

NANGOF Consultation Findings on Agricultural land

September 2018
NUST Hotel School
S. Luipert

Overview of presentation

- Ancestral land rights and restitution
- Colonial land dispossession and resettlement
- Affirmative Action Loan Scheme
- Foreign ownership of land
- Absentee landlords
- Communal land development
- Communal land congestion
- Land use planning
- Farm size, economic farming unit and commercial viability

Ancestral land rights and restitution

- Ancestral land claims would never be brought to the table if GRN showed sincerity in implementing 1991 Land Conference Resolutions.
- No political will to live up to the expectations of historically dispossessed communities
- Argument as to where and which time period one starts to lay claims to ancestral land rights is an argument used to deny historical facts of injustice through dispossession.

Ancestral land rights and restitution

- The anti-colonial wars waged by the different tribal clans were based on dispossession of land.
- To deny ancestral land claims would be
 - to deny the struggles of colonial resistance, and
 - to deny the basis on which an independent Namibia was found.
- Therefore the argument that ancestral land claims will cause division and are thus impossible is self-defeating.

Ancestral land rights and restitution

- Time of colonial intrusion marked the beginning of mass land dispossession
- The same time must be used for claiming ancestral land rights

Ancestral land rights and restitution

- Government has repeatedly put the question of expropriation on the table.
- Yet government says ancestral land claims are unattainable while the very basis on which expropriation rests is due to loss of ancestral land.
- Government cannot justify expropriation without justifying loss of ancestral land.
- By separating ancestral land claims from expropriation, government will in principle deny itself the right to expropriate.

Ancestral land rights and restitution

- Government has in place legislation that allows for the recognition of TAs.
- The very basis of such recognition is linked to geographical space and territory of ancestry.
- Government cannot recognise TAs while at the same time denying them the right to special land claims.
- The one is dependent on the other
- Therefore it is self-defeating to argue that it is impossible to identify ancestral land.

Ancestral land rights and restitution

- Historical land dispossession has caused generational poverty and destitution.
- If government questions the legitimacy of ancestral land claims, it must explain how it intends to address destitution caused by land loss.
- To deny ancestral land claims would amount to institutionalising destitution.
- To argue that ancestral land claims would cause instability is tantamount to saying the destitute must accept their current socioeconomic and political status.

Ancestral land rights and restitution

- A Commission on Ancestral Land Claims be established.
- Responsible for
 - defining ancestral land rights.
 - identifying historical geographic boundaries.
 - study specific land claims.
 - Study overlapping land claims through the establishment of an independent Ancestral Land Claims Tribunal.
 - Overlapping claims cannot be used as an excuse for denying dispossessed communities the right to be heard in the court of law.
 - deal with cases of restitution.

Colonial land dispossession & resettlement

- Communities who live north of the veterinary Red Line suffered relatively less from land dispossession than those who live south of the Red Line.
- No white owned commercial farms north of the red line
- colonial settlers never dispossessed communities north of the Red Line.
- The fact that government buys land for resettlement only south of the Red Line is testimony to this fact.
- Yet government resettles all Namibians, regardless of whether they have lost land or not.
- Treating all Namibians as if they all suffered massive land loss = rewriting history.

Colonial land dispossession & resettlement

- Reconciliation and nation building cannot be achieved unless those dispossessed of land see that historical land injustice has been addressed.
- Any future resettlement policy must recognise and acknowledge that not all people in Namibia lost land, and by doing so, acknowledge dispossession.
- The premise of future land reform must be based on acknowledgment of land dispossession.

Colonial land dispossession & resettlement

- Appropriate legislation must be put in place to ensure restorative justice for those who lost land.
- The legislation must address restorative justice.

AALS

- Independent evaluation of AALS
- provide statistical evidence to indicate beneficiaries, size of land occupied & agricultural / economic impact of the AALS.
- role of Agri-bank must reflect support to improve agricultural productivity rather than function as purely a commercial bank.
- Its mandate and core business must reflect agricultural support.
- Offer total holistic support package.

Foreign ownership

- No foreigner should be allowed to own land.
- Government must identify foreign owned land and put in place relevant legislation to facilitate expropriation in accordance with the law.
- In these cases no consideration should be given to the willing buyer willing seller principle.

Absentee landlords

- Government has simply not exercised political will to put legislation and administrative procedures in place for the identification of underutilised land to be put it into productive use.
- Foreign absentee landlords must be identified.
- Expropriate such land
- Criteria must be established to determine which land is underutilised in order to ensure smooth identification of such land.
- In order to make sure that land is used productively, government must put in place support mechanisms for farmers and monitor whether land is used productively.
- Un/underutilised land identified should be used as emergency grazing during times of droughts

Communal land development

- Namibia lacks political will to support communal land development.
- No long term vision for communal land development.
- There is no reason why communal land cannot become productive and ensure food security.
- The Ministry of Land Reform and the Ministry of Agriculture do not harmonise efforts to ensure productivity of communal land.
- Separating the 2 Ministries may not be viable for agrarian reform over the long term.

Communal land development

- Fencing of communal areas and water is a key investment for ensuring sustainable land and grazing management
- It is difficult if impossible for farmers to improve productivity and yields without adequate support.

Communal land development

- the investments made by government in crop farming are proportionally much higher than the investments made in livestock production.
- Such differential support leads to resentment and polarises Namibian communities, creating disunity.
- Communal land livestock producers are a key stakeholder in providing meat for the international market
- yet they have very little decision making power in setting prices and in the marketing process.

Communal land development

- Support livestock production and marketing in favour of livestock producers who are at the mercy of middlemen and auctioneers.
- actively seek direct markets for livestock to cut out the middleman who thrives at the expense of the producer.
- long terms strategy to support productivity of small scale farmers
- merging of the Ministry of Land Reform and the Ministry of Agriculture

Communal land development

- Communal areas expropriated by individuals fencing off large tracts of land
- Government aware and does nothing
- Need for legal steps to protect small farmers from such expropriation

Land use planning

- resettlement program by design does not take into account multiple land uses
- confines beneficiaries to livestock farming only, without allowing diversified natural resource based livelihood options.
- town land gradually squeezed by town development, which does not consider agricultural development as an important land use option.
- town lands have the potential to feed towns and should be seen as a critical land use option.
- Towns can serve as an important market based on produce of small scale farmers.
- When we speak about development, we should not only see industrial development in towns.
- also important to see the future of villages as settlements as centres for agricultural development

Land use planning

- Legislation should be amended to ensure that resettled farmers use all livelihood options and the use of natural resources.
- The conservancy, community forest and communal mineral rights models should be extended to resettlement farms
- Resettled farmers must have legal user rights for all resources on the land they occupy
- land use must be planned accordingly through an enabling legal framework.

Land use planning

- towns should include green scheme developments around the edges of towns to promote food security.
- Such land use planning is a good long term investment for ensuring food security
- This is particularly important for towns that are mainly surrounded by commercial farms, and where there is no communal land.
- Small scale farmers in such areas should be assisted to register as cooperatives and supported to become sustainable business entities.

Farm size, economic farming unit and commercial viability

- size of the land allocated too small, making commercial farming impossible
- too many farmers on small unit sizes without taking into consideration the environmental conditions of the area.
- By doing so, government runs the risk of turning the region into an environmental catastrophe.

Communal land pressure/congestion

- no political will to expand communal land.
- communal areas were created as reserves to squeeze indigenous communities on small parcels of land.
- argument pushed by that the extension of communal land will promote reserves does not consider the historical facts of land dispossession and the reasons why communal reserves were found.
- Government offers no alternative for communities congested on existing communal land
- While not giving any alternative, government rejects calls for expansion of communal land