

Retrospective discourse on the basis of the subsequent failure of the 1991 land conference

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Abstract

As an unfinished project of liberation, land is likely to be the source of social, political and economic instability in Namibia if it is already not. Like their contemporaries in South Africa, following the land reform in Zimbabwe, the political elites in Namibia had always been zigzagging on the land question. This zigzagging resulted in increased discontent and the formation of several radical protest movements, from 2014 onward, threatening revolt. It has become clear to the political elites that they can no longer successfully suppress demands for land as was the case during the early years of independence. In response, President Hage Geingob has again called for the second land conference to 'discuss' the land question. This is on top of the 1991 land conference which he presided over and whose majority of the 24 resolutions were never implemented. What would make this conference different remains in the realm of speculation. Beyond the assertions that the 1991 land conference failed, this article is aimed at providing an analysis of the basis of this failure. It identifies (a) revolutionary outcomes vis-à-vis negotiated settlement outcomes, (b) the lack of African agency and subjectivities and (c) the incompetence of the successive SWAPO regimes as three basis of the failure of the 1991 land conference

Introduction - Land as an unfinished project of liberation

At the 1884/5 Berlin Conference, a conference where European imperial powers divided Africa into their spheres of economic influence and control, Namibia became a colony of Germany. Although the present territory of Namibia, then known as South West Africa, was granted to Imperial Germany at the aforesaid conference, German colonial occupation and formal control did not take place until 1893 (Melber, 2010). German colonialism lasted until 1915 when Germany lost control over her colonial bounty to the allied powers who thereafter allowed Britain to have control over the territory. Britain, with the consensus of the allied powers, gave the territory to

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the Union of South Africa, as a mandated power, a process which was later ratified by the League of Nations in 1919 through the Peace Treaty of Versailles (du Pisani, 2010). South Africa then ruled Namibia from 1915 until the country gained independence in 1990.

One of the common features of both German and South African colonialism in Namibia during this period is land theft. Said differently, the 106 years of colonialism was primarily characterized by land theft. Settler colonialism is a type of colonialism in which the colonizer moves from their native land and settles, on a permanent basis, in the colony. This happens by the dissolution of the natives societies, through genocide and expropriation of land, and the erection of new colonial society on the expropriated land (Wolfe, 2006). In other words, settler colonialism destroys to replace. In his explanation of settler colonialism, Wolfe (2006) quotes the founding father of Zionism, Theodor Herzl, who provides an illustrative example of practical meaning of settler colonialism; "If I wish to substitute a new building for an old one, I must demolish before I construct" (Herzl, 1941, p. 38). This is characteristic of settler colonialism wherever it took place in the world. Boyce (2011) made similar findings about settler colonialism in Australia while Sturm (2014) found the same about the phenomenon in North America. This *modus operandi* was also found to have taken place in the same fashion in the middle east (Wolfe, 2006) and in the Great Lakes region (Karamanski, 2016).

In Namibia, settler colonialism followed the foregoing exact script. The strategy of land dispossession by the German colonial regime was not a subject of interpretation of historical event. It was a matter of documented official position. Like in other settler colonialism, Germany was clear that they needed to destroy the native society in order to erect a new colonial society. Paul Rohrbach, the German Commissioner for Settlement in Namibia, is quoted in SWAPO (1981, p. 17) explaining the clear objectives of settler colonialism in Namibia:

The decision to colonise in Southern Africa means nothing else than that the native tribes must withdraw from the lands on which they have pastured their cattle and so let the white man pasture his cattle on these self-same lands. If the moral rights of this standpoint are questioned, the answer is that for people of the cultural standards of the South African natives, the loss of their free natural barbarism and the development of a class of workers in the service of and dependent on whites is above all a law of survival of the highest order.

Before 1893, when the formal and largescale occupation of Namibia by imperial Germany took place, there has been other methods used by German traders, private companies and settlers to dispose the natives of their land. This took place in the form of fraudulent transactions and agreements with local tribal chiefs, most of whom were illiterate, by German private companies particularly in southern Namibia. There were also instances of private purchasing of land, by European traders, from the local people (Melber, 2010; SWAPO, 1981). When there was resistance either from the local chiefs and the local population, German settlers, who by then had the colonial administration well established, resorted to violent means. The United Nations Institute for Namibia (1986, p. 31) captures this history as follows;

Where resistance was offered by the Africans – as it happened on many occasions – land was confiscated by resorting to violent means. For instance, the clash with Khausas in 1894, the Swartbooi uprisings of 1897-8, the revolt of Grootfontein in 1901, and the great uprising of 1904-7, resulted in the people involved being deprived of their land as punitive measure. The Germans, in fact, seized upon every possible excuse to expropriate land from Namibians in order to create big settler farms. They expropriated almost all the land that lay within the “Police Zone” and distributed it among the white settlers. By April 1913, as many as 1331 farms comprising of 13.4 million ha of land – nearly a third of the central plateau – had been either sold or leased out to settlers.

Werner (2003, p. 3) makes similar findings that “by 1902 only 38% of the total land area remained in black hands. The rapid loss of land contributed greatly to the Nama and Herero war of resistance against the German colonial forces in 1904, which led to the large-scale extermination of Herero and Nama pastoralists. Regulations enacted in 1906 and 1907 empowered the German colonial authorities to expropriate nearly all land of the Herero and Nama. As a result, German settlers owned 1331 farms and some 90% of all livestock in the Police Zone by 1913”. The post-1915 colonial episode of South African colonialism followed the same path. Gurirab (1988, pp. 319-320) buttresses this point noting that;

Ownership of land by Africans had been proscribed while settlers, through an elaborate incentive system, were encouraged to take control of more and more of the land. When the South African military administration took control of the country – apart from confiscating the lands of some concession companies, like the giant Deutsche Kolonialgesellschaft, which was declared government land – it continued, in the main, with the same policies German were pursuing before 1915. The new administration, however, immediately instituted Land Board, which was to allocate land to new settlers mainly from South Africa. It also continued with granting settlers generous state support and financed the setting up and/or the extension of the supportive infrastructure to make success of white-owned enterprise. By 1937, as the Annual Report indicates, suitable land for agriculture was becoming increasingly difficult to obtain... by 1952 approximately 45% of the total land area of the country covering a total area of 37 578 865 hectares had already been allocated to European (capitalist) farming, making up a total number of 5 041 farms... by 1960 there were already more than 6 000 white capitalist farmers.

What this context demonstrates is that settler colonialism in Namibia, as is the case elsewhere, was principally underpinned by dispossession of the natives of their land and erecting a new colonial society to which the natives were expected to submit. Before the formation of the nationalist liberation movements from the late 1950s, during the era of South African colonial rule, the various indigenous communities fought against settler colonialism vigorously. Their main concern and fight was not to capture the power of the colonial state, but to fight to acquire their stolen land or to prevent further dispossession of the same by the settlers. Nama leader Hendrik Witbooi, for instance, fought against settler colonialism vigorously. He did not only fight for his subjects but sought to mobilise other communities. His letter to Josef Frederiks, on 27 June 1892, bears testimony:

I am writing these few lines with a sincere request, a plea for the sake of my well-being, and for your own, as follows. I hear you have given a White man, a certain Hermann, permission to live at Nomtsas. I am writing to tell you that I do not accept your decision. I do not want you to give any White man a farm on my land. I do not even like you giving a White man a farm on your land. For I think this part of Africa is the territory of Red chiefs. We are one in colour and custom... I take it hard of you, Chief of this Great Namaqualand, this Africa, that you have accepted the German Protection, and have thereby given White men privileges and rights in our land (Heywood & Maasdorp (1995, pp 89-90).

When the liberation movements were established in the late 1950s, SWANU in 1958 and SWAPO in 1959 (established as OPO), their rhetorics included land theft and return of the same. SWAPO, which eventually became both the de jure and de facto national liberation movement of Namibia, frequently used land as their foundational objective in its fight against colonialism (SWAPO, 1981). In his opening address at the *National Conference on Land Reform and the Land Question* in 1991, the then President of SWAPO and President of Namibia, Sam Nujoma, submitted that land “was central to the struggle for national liberation” (Office of the Prime Minister, 1991, p. 3). Nujoma went further, in the subsequent lines, to bemoan the status of the skewed land reform program;

About 90% of the population derives its livelihood from the land, either as peasants, private owners of commercial farm land or workers on such farms. Despite the fact that such a large portion of the Namibians derive livelihood from the land, access and ownership are highly unevenly distributed. Thus, 36.2 million hectares of the total agriculturally usable land in Namibia is owned and utilised by only 4 664 individual farmers. On the other hand, more than 150 000 families or close to one million people have access to only 33.5 million hectares of the total land suitable for agricultural production.

26 years since Nujoma made these observations, and indeed 26 years since the convening of the *National Conference of Land Reform and Land Question*, there is little to show in terms of redress. While knowing very well that the white minority, which constituted less than 10% of the population, owned more than 30 million hectares of land, the Nujoma government at independence went to set a scandalous target of acquiring 15 million hectares of land by 2020 (Ministry of Land Reform, 2017). Where it was a matter of speculation whether the SWAPO successive regime did not take land reform seriously, this official target would have erased all doubts and enabled astute thinkers to predict the chaos that would later ensue. Similar observations have been made by Amupanda, Kambala, & Nauyoma (2014) in *The Namibian* newspaper:

The post-independence government set a target of transferring 15 million hectares of land to the State by 2020. Only 2,5 million hectares of land have been transferred to date; amounting to less than 15% of the set target. With only five years left to 2020, it is safe to say we probably won't meet the target.. Despite this dismal failure, those in charge of land reform have resorted to devious tricks, in partnership with Germans, of storming communal areas dispossessing rural people of

their land by measuring and limiting them to only 20 hectares. The commercial land of whites and absentee landlords has been left untouched.

That the successive SWAPO government regimes have failed on the land question is not only an observation by activists and those who could be seen as critics of these regimes. In 2016, Bernadus Clinton Swartbooi, the then Deputy Minister of Land Reform, broke ranks declaring the land reform program of his ministry as a failure. The deputy minister publically retorted;

This government sings the same tune as the Germans – take the land and give to whoever you want. But can a democratic country think like this? In 1976 the Namas with their traditional authorities decided they were coming to Swapo. What can we account for since Independence? What really changed around the land question for the south? The Ovaerero at least received commercial farms. But what changed for the South, the Ovaherero and the Damara communities (Beukes, 2016)?

William Andriaan Odendaal, a land reform expert and researcher with the Legal Assistance Center, boldly submits that it is “evident that after nearly 15 years of the resettlement programme, the programme has failed” (Odendaal, 2005). This view is supported by an alarmed view of a farmer and academic at the University of Namibia, Rudolf Kamerika, who submitted that “because of so many unanswered questions we should respectfully all admit that the current pace of land transfer is horribly too slow and it needs to be accelerated through a speedy national democratic discourse” (Kamerika, 2017).

By 2014, it became clear, with the establishment of the Affirmative Repositioning (AR) that advocates, through a radical political grammar, for the resolution of the land question as an incomplete project of liberation – a task which SWAPO has reneged. As argued elsewhere in this article, the regime can no longer keep the land question under the carpet. The AR movement forced Hage Geingob, the President of Namibia, to come to a negotiation table for government to outline clear programs to resolve the land question in general and urban housing in particular (Amupanda, Kambala, & Nauyoma, 2016). In 2016, President Geingob announced that the second national land conference will be held the following year, in 2017 – a move which later turned out to be aimed at quelling the fermenting uprising on the land question. In 2017, he postponed the conference under the guise of ‘further consultations’. Following the dispute with his Land Reform Deputy Minister, Bernadus Swartbooi, and the establishment of the Landless People’s Movement that advocates for Ancestral Land, Geingob announced that the land conference will take place in 2018.

The convening of the second national land conference by the Geingob regime is an admission, beyond other determinations as outlined herein, that the successive SWAPO regimes have failed in addressing the land question. While there has been much discussions on the land question gearing up towards the second national land conference, the general discourse on the first land conference, the *National conference on Land Reform and the Land Question*, has been on that it has

failed. These discussions did not go beyond this determination to investigate why this conference failed. While placing the land debate in proper contexts, this article provides what can be considered as three main reasons why the 1991 *National Conference on Land Reform and the Land Question* failed.

Understanding land and settler colonialism in Southern Africa

Although settler colonialism characterized much of southern Africa – captained by between the Portuguese, German, British and Belgian colonialism – two countries, Zimbabwe and South Africa, dominated the discourse on land dispossession and reclamation in post-colonial southern African politics (Omari & Macaringue, 2007). These two countries have continued to shape the discourse on the land questions for various reasons. In a study looking at land reform in Namibia, Von Wietersheim (2008, p. 82) makes the following observation about the relevance of Zimbabwe land reform experience to Namibia:

White farmers' families in Namibia have not experienced expropriation in the past; they are also observing it with horror in the present in their neighbouring country Zimbabwe. Indeed, the most frequent reason mentioned by white Namibians – and also by some black Namibians – why land reform was such an emotional issue, was because of what happened in Zimbabwe.

Like Namibia, Zimbabwe experienced settler colonialism and the natives were dispossessed of their land. These comparisons of the two countries do not, therefore, come as a surprise. South Africa and Namibia shares more historical experiences than Zimbabwe. Apart from similarities relating to settler colonialism, the two countries were governed by the same colonial system, Apartheid after 1915. The experience of land dispossession between the two countries thus denotes similarities beyond settler colonialism. Secondly, after the Zimbabwean experience, the southern African region had been facing a rather 'whose next – who will dare' moments given not only Zimbabwe land experiences but also the international backlash and 'punishment' metted out by occidental countries against the Zimbabwean government following the land reform programme. The recent murmurings in South Africa regarding the expropriation of land without compensation further makes the land debate in Namibia rather interesting given the historical (political, economic and social) and present developments in these two neighbouring states. It is for this reason that it is necessary to provide a short context of the land question in the two countries.

Zimbabwe

Like other people in settler colonies, the people of Zimbabwe lost vast amounts of land at the hands of the British settlers. Land dispossession in Zimbabwe started in the 1890 spearheaded and motivated by the colonial interest of the British South Africa Company. From the late 1890s, the indigenous people of Zimbabwe responded and fought bravely against their land occupation through a series of uprising known as the *Chimurenga*. The *First Chimurenga* was a response to the

first land invasion of the late 1890s and it exploded in 1893. It was suppressed by the settlers, its leaders executed (Matondi, 2012:Chitsike, 2003).

By 1914, 28 000 settlers constituting a mere 3 percent of the population, compared to one million Africans, had 75 percent of the land. Africans only had 23 percent of the worst land. In the 1960s, the indigenous people organized themselves into various liberation movements culminating in another national uprising which became known as the *Second Chimurenga* (Chitsike, 2003). This uprising forced the British to come to the negotiation table in the form of the Lancaster House conference of 1979 where the British made verbal commitment to fund land reform in Zimbabwe and led to the founding of the new Republic on 18 April 1980. After independence, the land reform program became painfully slow to the dissatisfaction of the indigenous people particularly the veterans of the *Second Chimurenga*. The British also reneged on their promises of funding the land reform (Chitsike, 2003: Paulo, 2004).

In the early 2000s, the ruling ZANU-PF of president Robert Mugabe came under increasing pressure from the same veterans and soon capitulated when it became evident that the war veterans were unstoppable in their resolve to help themselves to the master means of production; land. They began invading white owned farms and they were spontaneously emulated by ordinary peasant farmers all over the country. In response, the ZANU-PF government took the side of the 'land invaders' and put in place a series of new laws to protect the 'land revolutionaries' of what became known as the *Third Chimurenga* (Matondi, 2012: Chitsike, 2003).

For ZANU-PF, the *Third Chimurenga* completed the land question as a then outstanding project of liberation. Derman (2006, p. 2) notes that "President Robert Mugabe of Zimbabwe ... asserts that 'his' fast track land reform program which has taken 11 million hectares of mainly white-owned commercial farmland and redistributed it to rich and poor black Zimbabweans, has ensured the success of his revolution. This revolution, which began in the anticolonial struggle against Rhodesia, has seen multiple difficulties since achieving power in 1980. For many, the idea that the same man and party have stayed in power using most available state powers to do so is enough to discredit the revolution. Yet, for others, the land reform demonstrates, perhaps, that the revolution can yet be saved under the 1960s banner of 'agrarian transformation' or peasant revolution."

Before Zimbabwe's *Third Chimurenga*, the southern African region did not have a template of a case of radical land reform in a post-colonial dispensation. Zimbabwe's land reform of the *Third Chimurenga* gave an example, and a reminder to southern African liberation movements, such as the ANC and SWAPO, that land remains an unfinished project of liberation. At the same time, the Zimbabwean template also aroused fears in the settlers who are owning million of hectares of stolen land of the indigenous people in the early years of colonial conquest (Fisher, 2007). With the arrival of Julius Malema's Economic Freedom Fighters (EFF) in the South African Parliament, which had land expropriation without compensation as official policy, the Zimbabwe's way was

no longer in the realm of speculation. Julius Malema was on record supporting Zimbabwe's land reform stating that "there's no system that has worked successfully for Africans, except the Zimbabwean system... The 20 years of not taking the land should have been regarded as compensation because the land should have been taken in 1994. So we have compensated them (white people) enough" (Zindoga, 2014). Some land activists in Namibia also hold Julius Malema, Robert Mugabe and Zimbabwe's land reform program in high regard (Ndjebela, 2014).

South Africa

The history of early contacts between Europeans and the indigenous people in South Africa, that laid a foundation for land dispossession, is often associated with Johan Antoniszoon van Riebeeck who arrived in South Africa on the 6th of April 1652 with 90 people. Van Riebeeck was tasked by the Vereenigde Oost-Indische Compagnie (VOC), also known as the Dutch East India Company, to establish a refreshment post to supply the VOC vessels with fresh meat, vegetables and water. The volume of fresh supplies, needed from the local population of the Cape, sometimes meant about 300 cattle and 300 sheep, was unsustainable and resulted into a conflict between Van Riebeeck and the indigenous Khoekhoe people (de Villiers, 2014). Mashele & Qobo (2014, pp.19-20) captures the subsequent events after the arrival of Van Riebeeck as follows:

The poor Europeans who were brought into South Africa by the VOC were generally left to their own devices or to fend for themselves in the new and foreign environment – with little assistance from the company. Thus the early, wondering Afrikaners got into conflict with the Khoisan, the indigenous people of the Cape. To survive, the Afrikaners were compelled by circumstances to thief livestock and plunder the land owned by the indigenous population. In a way, this resembled Thomas Hobbes's state of nature, except that it was not a war of every man against every man – it was a war of newcomers against those who had settled first. Jan van Riebeeck understood the workings of the law of the jungle perfectly. He recorded in his journal that indigenous people 'had to be told that they had now lost [their] land as a result of war and had no alternative but to admit that [the land] was no longer theirs. There was no room for negotiation. The indigenous people of the cape were forced to succumb to the despotism of the gun. The principle of first occupancy was disregarded ruthlessly. The new lords had arrived. Everything had to give way to the wants and veracity of the newcomers from Europe. From these early beginnings, it was to be expected that South Africa would become a country characterized by racial tensions. The economic and social foundations were faulty, and bound to culminate in a defective society. Race framed social reality henceforth.

When the British took over South Africa from the Dutch in 1795, land dispossession continued even on a massive scale particularly during the nine Frontier Wars between 1779 and 1879 (Mashele & Qobo, 2014). By the 1900s, land dispossession of the African people in South Africa was a foregone conclusion. Rugege (2017) submits that:

Although dispossession of black people initially took place through conquest and trickery, it came to be a major policy of the state supported by an array of laws from the early days of colonization. The most systematic land dispossession by the state came into effect after 1913. The Native Land Act of 1913 apportioned 8% of the land area of South Africa as reserves for the Africans and excluded them from the rest of the country, which was made available to the white minority

population. Land available for use by Africans was increased by 5% in 1936 bringing the total to 13% of the total area of South Africa, although much of the land remained in the ownership of the state through the South African Development Trust supposedly held in trust for the African people. Thus 80% of the population was confined to 13% of the land while less than 20% owned over 80% of the land. Black people were prohibited from buying land in areas outside the reserves. This apportionment of land remained until the end of apartheid in early 1990s and remains virtually unchanged.

The loss of land by Africans must be understood from all contexts. It was not only the economic context, particularly relating to poverty as explored by Modise (2013). Mngxitama (2015, p. 154) handsomely outlines the spiritual and philosophical angle of land dispossession;

...almost 20 years later, land has not returned. Ironically, the same band of thieves left a message in their official conference communiqué back in 1997: they declared that land was above commerce and politics; land was the source of life and death; it was, they suggested, like a mother who gives her children sustenance without which they would perish. We were reminded that land is always with us, it gives us life and when we die it takes us back. If land was more than just land, what then have Africans lost by being dispossessed of it? Moreover, can this other loss be named, and the conditions of redress concretised in a set of demands that can speak the language of rights and fit into the established lexicon of the losses that can be repaired? Will these losses be repaired and satisfied with the return of the land? When one loses a lover, it's not so much the loss of this beloved person, but a loss of one's capacity to love without fear again in the future. One grieves for not only the past, but also a future that is so linked with the present in ways that already are too damaging. A charred future? Without understanding the dialectical relationship between history and the future, we end up being unconscious agents of a history we wish to obliterate. We have to plumb the heart and soul of history, crack open the narratives and data that organise our contemporary agonies and desires.

The fight against colonialism and the formation of liberation movements from the early to mid-1900s was primarily against land dispossession by the foreigners and the return of the same. It was because of these historical positions and articulations that the landless people of South Africa expected the return of the land to form part of the package of freedom and independence. As Pityana (2013, p. 1) conceded "there is general acceptance that South Africa's land reform and redress has been frustratingly slow. This is acknowledged by the leaders of the country as it is equally experienced by the communities who live with the legacy of that dispossession". As Asmal, Asmal, & Roberts (1996) caution, it is important to understand land dispossession in its proper historical context. To borrow from this counsel, the failure of land reform, and the delivering on the promise of freedom, in a post-Apartheid South Africa must also be placed in proper historical context. Part of these historical context relates to the ideological shifts and tactical changes on the land question by the liberation forces.

Of the ideological differences between liberation movements and organizations in South Africa, the African National Congress (ANC) and the Pan African Congress (PAC) are particularly striking. As acknowledged widely, the ANC is not only regarded as one of the oldest liberation

movement in South Africa, formed in 1910, but also on the African continent (De Jager & Du Toit, 2013). The most notable ANC programs against apartheid started in the early 1950s with programs such as the 1952 defiance campaign and collaboration with other organizations opposed to Apartheid that eventually culminated in the adoption, by the ANC and other organizations, of what they called the Freedom Charter in 1955. This charter characterized and accepted South Africa and its future, including the land, as that of a multiracial country that belonged to its entire people, black and white (Scher, 2014). The adoption of this program and outlook created discontentment within the ANC and eventually led to the formation of the PAC. The radical Africanist group did not particularly like the fact that the ANC took the position that black people, the colonized people, would have to share their land with their oppressors who had stolen it.

These historical events came to distinguish the PAC from the ANC. Both the ANC and the PAC, although banned after August 1960, went underground and launched armed struggles to fight against the apartheid regime to bring about a new society where either land will be returned to those who lost it (PAC) or a multiracial society whose land belonged to all (ANC). The ANC established a military wing called the *Umkhonto We Sizwe* while the PAC established the Azania People's Liberation Army (APLA) (Maaba, 2001; Simpson, 2016). Robert Sobukwe, the PAC leader, drew the distinction between the PAC and ANC as follows:

First of all we as the PAC differ radically in our conception of the struggle with the ANC. We firmly hold that we are oppressed as a subject nation—the African nation. To us, therefore, the struggle is a national struggle. Those of the ANC who are its active policy-makers, maintain, in the face of all the hard facts of the S.A. situation, that ours is a class struggle. We are, according to them, oppressed as WORKERS, both white and black. But it is significant that they make no attempt whatsoever to organise white workers. Their white allies are all of them bourgeois! Secondly we differ in our attitude to “co-operation” with other national groups. Perhaps it might be better to say we differ in our understanding of the term “co-operation.” We believe that co-operation is possible only between equals. There can be no co-operation between oppressor and oppressed, dominating and dominated. That is collaboration, not co-operation. And we cannot collaborate in our own oppression (Sobukwe, 1970).

There emerged what was known as the Anti-Apartheid movement internationally whereby the liberation movements got support for their struggles from various countries and organizations internationally. It was this support that somewhat gave the ANC an advantage over the PAC particularly the iconography of Nelson Mandela, one of the leading figures of the ANC, who became a symbol of the Anti-Apartheid movement internationally (Mashele & Qobo, 2014). By 1990, the international pressure against apartheid had succeeded. Apartheid state was isolated internationally and negotiations were the only way out. The PAC did not disappear; it participated in the initial initiatives leading up to the negotiated settlement that brought political freedom in 1994.

Of all the political organizations, it was only the PAC that had a radical position on the land question. The withdrawal of the PAC from the negotiations gave an opportunity to the ANC and other parties present at the negotiation table to conclude and shape a future of South Africa that is informed by the non-racialism positions of the ANC that is immaculate in that the land belongs to all. A constitution was drafted and the existing property rights were recognized and enshrined in the constitution. The ANC eventually won the 1994 elections, and all other subsequent ones thus cementing that its positions and approach to the land becoming that of the state and government. In summary, the ANC's 'charterist', reference to those who adopted the freedom charter and non-racialist position is what has caused the land question to remain an unfinished project of liberation in South Africa. It is for this reason that Pheko (2017) laments that "for the benefit of those who are genuinely concerned about this fundamental question I revisit the problem of land dispossession of Africans in South Africa. It stems from a mutilated history, the manipulation of international law and, of course, from those who betrayed the land question in South Africa in June 1955".

He further adds that "liberation of a land dispossessed people without land is a gigantic colonial fraud. Land is the primary source of life. Food does not grow in the sky. Houses are not built in the air. Gold, platinum, diamonds, oil and all other minerals are dug from the land. Cattle, sheep, goats, horses do not graze in the air. Pastures and water are found in the land. Even the departed demand their graves not in the clouds but in the land... The 1996 South African Constitution brought about what is called "New South Africa." It entrenched land dispossession of the African people. It substituted the Native Land Act 1913 with Section 25, sub-section 7... Section 25 of the South African Constitution is brutally insensitive to the land rights of the colonially dispossessed African people. It protects those who acquired land and its mineral resources colonially. It inhumanly ignores 80% of the African indigenous majority who were colonially robbed of their land at gun point and through colonial laws in which the Africans had no say" (Pheko, 2016).

Compared to Zimbabwe's ZANU-PF, South Africa's ANC, a party that failed to deliver on the land question for 20 years has been zigzagging on the land question. The ANC had always taken a non-racialist approach to the land question. The EFF, however, kept the land debate alive in the South African Parliament. In February 2017, the party tabled a motion to amend the South African constitution to allow for expropriation of land without compensation. The ANC used its majority to reject the motion (Herman, 2017). A month later, following his party's rejection of the EFF motion, the then ANC and South Africa's President, Jacob Zuma, called on parliament to enact a law that will allow for the expropriation of land without compensation (Graham, 2017). Following Zuma's calls, the ANC's leadership in Kwazulu Natal province also joined the calls for expropriation of land without compensation (Hans, 2017). At its National conference in December 2017, the ANC, evidently fearing losing popular support from the EFF, adopted the concept of expropriation of land without compensation as official policy (Stoddard & Winning 2017). In February 2018, a year after its previous motion was rejected, the EFF's Commander-in-Chief Julius Malema again tabled a motion for the expropriation of land without compensation. This

time the ANC supported his motion resulting in expropriation without compensation become an official government position (Goba, 2018). This recent development has a serious bearing not only in the land debate in South Africa but also on Namibia for there will now be two countries in southern Africa – Zimbabwe and South Africa – that have gone the path of expropriation of land without compensation.

The 1991 land conference – agenda setting, context and outcomes

Context, Agenda setting and outcomes

From the 24th of June to the 1st July 1991, government organized a state-led conference named the ‘*National Conference on Land Reform and the Land Question*’ under the supervision of the current President, Hage Geingob, as the then Prime Minister (Ministry of Information and Broadcasting, 1991). In his opening address to the conference, the then President, Sam Nujoma, delineated the following expectations from the conference;

...(a) contribute towards a better understanding of the issues at stake by providing a forum where relevant land issues and grievances from all parts of the country can be represented and discussed; (b) to take stock of relevant experiences of land reform and resettlement in other parts of Africa; (c) consider research data and findings prepared for this conference with a view to outlining alternative policy options and to specify areas where essential information is lacking; (e) to adopt, as the conference decides, recommendations which will be taken into account in the formulation of a national policy and programme of action (Nujoma, 1991, p. 7).

There was no variation between the President Sam Nujoma and Hage Geingob, the Prime Minister and conference chairperson, in terms of the objectives of the conference. Like Nujoma, Geingob argued that the aim of the conference was “(a) to act as a forum for presenting and discussing all relevant land issues and grievances from all parts of the country; (b) to review policy and strategy options on land reform, taking account of regional and local factors; (c) to develop a national policy and programme of action aimed at solving land problems” (Geingob, 1991, p. 9). As stated earlier, this conference was a state-led conference whose agenda was clear and determined by the state. From the way it was organized and managed, there was hardly any opportunity where radical ideas could emerge. In the words of the Head of State as quoted earlier, the conference was a mere ‘forum’ whose recommendation could be ‘taken into account’ in policy formulation processes. In discussing this conference, Adams & Devitt (1991, p. 7) characterise and advances this point regarding significance of this conference;

A year after independence, the government, supported by the opposition parties, conducted a national consultation on the land question which culminated in the National Conference on Land Reform and the Land Question, held in Windhoek, 25 June to 1 July 1991. The objective was to achieve the greatest possible consensus on the major issues and to make recommendations to Government on a policy of land reform and a programme of action for the implementation of the

necessary changes. The role of the conference was an advisory one; supreme decision-making power resides in the legislature, headed by the National Assembly.

What clearly emerges is that the 1991 land conference must essentially be seen for what it was; a mere forum without binding decisions. In wider stretch of imagination, one could even argue that it was trickery by the political elite to quell demands and voices for the finalization of the land question in Namibia. Adams & Devitt (1991, pp. 2-7) are again instructive in the neoliberal approach and attitude and indeed an apologetic atmosphere that characterised the conference:

It is often asserted in Namibia that the war of independence was fought over land... The struggle for independence was primarily a reaction to the colonial land theft upon which the structures of apartheid and labour exploitation were based... When Namibia came to independence in 1990, the SWAPO government announced its intention to 'transfer some of the land from those with too much of it to the landless majority'... In the political euphoria of the post-independence period, the sobering experience of neighboring Zimbabwe and Botswana with pastoral settlement and development schemes was not fully taken into account. As the government began to consider the practicalities of land reform, it became evident that a great deal of information and consultation was required before policy could be formulated and a programme of land transfer could be initiated. Research into a wide range of land related issues was therefore started in late 1990 under the aegis of the Namibian Economic Policy Research Unit (NEPRU) and the findings and recommendations were made available to the National Land Reform Conference held in Windhoek, in June 1991.

At the end of the conference, 24 resolutions were adopted. For the purposes of article, four resolutions are important. On ancestral land rights, the conference resolved that "given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible"; on foreign-owned farmland that "foreigners should not be allowed to own farmland"; on farm size and number that "very large farms and ownership of several farms by one owner should not be permitted and such land should be expropriated" and on absentee landlords that "land owned by absentees should be expropriated" (Office of the Prime Minister, 1991, pp. 23-25).

Resolutions – errors of commission and omission

26 years later, the debate on restitution and the ancestral land claims, which was suppressed and rejected by the this conference, has again resurfaced in a more pronounced and radical manner. These demands and this debate has been a contributing factor to the regime capitulating and announcing the second land conference. There is now a wide acceptance that suppressing this debate and resolving against it at the 1991 land conference was a mistake. Nico Horn, a professor of Law at the University of Namibia, problematises this point regarding the return of ancestral land;

Two important decisions were made [at the land conference]. First, Namibia was not going to allow land claims. But think of all the land lost during apartheid and colonialism, think of the genocide

of 1904, the consolidation programme of the Odendaal Plan, land sold or exchanged by traditional leaders and apartheid expropriations (Haufiku, 2014).

The problem and failure of the 1991 land conference lies not only in the suppression of demands for the return of ancestral land. Aspects of access to urban land, ignored by the same conference, for and by the majority of black Namibians continue to be a fundamental problem which has since led to unrest mainly by the youth. Following the establishment of the Affirmative Repositioning (AR) in 2014, Mukwaita Shanyengana, a long serving Director of Land Resettlement and Rehabilitation in the Lands Ministry, who also served(s) as advisor to Presidents Hifikepunye Pohamba and Hage Geingob, was quoted by Haufiku (2014) making unsettling admission regarding the failure of the 1991 land conference:

I guess the issue of urban land was not discussed because of ignorance on our part, or maybe the whites were just smart enough to avoid the topic. Today we have a problem because we have no guidelines on the administration of urban land, therefore everyone does as they please.

It is not only the aspects that were rejected and omitted that are a cause of concern. Even the resolutions that were adopted and ignored raise questions and give credence to speculation that the conference may have been a trickery by the political elites that had by then made concessions and assured land owners that radical land policies would not be implemented. While the land conference resolved that no foreigner should be allowed to own land in Namibia, the practice of land ownership by foreigners in Namibia continued unabated. Whereas the conference resolved against multiple ownership of farms; in 2014, it was reported that Russian billionaire, Rashid Sardarov, bought several farms amounting to 28 000 hectares (Kaira, 2014). In the same year, a Switzerland-based company owned by Italians bought land in Windhoek measuring around 7 800 square meters despite the standing resolution against foreign ownership of land (Immanuel, 2014). Whereas the 1991 Land Conference resolved that very large farm ownership by one farmer not be permitted, Gert and Paul Joubert continue to own Erindi farm, the largest game reserve in Namibia and southern Africa (Muyamba, 2014). In 2016, the Minister of Land Reform, Utoni Nujoma, admitted that 281 foreign nationals own 1.4 million hectares of agricultural land despite the 1991 land conference on absentee landlords and foreign ownership of farmland (Smit, 2016).

These cases do not only demonstrate that resolutions of foreign-owned farmland, farm size and numbers and absentee landlords stands in the opposite direction with the realities regarding the land question in Namibia, but they evidently demonstrate that Geingob's words to the delegates during the closing of the 1991 Land Conference that – "you have spoken, you have made your views known, we know what you want and it would be foolhardy of those of us in positions of authority to disregard your views" – were a farce meant to hoodwink those who were genuinely concerned about the land question. Furthermore, a deeper analysis of the basis of the failure of this conference is thus warranted.

The three basis of the failure

Revolutionary outcomes vis-à-vis negotiated settlements outcomes

Although many SWAPO elites often refer to a 'Namibian revolution' as part of its political rhetoric, there is often very little analysis of what constitute a 'Namibian Revolution'. To the SWAPO elites, the transfer of political power from Apartheid South Africa to the hands of SWAPO represents a 'revolution'. The SWAPO rhetoric on the 'Namibian Revolution' has found root in the imagination of its youth, majority of them actually believing that the events culminating into 21 March 1990 constitute a revolution. Sam Nujoma, the long serving SWAPO leader and founding President, is often referred to as the leader of the 'Namibian Revolution'. In 2017, on the occasion of his 88th birthday, teenager Iyaloo Shiimi, a leader of the SWAPO Party Pioneers Movement, wrote this tribute to Nujoma: "as we celebrate your birthday Tatekulu, we are bound to recall the history of the Namibian nation as it is written. We are proud to celebrate the life and legacy of the leader of the Namibian revolution" (Shiimi, 2017). It is not only the youth who refers to Nujoma as the leader of the 'Namibian Revolution'. President Hage Geingob, on the occasion of 27th anniversary of Namibia's independence, referred to Nujoma as "Father of the Namibian Nation and Revolution" (Geingob, 2017). Be that as it may, an event does not become a revolution merely on account that those involved describe it as such. What constitute a revolution? Tilly (2010, p. 159) defines a revolution as:

[a] forcible transfer of power over a state in the course of which at least two distinct blocs of contenders make incompatible claims to control the state, and some significant portion of the population subject to the state's jurisdiction acquiesces in the claims of each bloc.

He adds that "a full revolution combines a *revolutionary situation* with a *revolutionary outcome*. [A revolutionary situation is characterised by] contenders or coalitions of contenders advancing exclusive competing claims to control of the state or segment of it; commitment to those claims by a significant segment of the citizenry; incapacity or unwillingness of rulers to suppress the alternative coalition and/or commitment to its claims. [Revolutionary outcomes are characterised by] defection of regime members; acquisition of armed forces by revolutionary coalitions; neutralization or defection of the regime armed forces; acquisition of control over the state apparatus by members of the revolutionary coalitions" (Tilly, 2010, p. 159). Kraminick (1972, p. 30) takes the definition of revolutions further beyond violence and change of personnel:

It would seem that more than the violent substitution of new for old political leadership is involved in revolution. This change must have an impact beyond ruling-class circles for it to be truly revolutionary. This is Marx's basic insight on revolution: it must reach and have significance for the entire society...One hesitates to label as revolution mere change in governing personnel. Change must affect the regime as well, if by regime is meant the basic political norms, the constitutive principles of any society, such as monarchy, democracy, or dictatorship. But for those few cases of great revolution that come readily to mind, political change was much deeper; it had a significant impact on the community as well, on the complex set of social, economic, and cultural values and institutions that lay beneath government and regime.

From the above definitions and context, the transfer of power from Apartheid South Africa to SWAPO on 21 March 1990 would not qualify as a revolution. It was a negotiated settlement, arrived at through compromises. By all accounts, a revolution is a 'winner-takes-all' situation that does not involve settlements. There was no 'forcible transfer of power' in Namibia. Whereas SWAPO's armed liberation struggle does qualify as a revolutionary situation', it did not result into a 'revolutionary outcomes' articulated above by Tilly (2010) and other scholars such as Hart (2002). Further, and more clearly, the negotiated settlement towards 21 March 1990 did not lead to an outcome or political change that is 'much deeper' with a 'significant impact on the community as well, on the complex set of social, economic, and cultural values and institutions' as per the requirements of Kraminick (1972). While SWAPO, for the purposes of political mobilization and hoodwinking the unsuspecting masses, continues to refer to a 'Namibian Revolution', there is no confusion amongst the scholars in international politics that there was no revolution in Namibia but a negotiated settlement. Several scholars such as Udogu (2011), Prinsloo (1977), Schmitt, Witte, & Polat (2014), Singham & Hune (1986) and many others have all written at length about the context in which Namibia's negotiated settlement can be understood without confusing it with a revolution.

Given the clarity that there was no revolution in Namibia, the problem of the land question must be understood in the context of the limitations of a negotiated settlement. As Kraminick (1972) argued earlier, the revolution represents a deeper political change that is also reflected in socioeconomic architecture of the new society. The 1991 land conference, it must be understood, was an aftermath and took place in an environment of negotiations that were just concluded and the socioeconomic and political design of Namibia's land question having been already agreed with the adoption of the constitution. In this context, it was to be expected that the conference would not arrive at any radical point of departure for the political elite, as represented by Geingob, had already concluded a pact with both Apartheid and international stakeholders. It is, therefore, no surprise that at the conclusion of the conference Geingob told the delegates that "there will be some amongst our number who may feel disappointed because they are not able to go away with a piece of land from this conference. But that, as I was at pains to point out time and again, was not the reason for the conference" (Office of the Prime Minister, 1991, p. 35). In a study on Namibia's principles of economic policy, Amupanda (2017) discusses how SWAPO capitulated on the land question and permitted the prevention of the return of the land through accepting the property clause in the constitution. He concludes:

The post-independence state still battles the legacies left behind by the 106 years of colonialism and apartheid. Worse for Namibia, westerners who played an important role in the crafting and designing of the national constitution ensured that the supreme law is designed in such a way that the economic fundamentals protecting white privilege remains intact. Scandalously, the former liberation movement (by own admission) openly capitulated and embraced the capitalist neoliberal economic order in exchange for political power... SWAPO leadership traded their

revolutionary outfits for air-conditioned office as opposed to the total emancipation of society – a vision it fought for more than 20 years at independence (Amupanda, 2017, pp.189-90) .

The failure of the 1991 land conference must thus be understood in the context of an aftermath of a solidified negotiated settlement as represented by constitution property clause and the new ruling elite that is not prepared to deviate from the scripts of the settlement. Said differently, by the time the land conference was taking place, the fate of the land question was already settled in the negotiations for Namibian's independence in general and the Namibian constitution in particular.

The lack of African agency and subjectivities – it matters who think, speaks and represent

Whereas knowledge has always been understood as universal, there has emerged, particularly in post-colonial scholarship, a discourse on African agency and subjectivities whereby 'universal knowledge' is contested. For Ndlovu-Gatsheni (2013) what is contained in African education system is not necessarily African education but Western education. African knowledge zones, therefore, becomes 'laboratories for westernization'. Together with other decolonial scholars, Ndlovu-Gatsheni (2013) calls such state of affairs as coloniality of knowledge. The alternative to coloniality of knowledge is to have Africa knowledge systems; for African to write and tell their own stories and experiences as opposed to always having the 'other' telling their experiences. Said differently, decoloniality is aimed at instrumentalising African agency, subjectivity and intersubjectivity (Agrawal, 1995).

Although not exclusively, it is the black people who lost land and had their ancestors dispossessed and killed through war and genocide who must lead and articulate their pain subjectivity on redress. For Namibia, and as Adams & Devitt (1991, p. 7) argues "the struggle for independence was primarily a reaction to the colonial land theft upon which the structures of apartheid and labour exploitation were based." The application of the discourse of African agency and subjectivities to the debate on the return of the land in general and the 1991 land conference in particular would mean looking at who was responsible for what input and whose input was carried through. As Adams & Devitt (1991) argued, much of the information that informed the discussions did not originate from the black communities but mainly from the research conducted by NEPRU, a state institution under the overall supervision of the political elite that had already concluded a pact that sealed the land question in post-independence Namibia. Although several 'representatives' of the black communities were present as part of the 500 participants, their role was merely to make statements as can be determined from the program of the conference (Office of the Prime Minister, 1991). It is for this reason that it is not surprising that Geingob indicated his knowledge to these land hungry delegates that a number of them were disappointed because they "are not able to go away with a piece of land from this conference" (Office of the Prime Minister, 1991). Of all various submission to the conference, apart from those of foreign experts, the three main position papers submitted to the conference which were later contained in final documentations of government, were not from black communities but from

Wolfgang Werner (white researcher), Legal Assistance Center (white researcher) and state-owned NEPRU (Office of the Prime Minister, 1991). As per Geingob's own admission and disclosure, not only were there indigenous communities who were disadvantaged during the conference due to translation problems, foreign governments and their institutions such as SIDA, ODA, ILO, FAO and Sanlam either contributed to the research or sponsored the conference (Office of the Prime Minister, 1991).

The reemergence of the demands for the revisiting of the land question by black communities, 28 years after independence, must also be understood in the context of the failure to instrumentalise African agency and subjectivity at this conference. This is another basis for the failure of the 1991 land conference.

Incompetence of the SWAPO successive regimes

As I argued in similar studies, "the inequality, poverty and underdevelopment characterizing the black majority can be placed at the doorsteps of SWAPO in general and its capitulation at the negotiation tables in particular" (Amupanda, 2017, p. 190). This is more profound when it comes to the land question. An analysis of the post-independence land question not only reveals the limitations that comes as the result of the negotiated settlement as opposed to revolutionary outcomes but reveals the hollowness of SWAPO successive regimes. Although the 'property clause' in the constitution made land reform in post-independence difficult to achieve, there are provisions which the SWAPO successive regimes could have used to bring about effective land reform. In Article 16(2) of the Namibian constitution, provision is made for expropriation of land in public interest. It is evident that because of the incompetence of these regimes, no meaningful land reform took place in pursuant of the provisions of this article. There is no other demonstration of the incompetence of the SWAPO regime on the land question than in the case between Gunther Kessl and the Ministry of Lands and Resettlement whose judgement was passed by the High Court of Namibia on 6 March 2008. The court, while upholding the principle of expropriation, found that the government failed to understand and follow the procedures and subsequently violated the Namibian law on several grounds (Harring & Odendaal, 2008). Instead of following the laid down procedures in the judgement, the SWAPO political elite interpreted this to mean that it is not possible to expropriate land in public interest. As a result, there was no case, even an attempt, to expropriate since the Kessl judgment. Said differently, it was the incompetence of the regime as opposed to the rigidity of the law or impracticality thereof (Weidlich, 2008). Incompetence of the SWAPO successive regimes can also be seen as accounting for the prevailing situation where foreigners and absentees landlords continue to own farmland amounting to millions of hectares despite the documented positions and wishes of black Namibians as contained in the resolutions, despite their weaknesses and circumstances, contained in the consensus document of the 1991 land conference (Haufiku, 2014; Kaira, 2014; Smit, 2016). Indeed, it is the incompetence of the SWAPO successive regimes that 28 years later, the country's 'peace' and 'stability' is under threat because of unresolved land question. The

words of the Director of the Land Resettlement during the 1991 land conference are again instructive and illustrative of the incompetence of the SWAPO regimes: “I guess the issue of urban land was not discussed because of ignorance on our part, or maybe the whites were just smart enough to avoid the topic. Today we have a problem because we have no guidelines on the administration of urban land, therefore everyone does as they please” (Haufiku, 2014).

Conclusion

In discussing the basis of the subsequent failure of the 1991 land conference, this article provided a fitting context for one to understand the context of the land discourse in post-independence Namibia beyond the usual liberal orientations that approach land from the perspective of property and titled deeds while ignoring the African orientation towards land as a basis for livelihood. In this regards, it was explored that to Africans land is life – it is for this reason that in the African traditional society land could not be bought nor sold. The article provided an understanding that to black people in Namibia, land represents an incomplete project of liberation. Colonialism in Southern Africa took form of what is known as settler colonialism whereby the colonizers moved from their native’s lands to come settle in Africa dispossessing the Africans of their land through various methods including genocide. Because of shared land history, the land debate in Zimbabwe and South Africa has always been of interest to Namibians. This is so because settler colonialism in both countries took the same form and so was the response of the indigenous people. At independence, both the SWAPO, ANC and ZANU-PF regimes took a cooperative approach to land reform with the settler. When it became clear that the settler was not about to surrender the land, Zimbabwe took a radical approach to have their land returned, through the policy of expropriation without compensation, resulting in several economic and political consequences. While South Africa was seen as ‘progressive’ and ‘liberal’ when compared to Zimbabwe, the ruling ANC was since forced to adopt the policy of expropriation without compensation. The demand for a radical path for land reform has also reached similar heights in Namibia. The SWAPO regime, which had suppressed these demands through various trickery methods including the 1991 land conference, has since realized that it can no longer suppress the demands for land. Responding to the growing pressure, President Hage Geingob has since announced that the second land conference will be held this year. While this conference is being presented as somewhat a panacea to the land discontentment, an analysis of the basis of the subsequent failure of the first land conference would reveal that the problem has to do with both structural and ideological concerns. Without dealing with these aspects, the second land conference will be either another ‘talk-show’ or trickery by the same political elite who convened the 1991 land conference to quell dissent and land discontentment.

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