite their challenging living environment, there is persistent exclusion of the poor in planning for upgrading. When local authorities plan, the informal settlement residents are seldom part of the discussion.

The Urban and Regional Planning Act, 5 of 2018, passed by parliament, is yet to be implemented. The Act has some promising sections for informal settlement upgrading and key among these is the provision for participation and access to land. The Act clearly states that "spatial planning must be aimed at redressing past imbalances in respect of access to land ownership and land allocation. Plus, it promotes access to relevant information for the public. However, public participation methods are left to the onus of the relevant minister. This would undoubtedly create bureaucratic challenges that may perpetuate exclusion of informal settlement residents from participating in the upgrading of their communities.

Photo credits: thesocialleadershipcoach.com/planning-cycle/

It is vital for leaders in policy implementation to understand that the exclusion of residents in decision-making increases insecurity and prevents residents from seeking justice and legal remedy when those in positions of influence violate their rights. Rapid expansion of informal settlements and lack of service delivery in these areas is indicative of poor or no participation of residents affected in the development processes affecting their communities.

There are solutions galore from various case studies on how we can improve informal settlements at scale and at a faster pace, yet implementation becomes a challenge. The introduction and revision of planning laws to reflect the needs of the people is a step to improving land delivery and citizen participation in planning. What remains, as a bottleneck for active participation of residents in informal settlements, is a lack of political will and buy-in from planning specialists.

Lack of participatory planning delays the successful implementation of informal settlement upgrading projects. This creates a blockage to solutions that are sustainable and may lead to high social cost during implementation. The norm in planning is consultants are at the foreground during design, while residents are only consulted during the phase of construction or removal of shacks for roads and services. This may be due to how informal settlement residents are perceived; some planning practitioners see informal settlement residents as land invaders and not as people with the same rights to the city as those in formal areas. The exclusion of residents in the planning for their own settlements perpetuates discrimination and enforces powerlessness faced by the poor.

Participatory planning is not a stress-free process that takes a few months – it is a process that requires incessant community engagement, trust, and relationship building. In this process, it is vital that the possibility of development fatigue and expectation management is tackled by planning teams with residents. Moreover, it is important that those in

planning and community members can find a compromise to form partnerships that be a catalyst for sustainable solutions at a low cost. During normal operations, the right to assemble and demonstrate has given residents an opportunity to have their voices heard. However, this should not be the norm. For a population of 2.5 million, understanding the issues of residents at town level should not be a challenge. One major impediment to implementing scalable solutions for informal settlements is the limited availability of dedicated professionals in local authorities dealing with informal settlements. Rather, as important as the role of community development officers are, they are "jack-of-all-trades", which can lead to overload. It is important for implementation of upgrading for local authorities to establish dedicated departments on informal settlements upgrading.

Every local authority embarking on the upgrading of informal settlements ought to consider the inhabitants as primary partners, who can share their local knowledge that could affect the speed and cost of projects. For successful project implementation, the residents of informal settlements need to have access to relevant information on how the public process for budgeting, planning and decisions concerning housing provision are made within the government. The time for using facilitators that understand the importance of participation and have patience for communities is now more vital than before. Participatory upgrading is not an easy process at the start; it requires patience, good communication skills and knowledge of the local context.

Photo credits: https://pmtips.net/article/5-amazing-planning-techniques

To empower communities, it is vital that information sharing, and participation is encouraged. This should not only happen during elections, but throughout the whole process of urban policy development. People in informal settlements may be poor due to their economic status; however, many do have a wealth of ideas on how they can improve their communities. Every town planning office should find means to harness this wealth, and participatory planning is the starting point.

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1.13 How to get the best interest rate on your home loan

by **Verinjaerako Kangotue**, Published in New Era, 2020-07-31

Photo credits: https://stanleypark.co.za/home-loan-interest-rates-101/

Buying a house is one of the biggest decisions we all must make in life. Although this is an exciting decision it should not be taken lightly especially when it concerns home loans, interest/lending rates and loan repayments.

Financial institutions use two main factors to determine the interest rate on your home loan or mortgage bond and these are the cost of funding and the borrower's credit risk.
Before we dip in further let us define what is home loan interest rate? This is the rate that determines how much you will be paying the bank, over and above the amount or value of the property you are buying and this rate is not flat, it is determined by each client's financial behaviour.

The first cost included in an interest rate charged is the cost of funds and this is the main source of finance from which commercial banks obtained the funds to grant different customer loans. These funds are repaid at a certain interest rate and the banks will eventually charge their clients to recover borrowed funds and with a profit margin. The second factor affecting the interest rate is credit risk (this is the borrower's risk to the lender). In simplest terms this is a risk that you might default on this loan and if this risk increases to the lender, so is the interest rate to that particular client. Local banks use several variables to work out each client's interest rate, and this will be comprised of past credit records, loan-to-value ratio, and type of employment.

Your credit record plays a big role in home loan financing. This is how you dealt with all forms of credit in general and may include your credit cards, vehicle finance, to the way you swiped and managed your bank accounts in the past. The bank will assess your last five years of credit history and give it a credit score which will assess your default likelihood.

The bank uses a wide range of information to score you, including the information you disclosed when you applied for the loan and other past information the bank may have on you as a result of a long-term banking relationship with the bank, swiping history, your overdrawing, late payments, overdrafts history, consolidation history and credit bureau information. As far as your bank is concerned, your credit score determines how risky a client you are to them. Any improvement in your credit score can work in your favour. One can clear their credit record by mostly paying off outstanding debt, paying your bills on time and never allowing your account to go in the negative.

The second key consideration is the loan-to-value ratio which means the percentage ratio of the sum of money borrowed from a bank to buy a property vis-a-vis the price of the property or its valuation, whichever is lower. Deposit plays a bigger role since the rule of thumb is that the greater your deposit, the less risky your loan is viewed by the bank. Thirdly, most local banks take into account your employment history including things like where and how you are employed, whether on permanent or short-term contract. Research shows that self-employed people are considered more risky than people in formal employment and this tends to attract higher interest rates. When one is applying for a home loan, one of your most important goals should be to secure the lowest home loan interest rate possible.

Photo credits: https://housing.com/news/home-loan-interest-rates-emi-top-15-banks-january-2019/

So, one will ask what can I do to improve the interest rate offered to me by the banks? And the answer is: make sure you have a good credit record. One should always manage their credit affairs carefully, by ensuring that you make your required payments on time for things like your clothing accounts, vehicle finance, personal loans, etc., and it is important to avoid exceeding the credit limits made available to you on facilities such as overdrafts, credit cards, and short-term ATM loans. If you know that you have a bad credit profile, I rather recommend you settle all your debts and give yourself a grace period of up to six months before applying for a home loan because this will lead to higher interest payments should your loan application be approved.

Photo credits: PiPa News

Lastly, some ways to lower your interest rate include paying a big deposit on the home loan and applying to multiple banks so as to secure the best deal. For example, a N$20 000 deposit on a N$1 million home loan, at the interest rate of 10.25% will reduce your total repayments by N$47 119 over 20 years. And one more thing, the bigger your deposit, the better your chances of getting a lower interest rate and reducing the total interest charged on your bond. Consider the term of the bond carefully, as home loans financed over 20 years are usually offered at lower interest rates than 25 and 30-year finance.

For those that are already homeowners, I recommend making extra repayments whenever you can since interest on a mortgage loan is calculated daily and rolled out monthly. With additional payments into your home loan, you will reduce the outstanding balance as well as the interest that you pay in the long run. Use extra cash such as your tax refund and annual bonus to pay into your bond account.

In conclusion, you are not obliged to source or stay with the same bank you have been banking with for your home loan. Source quotations every once in a while, since another bank may offer you a better interest rate a few years down the line. This can be a result of loan-to-value ratio change or repo rate decrease just like the Bank of Namibia has relaxed the loan-to-value ratio and repo rate adjustment in light of the Covid-19 pandemic, which will now create greater competitiveness between local banks.

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2. Communal Land and Tenure Security

2.1 Land Appeal Tribunals Give Access to Justice

by **Theodor Muduva**, Published in The Namibian, 2017-09-08

The Functions and powers of the traditional authorities, communal land boards and the communal land appeal tribunals as outlined in the Communal Land Reform Act, 2002 (Act No. 5 of 2002) provides for a system of checks and balances.

Cheaper loans for communal farmers
Photo credits: iecn-namibian.com.na

Traditional authorities maintain the primary power to allocate customary land rights. Communal land boards are mandated to ratify the customary land rights allocated by the traditional authorities.

On the other hand, communal land boards are tasked with the allocation of the rights of leaseholds, but they can only do this when the relevant traditional authorities have consented to it. At least in theory, traditional authorities are also expected to consult their community members before granting such consent.

However, sometimes people are not happy with the decisions of the chief/traditional authorities or communal land boards with regards to the allocation of specific land rights in the communal areas. When this happens, many communities do not know where else to go, and some tend to accept such decisions.

Some community members sometimes end up knocking on wrong doors, and eventually settle for such decisions. Others have contemplated or engaged in costly routes such as seeking private lawyers to settle such disputes in a court of law, when initially it was not necessary to do so.

The Communal Land Reform Act empowers parties aggrieved by the decisions of the traditional authorities and communal land boards to appeal such decisions. Section 39 and regulation 25 of the Communal Land Reform Act details the procedures to be followed to lodge an appeal.

Some of the decisions of the traditional authorities and communal land boards which can be appealed include the allocation of customary/leasehold rights to a neighbour, family or an outsider deemed unprocedural. This may involve the failure of the chief or traditional authorities to allocate land rights in circumstances where there is a legitimate expectation by the aggrieved party to be granted that specific land right. Others include failure to remove illegal fences, as well as boundary and grazing disputes, among others.

The procedures for the procurement of the intervention of the appeal tribunal are stated in regulation 25 of the Communal Land Reform Act, 2002 (Act No.5 of 2002). An aggrieved party must submit a notice of appeal in writing (appeal letter) to the office of the permanent secretary of the Ministry of Land Reform. The appeal letter must be submitted within 30 days of the decision being appealed against. The permanent secretary then notifies the minister about the appeal. The minister appoints the appeal tribunal to hear the case, and then the said tribunal passes judgement. It is important to note that failure to submit the appeal within the prescribed time will render the appeal invalid. Hence, an appeal tribunal cannot hear such a case. In fact, an appeal tribunal cannot be appointed to hear such a case in the first place.

Appeal tribunal members are individual (s) with a legal background and/or qualifications and relevant skills, expertise and experience in communal land matters – section 39 (2). They must have a thorough understanding of the communal Land Reform Act, 2002 (Act No. 5 of 2002).

Photo credits: Landlinks.org

The cases are primarily heard on record (by the tribunal) and depending on available evidence and supporting documents, they then pass judgement. The Ministry of Land Reform has the responsibility to communicate the decision of the appeal tribunal to all the involved parties. The appeal tribunal is empowered by Section 39 (6) "(a) to confirm, set aside or amend the decision which is the subject of the appeal, and b) to make any order in connection therewith as it may think fit".

According to section 39 (6), the decision of the appeal tribunal is conclusive and legally binding on the parties. Any party aggrieved by the decision of the Communal Lands Appeal Tribunal has the right to appeal to the High Court.

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2.2 Communal Lands Appeal Tribunal – Judicial Or Investigative?

by **Theodor Muduva**, Published in The Namibian, 2018-02-13

The Communal Land Reform Act mainly deals with the management and administration of communal land in Namibia.

The major role players as defined in the act include the traditional authorities, communal land boards, and communal land appeal tribunals.

Photo credits: https://www.onestoneinvestigativegroup.com/services/legal-investigative-services/

When there are appeals against the decisions of the traditional authorities or land board by aggrieved parties, the appeal tribunals are empowered to hear such appeals and pass judgements. According to section 39 (6), the decision of the appeal tribunal is conclusive and legally binding on the parties. Any party aggrieved by the decision of the appeals tribunal has the right to appeal to the High Court.

The main focus of this opinion piece is on the roles of the communal land appeal tribunals. There is no consensus on the question of whether appeal tribunals are empowered by the Communal Land Reform Act to conduct face-to-face hearings/investigations. The Ministry of Land Reform and communal land boards appear to encourage the notion that the appeal tribunals should be conducting investigations. Communal land appeal tribunals' members share different views on this issue. Some appeal tribunal members are in favour of conducting investigations, while others are not.

A feasible argument against appeal tribunals investigating cases is that they are only empowered to make decisions on record. A tribunal can only do what has been vested upon it by enabling legislation, section 39 and regulation 25 of the act, which gives specific and limited power to an appeal tribunal. Instead, communal land boards are empowered to conduct investigations in terms of section 37 of the act.

The outcomes of such investigations must form part of the records which the appeal tribunal should consider when they reach their decisions. It is therefore the duty of a communal land board to ensure that such records are in place. It becomes costly to the government if appeal tribunal members continue to carry out an investigative function.

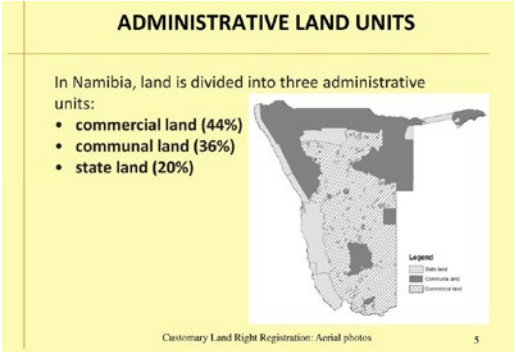
In most cases, the records are not sufficient, especially if the appeal is against the traditional authority. Experience has shown that many such authorities do not always record their decisions. As a result, some communal land appeal tribunal members use their own discretion, and in

the interest of justice allow for further and fresh evidence to be given at the hearings.

This approach is in line with relevant legislations, including the Namibian Constitution. Communal land boards do not feel accountable for the absence of records from the traditional authorities, and rightly so. The central argument is that the Ministry of Urban and Rural Development, which is the parent ministry under which traditional authorities' resort, is better placed to initiate or facilitate capacity building initiatives with regards to record keeping. The land reform ministry can advise or provide support in that regard.

Foulkes (1986) explains that there are bodies which may be called tribunals just because they carry out some of the functions of the tribunals when indeed many of them are not. Some of the functions those public bodies carry out include: executive, recommendatory, investigative, and advisory. In terms of section 39 (6) of the act, the duties of the appeal tribunal could be loosely described as executive/administrative (because they are only expected to review decisions made by other bodies).

In general, a tribunal, although it is not a court of law, exercises an adjudicatory function akin to that of the courts. Foulkes (1986) further highlights that in judicial proceedings the judge is impartial, and he listens to the evidence produced before him by the parties and decides between the adversaries on the basis of it. The judge is not there to find out and impose the best possible solution on the basis of information he/she goes out and gets for her/himself, but rather to say whether the charge or complaint is made out in the evidence produced by the parties. His/her "function is judicial, not investigatory or inquisitional. This is in general the function of tribunals". The role of tribunals is to hear appeals from the decisions taken initially by other bodies. The act does not provide details in terms of the duties of communal land appeal tribunals, but the lands ministry has developed procedures for such tribunal hearings deduced from its interpretation of Section 39 and regulation 25 of the act, which are consistent with some of the notions presented in this article.



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Generally, the nature of tribunals is such that they may be required to observe the rules of natural justice. The ultimate function of the tribunals in general is to hear appeals. The methodology of undertaking such hearings is highly contested but, may vary depending on the type of appeal tribunal and prevailing circumstances. The accepted norm is that appeal tribunals should carry out a judicial and not an investigatory or inquisitional function.

Therefore, the communal lands appeal tribunal should be able to give directives to communal land boards to gather further information. In fact, appeal tribunal can even in their judgments direct land boards and traditional authorities to provide more evidence where they are clearly missing, instead of holding hearings on the matter. An appeal tribunal, just like a judge, should "not descent to the arena of decision making". In short, this means an appeal tribunal member should remain as objective as possible when deciding a case. However, there is consensus from both the large body of literature and current practices in Namibia that there are exceptional circumstances when tribunals and communal lands appeal tribunals in particular may be required in the interest of justice to allow further and fresh evidence to be presented at the hearing. In his recommendations of tribunals, Wade (1982: 795) clearly refers to a face to face hearing as one of the key functions of appeal tribunals.

Section 39 and regulation 25 of the act which deal with the appeals are silent on whether appeal tribunals are to carry out a judicial or investigative function. The question therefore has remained unanswered and there is no specific guidance to communal lands appeal tribunal members in this regard. This may call for an amendment of the relevant sections and regulations to address this issue.

In the interest of justice and transparency, traditional authorities should be encouraged to keep records of their meetings and decision-making processes. The land reform ministry and urban development ministry should collaborate to assist the traditional authorities to keep and maintain records in general.
This process could involve capacity building (workshops and training). By law, traditional authorities are expected to do this and if they don't, they are neglecting their duties in terms of the act which may open them up for administrative reviews or even contempt of court. These interventions from the two ministries, if implemented, will help the communal lands appeal tribunals to become more effective.

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2.3 All Illegal Fences In Namibia Must Fall

by **Theodor Muduva**, Published in The Namibian, 2018-02-23

The Practice of erecting fences in Namibia's communal areas dates back to the 1970s. The fencing of communal areas was initially reported mainly in the northern and central regions of Namibia, which today are the Omusati, Ohangwena, Oshikoto and Omaheke regions.

Illegal fences removed in Ohangwena
Photo credits: namibian.com.na

After independence in 1990, the practice spread rapidly, probably due to the absence of relevant legislation controlling the fencing of communal land. Since then, the practice has also spread into the Otjozondjupa and Kavango West and East regions. Section 18 of the Communal Land Reform Act (Act 5 of 2002) (CLRA) (enacted in 2003) takes a strong position against the erection of fences on communal lands.

The act states that no new fences may be erected without proper authorisation obtained in line with the act. Fences which existed before 1 March 2003 also have to come down, unless the people who erected them apply for and are given permission to keep them on the land.

Despite the act's good intentions, it has been to a larger extent unsuccessful in addressing the problem of illegal fencing. The inability of the act to deal with the issues raised concerns, with regards to the political will of government to ensure the effective implementation of the act. It also casts doubt on the effectiveness of the legislation itself. Lack of action in dealing with these concerns prompted some community members to take the law into their own hands. Various reports pointed to sporadic events which took place in some areas around the country, where community members physically removed fences, and others threatened to do so if government did not intervene on time. This was reported in certain communal areas in the Ohangwena, Omusati, Otjozondjupa and Omaheke regions.

It is common knowledge that the majority of Namibians who live on communal land survive on the resources found on the commonage. For many people in the communal areas, the commonage and its resources remain a "safety net" where they cultivate crops, raise livestock, obtain bush food, medicine, wood, building materials and other forest products.

In most cases, the non-consultative practice of setting up enclosures interferes with the use and enjoyment of the commonage by deserving community

members. These fences often limit access to grazing normally used by the livestock of resident community members.

As a result, grazing is then reduced to small corridors between fenced areas. This leads to environmental degradation because of overgrazing. This competition for scarce resources leads to resource conflicts. Communal resources such as water sources (including public boreholes) are in some cases enclosed and privatised by fence owners. Roads and paths to important destinations are also blocked without notice or consent. Fencing is a very expensive undertaking, and research shows that some individuals have fenced up areas of up to 10 000 hectares. Many reports on the matter are consistent in stating that those responsible for such undertakings are people with adequate financial resources, such as the elite and other politically connected individuals.

There are various reasons why people engage in illegal fencing. Before independence, some people felt that since they did not have access to the commercial land (because of the inherent skewed land distribution pattern), commercialising communal land was a justifiable option.

Ohangwena tops illegal fencing charts
Photo credits: neweralive.na

Many others simply indulged in their opportunistic nature (often motivated by selfishness) and took advantage of the more than a decade-long legal vacuum. Many other people have blamed the slow pace of land redistribution (in particular the willing buyer-willing seller principle) for their illegal actions. In recent years, a new trend emerged called "defensive fencing", where "law-abiding" community members or individuals (who feel justified to break the law) decide to fence their commonage to protect it from privatisation. In theory, there is political will to address the problem of illegal fences, dating back to the resolutions of the 1991 land conference. The envisaged second national land conference, which is planned for this year, is expected to look into this issue of illegal fences in communal areas. The state, communal land boards (CLB) and particularly the traditional authorities have an obligation under the CLRA to protect and promote the sustainable utilisation of resources in communal land (section 17).

Furthermore, the act is clear about the procedures to be followed when dealing with illegal fences (Section 44). The act actually makes the setting up of unauthorised fences a criminal offence, and people can consequently be arrested, prosecuted, and fined.

However, this authority is underutilised (and sometimes abused) by relevant bodies such as traditional authorities and CLBs due to the fear of social and political victimisation. Sometimes, individuals in those bodies are implicated in such illegal allocations/approvals through accepting bribes.

The relevant bodies must be empowered continually to implement the act effectively. Training ordinary community members on the provisions of the CLRA has proven to be effective as they are provided with tools to hold their leaders accountable.

Another possibility to consider is giving relevant ministry of Land Reform officials or communal land boards similar powers conferred on the forest inspectors by the Forest Act, 2001 (Act No.12 of 2001) to demand a permit or authorisation from the suspect on the spot.

The increasing boldness by some communal land boards in recent years to initiate the removal of some fences is a step in the right direction (e.g. in Omusati and Otjozondjupa), but more still needs to be done. The 2017 court order given in the #Na Jaqna conservancy case, in which over 20 respondents were ordered to remove their fences in the Tsumkwe West constituency, is a welcome breakthrough which is likely to set a positive precedence and restore confidence in the act.

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2.4 Who Owns Namibia's Communal Land?

by **Theodor Muduva**, Published in The Namibian, 2018-05-18

Namibia has a land mass measuring 824 268 square kilometres with three major categories of land tenure.
These are commercial farmland with freehold tenure (approximately 44% of the country situated predominantly in the south and centre of Namibia), communal areas which are situated mainly in northern Namibia (approximately 41% of the country), and the state land including conservation areas (approximately 15% of the country).

In addition, Namibia has a coastline of 1 572 km along the Atlantic Ocean to its west.

Although communal land only constitutes about 38% – 41% of the total land mass, about 70% of the population (in one way or another) depends on it. While land reform efforts have concentrated extensively on the distribution of freehold land, land-based developments (e.g. irrigation projects, livestock and crop farms, lodges, expansion and establishment of local authority areas such as towns, village councils and settlements) have continued to increase pressure on communal land, threatening the tenure security of people living in these areas.

Hence proper management and administration of communal land for the benefit of all the inhabitants is essential. The major role players as defined in the Communal Land Reform Act 5 of 2002 include

Communal Land Areas
Photo credits: farmlandgrab.org

Communal land boards, traditional authorities, and communal lands appeal tribunals.

The functions and powers of these role players follow a system of checks and balances. The land rights which are allocated in communal areas are: Customary land rights, leasehold rights, and occupational land rights. The question, however, is whether these rights guarantee tenure security in the real sense.

Section 17 of the Communal Land Reform Act makes it very clear that all communal land areas vest in (belong to) the state.

The act also makes it clear that communal land cannot be sold as freehold land to any person. This means that communal land cannot be sold like a commercial farm or freehold land. Thus, individuals or entities cannot own communal land, but may obtain land rights with regard to certain areas of the land.

The state keeps the land in trust for the benefit of the traditional communities living in those areas. This is loosely illustrated by the relationship between the banker and depositor (of which the former is the state and the latter are resident community members).

Because communal land belongs to the state, the state must put systems in place to make sure that communal lands are administered and managed in the interests of people living in those areas. State ownership of natural resources is further emphasised in the supreme law of the land.

Article 100 of the Namibian Constitution provides that "Land, water and natural resources below and above the surface of the land and in the continental shelf and within the territorial waters and the exclusive economic zone of Namibia shall belong to the state if they are not otherwise lawfully owned". This article vests all-natural resources in the state, unless otherwise legally owned.

It is therefore important to understand that although a customary land right guarantees a lifetime tenure security, it does not translate into ownership, but only a user right. This further explains why a customary land right cannot be used as collateral to obtain bank finance because it is situated in (or is) state land.

Furthermore, communal land can thus not form part of the estate of a married couple regardless of the marriage regime, but certainly the investment on the land does. Local authority areas within the boundaries of a communal land area do not form part of communal lands or a settlement area declared in terms of the Regional Councils Act 22 of 1992.

Namibia is known to have a progressive legislative framework with regards to land governance. However, there is clear contradiction between policy and practice when it comes to the protection of a communal inhabitant's land rights. The Communal Land Reform Act aims to improve communal tenure, but the effectiveness of the act in this regard is questionable.

The act does not provide adequate protection for commonage resources in communal land. Having realised this the Ministry of Land Reform commissioned two separate studies in 2015/16 titled: "An enquiry into land markets in Namibia's communal areas" and "Group rights to land under different traditional authorities and communities", respectively.

The two studies came up with policy-altering findings. The land market study confirmed that indeed an informal market for land in communal areas exists, favouring individuals with adequate financial resources. The group rights study provided concrete recommendations with regards to the protection of commonage resources in communal land.

Furthermore, land grabbing through illegal fences perpetrated by the elite remains a legal challenge primarily due to lack of political will from the government. Commercialisation of communal land by private and foreign investors remains a growing concern.

Research shows that a few years ago, the government through various ministries received proposals from multinational agribusinesses to develop large-scale agricultural irrigation projects. In some cases, proper procedures were not followed (e.g. in Kavango East and western Zambezi regions) and most of these were delayed and some did not succeed due to resistance from vigilant community members.

The third pillar of the Harambee Prosperity Plan (HPP), is 'social progress' and under this pillar, the first sub-pillar is 'hunger poverty'. Many people in Namibia practise subsistence agriculture as livelihood strategy; 1,3 million Namibians reside on communal lands and approximately 1,1 million people derive their livelihood from communal areas.

Hence, matters of land ownership and use in communal areas are crucial to social progress. Commonage resources in rural areas must therefore receive adequate protection for the benefit of the masses who depend on these resources for their livelihood.

Therefore, the land conference which has been scheduled for October this year has to deliberate on communal land reform.

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3. Land Governance and Corruption

3.1 Good Land Governance Key to Sustainable Development

by **Theodor Muduva**, Published in The Namibian, 2018-10-05

Land Governance. Photo credits: GIZ

Good Land Governance Key to Sustainable. Photo credits: landportal.org

Land governance covers all activities associated with the management of land and natural resources that are required to fulfil political and social objectives.
Good and transparent land governance will serve a country's national resources management, the rights of its citizens, and lead to a reduction of poverty. In addition, sound land governance is crucial to achieving relevant sustainable development goals (SDGs).

The term governance refers to the manner in which power is exercised by the government and other actors (both formal and informal) in managing a country's social, economic, and special resources. It is the process of decision-making, and the process by which decisions are implemented.

What is land governance, then? Enemark (2012) defines land governance as the "policies, processes and institutions by which land, property and natural resources are managed".

This includes decisions on access to land, land rights, land use and land development. Deininger et al (2012), confirm that land governance is "the rules, processes and organisations through which decisions are made regarding access to and use of land, the manner in which these decisions are made and implemented, and how conflicts are resolved".

Land governance matters because firstly, land is a critical national asset in a given country. Therefore, the way it is governed has implications for the national development agenda. Secondly, the changes in the political ecology calls for new ways of addressing the land question of a specific country at various points in time.

The concept of political ecology examines the nature of changes in access to and use of land resources as embedded within power relations in society (Smucker, 2002 & Wangui, 2003). Therefore, it is the "architecture" of a nation's political ecology that defines the needed responses to its land question

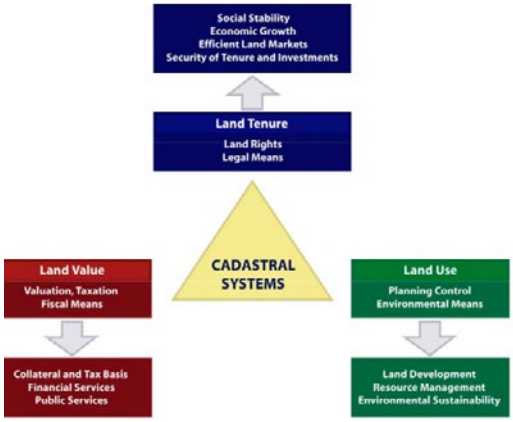

Photo credits: https://www.mdpi.com/2073-445X/9/2/60

Enemark (2012) cautions that good governance is a qualitative term, or an ideal which may be difficult to achieve. However, the FAO (2007) has identified certain characteristics of good governance, which relevant countries may use as yardsticks and these are:

1) "Sustainable and locally responsive: It balances the economic, social and environmental needs of present and future generations, and locates its service provision at the closest level to citizens.

2) Legitimate and equitable: It has been endorsed by society through democratic processes, and deals fairly and impartially with individuals and groups, providing non-discriminatory access to services.

3) Efficient, effective, and competent: It formulates policy, and implements it efficiently by delivering services of high quality.

4) Transparent, accountable, and predictable: It is open, and demonstrates stewardship by responding to questioning, and providing decisions in accordance with rules and regulations.

5) Participatory and providing security and stability: It enables citizens to participate in government and provides security of livelihoods, freedom from crime and intolerance.

6) Dedicated to integrity: Officials perform their duties without bribes, give independent advice and judgements, and respect confidentiality. There is a clear separation between the private interests of officials and politicians, and the affairs of the government".

The above information regarding land governance can help us to examine and assess the state of land governance of specific countries in southern Africa (including Namibia). Many countries in southern Africa share similar histories of colonialisation and the dispossession experience which continues to shape current patterns of land tenure and administration.

Most of these countries have been through a phase of market-related land distribution programmes (especially Namibia, South Africa and Zimbabwe). Since the 1990s, new laws were passed in these countries, which tend to have been relatively weakly implemented and enforced.

Several countries adopted land reforms with a strong redistributive character, and a number of others have tenure reforms underway. So far, these processes have tended to be highly centralised, with little or no participation by potential beneficiaries in decisions over how land should be allocated, managed, and used, or who should benefit from reforms.

As a result, the land reform programmes have tended to be largely unresponsive to the local needs, aspirations, and conditions. This has led to conflict over land, weak governance structures, poverty, and underdevelopment (PLAAS, 2010).

As a result, access to land in many countries in southern Africa is currently characterised by scarcity of arable land, increasing commercialisation of land, new land use patterns, the expansion of agro-fuel plantations, gender inequalities, and land ownership being concentrated in the hands of the elite, while labour tenants and farm workers are subjected to evictions, displacement and deepening poverty (PLAAS, 2010).

There are various consequences of weak land governance. Corruption contributes significantly to weak land governance (and vice versa).

A 2009 study by Transparency International, which surveyed close to 70 countries worldwide, revealed that corruption in the land sector was among the highest. The land sector was ranked third, after the police and judiciary.

The many countries in Africa (including Namibia) are reaping some of the consequences of weak land governance, and these include insecure tenure, high transaction costs, lack of land use plans, land conflicts, lack of authoritative data for planning, increased informal land transactions, reduced private sector investment, inequitable land distribution, land grabbing, unsustainable natural resources management, and I dare add, social instability, social exclusion and political instability.

In conclusion, some land governance scholars in West Africa are popularising the following "formula": prosperity minus property is poverty. Going by the fact that land is the means of production, this formula is also applicable to some countries in southern African (including Namibia), where many citizens do not have title deeds, as well as formal proof of land ownership and user rights.

Therefore, in dealing with land governance, keep in focus article 17 of the Universal Declaration on Human Rights, which states that "Everyone has the right to own property alone as well as in association with others", and that "No one shall be arbitrarily deprived of his/her property"

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3.2 The Nature of Corruption in the Land Sector

by **Theodor Muduva**, Published in the Republikein (2020.02.13) and Namibian Sun (2020.02.14)

It is difficult to obtain an accurate picture of the extent of corruption in any sector because of its hidden nature. However, available data shows that it is possible to get an idea of some trends and areas most affected by land corruption in particular. A survey of 69 countries done in 2009 by the global coalition against corruption called Transparency International (TI) found that the judiciary, police, and government bodies which oversee the land sector were the most plagued by service-level bribery.

Land is a valuable asset in most developing countries, accounting for 30-50% of the national wealth; hence the land sector is particularly susceptible to corruption (Kunte et al, 1998). The value of land tends to create opportunities for corruption on the part of those with legal authority to administer this valuable resource.

Land corruption takes many forms and occurs in both rural and urban areas. Regarding rural land corruption, the literature points to large-scale land deals and land administrative services as scenarios prone to corruption. High-profile land grabs and illegal state land capture are being exposed across a number of African nations with abundant natural resources, while petty corruption is embedded in many public institutions (Burns et al, 2010).

Photo credits: corruptionwatch.org.za

There has been a growing demand from multinational entities (including national and international investors) over the last decade or two, to acquire rural land deemed suitable for cultivation, extractive activities, timber concessions and infrastructure projects. Data provided by Land Matrix reveals that between 2000 and 2017 an estimate of 1 347 transnational deals have been concluded, covering more than 49 million hectares of land, with the majority of documented deals in Africa (41.3%), followed by South-East Asia.

Land corruption in urban areas manifests mainly in two scenarios: urban land markets and urban development. Regarding urban land markets, land corruption in the cities takes place in the context of rapid urbanisation, the increase in demand and value of land, loose or weak laws and poor urban land governance. The high demand for urban land consistently exceeds the supply and the consequent rise in price not only presents great opportunities for public revenue, but also private enrichment.
Corruption in urban development involves bribing politicians to obtain development projects, the manipulation of land registries by developers to evict people, and subsidising housing to patronage political supporters, among other practices (Zúñiga, 2018).

Much of the land corruption which takes place in the rural and urban land settings as discussed above cannot be addressed without understanding the underlying origin and causes. Land corruption is prevalent at the following key stages and levels: policymaking, legal and administrative processes. Land corruption at the policy-making stage of land governance takes the form of political or grand corruption and state capture. Grand corruption takes place at the higher levels of the political system.

Political corruption can be expressed in favoring investors that have financially contributed to a political party or campaign. The state can be captured by individuals, families, groups, and even commercial companies who influence public policy to satisfy their private interests. The capture of the judicial system by political elites influences the courts scrutiny and ruling on land deals involving the ruling elites (TI, 2018). Corruption in policymaking can be conducted through bribing judges to make preferential decisions concerning land deals or disputes, irrespective of evidence (TI, 2011). It also involves influencing the police to intimidate those with complaints about corrupt land governance.

Land corruption in the legal system usually happens in societies where statutory and customary law and rights coexist. In these cases, corruption tends to occur in the legal gaps created by the disconnection between the two legal systems. This includes the lack of recognition of customary laws that protects indigenous rights over their community land by the judiciary, which increases the opportunities for abuse and for corruption regarding that land (TI, 2018). In addition, the complexity of some legal systems (including regulations), can also facilitate illegal conduct and corrupt activities.

With regard to land administration processes globally, corruption is often a common practice everyday land administrative service. Some of the areas vulnerable to corruption in land administration are: demarcation and titling of land, identification of the land according to state categories, planning and zoning, land valuation, land sales and leasing, enforcement of land rights and compensation. for instance, with regard to the “identification of the land according to state categories”.

Photo credits: Infomante

Governments hold a powerful tool in being able to define land as "unused", "underutilised", "vacant" or of "public interest". When land is used sporadically for activities that support livelihoods for communities, such as obtaining bush food, collecting firewood, and even grazing, it is often officially considered as "unused" (Zúñiga, 2018). The category of unused is often employed to facilitate elite capture for personal gain. Authorities might also recognise land as "underutilised" when it is being used regularly but the community does not have a title recognised by the government. In addition, there is no consensus about the definitions of "public interest" and this situation is sometimes used by authorities to their own selfish interests. In actual fact, the word "public" indicates that expropriation should never involve solely private or commercial interests (TI, 2018).

There are many drivers of land corruption and among these are: weak land administration systems, limited legislation, weak institutions, lack of transparency, lack of effective oversight institutions, and reduced social participation. In order, to counteract land corruption, improving land governance is a necessary first step and needs to be applied at the policy, legal and administrative levels with the aim of making them more transparent, efficient, and participatory.

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3.3 How Corruption Affects Women's Land Rights

by **Theodor Muduva**, Published in The Namibian, 2019-04-02

Corruption in the land sector (and land administration in particular) hinders women's access to land ownership, and affects their use of and control over the land. This prevents women from benefiting from economic opportunities brought by the security of tenure.

Corrupt practices in the context of large-scale land-based investments in Africa contribute to the unauthorised conversion of customary land to commercial land. This usually happens to the detriment of poor rural women's access and land use rights because commercialisation concentrates land in the hands of those who can assert ownership, usually community leaders, male household heads and the elites.

Photo Credits: WiLDAD-AO.org

In Namibia, for instance, the government some years ago had through various ministries received proposals from multinational agribusinesses to develop large-scale agricultural irrigation projects "along" the Kavango and Zambezi rivers in the Kavango East and Zambezi regions, respectively. In most cases, proper procedures of land acquisition were not followed, and as a result, some of these projects did not materialise because they were heavily opposed while others were delayed (Thiem & Muduva, 2015). During this process, women were the most affected as their access to the land for cultivation and to obtain "forest products", including food, was restricted.

Despite multi-dimensional efforts at various levels and the crucial contribution of women to agricultural production, women's access to and control over land in Africa remains minimal. Women comprise around 43% of the agricultural labour force (with variations across countries and regions), but they consistently own less agricultural land than men (Zúñiga, 2018).

In sub-Saharan Africa alone, women contribute more than 60% of the labour used to produce food for both household consumption and sale. In general, the land held by women tends to be smaller and of lower quality soil than that held by men.

Studies show that the female individual land ownership in Uganda was 14% in 2011, whereas male individual land ownership accounted for 46%. In Senegal, only 5% of women individually owned land, compared to 22% of men in 2010-11 (Zúñiga, 2018).

The lack of land ownership puts women in a situation of vulnerability because decisions over land are made predominantly by men. Moreover, women in many cases are excluded from farming business opportunities because of this lack of statutory rights over land, which limits

secure access to productive resources to guarantee consistent supply of produce.

Although land reforms and laws in some countries recognise women's equal rights of ownership, informal social norms and local practices often exclude women from land ownership. Land corruption tends to reinforce this tendency by following some regressive customary norms and practices, rather than progressive modern laws on land. In general, customary laws link women's land rights to their relationship with men, which are often deep-rooted in patriarchal logics and narratives such as male inheritance preference, and a lack of recognition of women's contribution to family well-being and national development. Frequently, family lands are registered under the son's and male relative's names, while widows and daughters are left out when it comes to land inheritance.

Photo credits: landportal.org

In some African cultures, the widow is still expected to marry a brother or close relative of her deceased husband to maintain or preserve her access to land. However, widows are often thrown out of their homes, are disowned, or are victims of violence by the relatives of the deceased. In Namibia, some of these incidents seem to have declined since the enactment of the Communal Land Reform Act 5 of 2002, which guarantees the protection of women's land rights.

Beyond customs, there are also other factors which sustain land gender discrimination. In cities, the impact of urban land corruption on women is closely related to the conditions of poverty and discrimination in which many women live. A survey in low-income urban communities in Ghana, Senegal, Tanzania, Uganda, Zambia, Sri Lanka, Colombia and Costa Rica shows that just one-third of owner-occupiers were female.

Other studies have also revealed that women renters may be discriminated against by the stigma of HIV-AIDS, and single women because of the absence of male "guardians", as in southern India (Zúñiga, 2018). In addition, women's limited access to stable employment and earnings is a frequent explanation of the gender inequality in accessing housing due to the lack of collateral to get mortgages or loans. As a result, legal housing becomes unaffordable, which pushes them to illegal housing cooperatives and shacks that are often characterised by high risk and corruption.

Discrimination against women also takes place when it comes to bribery in land administration. Women are especially vulnerable to pressure to pay bribes, and are often subjected to sexual harassment, violence and extortion. Women also have difficulties in receiving compensation in land acquisition. Certain actions regarding investments in land require compensation to the displaced original inhabitants of those lands in question, but the payments

are often gender insensitive. In Ghana, for example, the payment of compensation by the state for the acquisition of land for the Tamale Airport reinforced existing cultural- motivated gender biases and unequal power relations, tending to offer protection to the more powerful of society at the expense of those who are vulnerable, including women (Transparency International, 2018).

In conclusion, women's right to property includes the right to acquire and dispose of any movable or immovable property obtained by their own labour or through inheritance.

Therefore, their right to property is a broad notion that has a bearing on several legislative frameworks, including marriage and inheritance laws (FAO, 1995).

The African land policy conference, which will focus on corruption in the land sector, is scheduled for 4 to 8 November 2019 in Abidjan, Cote d'Ivoire, and is expected to deliberate on this subject.

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4. Partnerships in Small-Scale Farming

4.1 Partnering With the Private Sector in Small-scale Farming

by **Wolfgang Werner**, Published in The Namibian, 2017-09-19

Many small-scale farmers in the resettlement sector and communal areas are facing severe obstacles in developing the land on which they live and farm. A key constraint is the lack of capital and access to agricultural credit, technology, and training.
For those who do not have regular off-farm income streams through wage or salaried employment, raising capital often means selling off assets they are expected to accumulate, mostly livestock.

To obtain loans from financial institutions is beyond the reach of many for two reasons. Firstly, many small-scale farmers do not have the resources to service a loan. Monthly pensions are frequently the most reliable income streams. Depending on the asset base of farmers, sales of livestock and other produce as well as off-farm wage labour may complement these incomes from time to time.

Small-scale farmers crumble under.
Photo credits: bountifield.org

Secondly, in those cases where farmers are able to service loans, the absence of collateral or the means to provide security for a loan makes it difficult to borrow money. Current land and resettlement policies and corresponding legislation provide for resettlement beneficiaries in particular to obtain long-term lease agreements. These can be registered in the deed's office. Once registered, such leases can be used as collateral.

However, financial institutions are unwilling to accept a lease registered over state land as collateral as they are not permitted to sell the leasehold in the event of a lender defaulting on his/her loan. A revised land policy should legalise the trading of leasehold land and customary land rights. Markets for such rights already operate illegally, and there is a need to regulate transactions.

To keep transaction costs low, the regulations for a land market should have as few impediments as possible. This will take time to develop, and even once a land market is up and running, it is not likely to assist asset-poor farmers to obtain credit.

There are alternatives to provide small-scale farmers with access to finance, technology and training. These are referred to as joint ventures (JVs), and can take several different forms, depending on the nature of the enterprise, target group, etc. In the tourism industry, such JVs are

commonplace. In the resettlement sector, however, joint ventures do not feature as a means to improve the scope and efficiency of land reform. However, examples of such JVs exist, as the resettlement farm Ludwigshafen illustrates.

A foreign developer invested approximately N$6 million to develop 20 greenhouses of 1 400 square metres each on the resettlement farm Ludwigshafen in the Oshikoto region. The possibility exists to expand the greenhouses on another 30 hectares of the farm.

The farm was bought in 2008 by the state and allocated to nine San families, who became members of the Ludwigshafen Workers Trust. The trust was initiated by a former trade unionist, and the project produces different vegetables for markets at Tsumeb and several other towns in Namibia.

Ten people from the original beneficiaries and an additional 60 workers from neighbouring farms are reportedly employed by the project.

Public reaction to this state of affairs was largely negative. What is not clear is how much of the negative responses related to the nationality of the investor, and how much to the manner in which the project was developed and executed. Whatever the sentiments about the development: it shows that development of small-scale farmers is possible, provided they have access to capital, technology, and training. As in conservancies, joint ventures can be useful in providing access to these factors of production.

But the example of Ludwigshafen also shows that access to capital investments and technology are not sufficient to ensure improved livelihoods in an equitable manner which empowers beneficiaries. The immediate beneficiaries of the farm were not involved in planning the project, nor were they benefiting. One of the beneficiaries was quoted as saying "we were given a cup, but are not allowed to drink from it".

It is not clear from the newspaper reports whether the beneficiaries were consulted on the terms and conditions on which they would make a part of their land available to the project, and whether they in fact had the legal rights to enter into any negotiations.

The investor reportedly acknowledged that he was operating on state land but was not sure whether he had to pay anything to the state. It is likely that the beneficiaries do not have registered lease agreements with the state, and hence have no legal basis to negotiate with any investor.

This would be typical of hundreds of resettlement beneficiaries, whose only official document authorising them to be on a resettlement farm is a letter of allocation. It is against this background that allegations of land grabbing at Ludwigshafen were made.

The potential of joint ventures to support small-scale farmers should be debated more widely with a view to develop a policy framework that, like in South Africa and local conservancies, encourages JVs.

A regulatory framework must ensure that beneficiaries should not become subordinate recipients of a scheme in which they have little power.

They should be active participants in developing and implementing JV projects. Skills training and capacity development needs to be part of any JV agreement to empower beneficiaries.

Above all, formalised long-term land rights are a precondition for JVs to be effective.

Safeguards must be in place to ensure that investments do not impact negatively on the land rights of beneficiaries and the long-term productivity of our land and water resources.

Small-scale farmers crumble under.
Photo credits: www.afdb.org

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5. Land Expropriation and Land Claims

5.1 Expropriation – To Compensate Or Not?

by **Wolfgang Werner**, Published in The Namibian, 2018-03-23

Expropriation of freehold agricultural land without compensation is hotly debated in South Africa at present. In Namibia, the expropriation issue has been largely dormant since the Kessl case in 2007. However, demands for expropriation and expropriation without compensation are likely to pick up, spurred on by demands to restore ancestral land rights.

President wants to expropriate land.
Photo credits: propertyprofessional.co.za

The topic needs to be put on the agenda of the impending land conference to have informed debates and agreement on it. To be sure, expropriation in the public interest and subject to payment of just compensation is provided for in Article 16 of the Namibian Constitution and Part IV of the Agricultural (Commercial) Land Reform Act 6 of 1995 as amended. Government Notice 209 of 2016 sets out the criteria for expropriation.

Expropriation is frequently touted as a simple solution to the slow pace of land acquisition. After considering the recommendations of the permanent technical team on land reform (PTT), Cabinet decided in April 2006 that "expropriation should be used in conjunction with targeting specific land areas for specific purposes (e.g. small holder resettlement projects would be appropriate in the maize triangle".

The land reform ministry undertook to strengthen the expropriation principle as one of its strategies to accelerate land redistribution and gazetted the expropriation criteria in 2016.

Expropriation of land has clear advantages and disadvantages for land reform. One of the potential advantages of expropriation is that it would enable the lands ministry to identify land for acquisition in specific areas without having to wait for it to be offered in the market.

It would also allow the Ministry of Land Reform to acquire large areas of contiguous farms. Providing support services to beneficiaries on large land clusters will be cheaper and more efficient than on widely dispersed farms. However, some serious questions need to be answered. These include what land is going to be targeted in what area and for what specific purpose. Since this is likely to be a highly contentious issue, clear and unambiguous criteria need to be developed, which would also require an institutional framework that ensures state accountability for its decisions.

Criteria for expropriation have been developed but never subjected to public debate. In 2005 the Namibia Agricultural Union developed and presented a land ownership and utilisation scorecard. The scorecard identified four main assessment criteria: personal information, presence on farm; number/size of farms and economic activities. These criteria aim to prioritise foreign, white absentee landowners of several farms as primary targets for expropriation and make the land of previously disadvantaged Namibians the least likely to be expropriated.

In September 2016 the Ministry of Land Reform gazetted regulations on criteria to be used for expropriation of agricultural land. A scorecard with different weightings for different criteria forms part of the regulations. These include identification criteria for agricultural land, such as nationality of owner, whether the farm has been abandoned and 'whether the identified land will contribute to the utilisation of the adjacent state land'. In addition, a suitability report on the land to be expropriated must be developed, detailing the agro-ecological characteristics of the land.

The scorecard principle has the advantage that it facilitates consistency in identifying farms for acquisition and/or expropriation. Once criteria have been agreed upon, it will also become possible to encourage farm owners falling into the category targeted for expropriation to offer their land to the ministry.

However, without an institutional framework to oversee the process and hold the state to account for its actions, there will be a risk of abuse and favouritism. The government notice is silent on this issue, except to refer to consultations between the minister and the Land Reform Advisory Commission as required by the act. The NAU has proposed a 'board on expropriation of commercial farmland' to act as mediator between farmers and the authorities.

The merits of following this proposal should be critically assessed and compared to the advantages or disadvantages of making use of the LRAC to oversee the implementation of expropriation. The latter is appointed by the minister, and its ability to account for any actions in the land reform programme is severely circumscribed by a secrecy clause in the legislation.

The potential advantages of expropriation may be outweighed by disadvantages. The PTT has drawn attention to the fact that expropriation is not necessarily a cheaper option for land acquisition, as fair compensation must be paid. This was confirmed by the then minister of lands and resettlement in the National Assembly in 2004 when he stated that compensation for expropriated land will be based 'upon the market value of the land…[which] will be determined as the amount that would have been paid for the land if it had been sold on the date of expropriation in the open market by a willing seller to a willing buyer'. Reference to market value as compensation has been the chosen path of the state to acquire land for redistribution. But it is not the same as just compensation. To establish what just compensation is and under what conditions, will be contested.

Photo credits: Africaprimenews.com

Policy insecurity about expropriation is likely to result in a decline in agricultural investments, and possibly in the wider economy. This risk will increase should land be expropriated without compensation, as some people are demanding. Such demands more often than not forget that this is not simply a matter of land, but fundamentally also of finances. Financial institutions – both private and Agribank – are heavily invested in agriculture through long-term loans and overdrafts. An assessment of the financial position of commercial farmers drawn up in 2012 by the NAU suggests that total indebtedness of freehold farmers was N$3,4 billion. This is likely to have increased because of the recent drought. Many loans are secured by land.

Expropriation of land transfers land title to the state and deprives former landowners of the income streams that helped to service the loans. Current legislation, which provides for expropriation with market-related compensation, regulates the repayment of agricultural debt in so far as the Minister may only pay out compensation regarding land that has been mortgaged 'on such terms as may have been agreed upon between the owner of such land and the mortgagee'. However, expropriation without compensation will impact negatively on financial institutions and former landowners. Banks lose the security for repayment of loans as the new title holder – the state – has no contractual obligations to banks. Former farm owners, on the other hand, would still be contractually bound to financial institutions to repay loans. Clearly, the financial implications of such a course of land acquisition need to be debated by all stakeholders should government accede to demands for expropriation without compensation.

Expropriation can play a useful role in targeting specific areas for specific purposes. Approaches to expropriation by the NAU and MLR should be reviewed to arrive at a set of criteria that will make the process consistent and transparent. The option of expropriation without compensation should only be applied as last resort, as the likely financial impact will be very negative.

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5.2 Namibians divided on land reform. Expropriation still a hot potato

by **Jeremiah Ndjoze**, Published in Windhoek Observer, 2019.11.01

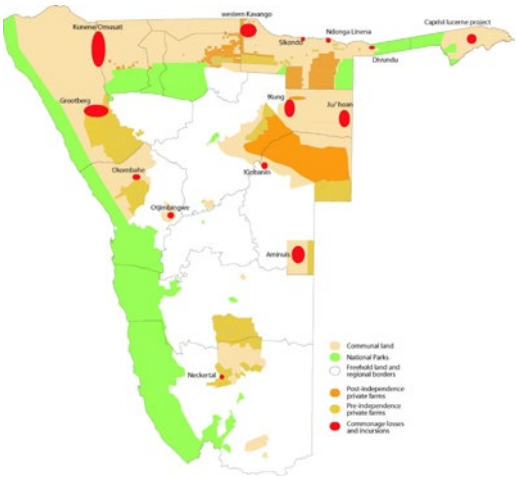


Photo credits: www.semanticscholar.org

Namibians are divided on land reform, including expropriation, a recently released Afrobarometer report has indicated.

The Afrobarometer team in Namibia, led by Survey Warehouse, interviewed 1,200 adult Namibians in August 2019 and a sample of this size, according to the survey proponents, yields country-level results with a margin of error of approximately 3 percentage points at a 95 percent confidence level.

The survey established that only about half of Namibians rate the government's land resettlement programme as effective, and more than four in 10 say land should be expropriated without compensation and given to the landless. By a narrow margin, expropriation beats out the current willing-buyer, willing-seller policy among citizens' preferences, survey suggested.

"Land reform remains among the top 10 problems that Namibians want the government to address, but the country's crippling drought, water supply, and other issues have superseded land on their list of priorities," Survey Warehouse's Christie Keulder revealed on Wednesday.

He maintained that slightly more than half (52 percent) of Namibians say the government's land resettlement programme is 'somewhat' or 'very' effective in redistributing land to those who need it most, while 37 percent rate the programme as 'not at all effective or 'not very effective.'

It has emerged that a stronger majority (58 percent), according to the survey's outcome, see the government's provision of serviced land and housing in urban areas as effective.
Asked about their preferences for land reform, according to the survey, a plurality (41 percent) of Namibians replied that government should expropriate land without any compensation and give it to those without land.

"Slightly fewer (36 percent) believe the current policy of willing-buyer, willing-seller is adequate and should be continued, while 16 percent say that no further land reform is necessary and the current policy should be discontinued," Keulder stated.

Expropriation in focus

The outcome of the Afrobarometer survey is corroborated by that of a recent paper on Land Governance, which was compiled by Namibia University of Science and Technology (NUST) lecturer, Prof Mutjinde Katjiua, and a team of other Land Management academics, at the same school.

The authors of the paper, which was unveiled in September this year at a Land Governance symposium, indicates that an aspect of good land governance is that expropriation procedures should be justified, time efficient, transparent and fair. The group suggest that, in order to be fair and transparent, the expropriation process should be built on consultations and mechanisms for appeal, as well as, be based on agreement and have fair compensation as an outcome.

"It however appears [that] expropriation in Namibia may provide for consultations and fair compensation, but the practical reality is that these requirements are not always complied with," the authors maintained.

The NUST team has it that the application of the rules of the resettlement process, which one can deem as the outcome of the expropriation process in terms of the Agricultural (Commercial) Land Reform Act, comes short of being transparent. The expropriation process, for purposes of resettlement, has further been described as not fulfilling its public interest purpose, namely, to ensure access of land to Namibians who cannot otherwise afford it.

Katjiua and his team further established that, while land reform has largely concentrated on freehold (commercial) agricultural and communal land, urban land has recently entered the land reform debates. Key challenges herein, according to the NUST team, pertains to the availability of serviced land, the inability of urban dwellers to access affordable land and therefore housing, increased speculation in land and insecure tenure of urban informal settlers.

"These challenges warrant redress if Namibia is to achieve a well-functioning land sector for the desired goals of economic development, security of tenure and comprehensive social development," stated Katjiua and his group maintained.

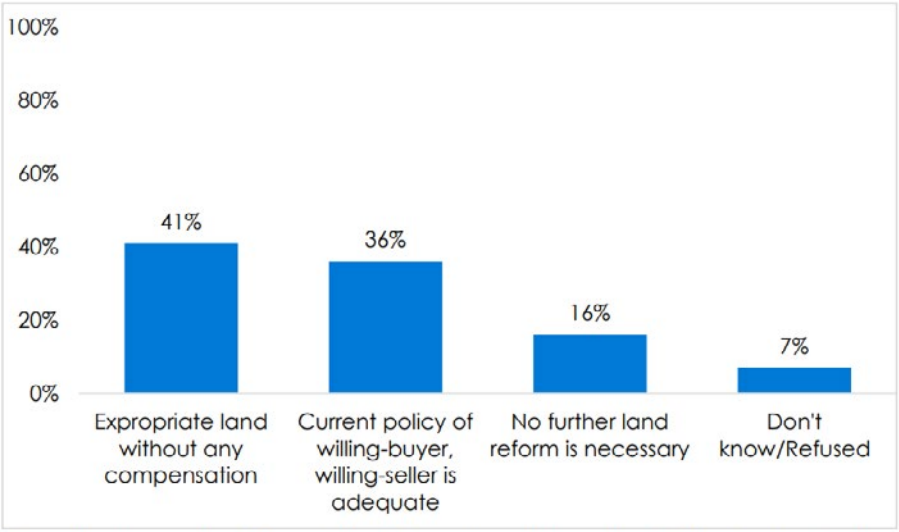
Competing problems

The Afrobarometer survey has established that drought, water supply, and other issues have superseded land, among Namibians' most important problems for the government to address. About one in eight respondents (13 percent) cite land among their three priorities, dropping land from being the 3rd problematic area in 2017 to the 9th in 2019.

Afrobarometer heads a pan-African, nonpartisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across Africa. Seven rounds of surveys were completed in up to 38 countries between 1999 and 2018. Round 8 surveys are planned in at least 35 countries in 2019/2020. The research entity conducts face-to-face interviews in the language

of the respondent's choice with nationally representative samples. Previous surveys were conducted in Namibia in 1999, 2003, 2006, 2008, 2012, 2014, and 2017.

Figure 4: Future of land reform | Namibia | 2019



Respondents were asked: *Which of the following three statements on land reform is closest to your view?*
Statement 1: Government's current policy of willing-buyer, willing-seller on land is adequate and should be continued.
Statement 2: No further land reform is necessary, and the current policy should be discontinued.
Statement 3: Government should expropriate land without any compensation, and it should be given to those without land.

Photo credits: afrobarometer.com

5.3 Land Dispossession And Ancestral Land Claims

by **Mutjinde Katjiua**, Published in The Namibian, 2018-03-27

Free land left in Namibia, Geingob told
Photo credits: namibiansun.com

Groups join forces over ancestral land
Photo credits: farmlandgrab.org

Namibia's second national land conference should purposefully deliberate the realities of colonial land dispossession, unlike in 1991 when it dodged the issue under the pretext that there are too many overlapping and counterclaims of ancestral land.

To the contrary, the dispossessed groups know the core and overlapping areas inhabited by their ancestors, hence undeniably making ancestral land claims easy to delineate. Here, I am presenting dispossession of Ehi rOvaherero (Hereroland), and the raisons d'etre for ancestral land claims.

At the dawn of German invasion in 1885, Hereroland encompassed Okaoko in the north-west of present-day Namibia and much of central Namibia, with the following main settlements: Otjitambi, Omaruru, Otjimbingwe, Okandjoze, Omambonde, Otjiwarongo, Okakarara, Okondjezu, Ouparakane, Ovingi, Otjomandongo, Omburo, Otjituezu and Otjomuise, with Okahandja as the capital settlement.

In this geographic space, the Ovaherero had carried out their traditions and customs, pastoralism and trading with neighbouring nations of Aawambo in the north, Nama in the south, the Damaras in the western parts of Hereroland, and the Batswana of western Botswana for more than 500 years.

German occupation destabilised Hereroland, and inflicted human suffering and expropriated land and livestock, resulting in a general decline in the socio-economic conditions of the Ovaherero. In 1896, Nicodemus Kavikunua retaliated against lieutenant Lampe when 6 000 cattle belonging to the Ovambanderu were confiscated in the Gobabis area. Lampe did not survive the skirmish. After more skirmishes, chief Kahimemua Nguvauva handed himself over at

Omukuruvaro to the Germans, and was subsequently court-marshalled together with Kavikunua at Okahandja on 12 June 1896. The battle of Otjunda (Farm Tjunda 292) marked the first skirmishes between the Ovaherero and the German imperial government.

Fraudulent livestock transfers from the Ovaherero to German settlers continued unabated, and by 1902, from an estimated 90 500 head of cattle, 44 500 were in the hands of 1 051 German settlers. In contrast, the 100 000 Ovaherero remained with 46 000 cattle in their possession.

At the same time, vast tracks of Hereroland and Namaqualand changed ownership, whereby 29,2 million hectares, 19,2 million hectares and 3,7 million hectares, respectively, became the properties of concession companies, the colonial state and white settlers.

On 26 December 1905, the land expropriation order was signed to enforce 100% dispossession of Hereroland. The aftermath of the genocidal war was an 80% annihilation of the Ovaherero population and dispersion to Botswana, South Africa, Angola, Zimbabwe, Togo and Cameroon. Those in the German colony were placed in concentration camps, and used as slave labour by the colonial state and settler companies.

For the Ovaherero, ancestral land encompasses three interrelated concepts:

1. Space of origin and culturalisation';
2. Made sacred and of religious value' and;
3. Space of ancestors'.

I use the word 'space' here to denote both a physico-geographic space, and a mental space reflecting a psycho-spiritual construct. Thus, 'space of origin and culturalisation' is for instance places like Ondundu ja tjOzondjupa (Waterberg), Ombindi ja Tjiponda, Orutjandja rwa Kahivesa, and Omatako, amongst others, associated with pertinent events and happenings within the cultural space and identity of the Ovaherero.

Also, within this space lived influential legendary figures like Kahitjene ua Muhoko, who lived in the current-day Suiderhof-Olympia-Cimbebasia suburbs of Windhoek. He would always ask 'hi tje?e hi mbura, mbitirwa tjike?" meaning 'I emit no lightning, I am no rain, why are people afraid of me?' And others like Tjahera?i of the Omaruru-Okahandja spatial extent, the mythic legendary ghost in the name of Nganja of the Kaevarua clan who roamed night life in the current-day Khomas region, and the revered spiritual leader Kahimemua Nguvauva, who ruled over the Ovambanderu in the areas of Otjihaenena, Omburo, Okatumba and Okeseta east of Windhoek, and in the Gobabis district.

Ancestral land is dotted with spaces 'made sacred and of religious value'. The Ovaherero worship Mukuru alias Ndjambi through their respective ancestors of the different clans. The living spirits of ancestors and the spaces within which they dwell are central to the spiritual-cultural being of the Ovaherero. Henceforth, burial sites are sacred grounds. The majority of the heads of extended families serve as spiritual leaders and custodians of their respective holy fires, the medium of worship. These leaders are by themselves

sacred. Therefore, their burial sites become sacred as they reunite with their forebears and become ancestors.

Burial sites may delineate the ownership of ancestral land too, because clan-specific burial spaces are known to belong to those specific clans, for instance Okandjoze in the Hochfeld area (for Kandirikirira ka Tjirera), Eharui or present-day Kapps Farm (for Kandjii ua Seu), Okahandja (Tjamuaha ua Tjirue tja Mutjise) and Okakango (Rukoro ua Uarukuijani).

Chief Mbimbo knows his people come from Farm Omarasa in the Otjiwarongo district, even though they find themselves as descendant-refugees in a remote village of Tsabong in south-west Botswana, where they are scraping a living amidst perpetual poverty.

The value attached to sites where major battles and other events of human rights violation took place during the period 1904 – 1908 have become 'spaces of ancestors' where a culture of remembrance has grown since 1925. Places like Okandjira, Oviwombo, Oturenda, Otjihinaparero, Ovikokorero, Ohamakari, Erindi raTjihenda and Otjimanangombe, among others, are remembered for battlefields, while others like Ombakaha, Ozombu zOvindimba, Otjatjomboimue (Karibib), and Otjozondjii (Swakopmund) are remembered for mass killings and concentration camps where over 7 000 Ovaherero were decimated.

Of the five concentration camps at the time, the Shark Island, Swakopmund and Windhoek camps stood out for the most heinous crimes against humanity ever to have occurred on Namibian soil. It is these historic spaces of victories and sorrow which make up ancestral land claims for the Ovaherero, and similarly for the dispossessed Nama people.

Ancestral land rights and restitution

Photo credits: economist.com.na

The Ovaherero people know where their ancestral land is. All settlements where Ovaherero once lived and were buried are given praise songs.

Thus, no geographic space exists in the former Hereroland without a praise song.

Praise songs are derived from the very first adult buried in a settlement or area. To this day, it is therefore known who the ancestors of the majority of former settlements are.

Demands for restitution of ancestral land are not only done to meet cultural and religious needs, but also to repair the 110 years of impoverishment.

Therefore, the second national land conference should openly deliberate ancestral land claims; delineate core areas from overlapping claims; and how these could be considered against other pressing political considerations.

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6. Namibia's Second National Land Conference

6.1 Land Conference and The Land Question

by **Wolfgang Werner**, Published in The Namibian, 2018-03-09

'Land Conference back on track' read a headline in New Era on 12 February, after President Hage Geingob announced in his opening address to Cabinet that the national land conference will have to take place this year.
It will be held under the auspices of the Prime Minister, but the minister of land reform will chair a high-level committee comprised of ministerial staff and members of civil society.

The President stated that it is important to clarify the objectives and outcomes of the land conference.

Civil Society prepares for 2nd Land
Photo credits: economist.com.na

The objectives, outcomes and deliberation of the envisaged land conference require that we can broadly agree on what the land question is today. The land question is not cast in stone, but 'evolves over time as political and social (and now environmental) objectives change' (De Witt et al. FAO, 2009). We have to recognise that the current land question in Namibia differs in some important respects from the way it was conceptualised in 1990. To be sure, large-scale land dispossession and racially structured access to agricultural land before independence, as well as insecure tenure in non-freehold areas and the need to improve land administration there continue to be constitutive elements of the land question.

But many things have changed since 1990, requiring a much more nuanced policy.

To start with, a curious disjuncture exists between the need to address past injustice, in particular land dispossession, and our resettlement policy.

On the one hand, colonial land dispossession has legitimised land acquisition and resettlement by referring to the need to address past injustices.

While this is perfectly correct, we have failed to acknowledge that land dispossession and genocide have impacted very unevenly on different communities in our country. At the risk of sounding like an apartheid apologist, it must be stated that large communities in Namibia were never dispossessed of their land.

We need to acknowledge this fact in order to review the decisions taken at the first land conference on the restitution of ancestral land rights. The complexity of this issue should not lead us to pretend that there is nothing that can be done about

it. Open and frank discussion is required to arrive at an acceptable solution. Not putting it on the table increases the risk of social and political unrest and instability.

There is also a need to interrogate the notion that all previously disadvantaged citizens should benefit from land redistribution. Against the background of the policy of national reconciliation, this made sense. But we know now that it permitted large-scale elite capture of land redistribution. After one generation of independence, a literal reading of previously disadvantaged should take 1990 as reference point. Many of those who were disadvantaged then have benefited from the fruits of independence over the last 27 years and cannot be considered as disadvantaged today by any stretch of the imagination. A redefinition of the land question needs to take this into account and consider substituting 'previously disadvantaged' with 'currently or economically disadvantaged'. In addition, it is also necessary to question the wisdom and legitimacy of equating landlessness with poverty. Many Namibians are landless, but not poor.

It is also necessary to take a very sober look at the potential of land access to alleviate poverty. What kind of support do asset-poor small-scale farmers in particular need to become self-sustaining? A proper cost-benefit analysis will be helpful to facilitate an informed debate about this. In the late 1990s, the land reform ministry, reflecting on experiences with resettlement at the end of the first decade, had reservations about the potential of resettlement to alleviate poverty.

The minister at the time called for a paradigm shift in selecting beneficiaries. Since then, the ministry has gradually placed more emphasis on economic criteria rather than political ones in selecting beneficiaries. A perusal of the resettlement criteria confirms this. But this new 'paradigm' leaves little room for asset-poor farmers to obtain land.

Support to small-scale farmers in both the freehold (resettlement) and non-freehold (communal) areas requires a thorough policy debate. Small-scale farmers in general do not get the support they need to make a success of their farming activities. The absence of registered leasehold and a regulated land market in the resettlement and communal areas precludes them from offering their land as collateral.

Land Conference | | NBC
Photo credits: nbc.na

At the same time, many asset-poor farmers are unable to service a bank loan, even if they offer land as collateral. This raises two questions: should we continue to provide registered leaseholds to people who cannot service a loan, or do we have to think about alternative forms on tenure

security, particularly on resettlement land, as well as financial instruments to provide affordable finance to small-scale farmers?

Significant changes have taken place in the non-freehold sector. An unofficial land reform process has accelerated since independence, turning large chunks of commonages into privatised, fenced farming units. Simultaneously, small-scale farmers under customary tenure regimes find it increasingly difficult to depend on agriculture alone for their livelihoods.

Off-farm incomes are becoming more and more important to complement their land-based incomes. This state of affairs, together with a rising demand for land in communal areas, may be contributing to a growing informal and unregulated land market in communal areas. This requires policy intervention as soon as possible.

The issues raised here are not comprehensive. They serve to show, however, that the upcoming land conference needs to go beyond a review of the consensus resolutions of 1991, as well as the land bill, 2016.

It must provide the space and information for stakeholders to raise new issues that have arisen and are in urgent need to be addressed. The quality of discussions at the conference and its outcomes are dependent on identifying these issues as accurately as possible.

This, I am sure, is what the President had in mind when he stated in his opening address to Cabinet that consultations 'must be supplemented with inputs from subject matter experts and other important stakeholders who were not included in the first round of consultation' (Geingob, 2018). Sound as this approach is, it requires time and resources, like the preparations of the conference on land reform and the land question in 1991.

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6.2 Postpone the Second National Land Conference

by **Wolfgang Werner**, Published in The Namibian, 2017-08-11

The second national land conference is set to be held from 10-22 September. Regional 'consultations' were held under the auspices of the Ministry of Land Reform (MLR) during a two-week period in July.

Photo credits: gltn.net

If one can take this as the official beginning of preparations for the conference, it leaves very little time to do justice to the objectives of the land conference, as set out by the MLR during the regional 'consultations'.

These are to:

1. Review the progress made in the implementation of the resolutions of the 1991 land conference;
2. Take stock and address the encountered challenges;
3. Discuss the emerging land-related issues; and
4. Come up with strategic resolutions informed by the identified challenges and future aspirations of the Namibian people.

These objectives spell out what is required to bring our land policy and legislation in line with land-related issues that have developed over the past 27 years. The big question is whether the MLR allowed sufficient time to do justice to these objectives. A number of NGOs under the umbrella of the Namibia NGOs Forum (Nangof) petitioned the Office of the President with a request to postpone the conference. Its main concern is that there was not enough time to prepare, and that there are no research documents for stakeholders to engage with prior to the conference. In support of its petition, it referred to the efforts which were invested in the first land conference in 1991.

The central aim of the 'regional consultations' was to assess the 'achievements and challenges in the implementation of the 24 resolutions taken at the first land conference in 1991. This assessment was prepared and presented by the MLR. That it amounted to little more than evaluating the performance of the MLR does not need further discussion. More pertinent is that this approach to any form of consultations restricts the discussion to the narrow parameters set out by the 24 resolutions. Important as these may be, they were discussed and agreed upon at a very specific political juncture of the Namibian nation. The presentation on its own is certainly not sufficient to ensure that stakeholders at grassroots' level were/are able to contribute to a systematic stock-taking that was anticipated.

Perhaps more important than a review of the conference resolutions would have been a review of HOW the first

land conference was organised. In many ways, government's approach to the land question in 1991 amounted to bestpractice.

To start with, an important aspect of the first land conference was a systematic review of land issues across the country. This took the form of a socio-economic survey, which was carried out in all regions by the Namibian Economic Policy Research Unit (Nepru). The results were analysed, summarised, and presented to the national land conference. These research results formed a significant chunk (117 pages) of the 614-page conference document which was published by the Office of the Prime Minister in 1991.

In parallel with the survey, Nepru commissioned a series of briefing papers which were prepared by local and international researchers. The aim of these papers was to provide empirical information to inform debates at the land conference, and covered the following topics:
Alternative approaches to the settlement of land

- Institutions of land reform
- Land reform, and the position of women
- Farmworkers and land reform
- Subsidies, taxation and viability of the commercial sector
- Economic analysis of land reform options
- Government expenditure and agricultural support services.

The topics covered in these briefing papers are as relevant today as they were in 1991, and deserve to be revisited. They accounted for almost one-third of the conference.

Three position papers provided an overview of land dispossession, the legal framework, and its implementation in communal areas, as well as the current land tenure system. The ministry of agriculture prepared the latter, which amounted to a summary of detailed data on land ownership, farm sizes and minimum economic units and foreign land ownership.

Apart from these inputs by researchers and competent state institutions, the non-governmental sector responded to invitations with more than 50 submissions. These came from traditional authorities, church bodies, trade unions, organised agriculture, and political parties.

Photo credit: Theodor Muduva

A major review of land matters in Botswana in 2003 followed a similar procedure. It comprised the following steps:

1. A commission of inquiry (or an expert review); calls for a written submission; public meetings involving a wide range of stakeholders.
2. The preparation of a draft report, oral presentations and discussions at a national workshop covered by the media.
3. A draft paper, which is debated in parliament.
4. The publication of a government white

paper setting out the policy change adopted, the recommendations, which have been accepted, amended and deferred (or rejected) with justification for government having done so.

5. Finally, where relevant, the drafting of laws or amending existing laws (Adams et al., 2003, p. 11).

The oft-quoted sensitivity of the land question demands that we do not allow political expediency to stand in the way of a systematic and thorough review of 26 years of land reform. A first output of such a review should be a comprehensive new land policy to inform the drafting of legislation, which addresses current land matters in an integrated manner. The country owes this to all land rights holders and claimants.

In view of this, the Ministry of Land Reform should postpone the 2nd national land conference in the interest of a robust new policy and legal framework in the land and natural resources sectors.

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7. Land Reform Lessons from other Countries

7.1 China's Land Reform Revolution – Lessons for Namibia

by **Moyo Mtulisi**, Published in The Namibian, 2019-04-16

1950: The Land Reform -- china.org.cn

Photo credits: china.org.cn

Namibia recently held a land reform conference in an attempt to solve its challenges and come up with a well-planned and systematic all-inclusive process.

In this narrative, I trace China's land reform pathway with a view to provide possible footsteps that can guide to an all-inclusive land resolution in Namibia.

Like Namibia, agriculture in China forms the biggest pie of the people's livelihood and is also the pillar of the country's social and political structure. Seventy percent of the people in China live in rural farming households and depend on the use of the land for their livelihood income.

China has a long history of land ownership struggles, dating back to the 19th century. The land struggles often pitted the landless against the rich farmers. Trouble started with the legalisation on the purchase of private land around 1900 AD, as this system resulted in the concentration of land under private rich citizens, creating a system of landlordism.

In the Chinese ideology, landlords consist of people who own large tracks of land, but do not cultivate it. They let it out to poor peasants who do the cultivation and pay between 50% and 60% of their produce as land tax. The land ownership structure in China was extremely irrational, as landlords and other rich peasants owned 80% of the land, despite forming 10% of the rural population.

The situation of the peasant farmers became dire as land was no longer available due to landlordism, coupled with the increasing population in the 19th century. As a symptom to the irrational land ownership structure and exploitation of the landless, over 1 000 peasant revolutionary uprisings were experienced in the early 20th century, pressuring the need for a reform process.

Several factors played a pivotal role in pressing the need for land reform in China: 1) landlordism continued to exist, and deprived farmers of access to productive land. 2) the land tax was so excessive that it deprived the peasant farmers of their livelihood incomes and 3) the population increased four times, increasing the demand for land.

During the period preceding the 1950 revolution, a series of laws and legislations were enacted in an endeavour to solve China's land problems. However, most of the efforts were futile, albeit providing key learning points for the future courses of actions. China's robust land reform plan was carried out in 1949 following the coming into power of the communist regime, led by Mao Zedong.

The period realised the promulgation of a new land law in 1950, designed to distribute land to poor households. At this point, land reform was more robust and sought to incorporate economic principles, rather than merely addressing land ownership imbalances and peasantry exploitation.

Agriculture was viewed as a supplier of raw materials and a baseline for industrialisation, at the same time supplying food to the country's entire population. Productive farmers were exempt from land confiscation as their efforts of increasing agricultural production were recognised. As such, they became the pillar of the country's reindustrialisation principle.

The allottees were encouraged to organise production collectively, and this culminated in the establishment of the people's communes.

The land reform in this era was subdivided into three stages. The first stage was the setting up of the working teams for land reform. The teams were composed of intellectuals, who were sent to the countryside to formulate land reform committees. Their main task included carrying out land surveys, subdivisions, and engaging in discussions with landowners and other stakeholders at the local level.

The second stage was the redistribution of land under the auspices of land reform committees.

The size of the land allocated to peasants varied from district to district. The third stage involved education and training, as well as communist solidarity teachings.

By the end of 1952, 300 million peasant farmers across the country were allocated farmland, agricultural implements, as well as animals to kick-start their livelihoods.

At the end of the 1970s, not content with agricultural production, China launched an economic reform, the household responsibility system (HRS), a blueprint document designed to accelerate agricultural production. The dynamics of land collectivisation implemented in 1949 was revisited, and a movement towards increased individualisation was initiated.

In this phase, land was collectively owned and allocated to individual farming households. The farmers had the individual rights to land, but ownership was vested in groups. Farming decisions were devolved to the people who implemented them in their own way through collective group action. This strategy led to the improvement of agricultural produce, and much more helped to address poverty in the rural farming communes.

Empirical research indicates that the country's agricultural productivity

improved tremendously after the launch of the HRS. Between 1986 and 1990, output of most crops increased by 25%, and boosted the industrial revolution.

The production of grain reached a peak of 407 million tonnes in 1988, thereby solving China's headache of feeding its own population.

Lessons from the Chinese land revolution: 1) Women enjoyed the same rights of land with men and could register the piece of land in their own names. 2) Incidents of violence in the execution of the programme were denounced and rectified, and the communist leadership preached peace, tranquillity, and prosperity across the country. 3) Industrial and commercial enterprises owned by rich farmers and landlords were exempted from acquisition, and the base of economic industrialisation was thus preserved.

4) Besides redistributive justice, land reform managed to devolve political and economic power, as well as foster cultural power and uplift self-confidence among rural communities and; 5) Local communities drove the land reform process, as opposed to the state and its perceived bureaucratic bungling. As such, a people-driven process eliminated conflicts among different interest groups.

To what extent were Mao's agricultural

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