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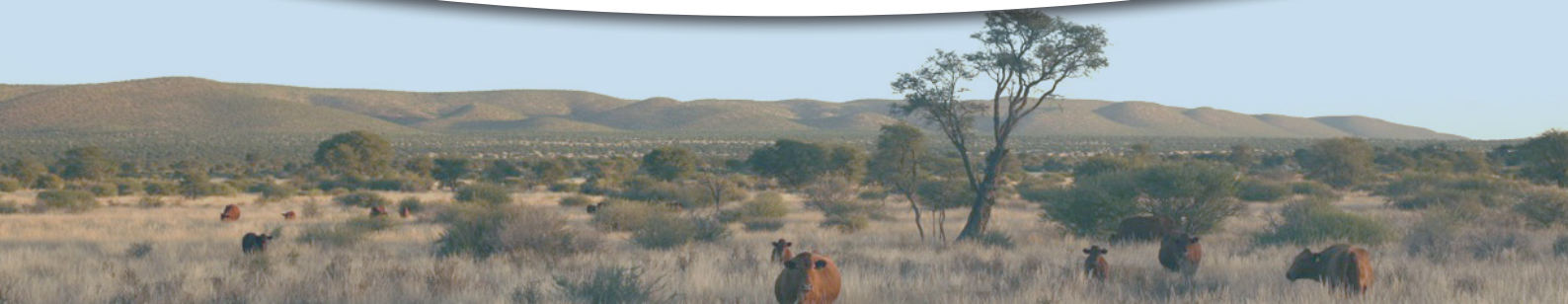
ILMI Working Paper

**25 Years of Land Reform**

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## 1. Introduction

25 Years after the first commercial farms were bought by the then Ministry of Lands, Resettlement and Rehabilitation, land reform in Namibia continues to exercise the minds of many. Public focus continues to be on the performance of government with regard to the redistribution of land in the freehold<sup>1</sup> sector, although a significant component of the national land reform programme is focused on the communal areas. Against a background of large scale land disposessions during the German colonial era (Werner, 1993), it should not come as a surprise that the first 12 years of Independence were almost exclusively dominated by concerns about redistributive land reform in the freehold or commercial farming sector. The overarching aims of this programme were to redress the injustices of the past in a spirit of national reconciliation and to promote sustainable economic development (Ministry of Lands, Resettlement and Rehabilitation, 1998, p. iv).

Two main instruments were developed to achieve these objectives. The National Resettlement Programme (NRP) involves the acquisition of freehold farms by the state and their transformation into small-scale farming units to be allocated to previously disadvantaged Namibians. The Affirmative Action Loan Scheme (AALS) complements this approach, albeit targeting a very different group of people. Under this programme previously disadvantaged Namibians with the necessary asset base – financial and otherwise – are supported to buy commercial farms with subsidised loans. The Ministry of Lands and Resettlement and Agribank respectively administer these two components of land reform in the freehold farming sector.

Land reform in the non-freehold or communal areas of Namibia only started in earnest with the passing of the Communal Land Reform Act in 2002. The objectives of the Act include the improvement of tenure security by verifying and registering customary land rights to arable and residential land, as well as the development of small-scale commercial farming through the surveying of communal land into parcels of approximately 2.500 ha. The MLR with financial support from its international partners is developing the necessary infrastructure for farming through large-scale investments through the Programme for Communal Land Development (PCLD). Since the inception of this programme, small groups of communal farmers have been included in the programme. In both cases, project beneficiaries will be able to register long- term lease agreements over individual farms as well as group farming areas.

This Working Paper, the first in the series to be published by ILMI, will briefly review progress in both land reform sectors and raise a few issues that continue to pose challenges to the programme.

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<sup>1</sup> The characterisation of Namibia's dual land ownership structure as communal and commercial is inaccurate insofar as communal refers to a broad tenure system, while commercial to a production system. It is therefore more accurate to refer to freehold and non-freehold areas, as commercial production, to a greater or lesser extent, is taking place in both systems. However, communal and non-freehold will be used interchangeably in this Working Paper.

## 2. Land reform in the freehold sector

There appears to be general agreement that the pace of land redistribution is too slow. Success and/or failure of the NRP and AALS since their inception have almost exclusively been measured in terms of how much land was acquired and reallocated. However, targets for land redistribution under the NRP remain ambiguous. The Strategic Options and Action Plan for Land Reform in Namibia (PTT) (Permanent Technical Team, 2005b, p. 21) emphasised the need to have realistic land acquisition targets in order to plan appropriate post settlement support programmes and have sufficient financial means available. It recommended an increase of the long term target from 9.5 million ha to 15 million ha by 2020 (Ibid: 22). The latter target amounts to 42% of all freehold agricultural land in Namibia. Cabinet decided that the MLR and the representatives of land owners “could negotiate a solution to the short- and medium-term acquisition of land” (Cabinet Chambers, 2006, p. 1). It is not clear whether this ever happened. Suffice to say therefore, that while Muzyamba and Hilton (2012, p. 69) in their study on agricultural land prices assumed that the target for land acquisition by 2020 was 15 million hectares, the Minister of Lands and Resettlement used a target for land acquisition of 5 million ha by 2020, when he presented a technical budget brief to the National Assembly in 2014 (Minister of Lands and Resettlement, 2014b, p. 3).

Although the targets as set out by the Minister in 2014 are much lower than those recommended by the PTT, they are very ambitious when it is taken into consideration that the MLR acquired only 2,3 million ha from 1990 to the end of 2014. This figure includes 54 farms amounting to 411,257 ha, which were transferred from the Ministry of Agriculture, Water and Rural Development to the MLR in the 1990s. Table 1 provides a summary.<sup>2</sup>

**Table 1: Redistribution of freehold land 1980-2013/14**

Year	Type of acquisition	No. of farms	Total freehold area (ha.)	Distribution % of freehold area
Before 1990	Land belonging to ‘black farmers’	181	980 260	3
1991-2014	National Resettlement Programme	371	2 264 462	6
	Farms transferred by MAWF to MLR	54	411 257	1
1992-2013	Affirmative Action Loan Scheme	649	3 412 431	9
1992-2013	Land acquired by previously disadvantaged Namibians outside the AALS (private purchases)	?	2 200 000	6
	<b>Sub-total 1991-2012</b>		<b>8 077 163</b>	<b>22</b>
	<b>Sub-total including 1980-1990</b>		<b>9 057 423</b>	<b>25</b>
	<b>Total freehold area</b>		<b>36 164 880</b>	<b>25</b>

**Source:** Minister of Lands and Resettlement, 2014; Republic of Namibia, 1991, p. 126, Republikein, 16.2.2015

The Table above suggests that approximately 25 per cent of freehold agricultural land has been transferred to previously disadvantaged Namibians to date, or about 1 per cent per year for the last 25 years.

<sup>2</sup> No figures for AALS and private purchases were available for 2014.

### 3. Reasons for slow pace

The reason most frequently cited by the MLR to explain the slow pace of land acquisition is that it is not being offered enough land of sufficient quality, because white farmers do not want to sell their land. That the latter is not entirely correct is borne out by the fact that white land owners sold approximately twice as much land to AALS farmers than to the NRP since Independence. The problem is that the MLR is competing with prospective AALS buyers for the best land, where the latter have a distinct advantage. Contrary to the Act, an unwritten policy directive exempts owners selling farms to AALS buyers from applying for a waiver. For most sellers this is a more attractive option than offering the farm to the state with all that this entails. Instead of having a preferent right to buy as the Act provides for, the Ministry ends up having second choice. An analysis of where the state and AALS farmers have bought commercial farms shows quite unambiguously that the majority of AALS farmers have bought land in the better endowed regions of the country such as Omaheke, Otjozondjupa and Kunene. A disproportionate number of farms acquired by the MLR for resettlement lie in the Hardap and Karas regions. If the MLR wanted more land of acceptable quality, a simple policy decision could give the MLR first choice, and leave what it does not want for other buyers.

The willing seller – willing buyer (WSWB) model of acquiring land is also criticised for having failed the speedy implementation of land redistribution. While the state is legally empowered to expropriate land for public purposes, it has used expropriation only in very few cases since Independence.

A commitment to the WSWB principle implies that land acquisition in Namibia is not demand driven, but depends on supply. The state buys land if and when it is available, funds permitting. In as much as the WSWB principle contributes towards maintaining stability and contributing to reconciliation, this principle protects the interests of land owners, in so far as they are neither compelled to sell against their will nor forced to sell at a price with which they are not fully satisfied (Lahiff, 2005, p. 2). The WSWB principle creates unequal power relationships between land owners, the landless and the state. Despite the power of a national political mandate to accelerate land redistribution, the state is placed in a weaker position on account of the fact that it depends on the willingness of land owners to make suitable land available at realistic prices.

A large number of land owners offering their farms to the MLR for purchase receive waivers. In 2012, for example, of 260 farms offered to the MLR, 249 or 96% received waivers (Ministry of Lands and Resettlement, 2014, p. 22). In the absence of more recent research, research carried out in 2008 will have to suffice to shed some light on the high percentage of waivers. The nature and size of land offered appear to be a major hindrance. Approximately 75 per cent of all offers between 2003 and 2008 were waived because they did not satisfy the minimum farm sizes recommended for resettlement. More specifically, 73 per cent of land offered since 2003 was waived in the northern regions, because it was smaller than 1,000 ha. The corresponding figure for the southern districts was 78 per cent (Werner, 2008, p. 12).

### 3.1 Farm model

The high number of waivers can be explained to some extent by the prevailing farm model for resettlement in terms of which the suitability of land is assessed.<sup>3</sup> The model is based on small-scale commercial farming primarily with livestock combined with cropping where feasible, reflecting the nature of agricultural resources in the country.

The overriding factor that determines land uses and hence possibilities for diversification is water. Even where rainfall is sufficient to make rainfed cropping feasible, the high variability of rainfall and the low moisture retention capacity of most soils make this very risky (de Pauw, Coetzee, Calitz, Beukes, & Vits, 1998, p. 43). Commercial cropping is therefore largely restricted to the 'maize triangle' and areas with sufficient water such as Hochfeld, Stampriet, Hardap and along the Swakop and Omaruru rivers (Mendelsohn, 2006, p. 60). As a result of these natural resource constraints, extensive livestock farming is the dominant agricultural production system in the freehold agricultural sector.

It follows from this that farms offered to the MLR are assessed primarily in terms of their potential to sustain livestock farming. The criteria recommended by the LRAC for assessing the suitability of land for resettlement are that a piece of land must be able to support at least 80 large stock units or 500 small stock units, assuming also that the appropriate infrastructure is in place and in a working condition. The potential of land to support cropping is determined by its growing period.<sup>4</sup>

The availability of and access to water is of prime importance for any farming business. Under the current resettlement model, large, centrally managed commercial farms are subdivided into smaller units. Arguably, this contributes towards the number of farms found unsuitable for resettlement, in so far as many farms have poor water infrastructure which is not covering the entire farm. Consequently, waivers are recommended. In other instances large parts of a farm are not developed for livestock farming, or as is the case with some game farms offered, have no internal fences. Offers in the Khomas Region are frequently found to be too mountainous for resettlement, although current land owners are farming with cattle. In some instance where the MLR acquired such farms, beneficiaries have complained to the Ministry that the land was not suitable for farming.

The picture that emerges is that unless an offer consists of very good land, both in terms of its natural resources endowment and well developed infrastructure, a waiver is likely to be given. This clearly limits the amount of land that can be used for redistribution to small-scale farmers, as not all farms fall into this category. While it is understandable that the MLR wants to buy farms where it is not necessary to rehabilitate and/or develop new infrastructure, the reality is that much of the infrastructure found on farms is old and that many farms are not optimally developed. This implies that unless criteria for the selection of freehold land for acquisition are changed, the amount of land that is suitable for resettlement purposes needs

<sup>3</sup> This section is based on (Werner, 2008, pp. 15–18)

<sup>4</sup> Growing period is defined as the period during which the precipitation, i.e. rainfall, exceeds half of the potential evapotranspiration (Huesken, Africa, & Kapiye, 1994, p. 4).



to be reassessed in order to arrive at realistic targets for redistribution. At the same time, the question needs to be asked whether small-scale commercial farming under the NRP model is appropriate, given the natural resource and infrastructure endowment of many freehold farms.

A number of people have argued that the state should buy freehold farms with inadequate infrastructure and assist beneficiaries in upgrading it. This approach, it is argued, would not only provide access to agricultural land but would, in doing so, increase the agricultural productivity in the country. To a limited extent the MLR is pursuing this approach, in that it provides financial support to rehabilitate water infrastructure in particular. During the 2013/2014 Financial Year, the MLR developed and/or rehabilitated 43 resettlement farms in //Karas, Omaheke, Oshikoto, Kunene and Otjozondjupa. Pump testing and rehabilitation of 38 boreholes was completed in 3 regions (Minister of Lands and Resettlement, 2014a, p. 9).

If the amount of waivers is to be reduced, current assessment criteria need to be reviewed to broaden the range of land that can be considered for acquisition. Assessments should state whether a particular farm needs capital investments to enable small-scale farmers to farm, and if so, what the extent of such investments is likely to be. Naturally, the state of development on a farm will have a direct bearing on the value of the land. However, the acquisition of undeveloped land or land that has poor infrastructure can only be justified if a financial support system in the form of infrastructure development grants is in place to enable beneficiaries to make the necessary investments required for small-scale farming.

## 4. Economic sustainability

The acquisition of 2.05 million hectares of freehold land from 1990 up to the end of 2014 cost the state N\$ 829 million. This figure excludes additional costs for valuation etc. The total number of people who benefited from this programme was 5,006 in 2014 (Minister of Lands and Resettlement, 2014a, p. 4). The average land allocation per beneficiary was thus 410 ha at an average cost per beneficiary household of N\$ 165,601. The 24 year average cost of land acquisition was N\$ 403 per ha.

This cost sharply escalated during the 2013/2014 Financial Year, when the MLR bought 18 farms with a total area of 101,253 ha for N\$ 142 million. A total of 73 families benefited. The respective averages were N\$ 1,402 per ha or N\$ 1,945,201 per beneficiary household, with an average allocation of 1,387 ha.

The overall average allocation of land is misleading, however. While large numbers of beneficiaries received allocations matching and even exceeding the recommended minimum sizes of 1,000 ha in the northern and 3,000 ha in the Hardap and Karas regions respectively, many farms are completely overpopulated. Research data from Omaheke has shown that in 2008 only 20 per cent of the approximately 531 official beneficiaries in the region had access to more than 1,000 ha. The lowest average allocation was 50 ha for the 84 beneficiaries on the farm Vasdraai. This was followed by the allocation of 4,102 ha or 91 ha per beneficiary on the farm Du Plessis, where 45 beneficiaries were settled temporarily since 1999. On the farms Gemsbokfontein, Kalahari Pragt and Blouberg, the average allocations were 121 ha, 162 ha and 188 ha respectively per beneficiary (Werner & Odendaal, 2010, p. 55).



That this trend of allocating land parcels that are too small has not disappeared entirely is evident from an advertisement placed by the MLR in 2014 announcing successful applicants for resettlement. Table 2 below shows that with the exception of one farm, none of the 66 beneficiaries in Kunene Region received even half of the recommended minimum allocation. The overall average of 512 ha is well below this minimum size.

**Table 2: Average allocations, 2014**

Farm name	No	Region	Size (ha)	No of beneficiaries	Average size of allocation (ha)
Kleinhuis	174	Kunene	5 205	16	325
Michael	347	Kunene	3 997	7	571
Elf	361	Kunene	5 556	15	370
Dwight Oos	368	Kunene	1 933	5	387
Rem Dwight	368	Kunene	1 933	4	483
Tsumis	360	Kunene	5 562	14	397
Nimitz	353	Kunene	2 139	5	428
Veelsgeluk	297	Karas	5 149	2	2 575
Stahlpan	291	Karas	3 869	1	3 869
Total			35 343	69	512

**Source:** Die Republiek 13.5.2014

The low average allocations of land raise questions of economic sustainability and whether access to such small land parcels will significantly improve the livelihoods of beneficiaries.<sup>5</sup> Indications are that even with optimum numbers of livestock and access to at least the minimum land parcels, the ability of beneficiaries to generate enough revenue from their land to sustain themselves as well as cover the costs of asset depreciation and replacement differs dramatically, depending on whether beneficiaries are farming with cattle – selling weaners – or small stock, selling lambs.

Schuh et al (2006) have provided detailed financial and economic calculations which show that under optimal management and pasture conditions, small-scale resettlement farmers can generate incomes on their allocated units. A rough calculation of gross farm incomes based on the Maximum Income Derivation formula provided in the Draft Resettlement Manual (Minister of Lands and Resettlement, 2008) not only supports this view but also shows that gross farm incomes for a 3,000 ha unit in the south are much higher than for a 1,000 ha unit in the central and eastern regions.

The assumptions made in the “Draft Resettlement Manual” have been slightly changed.

<sup>5</sup> The following material is based on Werner & Odendaal, 2010, pp. 34–35

With regard to cattle farming, the maximum number of large stock a beneficiary can keep on a 1,000 ha allocation in an area with a 1:15 stocking rate has been adjusted downward to a maximum of 68 or the small stock equivalent. The second assumption that was changed related to running costs. The “Draft Resettlement Manual” assumes these to be 60 per cent of turnover. In view of the fact that resettlement beneficiaries are placed on developed farm units and that these units will be managed primarily by utilizing family labour, these costs have been revised downwards to 40 per cent. Based on these assumptions, and using the formula used by the MLR, the following picture emerges regarding farm turnover and gross farm income for large stock and small stock farming units respectively:

**Table 3: Gross farm income using MLR ‘Maximum Income Derivation’ formula, 2015**

LSU	Females (60 per cent)	Calves (75 per cent calving rate)	Replacement calves (15 per cent)	Calves for sale	Price per calf	Turnover	Expenditure (40 per cent of turnover)	Gross income per annum
67	40	30	5	25	3,289	82,235	32,894	49,341

SSU	Females (80 per cent)	Lambs (90 per cent weaning rate)	Replacement lambs (15 per cent)	Lambs for sale	Price per lamb	Turnover	Expenditure (40 per cent of turnover)	Gross income per annum
600	480	432	65	367	719	263,868	105,547	158,321

**Note:** Prices are based on average auction prices for the months January-May 2015. Average weight of lamb assumed at 35kg. These tables are intended to illustrate approximate incomes and do not purport to be exact financial calculations.

**Source:** Mr. J. Hanekom, NAU, 8.6.2015. His assistance is gratefully acknowledged.

These rough calculations assume most favourable agricultural conditions, not only in terms of rainfall, but in terms of farming skills and sufficient assets to farm optimally. They also assume that beneficiaries utilize their allocated land parcels fully, implying that there is no spare grazing for drought years. The figures suggest that beneficiaries farming in predominantly cattle farming areas are not likely to improve their livelihoods significantly, while having sufficient spare capital to invest and / or replace existing infrastructure.

The implication of this brief discussion is that the current small-scale resettlement model is only likely to yield moderate levels of success if beneficiaries can satisfy the following requirements (GFA terra systems, 2003, p. 14 as cited in Werner & Odendaal, 2010, p.35):

- Beneficiaries must either own enough livestock or have the financial means to acquire some to use their land fully;

- Unless beneficiaries have sufficiently large herds to utilise the unit fully, they must have access to off-farm income or other capital to finance their cash needs before the production system starts to produce a surplus;
- Beneficiaries should have experience or at least the potential ability to manage medium size enterprises (such as a 1,000 ha farm).

## 5. Lack of upward mobility

The National Resettlement Programme in its current form restricts upward mobility of resettlement beneficiaries. The ceiling on allocated land parcels makes it impossible for successful beneficiaries to accumulate enough livestock to move into large scale commercial farming. Put differently, the recommended minimum farm sizes lock beneficiaries into small-scale farming with little room to grow their production, as the model places ceilings on how much livestock they can keep on their allocations. Sub-leasing of resettlement land – and by implication, the leasing of additional land – is prohibited in terms of the conditions of lease laid down by government, so that beneficiaries have few options to enlarge the land they use. The potential dilemma this poses for livestock farmers is that there exists a big gap between the maximum number livestock beneficiaries can graze on their allocations and the minimum required to qualify for an AALS loan. It was stated above that at a carrying capacity of 15 ha/ large stock unit (LSU), a 1,000 ha parcel can support approximately 70 large stock units (or their small stock equivalent). The Affirmative Action Loan Scheme only supports farmers who own in excess of 150 large stock units or the equivalent in small stock.

This has two major implications. Firstly, resettlement beneficiaries are not able to ever reach 150 LSU since they are limited to 1 farming unit. Secondly, communal farmers with herds ranging between roughly 70 and 150 LSU do not qualify for either resettlement or the AALS.

This fact contradicts the modernisation discourse, which informs much of the thinking about resettlement. Briefly, it regards access to resettlement farms as a step up from farming in communal areas towards proper large-scale commercial farming.

Although this anticipated progression from communal farming to freehold farming is not contained in any policies, it is firmly rooted in the thinking of many senior politicians. In 2002, for example, the then Minister of Lands, Resettlement and Rehabilitation stated that resettlement land should “serve as a place where some future potential commercial farmers should graduate from and be able to acquire their own agricultural land” (Minister of Lands, Resettlement and Rehabilitation, 2002, p. 3). This view was reiterated more recently by a former Cabinet Minister, who argued that the beginner or weaker farmers “should first start in the communal area, establish themselves there, and then qualify for resettlement”. According to this view, middle-class or aspirant farmers were stuck between weaker communal farmers and those who qualified for an AALS loan. They did not want to farm in the communal areas and did not have the means to buy a farm. “Therefore, a resettlement farm should be a place of empowerment, where somebody is put, not for 99 years but for

a number of years, to establish himself and then become commercial” (Interview in von Wietersheim, 2008, p. 166).

This modernisation discourse suggests that for many decision makers and others, access to resettlement land should support aspirant commercial farmers to develop, rather than supporting poor people, who have no access to land, livestock and employment. Against this background, resettlement is a programme that seeks to bolster a growing middle class of farmers with massive financial support from the state.

## 6. Poverty reduction

The assumption that access to resettlement land will ultimately lead to full-scale commercial farming may explain why the role that land redistribution is expected to play in poverty reduction is poorly integrated into national policies and programmes aimed at poverty reduction and rural development. A sober look at experiences over the last 25 years suggests that access to land may not be the most efficient way to reduce poverty. Farming requires a minimum asset base that normally exceeds what poor people have. The “romantic notion that virtually anyone with any level of education, background and financial resources can become a successful commercial farmer” (Sherbourne, 2014, p. 412) does not seem to have yielded the results hoped for.

A critical analysis of political statements on poverty reduction and the implementation land reform reveals a curious disjuncture between the two. While poverty reduction ostensibly is one of the major aims of land redistribution, access to land has not been integrated into the Poverty Reduction Strategy for Namibia which was approved by Cabinet in 1998, nor into the National Poverty Reduction Action Programme 2001-2005 which sought to operationalise the Poverty Reduction Strategy (See Werner & Odendaal, 2010, pp. 11–12). The latter strategy did not accord redistributive land reform a long-term role in poverty alleviation. Instead, it observed that “the agricultural base is too weak to offer a sustainable basis for prosperity”, and foresees that “in a quarter century from now, the large majority of the country’s inhabitants ... are likely to have moved into urban centres ...” Moreover, while the Poverty Reduction Strategy saw significant potential for alleviating poverty through the development of the livestock sector, it regarded further opportunities for the development of cultivation in the freehold or commercial farming sector as limited. It argued that at best, “land reform and an associated shift to intensive cultivation could yield a one-time gain for poverty reduction in those few areas that are well watered but presently farmed by extensive commercial methods” (Cited in Werner & Odendaal, 2010, p. 11).

Land redistribution in relation to poverty reduction also does not feature in the National Rural Development Policy of Namibia (Ministry of Regional and Local Government, Housing and Rural Development, 2012) or the National Rural Development Strategy 2013/14-2017/18 (Ministry of Regional and Local Government, Housing and Rural Development, 2013). Instead, secure long-term land tenure in rural areas is regarded as an important intervention area in order to encourage economic investment and development.

The MLR itself became more critical about targeting asset poor people for the NRP. In 1998 it referred to a “paradigm shift in its search for an integrated and sustainable resettlement process”. Acknowledging the importance of bringing assets into resettlement, the focus of selecting beneficiaries shifted towards “people who can mak(e) a contribution to the maintenance of allotments and pay monthly lease amounts to government” (Cited in Werner & Odendaal, 2010, pp. 12–13).

These critical reflections on the successes and challenges of resettlement culminated in the drafting of new resettlement selection criteria in 2008. It observed that “it is not sustainable to resettle persons with little or no resources and expect them to maintain or improve the level of economic production on resettled units”. It went to say that “farming is a capital intensive activity requiring large inputs up front. Using land as a tool for social welfare provision was not considered to be economically sustainable or desirable” (Minister of Lands and Resettlement, 2008, p. 15).

The revised criteria emphasised the need to farm productively. The criteria introduced the ‘livestock ratio’, which sought to ensure that beneficiaries would be able to utilise all the land allocated to them. Applicants with a proven ability to farm and livestock numbers that matched the carrying capacity of the land parcel applied for, stood the best chances of success. To contextualise: at a carrying capacity of 1:15, a 1,000 ha parcel can support about 69 LSU. Applicants who can match the optimum number of livestock for a given farming unit score the highest points. But an asset base of this magnitude hardly meets the definition of poverty suggested by the Namibia Statistics Agency. The draft criteria also proposed to cap non- farm income of applicants for resettlement at N\$ 135,000 per year “in order for resettlement to be meaningful to rural poverty reduction” (Ibid, p.67). However, a workshop with regional governors on the draft criteria for resettlement in February 2011 decided that the requirement of an annual combined income of N\$ 135,000 be dropped. This was done, implying “that all previously disadvantaged Namibians, irrespective of the income they earn, qualify for resettlement” (The Namibian, 11.3.2011).

The absence of a cap on annual income levels resulted in an employed elite of people capturing big benefits through resettlement. The Permanent Technical Team on Land Reform (PTT) found in 2004 that of all interviewed beneficiary households, 45% were wage earners and of those “74% were government employees based mainly in Windhoek” (Permanent Technical Team, 2005a, p. 49). While there is no recent data to judge whether the situation has changed or not, anecdotal evidence suggests that elite capture of resettlement benefits is continuing. Regional governors, permanent secretaries - including the former Permanent Secretary in the MLR - business people and other employed people are known to have been allocated a parcel of land. A little trick legitimised these practices: poverty was conveniently equated with landlessness. The practical implication of this is that regardless of whether applicants earned a high salary or not, if they are landless they qualify for resettlement.

The conclusion of this brief discussion is that the implementation of the National Resettlement Programme is not aimed at the poor as defined by the Namibia Statistics Agency. Anybody who wants to use the land productively needs more assets than are normally associated with poor people. The corollary is that there is no meaningful place for the poor in a land

reform programme that is aiming to increase agricultural production. To accommodate the poor, the Draft Resettlement Manual (Minister of Lands and Resettlement, 2008, pp. 16–17) proposed a social welfare model, which should focus on the needs of destitute and marginalised people and “those who currently possess neither capital nor any other assets”. Such a model would complement the current resettlement group schemes and should be implemented by line ministries focusing on social welfare programmes. “The function here of the MLR should be to make land available to and not to manage social welfare programmes”.

## 6.1 V2030

The NRP essentially transforms large-scale commercial farms into several small-scale farming units in order to provide as many previously disadvantaged Namibians with access to freehold agricultural land as possible. This raises the question whether extensive small-scale livestock farming is viable in the long term. Sherbourne (2014, p. 412) draws attention to the fact that “the question of what kind of commercial farming is most likely to be successful in Namibia” in the long term is not debated. He points out that “much of Namibia’s traditional farming has given way to more imaginative ways of making money, including tourism and game farming”. Diversifying out of traditional agricultural production into tourism and game farming is a manifestation of declining profits in extensive livestock farming. To some extent this is due to increasing international competition in the meat sector from low cost producers. Financial experts are of the opinion that against this background small-scale farming is doomed in the long run. Mega farms, where increased output volumes compensate for lower profit margins are the only way to sustain commercial meat production. Internationally, the trend is for to buy land from small-scale farmers in order to create larger farming units (Rademeyer, 2014, p. 3).

A discussion of this question is particularly relevant in the context of Vision 2030 (V2030). An earlier draft of the Rural Development Policy drew attention to some relevant sections of V2030 to contextualise the new Policy (Ministry of Regional and Local Government, Housing and Rural Development, 2010, p. 11). It referred to sections in V2030,

which link rural economic welfare with demographic trends, and recognise the limited potential for growth in Namibia’s rural economy. (V2030) emphasises the need for planned urban development based on industrialisation to stimulate rural-urban migration.

V2030 anticipates that by 2030, 75% of Namibia’s population will be living in “proclaimed urban centres”. This, it is envisioned, will be the result of Namibia being “a prosperous and industrialised country”. The emphasis on becoming an industrialised nation in the next 15 years must lead to a critical assessment of whether the transformation of large-scale commercial farming into small-scale farming units will contribute towards this Vision.

Whichever way Namibia wants to go long-term, for agriculture to increase its productivity, contribution to the national economy as well as improve the welfare and social equity, will require proper support services. Farmers in both the communal and freehold areas need an effective extension service, access to input and output markets, access to financial infrastructure and appropriate technology. Tailoring such services particularly to small-



scale farmers requires an agrarian reform that will include the development of an integrated programme aimed at reorganising and transforming the institutional framework of agriculture to facilitate progress.

## 7. The politics of land reform

The politics of land reform since Independence cannot be understood without reference to class formation and specific class interests and the policy of national reconciliation. This process unfolded against the differential impact land dispossession had on Namibia's indigenous communities. Pastoralist communities in what was referred to as the Police Zone – which broadly coincides with the current freehold farming sector – bore the brunt of colonial land dispossession, losing almost all their land and livestock during the war of anti-colonial resistance 1902-1904. The vast majority of households living outside the Police Zone and practising cultivation and animal husbandry, were only marginally affected (Werner, 2001, p. 260). In a very fundamental sense, “the loss of land symbolised the loss of power in this country by Africans” (Republic of Namibia, 1994a, p. 11). While Independence resulted in sovereignty and political freedom, the land ownership structures created through dispossession continue to represent ‘a part of colonialism’ which needs to be confronted in order to bring about real sovereignty in what some call a second liberation struggle. The focus of this second liberation struggle to date has not been on changing capitalist property structures that created high poverty levels and a very skewed distribution of income and wealth, but on restructuring property rights in freehold land. As Thran (2014, p. 181) has argued, the main issue is the settlement of white farmers on much of the freehold land. A former Minister put this very bluntly when he argued in the National Assembly that “we feel that as long as land remains with the white people we are not independent” (Republic of Namibia, 1994b, p. 33).

What this second ‘liberation struggle’ for sovereignty implies is that without owning land that is currently owned by predominantly white farmers, Namibia is not fully independent. Redistributing land from primarily white owners to ‘previously disadvantaged’ Namibians provides the moral and political justification for land reform.

### 7.1 Restitution

The restructuring of property rights to facilitate full Independence as referred to above, must of necessity raise the question of restoring ancestral land rights. Despite the importance attached to redressing historical injustices with regard to access to agricultural land, the restitution of ancestral land rights has been ruled out in Namibia. The Land Conference in 1991 passed a consensus resolution that ancestral land rights could not be restored in full. This consensus was relatively easy to achieve given the overlapping claims to ancestral land made by different communities. The practicalities of disentangling such claims would indeed have been nearly impossible. It could be argued, though, that in lieu of restoring ancestral land rights, the dispossessed should have featured as a priority group amongst beneficiaries. This, as is well known, is not the case.



A possible reason for not exploring alternatives to address the concerns of the dispossessed must be sought in the policy of national reconciliation and the building of a Namibian nation out of a population that was divided spatially and politically into ethnic homelands. Acceding to particularistic demands for restoration by dispossessed minorities would have run the risk of perpetuating past divisions. For the process of 'unification', or building one Namibian nation, to succeed, historical facts and contradictions which might have stood in the way of building one nation, had to be reinterpreted to allow the integration of multitudes of communities, each with their own histories. The historical specificities of the land question and struggles to resist colonial intrusion and dispossession in the early 20th century had to be repackaged as struggles that affected all colonised communities equally. It is against this background that Thran (2014, p. 126) has argued that the consensus resolutions of the Land Conference did not represent consensus on our common history, but rather a reinterpretation of history which expressed a national interest and a broad agreement where we wanted to go as a new nation.

That national consensus on as sensitive an issue as land dispossession and how to deal with it was not realistic, was borne out by several traditional leaders. Barely a month after the Conference, the Herero Royal Leadership issued a declaration describing the National Conference on Land Reform and the Land Question as an abortion, calling on government to restore ancestral land rights and holy places of the Herero (Republikein, 27.8.1991). With local avenues for restoration having been closed, the Herero leadership turned to international courts, hoping to be compensated for their losses.

But the Otjiherero speaking community was not the only community to pour scorn over the consensus resolution. In 1992 a group of drought stricken farmers from Soris Soris, Otjimbingwe, Tubuses, Okombahe and Khorixas moved to the entrance of the then Daan Viljoen wildlife park west of Windhoek, demanding the restoration of ancestral land rights to the park and large parts of the Khomas Hochland. They were evicted from the then native reserve Aukeixas in 1956 in order for the land to be declared a park (The Namibian, 9.11.1992). To these claims could be added the continuing claims of the Hai//om to have their ancestral rights to parts of Etosha restored (See e.g. The Namibian, 8.11.1993; New Era 21-27.7.1994), as well as the Mafwe, who challenged Governments proclamation of a game park in West Caprivi, as they claimed this to be their ancestral land (New Era 3-9.11.1994). And finally, the Baster community of Rehoboth explored several avenues – both locally and internationally – to have what they perceived to be their ancestral land rights restored.

A further intervention to blunt the political sensitivities around the land question, was the appointment of the Technical Committee on Commercial Farmland in 1991, as per Land Conference resolution. Inasmuch as a sober technical appraisal of the situation in the predominantly white freehold sector was important to enhance the environmental and economic sustainability of commercial farming, the appointment of the TCCF could also be interpreted as an attempt to negate any particularistic interests in and demands for restitution by elevating the land question to a 'scientific' level. A scientific approach to land reform left no room for ethnic and class differences in addressing the issue.

For national reconciliation to work it was not enough to focus on white land ownership with a view to increase access to this land by previously disadvantaged Namibians. Previously

disadvantage Namibians themselves were not a homogenous community. Historical differences shaped by differential land dispossession as well as class divisions amongst previously disadvantaged Namibians had to be addressed. The National Assembly served as an important platform to advance the argument that all previously disadvantaged Namibians pursued the same interests. This was argued by a former Minister, when he stated that the need to change ownership from whites to blacks

is a sentiment throughout this country for as long as you are black. You can see it in this House, from the time that this debate started the unanimity on this issue, not only in principle, but in anticipated reality. Among us blacks, there is no difference, no difference whatsoever (Republic of Namibia, 1994b, pp. 33–34).

Tapscott (2001, pp. 314–315) analysed class formation and differentiation. He argued that at Independence, a new elite comprising much of the existing elite but swelled by a new organisational elite of senior administrators, politicians and business people emerged in Namibia. The interests of the incoming elite coalesced to a large extent with the interests of the old and largely white elites. The process of developing a broader class identity which transcended colour, was facilitated to some extent by pre-Independence reform processes which led to a limited degree of racial integration. Elite formation, therefore, was not strictly along ethnic lines. This was borne out by senior appointments to the civil service and parastatal organisations (Tapscott, 1995, p. 163).

The extent to which the interests of the white and black elites coalesced was expressed in the National Assembly in 2000. A senior SWAPO member and former Minister of Trade and Industry and Information and Broadcasting reportedly argued against the historical approach to land by pointing out that he had bought a commercial farm in the Otavi district. He was reported as saying that it would be “highly unsatisfactory” if somebody would arrive one day to claim his/her ancestral rights to the land he had bought. He pleaded for support to the way the MLRR was addressing the land issue in the interest of a peaceful resolution (Republikein 17.5.2000).

More recently, an academic from the University of Namibia questioned whether the land issue was simply a black and white issue, or whether the question is more about class. He noted that

The language of many land policies talks about previously disadvantaged, but there are two classes of previously disadvantaged. There are the advantaged, previously disadvantaged, and the still disadvantaged, previously disadvantaged. These are some of the hard contradictions that we have to debate (F. Kaapama in Bankie & Ithete, 2014, p. 31).

Against this brief discussion of class formation it is not surprising that Tapscott (1995, pp. 165–166) argued that the most vocal and articulate claims for land redistribution came not from the landless poor, but from wealthier black farmers seeking to increase their own access to land. Tapscott concluded that “for these people it was not the inequitable distribution of land in itself which was unsatisfactory, but rather their share of it”. This argument is lent

credence by the fact that large tracts of land in communal areas were fenced off for private use by business people, politicians and people well connected to the new elite. A former Secretary-General of the Namibian Farm Workers Union, which is aligned to SWAPO, went so far as to allege that “every Minister has already got his farm”, although this has not been verified (Hunter, 2004, p. 116).

It follows that specific class and political interests shaped the selection criteria of beneficiaries. These had to be wide enough to include all ‘previously disadvantaged’ Namibians. Assets as well as income and educational levels did not matter in the selection of beneficiaries for resettlement. In reality, to be defined as previously disadvantaged was the only criteria that counted. This made it possible for well-off elites to capture some of the benefits of resettlement as the number of Permanent Secretaries, Governors and many other well-heeled people attest to. The dispossessed do not feature explicitly as a target group and are competing with other Namibians for land.

## **8. Communal land reform**

While general consensus about the need for land redistribution in the freehold farming sector existed, land reform in the non-freehold or communal areas was highly contested. The first draft of the Communal Land Reform Act was modelled on land policy in Botswana, where communal land was taken out of the jurisdiction of traditional leaders and vested in Land Boards. At a consultative workshop in 1996, a majority of traditional leaders from across the country rejected these proposals, which would have resulted in stripping them of all powers over communal land. This forced the Ministry of Lands, Resettlement and Rehabilitation to review the Bill. The result was the Communal Land Reform Act (CLRA), which became law in 2002. The Act acknowledged the continued role that traditional leaders should play in the allocation and cancellation of customary land rights and defined their powers, in particular vis a vis Communal Land Boards. The latter were established in terms of the Act to register customary land rights and oversee the activities of traditional authorities.

Land reform in the communal areas pursues three broad objectives: the verification and registration of customary land rights, the introduction of long term leases over communal land and the economic development of communal land through the surveying of individual farming units and generous infrastructure development support.

The registration of customary land rights aims to improve tenure security in communal areas, in the hope not only to reduce land disputes, but also to encourage economic development through increased investments on the land. In 2003, the Ministry of Lands and Resettlement started to verify and register an estimated 295,000 customary land rights in the communal areas. Currently, 80,352 customary land rights have been registered and the process is ongoing. The jury is still out on whether such an expensive programme will yield the anticipated economic results or not. Evidence from the African continent suggests that security of tenure is a necessary but not sufficient condition for economic development, where security of tenure should not be equated with registered rights. Customary systems

across the continent provide sufficient long-term security to facilitate investments and economic development. What is missing in many countries including Namibia, is access to input and output markets, financial institutions, agricultural technology and appropriate extension services (See Moyo & Chambati, 2012). If a recent advertisement for a consultant “to identify and harness wider potential benefits of communal land rights” is anything to go by, “the benefits of registering the communal land rights have not, as yet, been tangible for many communal land holders” and the “uptake on the potential use of registered land rights by the public and private sector” rather low (The Namibian, 14.11.2014).

The CLRA 2002 also provides for the conversion of communal land into privately owned farms. This approach to development was first developed by the Odendaal Commission in the early 1960s. In the wake of its recommendations, a total of 200 farms were surveyed on communal land and allocated to individual ‘owners’ before Independence. These surveyed farms are in the Mangetti areas of Kavango West and Oshikoto regions and Okamatapati in Otjozondjupa region.

The CLRA provides that once traditional authorities have agreed to the establishment of small-scale farms in their areas of jurisdiction, the state designates such land for agricultural development and causes it to be properly surveyed and registered in the Deeds Registry. A total of 621 parcels of land in Zambezi, Kavango East and West and Ohangwena Regions have been surveyed and gazetted. Rights to such land in Kavango East and West were allocated by the Land and Farming Committees of traditional authorities in the early 1990s. In 2012 the MLR, with financial assistance from its international partners, launched the Programme for Communal Land Development (PCLD) to develop infrastructure in select areas to enable beneficiaries to farm commercially. Apart from providing support for infrastructure development, the PCLD will also provide beneficiaries with appropriate extension and mentoring services. The PCLD represents a change of focus from supporting individual small-scale commercial farms to include small groups of communal farmers who agreed to have their common land fenced off in the interest of increased commercial farming. In both scenarios, beneficiaries will be able to register long term lease agreements over their land. Groups of beneficiaries are required to form a legal entity in whose name the lease will be registered.

What continues to be a cause for concern is that rights to commonages in communal areas have no legal protection. In practice this means that villagers with customary rights to grazing on communal grazing areas are vulnerable to outsiders asserting claims to their grazing areas. The most frequent manifestation of this in Namibia is the enclosure of communal pastures for individual use (See Cox, Kerven, Werner, & Behnke, 1998). Less frequent in Namibia but prominent in other African countries is the grabbing of large tracts of land for agricultural purposes without the consent of people who hold rights over such land.

Little progress has been made on how to deal with enclosures of communal land that have occurred since the 1980s and which are commonly referred to as ‘illegal’ fencing. Many of these farms, which were fenced with or without authorisation before the CLRA of 2002 prohibited new fences, were developed by individual ‘owners’ without any state financial support. This frequently involved considerable investments into infrastructure development,

a process similar to the Programme for Communal Land Development currently underway. It is imperative that the Ministry of Land Reform devises methods to regularise these so-called illegal fences. Legal tools exist in the CLRA to adjudicate the legality of claims made to such land. By regularising claims to fenced farms on communal land, the MLR will be able to integrate all farmers with large to medium sized farming units, regardless of whether they have fenced them off before the PCLD started or not, into one policy and support framework.

In what appears to be a contradictory approach to communal land development, the MLR has improved access to farming land for some communal farmers by adding freehold land to communal areas. This option for land reform was elaborated for discussion at the Land Conference in 1991, but was never adopted formally, despite the fact that it was ranked high in terms of equity impact relative to investment costs. More recently, however, the MLR acquired farms adjacent to communal areas in the south and west and handed them over to traditional authorities for allocation. It is not clear whether this is part of a revised strategy, or happened simply as a result of political expediency.

## **9. Conclusion**

During the first 25 years of Independence witnessed the introduction of a land reform programme. During the first half of this period the focus was on redistributing freehold agricultural land, primarily owned by whites. In 2002 land reform in the communal areas started in all earnest. No systematic assessment has been carried out to determine the impact that land redistribution had on the livelihoods of beneficiaries. Available evidence suggests that the current resettlement model may not be economically sustainable for beneficiary households and the country. That access to agricultural land will reduce poverty remains a statement of faith until reliable data show what the situation is. While many signs point to the fact that land redistribution is a political rather than an economic issue, the question still remains where Namibia wants to go with extensive commercial livestock farming. This should ultimately determine whether the future lies in small-scale or large-scale farming.

Whatever the decision will be, it is clear that any kind of farming in an environment that is fundamentally risky requires assets such as skills and capital. Selecting people without sufficient assets is likely to set them up for failure.

Progress is being made in improving tenure security in the non-freehold or communal areas by validating and registering private customary land rights. Undivided shares in commonages remain unprotected, and rights holders remain vulnerable. The impact of the gradual privatisation of communal land through the PCLD remains to be seen. It is a concern that no attempt is made to regularise communal land enclosures that were carried out by individuals with their own capital but are of questionable legality.

Many old land issues remain unresolved and new ones have arisen as the land reform programme developed. The registration of customary land rights and granting of long-term leases over communal land may generate many new and unintended problems. Simply

fusing the existing Agricultural (Commercial) Land Reform Act of 1996 and the Communal Land Reform Act of 2002 as is proposed, will not be sufficient to address the problems currently experienced. In order to do so in a more informed way requires a thorough policy review. Another land conference is not likely to produce the desired results.



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