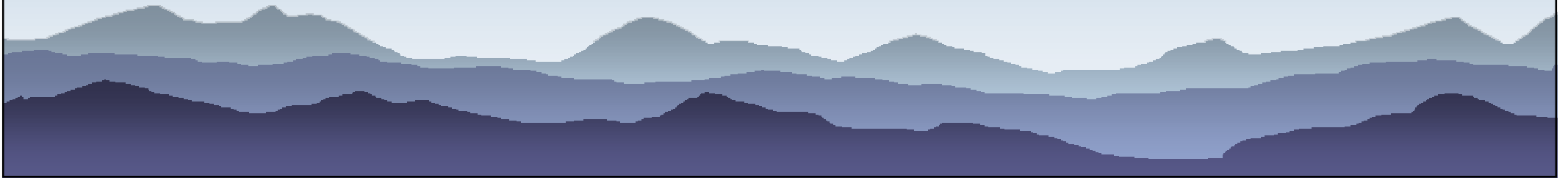


Decentralised Land Reform in Namibia

Dr Ben Fuller

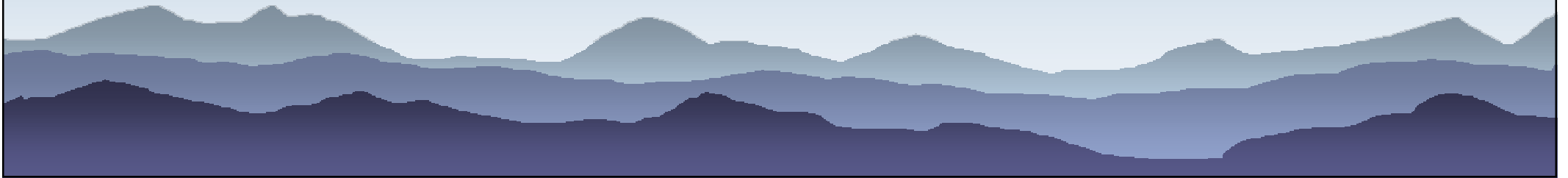
<http://www.fuller.na>

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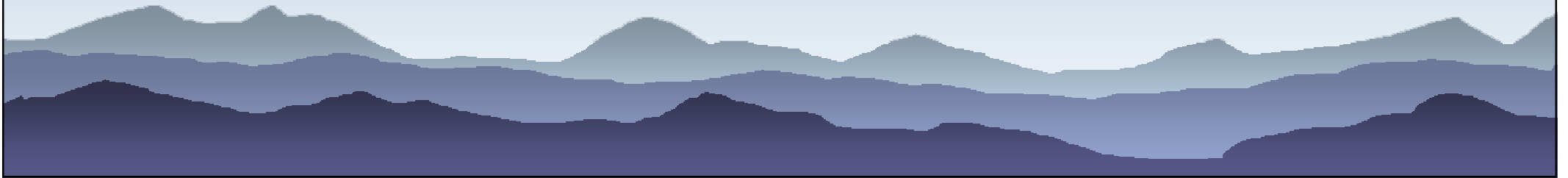
Decentralisation

- Constitutional Requirement
- Thirteen Regions Delineated in 1993
 - Constituency based
 - Regional Council, governor and 1 rep to National Council
- First elections in 1995
 - Central Government Funding
 - Own funding through 5% of municipal rates
 - Uneven development “haves and have-nots”
 - Mixed enthusiasm by central government bodies



Local land reform 2002 and beyond

- ◆ Communal Land Act 2002
- ◆ Created Communal Land Boards in 12 of 13 Regions
- ◆ Composition
 - ◆ Gender requirement, farmers, Regional Council, relevant ministries (Land, Agriculture, Environment), conservancies, traditional leaders



Communal Land Boards

- ◆ General duties
 - ◆ Allocation of:
 - customary rights (up to 20 hectares, agricultural use)
 - leaseholds (commercial use),
 - establish and maintain regional land register,
 - dispute resolution,
 - advice to Minister of Lands
- ◆ Staff/support
 - ◆ Land Planner, Secretary
 - ◆ Ministry of Lands Staff assist

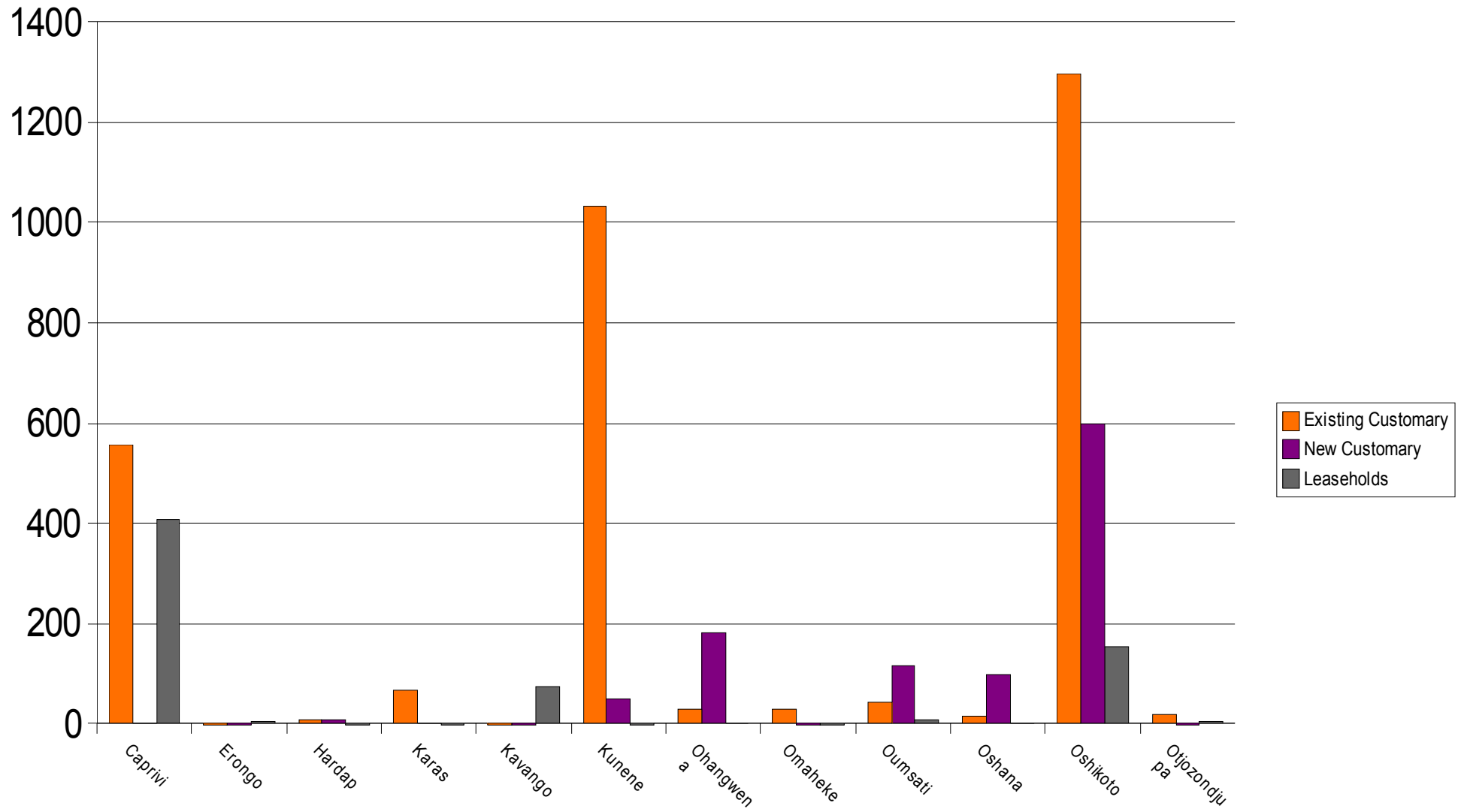
Popularity

- ◆ Results of first three years, 2002-2005:

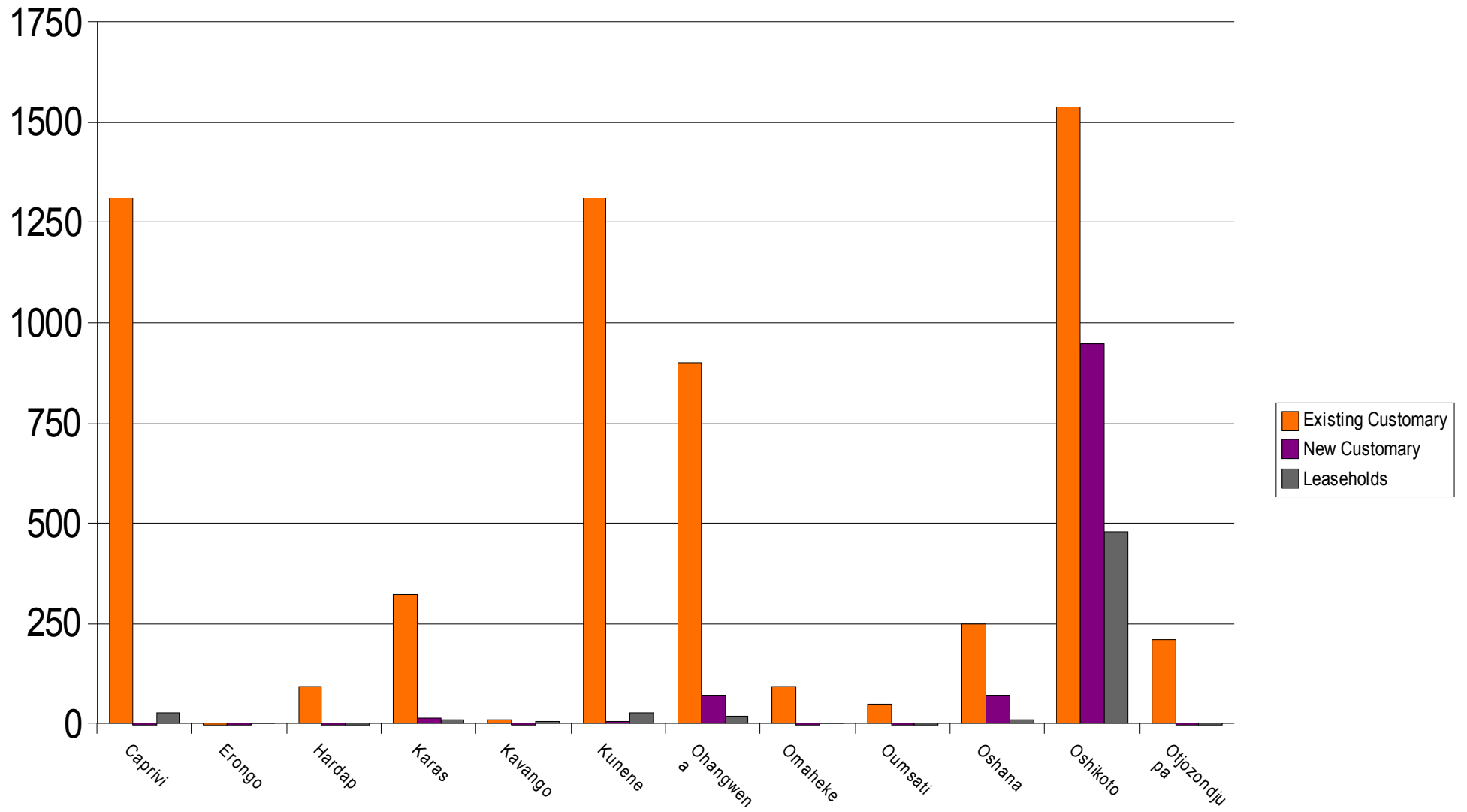
- ◆ Existing Customary: 3,095
- ◆ New customary: 1,061
- ◆ New Leaseholds: 690
- ◆ Disputes: 124 cases, 44 resolved

- ◆ Compare with “traditional redistributive resettlement” where, over 17 years, roughly 1,800 people have been resettled on commercial farms, and another 800 have purchased farms under affirmative action schemes. Estimated that upward of 40,000 customary land claims exist.

Rights registered by Region (through 2005)



Applications pending by Region (January 2006)



☰ “Whole lot of formalizin' goin' on

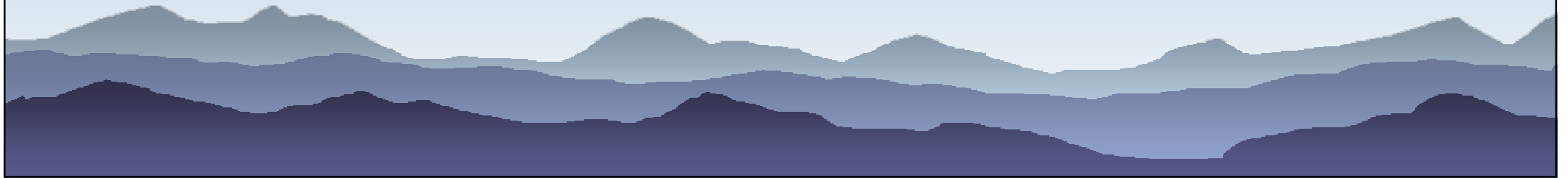
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...

- ◆ Caprivi, Kunene and Oshikoto
 - ◆ Registered
 - 93% of existing customary
 - 62% of new customary rights
 - 85% of new Leaseholds
 - ◆ Pending
 - 70% of existing customary
 - 85% of new customary rights
 - 90% of new Leaseholds

They are smarter than we are (1)

- ◆ Why the imbalance?
 - ◆ What is special about these three Regions?
 - ◆ Six potential factors
 - ◆ Could give insight into why people participate, how this may change rural life
- ◆ Security of Tenure
 - ◆ Should be general, not limited to three places
- ◆ Capacity
 - ◆ Perhaps these three land boards are better organized



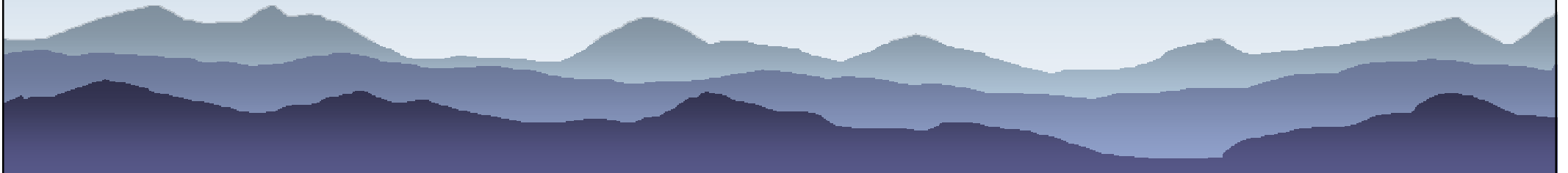
They are smarter than we are (2)

◆ Farming Systems

- ◆ 20 ha limit is fine for crop production – not livestock
 - In Oshikoto and Caprivi crops are possible
 - Kunene crops are very localised around water points

◆ Protection from Land Enclosure

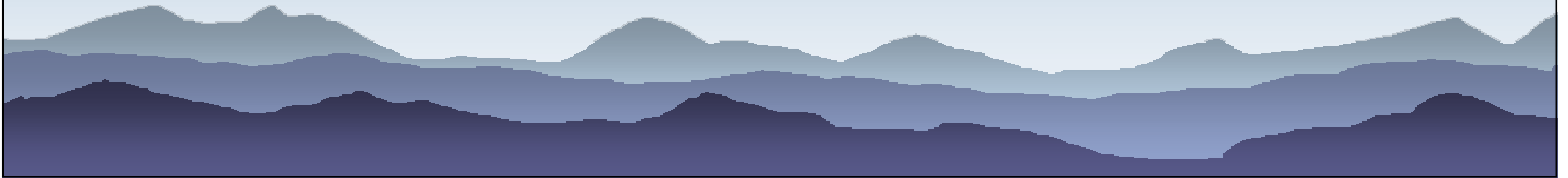
- ◆ Defensive registrations
- ◆ Major issue in Oshikoto (also Ohangwena)
- ◆ Not so clear in either Caprivi, or Kunene



They are smarter than we are (3)

- ◆ Population Shifts/Ethnicity

- ◆ Since 1990 Oshikoto, in the area above Etosha Pan, has seen many immigrants. These are often people with education and other sources of income. They would have better access to the procedures and means to register their rights.
- ◆ Kunene and Caprivi have potential ethnic rivalries. Possible use of registrations to entrench different groups



They are smarter than we are (4)

- ◆ Strategic Registrations

- ◆ Commercial

- Caprivi and Kunene are high value tourism destinations
- Oshikoto has both a major highway and railway line, borders on Etosha Park.
- Claims near these assets could be valuable

- ◆ Compensatory

- Municipal areas are declared – part of decentralisation
- 6 Towns in North Central Namibia
- Residents with (unregistered) customary land claims were able to claim compensation

Final Thoughts

- ◆ New asset has been created
 - ◆ Judging from the numbers it is very popular
 - ◆ Interesting to see how it is used by rural Namibians
 - Secondary markets
 - Unofficial, they have existed for illegally fenced areas
 - Include sale, various leasing/sub-leasing, share cropping arrangements
 - Role in urbanisation
 - 15-20 years over 50% of Namibians will be urban dwellers
 - What happens to a registered claim when you move to the city?
 - Investment in the land and productivity

