



Land Governance in Namibia

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Abstract

It is well established that a well-functioning land sector and land governance system in any country is key: to the achievement of economic growth and development; to fostering social development, to securing the rights of landholders and users, especially vulnerable groups; and it is the underpinning key to sustainable development and poverty reduction. Good land governance is characterised by effective, equitable, inclusive and transparent policies, processes and institutions. Weak land governance on the other hand undermines effective protection of land rights and results in adverse consequences for society. This chapter is a desktop review assessment of land governance in Namibia.

Since independence, Namibia has established a multi-institutional, legislative and scale approach to land governance, which speaks to the diversities in the land sector. These all form part of land reform, a programme that was instituted to address historical injustices in the land sector. The diversities in the land sector exist in terms of land tenure systems which inform the types of institutions, legislation, dispute resolution mechanisms, valuation and taxation, land use planning and control and land information management. Namibia has registered successes in land governance and are herein described under their respective tenure systems. On communal land tenure system, the development of the Communal Land Reform Act, Act no. 05 of 2002, the establishment of the regional Communal Land Boards and the launch of the land rights registration process remain key in terms of the inroads made towards good land governance. On the freehold land tenure system, the development of the Agricultural (Commercial) Land Reform Act, Act no. 06 of 1995, the establishment of the Land Reform Advisory Commission and the institution of the Affirmative Action Loan Scheme and the Resettlement Programme are also key inroads made towards good land governance.

While Namibia has made some strides in land governance, key and critical challenges in land governance and especially in terms of implementation and/or the effectiveness, equitableness and inclusiveness of the above instruments still exist. The current status of the land question in

Namibia is that it remains an unresolved question. A multitude of injustice still exist, hence the question of the effectiveness of the governance system persist. Almost three decade after independence, land continues to be concentrated in the hands of a few and the redistribution programmes are taking a slow pace and thus awaking emotions from the landless groups. In addition to the continuation of racial inequalities in land distribution and ownership, the current land reform and, in particular, the resettlement programme has produced class inequalities. Other challenges relate to calls to attend to ancestral land claims, calls to address the plight and tenure security of the farm workers and the need for an efficient and effective land valuation and taxation system. The communal land sector is also tainted with land governance weakness whereby in some of the regions, securing of tenure through customary land rights remains to be desired. With the increasing competition over land and land concentration through illegal fencing witnessed in the communal areas, lack of legal protection of customary land rights exacerbate vulnerabilities and precariousness in access to land. While the Communal Land Reform Act 2002 treat communal land as a safety net for the rural poor, there is an illegal and informal land market emerging. This practice is proving to pose challenges to the function as safety net that communal land serves and hence it is a new challenge for communal land governance. While land reform has largely concentrated on freehold (commercial) agricultural and communal land, urban land has recently entered the land reform debates. Key challenges herein pertain to the availability of serviced land, the inability of urban dwellers to access affordable land and therefore housing, increased speculation in land and insecure tenure of urban informal settlers.

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

Key Words: Urban land governance, communal land governance, freehold (agricultural) land governance, land valuation and taxation