

# Taking stock of land reform in Namibia from 1990 to 2005

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## Abstract

The land reform debate in Namibia has been predicated on a number of questionable assumptions and is atypical of the scenarios presented by other SADC countries. The one point of similarity is that the progress of Namibian land reform has been very slow. The evidence suggests that land reform has served as an expedient rhetorical device which the ruling party resorts to as and when it suits its political agenda. It has also served as a means by which high-ranking officials have enriched themselves at the expense of the peasantry. Namibia's financial commitment to land reform was negligible when considered alongside some of its ruler's more grandiose personal projects. This article contends that land reform in Namibia has been a minor issue and was always unlikely to compromise the political stability that has led to Namibia's robust performance as a tourism mecca.

**Keywords:** Namibia; Land reform; SADC; Corruption; Rural development; Sub-Saharan Africa.

## Introduction

The thrust of this article is that land reform is only a contentious issue in Namibia to the extent that this suits its governing elite. It will be suggested that, ironically enough, the tardiness Namibia has displayed in giving effect to its land reform policies, has perhaps been to the advantage of its economy thus far. It will also be contended that, were the Namibian government to progress much beyond populist rhetoric with its land policies, the outcome would impact negatively on the country, both economically and environmentally.

The discussion commences with a brief overview of some of the thinking that informs land reform in general before turning to detailing two of the

main divides around which land reform in Namibia has revolved. This is supplemented by some counter-intuitive data about rural livelihoods in Namibia, and the sustainability of the communal agricultural sector is brought into question. Thereafter, some of the more salient issues and concepts that inform the Namibian land debate are discussed. This includes the legislative environment and Namibia's indifferent track record regarding land reform during the first 15 years of independence. It is maintained that the economic fall-out from this mismanagement has fortunately been contained by the limited degree to which land reform has been implemented. It is intimated that Namibia should stop worrying about who owns the land, and start worrying about what is being done to it.

The paper concludes on a more positive note, however, in that Namibian land reform's track record is found to present a misleadingly negative reflection of a society which is actually brimful of economic promise, if the land question is brought into proper perspective.

## **General approaches to land reform**

According to Foltz land reform can be understood as:<sup>1</sup>

The process of re-allocating property rights to land within a country. Generally [these] programs move land from large land holders to landless people or poor farmers with relatively small plots of land. The rationale for land reform is that by transferring land to the poor one can make a greater impact on their well-being than other types of poverty reduction projects.

It is doubtful, however, whether the rationale advanced by Foltz tells the whole story in southern Africa. Sibanda<sup>2</sup> characterizes what Foltz describes as "land tenure reform" thereby perhaps suggesting that the notion of property rights does not quite capture the full moral 'flavour' of land reform. Indeed KwaZulu-Natal's erstwhile Regional Land Claims Commissioner<sup>3</sup> seemed to imply that property rights are somehow an impediment to the attainment of the "human" right to property. She characterized land as a "birthright" and as "one of the few 1<sup>ST</sup> GENERATIONS OF HUMAN RIGHTS" [sic – caps in

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1 JD Foltz, "Land management and property rights", UNESCO, *Public policy in food and agriculture* (Oxford, EOLSS Publishers, 2005), p. 1.

2 SMD Sibanda, "Comments on 'Land reform, income inequality and poverty alleviation' by Dr Wolfgang Werner and lessons to be learned from other African countries' land reform processes" (Windhoek, Research Department of the Bank of Namibia, 2003).

3 TA Shange, "Land reform in South Africa", *Advertorial Progress*, 5, 2005, pp. 12-13.

original]. This is of course mistaken. Even the South African Human Rights Commission<sup>4</sup>, which frequently fudges the distinction between the right to something, and the right of access to it, at least acknowledges that land is a socio-economic, and therefore a 'second-generation', right.

The foregoing might seem like hair-splitting but the application of so-called "social welfare rights", when used as a justification for the interests of the group overriding individuals' natural rights, is an ever-present danger unfortunately all too often ill-appreciated by rights enthusiasts.<sup>5</sup> Motala and Ramaphosa<sup>6</sup> provide a discussion which is illuminating in this regard when, in the context of rights, they speak of individuals having to make sacrifices in the cause of the "common good".<sup>7</sup> These differences of interpretation have critical implications and serve to illustrate what a minefield land reform can become, most especially in the hands of populists. Whatever the case, social engineering is not an activity without consequences, and wilfully propagating the notion that land (as opposed, arguably, to access to land) is a 'birthright', is a dangerous misrepresentation.

Land reform in southern Africa is generally perceived as compensating for some past wrongdoing and is pre-eminently "about race".<sup>8</sup> It is a pity the discourse has not progressed much beyond this stage because land reform, as practised by governments in southern Africa, is itself in some need of reform as will be illustrated with reference to Namibia. Advocates for land reform cite its potential for "improved income growth... equity... and security" by which is meant "political stabilization".<sup>9</sup> There are many ways in which they hope to achieve this, usually involving a combination of restoration or restitution, expropriation, redistribution, financial incentives, land invasion and/or straightforward legislative tenure reform.<sup>10</sup> The rapidity with which

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4 Republic of South Africa, *The right to land*, 5<sup>th</sup> Economic and social rights report series 2002/2003 (Johannesburg, South African Human Rights Commission, 2004).

5 Anon., "No more mister nice guy," *New Humanist*, September/October 2005, pp. 18-21, 31 for a related discussion of group rights trumping individual rights.

6 Z Motala & C Ramaphosa, *Constitutional law: Analysis and cases* (Cape Town, Oxford University Press, 2002), pp. 389-413.

7 Z Motala & C Ramaphosa, *Constitutional law...*, p. 409.

8 R Sherbourne, "Rethinking land reform in Namibia: Any room for economics?" *Opinion*, 13 (Windhoek, Institute for Public Policy Research, 2004), p. 1.

9 G Norton & J Alwang, *Introduction to economics of agricultural development* (New York, McGraw-Hill, 1993), pp. 198-199.

10 R Christiansen, "Overview of land reform issues", J van Zyl, J Kirsten & H Binswanger (Eds.), *Agricultural land reform in South Africa* (Cape Town, Oxford University Press, 1996); Republic of South Africa, *The right to land*, pp. 8-35.

reforms are given effect to is also a factor that calls for sound judgement.<sup>11</sup>

Thomas<sup>12</sup> cautions that “insufficient distinction is made between land reform as a *goal* and as an *instrument*.” In other words, is land reform a means to an end (poverty alleviation for example), or is it to be an end in itself (‘equity’)? In the latter instance it has a tendency to degenerate into a fairly meaningless statistical exercise (a ‘hectares fetish’) that is purely concerned with racial window-dressing and political point-scoring. Ideally, from most African governments’ standpoints at any rate, land reform should probably be employed as both a means and an end but productivity and wealth creation often seem to get sacrificed on the altar of political expediency – as in the case of Namibia<sup>13</sup> as will be dealt with presently.

The literature is unanimous that some form of land reform is essential in Namibia and in the rest of southern Africa.<sup>14</sup> Differences are therefore confined to how it should be carried out. It must be objected, however, that it is not self-evident that the State should have anything to do with how land is distributed beyond lifting artificial restrictions on people’s acquiring it, and then leaving its distribution to the workings of the free market. As von Hayek maintained:<sup>15</sup>

markets are ‘blind’, producing effects that no one can predict, and that is part of their point, part of their contribution to freedom.

The problem is perhaps that the land reform literature seems to embody a self-selecting bias which, *a priori*, rules out of order any challenge to the desirability of ‘land reform’ per se. It is as though this debate had already been settled to the satisfaction of all concerned. But to many “outsiders”, if any government is superior to the market in equitably and efficiently allocating land, it has yet to reveal itself. One of the legacies of the colonialists in southern Africa was “a law system defining and regulating property rights

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11 H Binswanger & K Deininger, “South African land policy: The legacy of history and current options”, J van Zyl, J Kirsten & H Binswanger (Eds.), *Agricultural land reform in South Africa* (Cape Town, Oxford University Press, 1996); R Christiansen, “Overview of land reform...”, J van Zyl et. al, *Agricultural land reform...*, p. 367.

12 WH Thomas, *Economic development in Namibia: Towards acceptable development strategies for independent Namibia* (Munich, Kaiser Verlag, 1978), p. 101.

13 South African Regional Poverty Network (SARPN), “Seeking ways out of the impasse on land reform in Southern Africa: Notes from an informal ‘think tank’ meeting”, 2003 (available at <http://www.sarpn.org/documents/d0000287>, as accessed on 8 September 2011), pp. 20-21.

14 WH Thomas, *Economic development in Namibia...*, pp. 101-106; L Dobell, *Swapo’s struggle for Namibia, 1960-1991: War by other means* (Basle, P Schlettwein Publishing, 2000), pp. 122-126; W Werner, “Land reform and poverty alleviation: Experiences from Namibia” (Windhoek, Namibian Economic Policy Research Unit, 2001); South African Regional Poverty Network (SARPN), “Seeking ways out of the impasse...”.

15 P Watson, *A terrible beauty: The people and ideas that shaped the modern mind* (London, Phoenix, 2000), p. 379.

and ownership of land by individual title deeds".<sup>16</sup> It is not clear that anything more than this is needed, other than to remove ideologically imposed obstacles to the spirit of the law being realised. This law system supplies the cornerstone for what prosperity there is in southern Africa, and where land reform has the effect of negating this institutional good it does so at its peril, as the example of Zimbabwe well attests to.<sup>17</sup>

## **Namibian background demographics and details**

Namibia is bifurcated in at least two senses that it is essential to appreciate. Firstly the Owambo ethnic group accounts for fully half the population, with the balance being moderately evenly split between the remaining 10 ethnic groups.<sup>18</sup> Although the Owambo are overwhelmingly concentrated in four new regions that were previously designated as making up Owamboland (namely Omusati, Oshana, Ohangwena and Oshikoto), there has been a dramatic increase in urbanization to towns such as Ondangwa, Rundu, Katima Mulilo and Windhoek (see Figure 1 below).<sup>19</sup> Life expectancies are "much lower in northern Namibia than in the south" and, due probably to HIV/AIDS, overall life expectancy plummeted from 61 years at independence in 1990 to a mere 43 years, 10 years later in 2000.<sup>20</sup> The ramifications of this precipitous drop in life expectancy for land reform in the Namibian context have, as far as is known, yet to be explored unless it be from the more general perspective of the impact of HIV/AIDS on rural livelihoods.<sup>21</sup>

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16 H Melber, "Contested territory: Land in Southern Africa, the case of Namibia", *Namibia Scientific Society Journal*, 50, 2002, p. 78.

17 T Hawkins, "The Zimbabwean crisis: Economic implications for the Southern African Development Community", MC Lee & K Colvard (eds.), *Unfinished business: The land crisis in Southern Africa* (Pretoria, AISA, 2003), pp. 383-409.

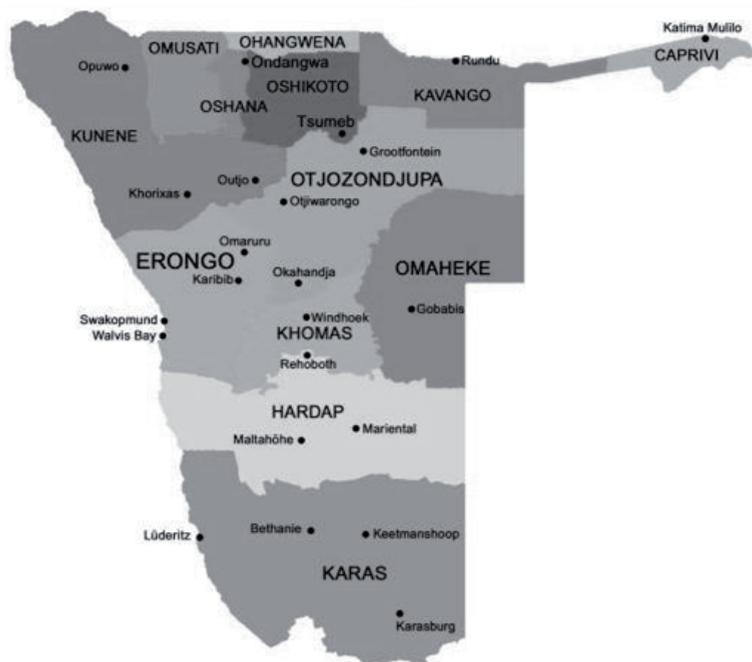
18 JS Malan, *Peoples of Namibia* (Wingate Park, Rhino Publishers, 1995), p. 4.

19 J Mendelsohn, A Jarvis, C Roberts & T Robertson, *Atlas of Namibia: A portrait of the land and its people* (Cape Town, David Philip, 2002), p. 163.

20 J Mendelsohn, A Jarvis, C Roberts & T Robertson, *Atlas of Namibia...*, p. 169.

21 United Nations Development Programme (UNDP), *Namibia: Human development report 2000/2001* (Windhoek, UNDP, 2001); S Drimie, "The impact of HIV/AIDS on rural households and land issues in southern and eastern Africa", August 2002, (available at <ftp://ftp.fao.org/docrep/nonfao/ad696e/ad696e00.pdf>, as accessed on 7 November 2011); I Engh, L Stloukal & J du Guerny, "HIV/AIDS in Namibia: The impact on the livestock sector", February 2000, (available at <http://www.fao.org/sd/WPdirect/WPan0046.htm>, as accessed on 7 November 2011).

Image 1: Namibia administrative regions 2003



Source: <http://www.namibiansafari.com/namtravelMAP1.htm>

The second bifurcation is the split between commercial farmland and the communal areas. This is invariably referred to as being “highly skewed”<sup>22</sup> although this seems to be an over-statement. At independence in 1990 “44% of the total land area or 52% of agricultural land” was held under (largely white) freehold title while “41% of total land area or 48% of total agricultural land” was given over to the communal areas owned by the state and administered by traditional leaders.<sup>23</sup> According to Werner:<sup>24</sup>

About 230 000 people derive some kind of livelihood from commercial farms... [and] close to one million people make a living on communal land, predominantly as subsistence farmers... [although] land and agriculture are not particularly important in terms of contribution to GDP (ca. 10-15%)... in terms of providing employment and/or income through small-scale agricultural production... land is central.

22 W Werner, “Land reform in Namibia: The first seven years”, Working Paper No. 61 (Windhoek, Namibian Economic Policy Research Unit, 1997), p. 1.

23 W Werner, “The land question in Namibia...”, I Diener & O Graefe (eds.), *Contemporary Namibia: The first landmarks of a post-apartheid society* (Windhoek, Gamsberg MacMillan, 2001), pp. 261-262.

24 W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, pp. 261-262.

The situation is complicated by the fact that Namibia's population is very unevenly spread and that "Namibia is one of the driest countries in the world".<sup>25</sup> It has an extremely fragile ecology.<sup>26</sup> Although the high potential grazing land is concentrated in the north-east communal areas<sup>27</sup> it is significant that in this region (Kavango) "the majority of homes buy much of their food using money earned from sources that have nothing to do with farming" and that "farming activities generate less than one fifth of all income".<sup>28</sup> It is disturbing that although standards of living are rising in monetary terms, surplus income is being 'banked' in larger herds. By 2000 cattle numbers had almost doubled, and goats increased by 40%, in communal areas since 1988.<sup>29</sup> The same source reports that on freehold farms, by contrast, "the number of cattle and goats dropped by between 20 and 25%" during this period, and sheep by 40%, mainly due to decreasing returns from livestock farming. Especially in Owamboland the land became seriously overstocked. This was at least partially due to the very low "take-off" rate, that is to say animals slaughtered or sold outside the region. The alarm was raised about this phenomenon as far back as 1992.<sup>30</sup>

The effect of all this is to shed doubt on the degree to which farming, especially as practised communally, is sustainable in Namibia, and whether land reform policies are taking proper cognizance of this unpalatable possibility.

## **Rationale and issues for Namibian land reform**

The thrust of the following sections is that there is in fact little rationale, beyond symbolic posturing,<sup>31</sup> for land reform as it is currently conceptualized in Namibia, but that there is a compelling need for the Namibian authorities to turn their attentions from the commercial to the communal sector, and to instil in senior bureaucrats and politicians a keen appreciation of the

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25 W Werner, "The land question ...", I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 269.

26 PJ Jacobson, JM Jacobson & MK Seely, *Ephemeral rivers and their catchments: Sustaining people and development in western Namibia* (Windhoek, Desert Research Foundation of Namibia, 1995); P Tarr (Ed.), *Namibia environment, Vol. 1* (Windhoek, Ministry of Environment and Tourism, 1996); P Barnard (Ed.), *Biological diversity in Namibia: A country study* (Windhoek, Namibian National Biodiversity Task Force, 1998).

27 J Mendelsohn, A Jarvis, C Roberts & T Robertson, *Atlas of Namibia...*, p. 150.

28 J Mendelsohn & S el Obeid, *Sand and water: A profile of the Kavango region* (Cape Town, Struik, 2003), p. 106.

29 J Mendelsohn, A Jarvis, C Roberts & T Robertson, *Atlas of Namibia...*, p. 146.

30 A Marsh & M Seely (Eds.), *Oshanas: Sustaining people, environment and development in central Owambo* (Windhoek, Namibia, Desert Research Foundation of Namibia, 1992), pp. 26-27.

31 Centre for Development and Enterprise (CDE), "Land reform in South Africa", CDE Research Report No. 14 (Johannesburg, CDE, 2005), p. 67 on "Opportunistic political mobilization".

distinction between public and private goods.<sup>32</sup>

### ***Assumptions and misconceptions***

It is rather misleading to hold out the promise of free land to peasants, as an election ploy, and then subsequently to diagnose “land hunger”<sup>33</sup> among those to whom this promise has not yet been made good. As Werner, who was himself Director of Lands in the Namibian Ministry of Lands, Resettlement and Rehabilitation (MLRR) from 1990 to 1995, has observed, it is not clear that “today’s young people (say 15-45 years of age) want to be farmers”.<sup>34</sup> This indifference to agriculture would seem to find its echo in South Africa as well where only 9% of previously disadvantaged persons, not currently farming, apparently express any interest in doing so, even were they to be assisted.<sup>35</sup> Thus it is submitted that all-pervasive “land hunger” in Namibia is something of an untested assumption, and that one should critically examine the motives of those who resort to it as a rhetorical device.<sup>36</sup>

An ex-South West African Peoples Organisation (SWAPO) cadre’s statement that: “We fought for the land. We supported SWAPO because of our land”<sup>37</sup> would seem more properly to refer to land in the Afrikaans sense, i.e. “country”, as opposed to actual agricultural land. This is because, as Werner points out, land dispossession in Namibia (unlike Kenya and Zimbabwe) involved “essentially marginal agricultural land” that affected only a small minority south of Oshivello (the so-called ‘Police Zone’).<sup>38</sup>

Indeed Melber goes so far as to say that land restitution is “for the majority of the population a non-issue”.<sup>39</sup> The fact is that the best agricultural land in Namibia is (or, at least, was) to be found in the relatively heavily populated north which the German imperialists never had the resources to venture

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32 MK Ingle, “Public policy and Batho Pele in South Africa: Time to turn over a new leaf”, *Journal for New Generation Sciences*, 9(2), 2011, for a related discussion.

33 L Dobell, *Swapo’s struggle for Namibia...*, p. 123.

34 I Diener & O Graefe (Eds.) *Contemporary Namibia: The first landmarks of a post-apartheid society* (Windhoek, Gamsberg MacMillan, 2001), p. 385; South African Regional Poverty Network (SARPN), “Seeking ways out of the impasse...”, p. 7.

35 Centre for Development and Enterprise (CDE), “Land reform...”; *Mail and Guardian Online*, “Dangerous turning point’ in SA land reform”, August 2005 (available at <http://mg.co.za/article/2005-08-05-dangerous-turning-point-in-sa-land-reform>, as accessed on 8 September 2011).

36 L Dobell, *Swapo’s struggle for Namibia...*, p. 123.

37 W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 259.

38 W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 260.

39 H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002, p. 80.

into and subdue even had they wanted to.<sup>40</sup> So much perhaps for “forcing communal farmers to areas of lower agricultural potential”.<sup>41</sup> While there are those who would want to insinuate that the colonialists dispossessed the pastoral nomads of the central regions of their land, the archaeological evidence shows that “the decline of nomadic pastoralism began in the 18<sup>th</sup> century” and that it had all but “collapsed” by the time colonial rule arrived. The Germans found what few pastoralists remained in a state of “utter poverty”, “destitution and disunity”.<sup>42</sup> Indeed, the centrally situated Rehoboth was “a kind of no-man’s land... until the Basters arrived there”, the name “Rehoboth meaning “space”, seems thus quite appropriate”.<sup>43</sup>

The foregoing shows that the emotive statements about “theft” of land,<sup>44</sup> that sometimes feature in African land reform discourse, would, if applied to Namibia, constitute something of a misrepresentation. Fuller and Eiseb’s<sup>45</sup> contention therefore that “there is widespread agreement that a major aim of Namibia’s 100 years of colonial rule was to establish white control over the best farmland in the country” is far from being the truth, certainly insofar as unanimity amongst the scholarly community is concerned. They also forget that, following on the landmark Odendaal report,<sup>46</sup> the South African government, in short order, expropriated 250 commercial farms for purposes of consolidating the “native reserves” into homelands.<sup>47</sup>

### ***Legislative framework for land reform***

Article 16 of the Namibian constitution protects property rights but nowhere in the constitution is there any mention of rights to land.<sup>48</sup> By 2005 there

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40 JHP Serfontein, *Namibia?* (Randburg, Fokus Suid Publishers, 1976), pp. 19-20; W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 260; J Mendelsohn, A Jarvis, C Roberts & T Robertson, *Atlas of Namibia...*, p. 152.

41 D Ward, “Ecological, historical, and social perspectives on rangeland degradation in arid communal rangelands in Namibia”, S Vetter (Ed.), *Rangelands at equilibrium and non-equilibrium* (Cape Town, PLAAS, 2003), p. 38.

42 J Kinahan, *Pastoral nomads of the Namib desert, 2nd Edition* (Windhoek, Capital Press, 2001), pp. 7 & 126.

43 RG Britz, H Lang & C Limpricht, *A concise history of the Rehoboth basters until 1990* (Windhoek, Klaus Hess Publishers, 1999), p. 12.

44 Anon., “Land wars”, *BBC Focus on Africa*, July-September 2005, pp. 30-36.

45 B Fuller & G Eiseb, “The commercial farm market in Namibia: Evidence from the first eleven years”, Research Briefing Paper No. 15 (Windhoek, Institute for Public Policy, 2002), p. 4.

46 Republic of South Africa, (RSA) “Report of the commission of enquiry into South West African affairs 1962-1963”, ‘Odendaal report’, (Pretoria, Government Printer, 1964), pp. 109-111.

47 W Werner, “Land reform in Namibia: The first seven years”, Working Paper No. 61 (Windhoek, Namibian Economic Policy Research Unit, 1997), p. 13.

48 Republic of Namibia, *Ten years of freedom, peace and prosperity* (Windhoek, Ministry of Information and Broadcasting, 2000).

were three main components to Namibia's land reform programme:

- *Redistributive land reform* in accordance with the Agricultural Land Reform Act of 1995. The intention is to benefit "Namibian citizens who do not own or otherwise have the use of agricultural land... foremost those Namibians who have been socially, economically or educationally disadvantaged by past discriminatory laws and practices." Preference is given to ex-SWAPO combatants and, most significantly, in order to qualify, income is not an issue, but applicants must possess fewer than 150 large stock units.<sup>49</sup> As the selection process for beneficiaries is not transparent, and given the loophole created by the lack of an income means test, Sibanda<sup>50</sup> is quite right to say that this programme seems designed to benefit the rich.<sup>51</sup> This is precisely what has happened<sup>52</sup> and the new elite have asserted their interests with vigour prompting Werner to account this programme "a dreadful failure".<sup>53</sup>
- *Tenure reform* relates to the communal areas which are governed by the Communal Land Reform Act of 2002 which serves effectively to formalize traditional leaders' post-independence loss in stature and power.<sup>54</sup> Dobell<sup>55</sup> remarks that, following on from the landmark 1991 National Conference on Land Reform and the Land Question, the "most serious losses... were experienced by traditional leaders" who were effectively dealt out of the land game thereby creating an "administrative vacuum in the rural areas".<sup>56</sup> This vacuum attracted a new political elite who lost no time in pushing the chiefs aside and appropriating what land they wanted.<sup>57</sup> Control of land in communal areas is supposed to reside with Communal Land Boards about whose actual functioning little seems to be known other than that an inordinate amount of discretion resides with Namibia's Minister of Lands in the allocation of customary land rights.<sup>58</sup>

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49 W Werner, "The land question ...", I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 268; W Werner, "Land reform, income inequality and poverty alleviation in Namibia" (Windhoek, Research Department of the Bank of Namibia, 2003), p. 107.

50 SMD Sibanda, "Comments on 'land reform, income inequality and poverty alleviation' ...", by Dr Wolfgang Werner and lessons to be learned from other African countries' land reform processes, 2003, p. 166.

51 H Binswanger & K Deininger, "South African land policy...", J van Zyl, J Kirsten & H Binswanger (Eds.), *Agricultural land reform...*, p. 96.

52 W Werner, "The land question ...", I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 272; H Melber, "Contested territory...", *Namibia Scientific Society Journal*, 50, 2002, pp. 78-79.

53 South African Regional Poverty Network (SARPN), "Seeking ways out of the impasse...", (available at <http://www.sarpn.org/documents/d0000287>, as accessed on 8 September 2011), p. 21.

54 W Werner, "Land reform, income inequality..." (Windhoek, Research Department of the Bank of Namibia, 2003), p. 110.

55 L Dobell, *Swapo's struggle for Namibia...*, p. 126.

56 W Werner, "The land question ...", I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 270.

57 A Marsh & M Seely (Eds.), *Oshanas...*, p. 41; W Werner, "Land reform and poverty alleviation: Experiences from Namibia" (Windhoek, Namibian Economic Policy Research Unit, 2001), pp. 9-10.

58 PJ Massyn, "Communal land reform and tourism investment in Namibia's communal areas: A question of unfinished business?", *Development Southern Africa*, 24(3), 2007, pp. 381-392.

- *The Affirmative Action Loan Scheme (AALS)* whereby “well-established and strong communal farmers” are assisted to purchase commercial farms via state-subsidized low-interest loans made by the Namibian Agribank.<sup>59</sup> After 1996 part-time farmers were allowed to participate as well. Werner reports that “four times as much land was acquired by previously disadvantaged Namibians” under this scheme than through the official resettlement process and in 2003 he was optimistic about its prospects notwithstanding a growing backlog of defaulters.<sup>60</sup> Alas, by early 2005 the scheme had degenerated into a fiasco that need not be detailed here save to quote Agribank’s Chairman, Hans-Gunther Stier, to the effect that “the term ‘sustainability’ was ignored” when Agribank gave out its loans.<sup>61</sup> *Insight* bills the AALS as “loans that actually make rich blacks poor” and Stier spoke of the imminent “collapse of Namibia’s agriculture industry” although with the benefit of hindsight that seems to have been a trifle alarmist.

### ***Land reform during the first 15 years of independence***

If there is one thing no one is in disagreement about concerning Namibian land reform it is that its progress until now has been very slow<sup>62</sup> and a figure of about 1% of commercial land being redistributed every year is generally agreed on.<sup>63</sup> There is much more disagreement about why this should be so. The government blames the “willing buyer, willing seller” principle (which it formally abandoned in February 2004)<sup>64</sup> and the reluctance of farmers to make land available, whereas the farmers blame the government which has a

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59 W Werner, “Land reform, income inequality...” (Windhoek, Research Department of the Bank of Namibia, 2003) pp. 112-113.

60 South African Regional Poverty Network (SARPN), “Seeking ways out of the impasse...”, (available at <http://www.sarpn.org/documents/d0000287>), as accessed on 8 September 2011), p. 21.

61 Anon., “Stick to your day job!”, *Insight*, February 2005, pp. 14-15.

62 W Werner, “Land reform and poverty alleviation: Experiences from Namibia” (Windhoek, Namibian Economic Policy Research Unit, 2001), p. 1; B Fuller & G Eiseb, “The commercial farm market in Namibia...”, p. 2; SMD Sibanda, “Comments on ‘land reform, income inequality and poverty alleviation’ ...”, p. 163; SL Harring & W Odendaal, “No resettlement available: An assessment of the expropriation principle and its impact on land reform in Namibia” (Windhoek, Land, Environment and Development [LEAD] Project, 2007).

63 R Sherbourne, “Rethinking land reform in Namibia: Any room for economics?” *Opinion*, 13 (Windhoek, Institute for Public Policy Research, 2004), p. 1.

64 Republic of Namibia, “Statement by the right honourable Theo-Ben Guribab, MP, Prime Minister of the Republic of Namibia on the acceleration of land reform in the Republic of Namibia”, Windhoek, 25 Feb. 2004; Republic of Namibia, “Ministerial statement by honourable Hifikepunye Pohamba, MP, Minister of Lands, Resettlement and rehabilitation, on expropriation of agricultural land on the 2<sup>nd</sup> March 2004, in the National Assembly”. Windhoek, 2004; SL Harring & W Odendaal, “No resettlement available: An assessment of the expropriation principle and its impact on land reform in Namibia” (Windhoek, Land, Environment and Development [LEAD] Project, 2007), p. 2.

statutory “right of first refusal” for all farmland coming on to the market.<sup>65</sup> The farmers say that the government seems little interested in taking advantage of this option. For the 1998/99 financial year the MLRR purchased just 11 of the 248 farms that had been offered to it. In the following financial year it managed to spend just 19% of its miniscule N\$20-million budget for land acquisitions. As Werner bluntly put it, “the Ministry of Lands does not have sufficient capacity to manage the acquisition and allocation of land”.<sup>66</sup> Lest one conclude that the State waives its right to buy on the grounds that asking prices are too high, Namibian Agricultural Union president Raimar von Hase pointed out that “government [was] the only major player” in what amounted to a buyers’ market.<sup>67</sup> “No land reform occurs without strong government resolve and power” according to Norton and Alwang.<sup>68</sup> In Namibia, which is sometimes governed along capricious “personal” lines,<sup>69</sup> the power is there but the resolve is lacking. The problems go beyond this however.<sup>70</sup>

Monitoring and evaluation (M&E), so critical to any land programme<sup>71</sup> is conspicuous by its absence. Sibanda has posed the question “how the Ministry concerned plans its work in the absence of concrete data and information on the performance of the [land reform] programme” and puts his finger on a few more weaknesses such as the near total lack of “institutional and extension support” and the fact that gender inequalities are “protected within the existing legal system”.<sup>72</sup> Sibanda is right that these are crucial elements and, he might have added, costly ones too. These issues are revealingly discussed in Kruger’s report on the experiences of the Sustainable Animal and Range Development Programme (SARDEP) in the communal areas of Namibia.<sup>73</sup> This report serves as a model for the vital insights ongoing M&E can yield.

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65 South African Regional Poverty Network (SARPN), “Seeking ways out of the impasse...”, p. 21.

66 W Werner, “Land reform and poverty alleviation...”, p. 10.

67 Quoted in anon., “Boer ook anderkant jou grensdrade”, *Insight*, December 2004, pp. 16-17.

68 G Norton & J Alwang, *Introduction to economics...*, p. 201.

69 SL Harring & W Odendaal, “No resettlement available: An assessment of the expropriation principle and its impact on land reform in Namibia” (Windhoek, Land, Environment and Development [LEAD] Project, 2007), p. 8.

70 SL Harring & W Odendaal, “No resettlement available: An assessment of the expropriation principle and its impact on land reform in Namibia” (Windhoek, Land, Environment and Development [LEAD] Project, 2007), p. 29.

71 G Norton & J Alwang, *Introduction to economics...*, pp. 200-203; Department of Land Affairs (DLA), “Integrated programme of land redistribution and agricultural development”, (Pretoria, DLA, 2000), p. 10; J May, B Roberts, J Govender & P Gayadeen, “Monitoring and evaluating the quality of life of land reform beneficiaries: 1998/1999”. Technical report prepared for the South African Department of Land Affairs, 2000.

72 SMD Sibanda, “Comments on ‘Land reform, income inequality and poverty alleviation’ ...”, by Dr Wolfgang Werner and lessons to be learned from other African countries’ land reform processes, 2003, p. 139, 151, 160.

73 AS Kruger (Ed.), *Coping in a fragile environment: The SARDEP experience* (Windhoek, Ministry of Agriculture, Water and Rural Development, 2001).

For example SARDEP personnel found that:<sup>74</sup>

... no sustainable animal and rangeland practices could be developed, unless rural communities had the capacity and skills to identify and solve problems of a technical nature.

and that infrastructural and institutional deficiencies “circumscribed the possibilities of women to engage in income generating activities” in the communal areas.<sup>75</sup>

### **Economic effects of Namibian policy**

The SWAPO government has, notwithstanding its rhetoric, never been other than ambivalent towards land reform.<sup>76</sup> The government sees it as being essentially an Herero concern. As the Herero did not participate in the armed struggle there is a strong feeling that they do not deserve any real support for their land grievances.<sup>77</sup> The Namibian government almost completely ignored the resolutions it had enthusiastically supported at the historic 1991 Land Conference.<sup>78</sup> This absence of political will is reflected in the miniscule allocation to land acquisition – after a 250% increase in the 2003/4 budget allocation the amount budgeted for (N\$50-million) was still less than 0.4% of overall expenditure.<sup>79</sup> Contrast this with the N\$468-million awarded for the “Founding President” Sam Nujoma’s palace<sup>80</sup> and one must wonder where the State’s priorities lie. The job of building the palace was given to a North Korean company without any tender process having been followed, and the over 40 ha. needed for the palace was seized from the Windhoek municipality

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74 W Werner, “An assessment of SARDEP’s achievements and challenges: 1991-1997”, AS Kruger (Ed.), *Coping in a fragile environment: The SARDEP experience* (Windhoek, Ministry of Agriculture, Water and Rural Development, 2001), p. 136.

75 W Werner, “An assessment of SARDEP’s achievements...”, AS Kruger (Ed.), *Coping in a fragile environment...*, p. 133.

76 W Werner, “Land reform in Namibia...”, pp. 15-16; L Dobell, *Swapo’s struggle for Namibia...*, p. 124; W Werner, “Land reform and poverty alleviation...” (Windhoek, Namibian Economic Policy Research Unit, 2001) p. 9; W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 259; H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002.

77 W Werner, “Land reform in Namibia...” (Windhoek, Namibian Economic Policy Research Unit, 1997) , pp. 9-10.

78 W Werner, “The land question ...”, I Diener & O Graefe (Eds.), *Contemporary Namibia...*, p. 267; H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002, p. 79n6.

79 W Werner, “Land reform, income inequality...” (Windhoek, Research Department of the Bank of Namibia, 2003) p. 115.

80 Anon., “Nujoma builds for fourth term”, 3 October 2003 (available at <http://business.highbeam.com/3548/article-1G1-108475033/nujoma-builds-fourth-term>, as accessed on 13 September 2011).

without any consultation. This was not vacant land either, and 50 properties in all were arbitrarily expropriated to make way for Nujoma's palace.

Werner calculated that in 1995 it was costing the government N\$195 000 to settle a single household on the minimum viable unit of 1500ha.<sup>81</sup> And this was, more often than not, at the expense of the resident farm workers who would be unceremoniously ejected from the land<sup>82</sup> – something for which the Namibian government was directly responsible but which it tried to blame on the commercial farming sector.<sup>83</sup> Namibia was in effect “solving” one problem by creating an even bigger one.

Land reform as a means with which to alleviate poverty does not feature at all in Namibia's flagship development policy documents<sup>84</sup> and, given the impoverishing outcomes of what little land reform has taken place to date, perhaps that is as it should be. An unanticipated outcome of the elites' early 1990s land grab<sup>85</sup> is that they have had a decade now in which to learn that farming in Namibia is no shortcut to riches – quite the opposite in fact. The UNDP revealed as much in 1998 when it expressed surprise over how unprofitable the commercial farming sector in Namibia was<sup>86</sup> notwithstanding its reported efficiency.<sup>87</sup>

## **The future of Namibia's land reform programme**

Land reform in Namibia is something of an enigma – a paper tiger, and “the potential of redistributive land reform to reduce poverty significantly is severely limited”.<sup>88</sup> As Melber points out, SWAPO ex-combatants have “always demanded wage employment (preferably in the public sector) and/or financial compensation from the state, but never access to land.” This,

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81 W Werner, “Land reform in Namibia ...”, (Windhoek, Namibian Economic Policy Research Unit, 1997) p. 14.

82 W Werner, “Land reform and poverty alleviation in Namibia” (Windhoek, Research Department of the Bank of Namibia, 2003), p. 8; SL Harring & W Odendaal, “No resettlement available’...”, pp. 4-8.

83 Republic of Namibia, “Statement by the right honourable Theo-Ben Guribab...”, ca. 1996.

84 W Werner, “Land reform, income inequality...”, (Windhoek, Research Department of the Bank of Namibia, 2003) pp. 104-105.

85 This is ongoing, SL Harring & W Odendaal, “No resettlement available: An assessment of the expropriation principle and its impact on land reform in Namibia” (Windhoek, Land, Environment and Development [LEAD] Project, 2007), p. 5.

86 H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002, p. 83n19.

87 AS Kruger (Ed.), *Coping in a fragile environment...*, p. xviii.

88 W Werner, “Land reform and poverty alleviation in Namibia” (Windhoek, Research Department of the Bank of Namibia, 2003), p. 8.

Melber adds, is “in marked contrast to the Zimbabwean” situation.<sup>89</sup> Those who, like Sibanda,<sup>90</sup> discern a potentially explosive “tinderbox situation” in Namibia are surely mistaken. There is unlikely to be any tinderbox situation surrounding land while SWAPO is in power. Land reform’s main utility to the state is as “a social factor to be easily activated by those competing for political power and seeking popular support”.<sup>91</sup> It is a card which SWAPO finds it expedient to play from time to time, and which it dare not let pass lest the political opposition seize the initiative and play it to their own political advantage.

Although this brief survey has been disparaging of Namibia’s land reform programme this criticism should not be generalised to the country as a whole. Namibia is a country of quite literally ‘blue sky’ potential. The tarred roads are well maintained; the gravel roads put South Africa’s to shame; and the main urban centres are generally neat, orderly and properly managed. Thousands of well-catered-for foreign tourists attest to Namibia’s being a mecca for European holiday-makers. In 2005 the country had an excellent Ministry of Environment and Tourism which had contributed towards a number of superbly well-researched and presented publications. .

Should Namibia continue to pay lip-service to land reform, with its snail-paced programme of implementation, no real economic harm is likely to occur. There is always the example of Zimbabwe to focus the mind and inject sobriety into the land reform discourse. The rural Owambo are reputed to have a natural genius for trade,<sup>92</sup> and are said to be agriculturalists by dint of necessity and not by choice. Whatever the case, the challenge is to encourage them to put their accumulated wealth into banks, and not into cows and goats, so that the communal lands can be saved from devastation (even Odendaal, almost 50 years ago, expressed “alarm” about the extent of the denudation taking place).<sup>93</sup> The rural peasantry should move away from the poverty-trap of subsistence agricultural livelihoods into exploiting the insatiable demand from tourists for their crafts, and the attractions their environment has to offer. As already mentioned, this is the *de facto* state of play in Kavango and this process of economic diversification represents the rural peasantry’s best

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89 H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002, pp. 81-82.

90 SMD Sibanda, “Comments on ‘Land reform, income inequality and poverty alleviation’ ...”, by Dr Wolfgang Werner and lessons to be learned from other African countries’ land reform processes, 2003, p. 164.

91 H Melber, “Contested territory...”, *Namibia Scientific Society Journal*, 50, 2002, p. 82.

92 A Marsh & M Seely (Eds.), *Oshanas...*, p. 21; JS Malan, *Peoples of Namibia ...*, pp. 27-28.

93 Republic of South Africa, (RSA) “Report of the commission of enquiry into South West African affairs 1962-1963”, ‘Odendaal report’, (Pretoria, Government Printer, 1964), p. 291.

option for emerging from poverty.<sup>94</sup> Namibia is fortunate in that it appears to possess a vibrant entrepreneurial class which just needs reasonable market conditions for it to flourish.<sup>95</sup>

## **Conclusion**

Although Namibia is nominally a democracy, it is sometimes governed as though it were a feudal oligarchy.<sup>96</sup> Ironically enough, this may prove its salvation. The new multi-millionaire elite are well aware that it is productive landowners who provide top-class facilities for the tourist industry, and who help to pay the taxes that fund their not inconsiderable benefits packages.<sup>97</sup> The country is politically stable and should remain so in the absence of any credible threat to the ruling elite.

The economic effects of land reform up until 2005 were mainly to impoverish both the state and those 'beneficiaries' unfortunate enough to have invested their own money in the AALS. On the national scale though, the effect of land reform has been negligible and is likely to remain that way barring major social upheaval. Namibia's assets are environmentally based and it can reap rich rewards if it capitalizes on its tourist industry.

Land reform in Namibia is largely a residue from the liberation struggle days. Politically, it has resonance as a useful tool with which to manipulate public sentiment when it suits the ruling elite to do so. The country's serious challenges are presented by its extreme environment, and here land reform, in the sense of environmentally supportive land use measures, could have a role to play if the desertification of the communal areas could be halted. There does appear to be some scope for an equitable programme of land reform insofar as it conduces to orderly development. For example, rural Namibians could be assisted to leverage their land so as to participate more profitably in the vibrant tourism industry. Unfortunately however, as this analysis has tried to show, the way "land reform" was implemented in Namibia, in the first 15 years of its independence, was a poor advertisement for the concept.

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94 A Marsh & M Seely (Eds.), *Oshanas...*, p. 51.

95 A Marsh & M Seely (Eds.), *Oshanas...*, p. 21; JS Malan, *Peoples of Namibia ...*, pp. 27-28.

96 A small inner circle or clique which monopolises power and in effect controls the government.

97 Anon., "My big fat pension", *Insight*, April 2005, pp. 24-25.