



REPUBLIC OF NAMIBIA

National Conference
on Land Reform and the Land Question

Windhoek, 25 June - 1 July 1991

VOLUME I

**National Conference
on Land Reform and the Land Question**

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VOLUME 1

RESEARCH PAPERS, ADDRESSES AND CONSENSUS DOCUMENT

PART I

GOVERNMENT OF THE REPUBLIC OF NAMIBIA

OFFICE OF THE PRIME MINISTER

WINDHOEK, 1991

Prepared by the Namibian Economic Policy Research Unit
on behalf of
the Office of the Prime Minister

**National Conference
on Land Reform and the Land Question
Windhoek, 25 June - 1 July 1991**

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FOREWORD

A century of land alienation in Namibia, under first German and then South African occupation, effectively denied the majority of Namibians the use of most of their land as a factor of production, as a means of wealth, and as a source of social and political influence. In few other countries has the extent of land alienation been more sweeping than in Namibia.

This historical deprivation of the Namibian people is a compelling reason for the SWAPO government to make it a priority to address the vexed question of land reform. However, for any land reform to be successful, addressing the land question needs to be grounded in the perceptions of Namibians as to the function of land. It is to crystallize and articulate this perception that the government initiated a broad-based national debate on the issue. A week-long National Conference on Land Reform and the Land Question was the culmination of this debate.

Throughout the debate and during the conference deliberations, it was clear that land reform was seen not just as the resolution of the question of land tenure but as a component of a holistic approach that emphasized the role of land and agriculture in national economic development. Thus, there was a congruence of opinions that land reform is not limited to a rapid distribution of land but is a process in which a broad range of factors, in particular land tenure, tenancy conditions, the status of farmworkers and women, and various elements of rural development, such as rural credit, marketing and the role of technology, all come into play.

By the end of the Conference, a general consensus had emerged on addressing the three principal areas of concern, viz., correcting the wrongs perpetrated by colonial dispossession, working towards achieving equity, and developing pragmatic policies to increase the efficiency of land use so as to strengthen the contribution of agriculture to the economy. Inherent in these recommendations was a commitment to the future. There was a desire to correct the historical injustices, but not by turning the clock back, principally because it was felt that it would be very difficult to validate and meet the competing claims on ancestral land. To compensate for that, however, Conference resolved to focus on the inequity of land ownership in the commercial areas. It called for the reallocation of certain types of farmland (foreign-owned land, holdings in excess of maximum size, underutilised land etc) under the constitutional principle of affirmative action.

The government recognizes that for us in Namibia land reform is a central social, political and economic objective not only because we subscribe to democratic values, but also because we have a moral mandate to restore to the majority of our people, who depend on agriculture for their livelihood, what was taken away from them.

The government also remains acutely aware that land reform seen only as reform in land tenure would be of little consequence unless it brings about an all encompassing improvement in the social condition of the majority.

Our policy of national reconciliation requires that we must not deny the need to redress historical injustices. It also requires that we do not deny the need to correct the present inequality of access to land and employment conditions that prevail today in our agriculture sector. We must adopt a holistic approach that addresses the questions of colonial dispossession, equity and efficiency through an integrated policy. Correction of these inequities and allowing the technical and economic factors to have their sway in improving the social conditions of Namibians will, I am certain, result in making Namibia an infinitely better place for all.

Sound policy-making requires authoritative information. The Conference deserves to be commended for recognizing that in its final consensus document. It recommended that a technical committee be established to evaluate the facts regarding underutilised land, absentee ownership, viable farm sizes in different regions and multiple ownership of farms; and to make appropriate recommendations for the acquisition and reallocation of such land identified. This committee has now been established with the mandate to look at the various aspects of land reform and the land question as outlined in the consensus document. Its recommendations will be used as an input to the next stage of the process, the formulation of a government policy on land reform.

The proceedings of the conference are a clear indication that significant progress has already been made in addressing the century-old problem of land alienation and its attendant obstacles to the social, political and economic well-being of the people of Namibia. Given the goodwill that has so far prevailed, and given the strength of the government's policy of consultation and reconciliation, we hope to continue making progress in our effort to create in Namibia a humane and just society.



Hage G. Geingob
Prime Minister

Republic of Namibia

Section 1

Speeches by the President and the Prime Minister

**Statement by His Excellency Dr. Sam Nujoma
President of the Republic
on the Occasion of the Official Opening
of the Land Reform Conference**

Mr Chairman

Honourable Prime Minister

Honourable Speaker of the National Assembly

Honourable Minister

Honourable Members of the National Assembly

Your Excellencies

Esteemed Delegates

It is a great honour for me to have been asked to officially open the Land Reform Conference.

We are all aware that Namibia is an extremely dry country. Thus, any issue linked to land inevitably touches on the broader aspects of agricultural productivity and the availability of water. I, therefore, hope that the Land Reform Conference will consider not only the land issue per se but all the relevant questions such as agricultural productivity, water availability, employment generation by farming and the linkages between agriculture and manufacturing.

The land question in Namibia is one of the most burning issues facing our young nation today. Indeed, it was central to the struggle for national liberation. A quick glance at the political economy of this country clearly reveals why land is of such great importance. In the first place, 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 proportion of Namibians derives their livelihood from the land, access and ownership of land are highly unevenly distributed. Thus, 36.2 million hectares of the total agriculturally usable land in Namibia is owned and utilized by only 4664 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. This latter tract is commonly referred to as communal land.

According to the recent study on farm ownership in Namibia today, there are about 6,292 farms. Out of these, 6,123 farms are white-owned, and cover 95 per cent of the surface area of the commercial districts (34.4 million hectares). Within this ownership category the overwhelming majority of farms belong to individual white farmers, including non-Namibians. To be more specific, a total area of 2.7 million hectares (382 farms) belong to foreign absentee farmers, that is to say 0.9 million hectares belonging to citizens from Austria, France, Italy and Switzerland, while the bulk of 1.7 million hectares is owned by South African residents. Similarly, there are individual Namibian farmers with more than two large farms, as against thousands of their landless fellow countrymen who live in squalid poverty.

Black Namibian farmers own only 181 of the commercial farms representing 2.9 per cent of the farms. The rest are either owned by the churches, municipalities or the state. Excluding plots around the towns, the average size of farms is 8,592 hectares. Indeed some of us here and certainly many of our grandparents and parents have had personal experiences of the process. However, there are some people who argue that because the unequal distribution of land happened more than 100 years ago, it should best be forgotten and relegated to history books. Others have come to this Conference to redress the situation by arguing for the restoration of their ancestral lands. One cannot and should not forget history.

I believe that this Conference will have to discuss whether pre-colonial and colonial history can be taken as a starting point for redressing the imbalances and injustices created during the course of that sad history.

The cruelty and ill-treatment meted out against black farm-workers by some white farmers up to this moment is irreconcilable with present independent Namibia and the policy of national reconciliation. By this I earnestly mean that some whites arbitrarily dismiss their workers (including those who were born on the same farms) without pension or any means of livelihood. The dismissed farm worker is forced to live between the road and the fence of the farm. Often he is told to go and ask Sam Nujoma for a job and for food. This is an abuse at best and a serious insult at worst.

Equally, there are fellow Namibian citizens who happen to be rich and who embark upon illegal fencing-off of communal areas, thus cutting off and depriving the rest of the community from common grazing fields and water sources. This kind of illegal, inhuman and unpatriotic behaviour towards fellow Namibians must come to an end forthwith.

Mr Chairman, it is with a view to reconciling such opposing perceptions on the land question that my Government through the Office of the Prime Minister, decided in June last year to embark on a programme of national consultations on the land question. The culmination of this process is this Conference which is starting today.

I am sure you will no doubt agree with me that the general objective of this Conference is to achieve the greatest possible consensus on the land question, thus providing a solid basis for the formulation of a policy on land reform and programme of action to implement the necessary changes.

In the weeks preceding the Conference, large sectors of our population were mobilized to discuss the land question with the view to representing their views at the Conference. Newspapers, the radio and television were used to initiate discussions in all parts of the country. Regional information sub-committees were established to facilitate communication between rural organizations and the Conference administration. As a result more than 500 applications for participation at the Conference were received. Great care was taken in extending invitations to participants to ensure that all those groups and organizations with a direct interest in land would be represented at the Conference.

My Government's decision to consult the nation before formulating policy on important national issues, also demonstrates its commitment to democracy. Never before in the history of our country has any Government brought together so many people with the aim to consult on such an important issue as the land question. The issues to be discussed at this Conference did not arise as a result of independence. On the contrary, they are part of our historical inheritance. But it is to the credit of the first independent Government of Namibia which has provided the opportunity for all Namibians to come forward with their problems and to suggest solutions to the land question.

In having chosen the path of national consultation and participation in addressing the land question, my Government hopes to have laid the basis for an on-going process of democratic consultation on other major issues as well. To be more specific, my Government hopes that this Conference will address itself to the following:

- 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 re-settlement 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.
- d) Review alternative policy and strategic options on land reform, more specially on problems of distribution and utilization of land, taking into account regional and local factors, and;
- 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.

The research papers prepared will no doubt provide the Conference with information on the economic, financial, ecological and institutional parameters within which solutions for the land problem can be found. I must, however, emphasize that by outlining the parameters for land reform it is not intended to limit the options for reform, rather the intention is to lay before the Conference some data and suggestions which may contribute to solving the land question in such a way that sustainable development can take place on the land. Without proper regard to ecological and other factors which influence the potential of land for agricultural purposes, any particular solution to the land question may turn out to be no solution at all in the long run.

Mr Chairman, as it can be seen from the foregoing, the ownership and control of land in Namibia is highly skewed. A tiny minority not only owns about 44% of all agricultural land but also controls access to such land. The vast majority of the population have to make a living in the reserves which comprise no more than 40% of agricultural land. This means that the land to man ratio in the reserves is highly unfavourable compared to the commercial farming sector. As a result, over-population and over-grazing are the order of the day. As a result of population pressure and the absence of employment opportunities elsewhere, arable land per household is also shrinking. In Ovamboland for example, the average area cultivated by a family is 1.7 hectares; in Kavango 2 hectares and in the Caprivi 2.5 hectares. This is not only unfair, but it is really inhumane.

This situation is exacerbated by the fact that the reserves have been starved of agricultural inputs such as credit, training, infrastructure, improved seeds and fertilizer for many decades. Under such conditions agricultural productivity is low. In both Ovambo and Kavango and the Caprivi communal areas grain yields per hectare are no more than 0.3 tons.

This is far less than what a family needs to feed itself. A recent investigation found that a family would need at least 3 hectares to provide subsistence at present yields.

Mr Chairman
Esteemed Delegates

I do not envy you your difficult task. However, I am quite confident that your discussions will take place in a frank manner and that you will provide my Government with suggestions and recommendations with which to formulate a national policy on land reform. I do wish you the best in your deliberations.

It is now my singular honour to declare the Land Reform Conference officially open.

I Thank You.

**NATIONAL CONFERENCE ON
LAND REFORM AND THE LAND QUESTION
IN NAMIBIA**

**The Prime Minister's Address
The Way Forward**

Introductory remarks

In June 1990, in the National Assembly, I set in train the arrangements for the holding of the National Conference on Land Reform and the Land Question. The purpose was to resolve Namibia's land problems in a spirit of national reconciliation. As I made clear at that time, the aim of the Conference is :

- 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.

The Conference provides an opportunity to obtain the views of the people directly. They will then be considered by the Cabinet and, where appropriate, will be taken to the National Assembly for the enactment of a Land Reform Law.

In the year that has elapsed since the decision was made to hold a national conference, a wide ranging debate has taken place on the land issue in Namibia. The discussions, which no doubt will continue during this Conference, have ranged over three principal areas:

- a) Colonial dispossession: how to get back land rights taken under colonial rule, and how to stop the continuing exploitation of farm workers;
- b) Equity: how to correct the extremely unequal distribution of agricultural land inherited from the apartheid regime and, at the same time, how to enable the two-thirds of Namibian households who are partly or fully dependent on the land to achieve a decent living;
- c) Efficiency: how to increase the efficiency of land use so as to strengthen the contribution of agriculture to the economy, now and in the long term.

Colonial dispossession

The process of land alienation in Namibia began with the colonization of the territory, first by the Germans and later on by the South Africans. To reverse this process now and return the land to the descendants of previous users presents major practical difficulties. A major problem is to determine with accuracy the precolonial tenurial situation and to identify the descendants of former owners. During the latter years of the last century, groups of pastoral peoples, in shifting alliances, moved back and forth across the landscape. By 1883, practically the whole territory occupied by pastoralist communities had been acquired by eight concession companies, although the process of removing the people to "reserves" continued into the 1960s.

Should the clock be turned back and to what precise point in history? What criteria should be used for evaluating competing claims?

Equity

If the debate at the Conference is to move forward to achieve a positive result, it will be necessary to go beyond the issue of land theft to consider equity, i.e. improving access to land and providing a fairer share of the income from the use of land to the majority of rural Namibians: farm workers, small stock keepers, cultivators, women as well as men, San and other marginalised communities.

For those concerned about equity issues, one of the principal objectives of land reform is the elimination of the extreme social and economic inequality inherited from the colonial apartheid system. Few other countries have a pattern of land distribution which is so unequal. An estimated two per cent of the rural population controls 57 per cent of the agriculturally utilisable land. This inequality is further accentuated by the very limited access of those living in Communal Areas to agricultural inputs and basic social services, as compared with the commercial areas.

Efficiency

Others have stressed that land reform and the allocation of land should be guided by the principle of who can make the most efficient use of the land under systems of modern scientific farming.

This is a valid and justifiable objective, but the technical efficiency of the land user cannot be the sole criterion. The concept of efficiency should be extended to include the use of all resources (land, labour and capital). Production should not be over dependent on subsidies and tax concessions.

There is an underlying assumption that efficiency should be judged in terms of measures such as the annual offtake of animals from the range. In the Communal Areas, offtake is less than half that obtained on commercial farms, but the production costs of Communal Area farmers are also low. In this sense, Communal Area farmers are more efficient in the use of resources, especially scarce foreign exchange, than commercial farmers.

Interlocking constraints

What has become clear from the discussions of land reform leading up to the Conference is that these three issues (colonial dispossession, equity and efficiency) cannot be treated in isolation. They have to be addressed jointly, because one cannot be resolved without reference to the other two.

- * Reconciliation cannot be achieved by denying the need to redress historical injustices.
- * Nor can it be obtained by denying the present inequality of access to land and employment which results from these injustices. Economic and social justice cannot be achieved without enabling the present generation and their children to obtain decent standards of living.
- * Equally, the importance of the technical, agronomic and economic factors which determine how the land can be used cannot be denied.

Land Rights and the Constitution

Approximately two thirds of Namibia are usable for agricultural purposes; the rest of the country is taken up by deserts and nature reserves, particularly on the western side of the country. The usable area is divided into communal land, (about 43 per cent) and commercial land (about 57 per cent).

During this week, the Conference will hear a great deal about land tenure. Communal land tenure is in fact communal ownership with household user rights, it is the traditional system or - more correctly - the system of tenure which prevailed in pre-colonial times. Approximately 33.5 million hectares, of the potentially usable agricultural lands, are under communal tenure, but not all of this is exploitable without major investment in water supplies. The usable area is about 27 million hectares.

Commercial farm land is mostly privately owned, that is freehold land, although it might be leased or rented to a second party by the owner. The total area of commercial farm land is about 36 million hectares, well over half of the usable area.

Article 100 of the Constitution, *Sovereign Ownership of Natural Resources*, states that "*Land, water and natural resources below and above the surface of the landshall belong to the State if they are not otherwise lawfully owned.*" Under Article 16 of the Constitution, *Property*, the State may expropriate property in the public interest subject to payment of just compensation.

People's rights to communal and commercial land in independent Namibia have been profoundly influenced by the colonial experience. Today, people in the communal lands - some 65 to 70 per cent of the population - have no acknowledged right, independent of the will of the State, to live and farm in the Communal Areas. This is in contrast to the "lawfully owned" commercial farming areas, created out of colonial dispossession, where owners are entitled to "just compensation" under the Constitution.

The Conference may wish to consider how this situation might be rectified under the system of Regional and Local Government yet to be introduced.

Agenda for Land Reform

It is apparent that land reform in Namibia should not be concerned only with the redistribution of commercial, privately owned land, but also with safeguarding people's access to communal land resources and protecting the legitimate rights of farm workers.

Clearly, the Conference should discuss not only land reform, that is the redistribution of rights in land, but also rural development, that is improving incomes and living standards in the rural areas. However, there is a danger that, in widening the debate to include rural development, the Conference will lose sight of the urgent need for land reform. Equally, for the Conference to talk simply about rural development in the Communal Areas without addressing the subject of land redistribution and improving the conditions of farm workers, would be unrealistic and a sure way to break the fragile process of reconciliation.

Communal Areas

Let us, nevertheless, begin with a consideration of the land-related issues in the Communal Areas. About 55-60 per cent of Namibia's population depend for subsistence on their right to live and farm in their communal lands. Their numbers are rapidly increasing in proportion to the land available.

The lack of boreholes and other basic infrastructure in the communal lands has meant that thousands of Namibians who could exercise their right to farm and contribute to the support of their families, are now without usable land. The miserable conditions of farm workers and the exploding population of Katutura is due in large part to the expropriation of communal lands for ranching during the colonial period, a process which appears to be continuing today.

A single idea on the development of the Communal Areas has dominated the thinking of most officials and some of the wealthier and more educated people of those areas. It is that traditional farmers and customary forms of land tenure are both obsolete and backward. It is felt that they should be transformed as soon as possible into commercial farmers and leasehold tenure. This line of thought on the subdivision of communal land into "economic units" has provided a theme for Communal Area development plans for several decades.

This has had a number of unfortunate consequences, chief among which is that agricultural development in the Communal Areas has been virtually blocked, except for the official and unofficial fencing of substantial tracts of land. Although large sums have been spent by government on water supplies, much of this expenditure has been geared to sustaining or establishing fenced farms.

A national attitudinal survey on land issues was carried out in preparation for this Conference. Town-dwelling people and commercial farmers seemed to hold the view that communal tenure is an obstacle to development. On the other hand, the great majority of people living in the Communal Areas wished to retain the system.

The results of the survey are in line with that of research carried out in other countries. This increasingly questions the negative statements about communal land tenure and its consequences. There is clear evidence that communal land tenure systems tend to evolve towards fuller and more secure individual tenure rights in response to a growing population and commercialization of agriculture. This raises questions about the priority which should be accorded to expensive interventions intended to force the pace of tenure change, such as converting traditional rights to land into private property. This process has led to widespread landlessness in other African countries. I invite the Conference to discuss the future of communal land tenure and whether it should continue in Namibia for the time being.

In many of the Communal Areas, the problem is not one of absolute shortage of land, but of restricted access to communal land and of low and falling land productivity. Studies indicate that there are some three million hectares (an area of about twice the size of Rehoboth, or three quarters the size of Outjo) of unutilized land in Ovambo and Kavango which could be developed for the use of small farmers. The Conference might consider how this land could be made available and to whom.

The area of unutilised land would be considerably larger if it were not for the fact that extensive tracts of communal land are being earmarked for enclosure as commercial farms. This same land is suited for occupation by communities of small farmers. It might also be noted that the resettlement programme of the government requires the expenditure of public funds on buying commercial farms for the settlement of small farmers. Yet at the same time, communal land which could be suitable for this purpose, is being grabbed by wealthy farmers, some of whom could afford to buy their own commercial farms, or at least could be helped to do so.

The government has identified many thousands of landless and destitute San who have been awarded priority in their land settlement programme. This situation is caused by the occupation of their land and water points by stock farmers, a process which had its roots in the last century. As long as this process of dispossession continues unaddressed, increasing numbers of San will be rendered destitute, requiring costly resettlement programmes. In this context, it should be noted that the area which the previous regime called eastern Bushmanland is not unutilized, but is occupied by a community of some 4000 people.

There is need for the Conference to give serious attention to land policy and administration in the Communal Areas, most urgently the protection of communal rights to land for the poorer sections of the community.

Administration of communal land

Until recently, all applications for land were customarily directed through chiefs and headman. With the dissolution of the second tier authorities and the emergence of new political alignments, the traditional leaders have, in many cases, been left powerless. This is particularly the case in the communal areas of the south, east and west to where the people and their leaders were moved by the colonial regime. The position of the traditional leadership in the northern communal areas may be more secure.

The new post-independence regional authorities do not have the staff, the local knowledge or the legal mandate to deal with land disputes and land allotment, or to monitor land use. These problems of the management of resources in the Communal Areas extend beyond crop land and grazing to include other natural resources: wildlife, firewood, fencing and building poles, material for basket work, veld foods, etc.

As the contributions of Conference participants will clearly show, each locality has its own unique set of inherited and current problems. Further, many of the solutions to these highly specific land issues can be generated only at the local level. On the other hand, local solutions have to be in accordance with a national policy on land use and rights of access to land and natural resources for all Namibians, women as well as men.

A key question - one needing early action - is how to provide equality of access to women. This is most urgent in the case of female-headed or de facto female-headed households in which the male is absent most of the year. A woman should be as eligible to have the land use title in her name as a man, even if she and her husband live together, and to inherit and bequeath land. This would appear to be required by the Constitution.

In the Communal Areas, new local government institutions will have to be created. They will be based on residence, not on ethnicity, and be empowered to allocate communal land and water for farming, to manage and develop communal resources and protect the environment. This assumption simply reflects the general principle that the people who live in a place, and on whom the impact of change and development falls hardest, have the most incentive to maintain and improve their conditions.

It is not yet clear what the lowest level of local government will be. Some time may elapse before it becomes clear. The Conference may conclude that, in the meantime, there is need for a local institution, which has the respect of the people and the support of government, to undertake the administration of land and natural resources. Such an institution would combine local knowledge and tradition with the principles and techniques of modern land use planning. Its decisions would respect the needs and aspirations of the people it served. It would be given the legal authority to implement and enforce its decisions.

Commercial Farm Lands

I now turn to the commercial farming areas. From the long list of issues relating to the future of the commercial farming areas, there are several which stand out as worthy of special attention by the Conference. Of particular concern to participants will be the issue of ancestral rights and sovereignty over Namibia's land.

More than a year after independence, the situation in the commercial agricultural districts remains fundamentally unchanged. The ownership of land is still concentrated in the hands of those who profited from the former colonial regime; the labour force is still highly exploited. Despite the hard fought and hard won independence, the continuing ownership of much of the land by a small minority remains a burning political issue, especially among the rural people whose livelihood must come from the land.

The Conference may wish to consider whether the question could be partly resolved in the same way as that of sovereignty over mineral (or fish) resources, that is by vesting land title in the State on behalf of the Namibian people and issuing land use rights.

For the large farm sector (i.e. the present freehold sector), and logically the urban freehold sector as well, rights could be issued for 99 years from the date of Namibia's independence. Such a scheme would allow the eventual harmonisation of land tenure in what are now the freehold and communal lands. In all cases, land could be leased from the State on the same basic terms.

This approach, which has been used in other African states, would vest land ownership in the State and provide an important source of revenue from rents to finance land reform, yet would also provide for secure user rights. The adoption of such a scheme could have both symbolic as well as positive political results. There is reason to believe that such a scheme could be introduced without infringing the Constitution.

Such a scheme would facilitate a more speedy transfer of farms in the commercial areas to a more representative group of Namibians. At the same time, it would facilitate the acquisition of land for the purpose of redistribution by government, which would have a first option on all leases offered for sale.

Redistribution of commercial land

At this stage, we need to ask ourselves why the redistribution of commercial land is necessary. Participants will hear, for example, of proposals for major investments in water supply schemes opening up unutilised land in the northern Communal Areas. However, such schemes will not help the poor farmers in the crowded Communal Areas to the south, west and east, for whom space must be found in the commercial areas. Many of these people have been dispossessed in the last fifty years.

Just how might such commercial land be acquired for distribution or lease to small farmers? It has been estimated that some 1,000 to 1,250 large units might come on the market over the next five years. That amounts to roughly 20 to 25 per cent of all operating farms. The vacancies will arise from abandonment of farms, sales on the retirement of farmers, sales by heirs and other reasons.

However, farm sales alone may not provide the quantity or type of land which is suitable for redistribution to small farmers. It is therefore necessary for the Conference to discuss other options:

- acquisition of foreign-owned farms
- acquisition of farms in excess of one, owned by individuals;
- land owned in excess of a maximum size;
- acquisition of under-utilized land; and, possibly,
- land farmed with exploited labour in defiance of the law or future labour codes.

There are also other categories, apart from individual ownership, that need to be examined with a view to identifying land for renting or distribution to small farmers (e.g. farms owned by the State, municipalities and peri-urban boards, companies and churches) which together make up some 5 per cent of the commercial area.

However, before deciding how much land the State might acquire for redistribution, where and for whom, it would be well to examine the use to which redistributed commercial land might be put, for here lies a major dilemma for Namibia. The resettlement opportunities within the commercial areas for small farmers from the crowded parts of the northern Communal Areas are limited. In fact the opportunities are much better within the unutilized parts of Kavango and Ovambo.

Only relatively small areas of commercial farm land to the south are suitable for arable crops because rainfall is too low and unreliable. There is, therefore, a clear limit to the area that could be acquired for resettlement of mixed crop and livestock farmers from the north.

We are informed that there are few successful precedents for organised pastoral settlement schemes. Simply removing the boundary fences of purchased farms on the edge of existing communal land and allowing herds to graze over a larger area may be the cheapest and most effective way of improving the situation of small-scale stock owners. This solution would depend on the acquisition of a number of adjacent farms adjoining the Communal Area to be extended. An alternative approach would be short-term

rental of grazing on individual farms to stock-owners from Communal Areas.

Elsewhere in Africa, the settlement of groups of pastoralists on purchased farms has proved more problematic than the settlement of mixed farmers. Large areas will be needed to provide grazing for herds of sufficient size to sustain their owners. If each household is allocated a single paddock of a farm with its own water supply, the effect of restricted livestock movement is likely to inflict severe damage on the veld. There will be high risks of total stock losses during droughts. On the other hand, if a number of households are allocated the farm as a whole, it is likely to become a communal area in miniature.

Of course, the simplest programme would be to attract individual larger stock owners from the Communal Areas to commercial farms through the provision of special financing arrangements. However, the impact of such a scheme on the range resources of the Communal Areas and on the income and living standards of the majority of stock holders left behind would probably be small. It is noted that in the past larger stock owners have been reluctant to leave the Communal Areas. When they have moved, they have retained "dual grazing rights", by keeping one foot in the Communal Areas.

The Conference needs to consider which Communal Area farmers should be provided with access to such commercial land; their geographical origin; level of income; and whether the returnees, the landless and the unemployed should be given priority. Further, what tenure arrangements should be adopted: individual farms, cooperatives, etc? What arrangements should be made for settlers regarding purchase/lease, short-term rental contracts for grazing by individuals and/or groups? What level of support should be provided (e.g. credit, farm infrastructure, social services)? The Conference is invited to consider the adoption of a variety of approaches. One possibility would be to invite international corporations with appropriate technical and management experience (for example the Commonwealth Development Corporation) to assist in the establishment of ranching cooperatives in which employees would be shareholders.

Withdrawal of remaining subsidies and taxes from the commercial sector

Although somewhat peripheral to the central issue of land reform, it is also necessary for the Conference to consider what measures should be adopted to make the commercial farm sector more self-reliant and productive. At the same time, the Conference should recognise that the more financially difficult conditions become, the greater will be the tendency to exploit labour and overgraze the range.

It has been argued that the current level of state support to commercial farming is both inefficient and inequitable. It is inefficient because the subsidies and tax concessions which remain in force encourage excessive investment in commercial agriculture. They might be spent more productively elsewhere in the economy. It is inequitable because the beneficiaries, namely commercial farmers, are better off than the average Namibian.

We must ask ourselves whether a phased removal of the remaining farm subsidies and tax concessions would result in a smaller, but healthier, sector free of state support? Many believe so.

Farm workers

It is clear that any land reform programme in Namibia must include the farm workers on the commercial farms. Recent evidence shows that many of them live and work in deplorable conditions, often earning less than R100 per month, with very poor housing and practically no access to social services. Moreover, land owners use lower-paid casual and temporary workers, as well as child and prison labour, which lowers wages for farm labour in general.

Many people argue that if government insists on improved conditions for farm labour, it would lead to loss of jobs. Others disagree and insist that legislating for improved conditions will lead to a healthier industry.

The objective must be to establish a living wage for farm labour. This can be achieved by legislating a minimum wage or by legislating for basic conditions of employment (e.g. hours, holidays, housing, etc.) and ensuring the provision of social services. This, in turn, should encourage workers' organisations to grow and flourish so that they can defend and build on the rights they have won. Experience in Zimbabwe shows that a minimum wage law is very hard to enforce and is likely to be treated by employers as a maximum wage and be used as an excuse to lay off workers.

The Ministry of Labour and Manpower Development has the responsibility for enforcing the labour code once it becomes law. It is unlikely to have enough field staff to monitor conditions. For this reason, it is important that the field staff of the Ministry of Agriculture, Water and Rural Development are given the task of monitoring the observance of legislation and reporting any violations to the labour relations offices which are to be established at a regional level.

It should be possible, for example, to insist that the provision of supporting services to farm owners - drought relief, credit, etc. - is linked to the observance of the prescribed minimum conditions for farm workers.

In some countries, even stronger measures have been adopted to force land owners to improve the conditions of their workers. For example, they have been threatened with expropriation if the land is not fulfilling its "social function". The threat of such measures have usually been sufficient to bring errant land owners into line.

Many farm workers have lower-order tenure rights, for example to graze animals or cut firewood, through birth or long service on the farms. They are conscious of these rights and expect a land reform programme to protect them. The majority of farm workers are completely landless. The Conference needs to consider ways in which they could be granted land, both within the Communal Areas and in the locality of farms and on the farms.

Concluding remarks

In conclusion, there are several broad observations, based on experience with land reform in other countries, that I would ask the Conference to reflect upon.

First, experience shows that land reform will be a failure unless it leads to the productive use of land. Frequently land reform in other countries has failed to generate long-term benefits for the target population, who become unduly dependent on government subsidies. Our concern for the restitution of land rights, justice and equity in the allocation of land resources should not divert us from the need to ensure the long term economic viability of our land reform programme.

The second lesson that we can learn from land reforms elsewhere is that, all too often, they have excluded the poor subsistence farmers, especially women, because they are believed to be inefficient, unproductive and unworthy of assistance. Land redistribution has mainly benefited the better-off members of the community. On the other hand, where governments have taken equity seriously and provided the necessary supporting services (extension, credit, marketing, etc.), the poor and disadvantaged have responded to the opportunities offered. The crucial issue is not what people are, but what they can become if provided with the opportunity.

Thirdly, programmes involving the relocation of people and their resettlement elsewhere have had very limited success and have proved extremely costly. It is not unusual for costs to range between R30,000 to R50,000 per family for relocation and settlement, infrastructure and support during the first year or more. The Conference will do well to bear in mind that there is a considerable body of experience on resettlement, both in Namibia itself and in neighbouring African countries, which can be used to avoid the many pitfalls to which resettlement programmes are prone.

Programmes which succeed in helping the rural poor to improve their production and income and which, at the same time, are cost effective will have the most impact on raising employment. Where land reform programmes have concentrated on the establishment of medium-scale farmers, the impact on employment has been correspondingly small.

Finally, it is well to remind ourselves of one important principle. There is one recipe for success and that is to involve the people as fully as possible in the planning and the implementation of the actions necessary to satisfy their needs. It is the policy of our government to consult you, the people, on matters of such fundamental importance as land. This conference is the culmination of a series of meetings on land reform and the land question which began with ministerial visits to the regions early in the year. The process of consultation will not end with the land conference, but will continue as we strive to implement its recommendations.

We have made every effort to obtain the participation of as many organisations and interest groups as possible in the Conference. Even such individuals from rural areas whose voices are not normally heard can be seen and heard in the video documentary to be shown tomorrow. The adoption of this consultative approach

at the outset of Namibia's land reform programme holds promise. It must be allowed to continue. Without consultation we cannot expect to succeed.

I wish the Conference every success.

**Statement by The Honourable Prime Minister
Mr Hage G. Geingob
on the Occasion of the Closure of
the Land Reform Conference**

Dear Participants
Ladies and Gentlemen

We have now come at the end of this historic conference. A conference at which, as we promised, Government sought to consult the people of this country before hammering out a national policy on land reform. To the extent that it was intended to be a consultation I am sure you agree with me that this conference was indeed a resounding success.

Although not everybody who wished to be invited could get a seat at the conference, I can say with a certain degree of satisfaction that participation at the conference was truly national. All corners of our country were represented at the conference. All language groups in our country were represented at the conference. Everybody, the landowners and the land hungry were represented at the conference. This indeed is positive proof of the fact that a Namibian nation is truly in the making. The unity, the understanding and the discipline demonstrated at the conference was truly remarkable and I would be failing in my duty if I did not thank all the participants for obeying the orders that from time to time I had to lay down and enforce in order to make the conference a success. I want to say only this, and this I address to those of us in Government. If this process of national consultation has to be carried forward meaningfully it is of the utmost importance that we introduce television to the far-flung areas of our country which up to now do not receive television or only receive stale news after a week or two. Television should no longer be seen as a luxury but an essential tool in our quest for a better understanding of each other and for the people in the far-flung areas of our country to better appreciate the effort being made by Government to uplift their standards of living and the limitations imposed on Government in that regard.

Dear Participants,
I know 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, dear participants, as I was at pains to point out time and again, was not the reason for the conference. The conference was called into life to hear the views of the people. 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 in the formulation of a national policy on land reform.

Dear Participants,

You'll be returning to your respective homes after this conference. Some of you will go to Rundu, some of you to Engela, some of you to Katima Mulilo, some of you to Aroab, some of you to Opuwo, some of you to Sesfontein, some of you to Tsumkwe and other places. But remember to carry with you the message from this conference, the message of hope, the message of reconciliation, the message of partnership.

Dear Participants,

Ladies and Gentlemen

As the adage goes, success has many parents and failure is an orphan. I would be failing in my duty, however, if I did not thank all those persons, governments, organisations who in one way or another, however insignificant, contributed to the success of this historic conference.

In particular, I would like to thank the following: The Government of Sweden through SIDA, the Government of Britain through ODA, organisations like ILO, FAO, the Meat Board and Sanlam who either contributed towards the research effort or towards conference material or towards the conference administration generally.

I would also like to thank the Government of Zimbabwe for generously agreeing to lend us their simultaneous translation equipment to enable us better communicate with each other. I would like our Zimbabwean technicians to take home our message of appreciation with them. My sincere apology goes to those language groups for whom simultaneous translation was unavailable on account of the breakdown of some equipment. I would also like to thank the management of Swawek for making their conference facilities available for the conference.

Last, but by no means the least, I would like to thank the secretariat of the conference for the wonderful support they have rendered to the conference.

Dear Participants,

Finally, I want to assure you that the consensus that we have reached at this historic conference will be taken seriously by Government and that it will guide Government in whatever it does

on the land reform issue, for it truly represents the voice of the people.

I thank you.

Section 2

The Consensus of the Conference

**NATIONAL CONFERENCE
ON
LAND REFORM AND THE LAND QUESTION**

Consensus of the Conference

During the course of the discussions at the historic conference, informed by presentations and submissions by the delegates participating, the following general consensus has emerged from the deliberations:

COMMERCIAL LAND

1. Injustice:

During the colonial period, much of Namibia's farming area was expropriated by the German and South African colonial regimes. It was allocated exclusively to white settlers while Namibian farmers were mainly confined to reserves. Today, a small minority owns nearly all the freehold farms.

Conference concludes that there was injustice concerning the acquisition of land in the past and that something practicable must be done to rectify the situation.

2. Ancestral rights:

Before Namibia was colonised at the end of the 19th century, the land boundaries between Namibian communities were not precisely demarcated and shifted frequently. The claims of different communities will inevitably overlap. During the colonial period, there have been large population movements and a mixing of previously distinct communities.

Conference concludes that given the complexities in redressing ancestral land claims, restitution of such claims in full is impossible.

3. Foreign-owned farmland:

There is nationwide land hunger and a severe shortage of available farmland. During the colonial period, Namibians were excluded in favour of settlers from abroad, especially

South Africa. The constitutional principle of affirmative action is best served by giving priority to Namibians who need to own farmland.

Conference resolves that foreigners should not be allowed to own farmland, but should be given the right to use and develop it on a leasehold basis in accordance with Namibia's 'open door' policy towards foreign investment.

4. Underutilised land:

There is land hunger and severe pressure on farmland in the communal areas, while some land in the commercial zone remains abandoned or not fully utilised.

Conference resolves that abandoned and underutilised commercial land should be reallocated and brought into productive use.

5. Absentee landlords:

Many absentee landlords have alternative sources of income, while many Namibian farmers lack sufficient land to make an adequate living. Some Namibian farm enterprises are split between different locations and others are part-time or weekend farmers. Absentee foreign owners, on the other hand, mostly live abroad.

Conference resolves that land owned by absentees should be expropriated, but that there should be a distinction, in respect of owners who do not live on their farms, between foreign and Namibian owners.

6. Farm size and numbers:

Some commercial farmers own more than one farm or large tracts of land while many Namibians are short of land. In the spirit of national reconciliation, a redistribution of such farms would open up access to a greater number of Namibian farmers.

Conference resolves that very large farms and ownership of several farms by one owner should not be permitted and such land should be expropriated.

7. Land tax:

A land tax on commercial farmland will generate revenue for the state from the wealthier section of the farming community. A land tax may serve to promote the productive use of land and penalise those who leave the land idle.

Conference resolves that there should be a land tax on commercial farmland.

8. Technical committee on commercial farmland:

In view of the need to establish authoritative data and arrive at sound policy recommendations, conference recommends that a technical committee should be established to evaluate the facts regarding underutilised land, absentee ownership, viable farm sizes in different regions and multiple ownership of farms; to make appropriate recommendations for the acquisition and reallocation of such land identified; and to assess possible forms of taxation on commercial farmland and the economic units to which taxation should apply.

9. Land tenure:

Land is a basic natural resource to which all Namibians should have access.

Conference recommends that in order to realise this objective a technical committee should be established to evaluate the legal options concerning possible forms of land tenure consistent with the Constitution.

10. Farm workers:

Many farm workers suffer degrading conditions of poverty and repression. They have contributed greatly to the prosperity of the commercial farming sector but have obtained little benefit from that prosperity. Their circumstances demand special attention and protection by law.

Conference condemns the injustices perpetuated on farm workers by some farmers in both the commercial and the communal areas.

Conference resolves that:

- a) Farm workers should be afforded rights and protection under a labour code.
- b) The government should enact legislation providing for a charter of rights for farm workers. The charter should be monitored and enforced by a government agency.
- c) The charter of rights should include provision for maximum working hours, sick leave, annual leave, schooling for children, medical care for workers and their families, adequate housing on the farm, pensions, the right to reside on the farm after retirement, and grazing rights for farm workers' livestock free of charge. The charter of rights should also include provision for a living wage in conformity with a labour code.
- d) The government should enact legislation to protect farm workers from the occupational hazards of their work and extend the Workmen's Compensation Act to include farm workers.

11. Assistance to commercial farmers:

In the past, commercial farmers enjoyed disproportionate state support. Such support may be best directed to sustain beginner farmers. All Namibian farmers are vulnerable to adverse conditions such as low commodity prices and droughts. Temporary support may be needed at such times. State support may be needed to assist commercial farmers to implement social programmes.

Conference resolves that:

- a) Established commercial farmers should only receive financial assistance from the government in

exceptional circumstances, which include natural disasters such as drought.

- b) The government should consider providing assistance to commercial farmers for programmes of affirmative action, such as improving the conditions of farm workers.

COMMUNAL AREAS

12. The future role of the communal areas:

The communal areas sustain the great majority of Namibian farmers, especially poor farmers.

Conference concludes that the communal areas should for the present be retained, developed and expanded where necessary.

13. Access to communal land:

Farming households depend on the land for much of their subsistence. A guaranteed right of access is essential to their survival. The former homeland policy which restricted access to communal land on a tribal or ethnic basis is contrary to the constitution. Namibians have the right to live where they choose. However, in a particular communal area the rights of intending farmers from outside the area need to be reconciled with the rights of the local community having access to that land.

Conference resolves that:

- a) As provided by the Constitution, all Namibian citizens have the right to live wherever they choose within the national territory.
- b) In seeking access to communal land, applicants should take account of the rights and customs of the local communities living there.
- c) Priority should be given to the landless and those without adequate land for subsistence.

14. Disadvantaged communities:

Ever increasing land pressures in the communal areas pose a threat to the subsistence resources of especially disadvantaged communities and groups.

Conference resolves that disadvantaged communities and groups, in particular the San and the disabled, should receive special protection of their land rights.

15. Game conservation and farmers' rights:

In some communal areas there is a conflict of interest between the need for wildlife conservation and the need of farmers to protect their livestock from losses and their crops from damage.

Conference resolves that farmers in the communal areas should be allowed to give their crops and livestock effective protection from wild animals.

16. Payment for land:

In certain communal areas, farmers must pay for land allocated to them. Many are small subsistence farmers and cannot easily afford to pay. They also receive no service for their payments.

Conference resolves that:

- a) Communal area households should not be required to pay for obtaining farmland under communal tenure for their own subsistence.
- b) Those obtaining land for business purposes should be required to pay for it.
- c) All payments for land should be made to the government rather than traditional leaders.

17. Rights of women:

Women form the majority of agricultural producers in the communal areas, yet suffer discrimination under both

customary and statutory law. They have been historically marginalised.

Conference resolves that:

- a) Women should have the right to own the land they cultivate and to inherit and bequeath land and fixed property.
- b) A programme of affirmative action should be introduced to assist women through training, low interest loans and other mechanisms so as to compete on equal terms with men.
- c) All discriminatory laws, whether statutory or customary, and all discriminatory practices which disadvantage women should be abolished or amended with immediate effect.
- d) Women should be fairly represented on all future district councils, land boards or other bodies which deal with the allocation and use of land in the communal areas.

18. Land allocation and administration:

The Constitution envisages that both the traditional leaders and the government have a role to play in the allocation and the administration of land. The precise nature of their respective roles has to be clearly defined in law and in terms of the democratic principles of the Constitution.

Conference resolves that:

- a) The role of the traditional leaders in allocating communal land should be recognised, but properly defined under law.
- b) The establishment of regional and local government institutions is provided under the constitution. Their powers should include land administration.

- c) Land boards should be introduced at an early date to administer the allocation of communal land. The said boards should be accountable to the government and their local communities.

19. The stock control barrier:

The majority of small farmers who live in the northern communal areas are prevented from selling their livestock in the commercial zone and to foreign markets on account of the veterinary restrictions (the 'Red Line'). This restriction excludes them from substantial economic benefits.

Conference resolves that:

- a) The stock control fence - the so-called 'Red Line' - must be removed as soon as possible, but has to be kept in place for a period in order to preserve Namibia's access to cattle export markets.
- b) During this period, the government should set up quarantine camps to allow farmers in the northern communal areas to market their livestock south of the fence.

20. Illegal fencing:

The uncontrolled fencing of communal land poses a serious threat to the future subsistence of small farmers in the communal areas.

Conference resolves that illegal fencing of land must be stopped and all illegal fences must be removed.

21. Dual grazing rights:

Some large farmers from the communal areas who have bought commercial farms or acquired fenced communal land continue to graze their livestock on communal pasture. This practice increases the pressure on the already overstretched grazing land in the communal areas at the expense of small farmers.

Conference resolves that:

- a) Commercial farmers should not be allowed to have access to communal grazing land.
- b) Communal farmers who acquire commercial farms should not be allowed to keep their rights to communal grazing land.

22. Transfer of large communal farmers to commercial land:

Given the existing pressure on communal land, communal farmers with the potential to become commercial farmers can be encouraged, if necessary through government schemes, to acquire land in the commercial sector. Such a transfer would relieve pressure on land in the communal areas and would give small farmers an opportunity to improve their viability and standard of living.

Conference resolves that:

- a) Under the Constitution, no-one may be forced to leave communal land. But large communal farmers having a certain minimum number of livestock should be encouraged to acquire commercial land outside the communal areas.
- b) Communal farmers acquiring commercial land should be assisted through schemes providing support such as low interest loans and technical advice. Financial assistance should be strictly limited to those who can prove their need for it.
- c) The criteria for identifying large farmers should be established for each communal area by further study.
- d) Farmland now used by large farmers in the communal areas should not be expanded and in future should be reduced to make space for small farmers.

23. Access for small farmers to commercial land:

In order to relieve the pressure on communal land, small farmers can be relocated to farmland in the commercial zone through state supported schemes.

Conference recommends that:

- a) Small farmers in the communal areas should be assisted to obtain access to land in the present commercial zone.
- b) Cooperative ownership and provision of state land for grazing schemes should be considered.
- c) Small farmers moving to commercial land should be given training, technical advice and assistance to buy and improve their livestock.

24. NGOs and cooperatives:

NGOs and cooperatives can play an important developmental role in the rural areas.

Conference recommends that:

- a) The work of NGOs and cooperatives in agricultural development should be recognised, encouraged and promoted;
- b) The government should assist all NGOs and cooperatives which are active in the field of rural development.

Duly adopted by the National Conference on Land Reform and the Land Question at its final session on Monday, 1 July 1990.

Section 3
Position Papers

A BRIEF HISTORY OF DISPOSSESSION IN NAMIBIA

by

Wolfgang Werner

Introduction

The centrality of land in Namibia seems self-evident: about 90% of the population derives its subsistence from the land, either as commercial or subsistence farmers, or as workers employed in agriculture.¹ But the structure of land ownership and tenure does not only affect those who derive their livelihood directly from the land. The racially-weighted distribution of land was an essential feature in the colonial exploitation of Namibia's resources, directly affecting the profitability not only of settler agriculture, but also of mining and the industrial sector. As in pre-independence Zimbabwe, 'the whole wage structure and labour supply system depended critically on the land divisions in the country.'² Access to land determined the supply and cost of African labour to the colonial economy. So, the large scale dispossession of black Namibians was as much intended to provide white settlers with land, as it was to deny black Namibians access to the same land, thereby denying them access to commercial agricultural production and forcing them into wage labour.³

It follows that colonial land policies cannot be fully understood unless set within the process of capital accumulation in Namibia.⁴ Conversely, changes in the distribution and utilisation of land will affect the economic structure of independent Namibia.

Capital accumulation in Namibia was facilitated by the establishment of 'native reserves'. As in South Africa, these not only provided cheap labour to the settler economy, but enabled the colonial state to exert political control over the population through co-opting indigenous leaders and appointing local headmen 'into the colonial system as lower-level bureaucrats who administered the 'native areas' on behalf of the administration in return for an annual salary together with bonuses of all kinds, retaining those elements of 'native law and customs' that were not subversive of the capitalist system.'⁵

'Native reserves' provided a wage subsidy to the colonial economy. By protecting these reserves from further encroachment

by white settlers, they served to keep in existence some form of subsistence production. A system of communal land tenure ensured that every household had access to land. But the same system denied small communal farmers the opportunity to accumulate capital for themselves. As a result, reserve households were generally dependent on wage labour to secure their subsistence needs; at least one member of a household had to engage in wage labour to augment incomes and harvests. But access to land - however tenuous - also implied that capitalist employers could pay wages well below the value of labour power. In addition, it was assumed that the dependents of workers could maintain themselves off the land, thus relieving the colonial state of the necessity to supply pauper rations and look after the old. Cash wages thus did not have to include the reproduction of workers' dependants.

Conceivably, this line of reasoning may be thought to be somewhat theoretical. However, a perusal of documents pertaining to the formulation and implementation of a 'native reserve' strategy in colonial Namibia suggests otherwise. From the onset of South African rule in 1915 native reserves were to provide labour to the colonial economy, particularly settler agriculture, rather than lay the foundation for successful small scale farming. Indeed, colonial officials regarded the unconditional possession of small numbers of livestock as a threat to the labour market. Captain Bowker, the Officer in Charge of Native Affairs observed in 1916 that 'there is a marked tendency among the natives to shirk work the moment they become the possessors of a few head of goats and cattle.' To overcome this 'problem', he suggested that taxes in the form of grazing fees be levied as 'an incentive to labour.' He 'submit(ted) that a little financial pressure must always produce a more wholesome affect than the best police methods' to procure labour.⁶

Colonial administrators spelled out on more than one occasion that the setting aside of small areas of land for use by black Namibians was never intended to 'creat(e) reserves to which tribes could remove themselves and thus restore their old tribal methods of living under the Chiefs.'⁷ Instead,

'married women and children should live on the reserves and have the benefit of the milk from their cattle...men should go out like the natives of the Transvaal and leave their women at home on the reserves until they return.'⁸

In addition, reserves were 'a place upon which...the aged, the infirm and certain unemployed natives could claim the right to reside'.⁹

It is against this background that the present paper traces the chronology of dispossession in Namibia. The very nature of such a chronology together with the limitation of space inevitably lead to a more static portrayal of dispossession than the actual historical process suggests. Although colonial regimes had clear ideas as to the function and objectives of dispossession and 'native' reserves, land policies were influenced and shaped by resistance from indigenous communities.

Land Policies before 1915

Pre-colonial agriculture and land use can be divided into two distinct production systems. Communities in southern and central Namibia such as the Nama, Herero, Damara and Baster communities, led a predominantly pastoral existence. The scarcity and unpredictability of pastures required these communities to disperse widely over the territory in small groups in order to utilise existing resources efficiently. Moreover, the maximisation of pastures and water resources required a high degree of mobility, characterised by epicyclic migration.¹⁰ As a result, no fixed boundaries existed among different communities, although loosely defined areas of jurisdiction by small chiefs were generally recognised. Corresponding to the high degree of mobility was a social and political structure characterised by a relatively low degree of political centralisation. Coherent tribal units with a paramount chief at the top did not as yet exist, and were the subsequent creation of colonial officials. Consequently, competition for resources made conflict among chieftaincies a constant feature of pre-colonial Namibia.

In the northern regions, the indigenous population combined settled agriculture with animal husbandry. Political structures were characterised by a higher degree of centralisation. Raiding was part and parcel of production relations. What all pre-colonial communities had in common was that land was owned by the community as a whole. Land utilisation in pastoral regions was communal, whereas permanent usufruct was granted to arable plots in the north.

This, very broadly, was the political and economic matrix into which German colonialism inserted itself. Land alienation by Europeans began in 1883 when a German trader, Adolf Lüderitz, obtained the first tracts of land from chief Joseph Fredericks in the south of the territory. Increasingly, German colonialists acquired land by signing protection treaties with indigenous

rulers. Exploiting local conflicts, the former offered protection to individual rulers against their adversaries. Signatories of protection treaties in return were not permitted to alienate any land to 'a different nation or members thereof' without the consent of the German Emperor. Similarly, indigenous rulers abrogated their rights to enter into any other treaties with foreign governments.¹¹ By 1893 practically the whole territory occupied by pastoralist communities had been acquired by eight concession companies.¹²

The process of dispossession not only meant that indigenous communities had lost their ancestral lands. European appropriation of land brought in its wake new forms of land tenure. More specifically, the notion of private land ownership rapidly replaced communal land utilisation and for the first time introduced rigid land boundaries. This signalled the end of pre-colonial systems of transhumance with their high degree of ecological adaptation, and increasingly restricted access to land to those who claimed title, however spurious such claims were.

Although the territory had been parcelled out to concession companies, very little actual colonisation of the land had taken place before 1897. Indigenous rulers resisted selling land outright to Europeans.¹³ A series of natural catastrophes, particularly the rinderpest pandemic of 1897, rapidly changed the balance of forces, however. With an approximate 90 per cent of cattle wiped out by the pandemic¹⁴ many pastoralists in the central and southern parts of the territory were forced into wage labour for the first time. More importantly, land increasingly became the object of barter and trade.¹⁵ To make matters worse, the land traded was much cheaper than the land offered by concession companies, who had acquired their land for speculative purposes.¹⁶

Stock losses as a result of rinderpest in the northern regions increased pressures by kings on commoners, forcing many into wage labour. In contrast with the southern, pastoral regions, however, peasants in the north retained access to land as crop production had not been affected by the pandemic.

Avaricious settlers took advantage of the plight of stockless pastoralists in the central and southern regions of the country. By means of unequal trade they acquired large tracts of land and substantial numbers of the livestock which had survived the rinderpest. By 1902 only 31,4 million hectares (38 per cent) of the total land area of 83,5 million hectares remained in black hands. White settlers had acquired 3,7 million hectares,

concession companies 29,2 million hectares and the colonial administration 19,2 million hectares.¹⁷

Tensions arising from unscrupulous trading practices and the resulting loss of land spurred the Herero and Nama war of resistance of 1904. This war had devastating consequences for both communities. Between 75 and 80 per cent of the Herero and about 50 per cent of the Nama were exterminated by the German colonial forces.¹⁸ Indigenous resistance thus crushed, the German colonial administration issued regulations at the end of 1905 announcing the expropriation of all 'tribal land - including that given to the missionaries by the chiefs.' More specific regulations followed in 1906 and 1907, empowering the colonial administration to expropriate all the land of the Herero and Nama.¹⁹ Henceforth, black Namibians could obtain land only with special permission of the Governor. Up until 1912 this was never granted. Squatting on uncultivated or unsettled land was also strictly controlled.²⁰ By contrast, the Baster community at Rehoboth and several Nama and Damara communities were secured access to small reserves as a reward for their loyalty to the Germans.²¹

Peasants in northern Namibia were largely unaffected by these developments. Early attempts by the German colonial Governor to sign protection treaties with Ovambo chiefs had been rejected.²² Moreover, the temptation to conquer Ovambo and Kavango territories - contemplated before 1904 - was resisted by Governor Leutwein. Part of the reason seems to have been that the Ovambo region in particular was regarded as neither having any mineral potential, nor being considered particularly attractive for white settlement.²³ In addition, the relatively small German garrison was no match for the military and political strength of Ovambo kingdoms. As a result, the German colonial administration never exercised formal jurisdiction over Ovambo and Kavango territories.²⁴

This state of affairs had a curious implication for the further development of Namibia as a settler colony, namely the proclamation of the Police Zone. Unable to confront and subdue the powerful Ovambo kingdoms in the north, the German colonial administration announced in 1907 that police protection should be confined 'to those areas which fall within the sphere of influence of the railway line or main roads.' It added that 'settlement must for the time being be confined to the aforementioned areas.'²⁵ The subsequent establishment of the Police Zone thus separated that part of Namibia which was later settled by white farmers from those areas where peasant

production was largely left intact. The latter comprised the Kaoko, Ovambo, Kavango and Caprivi regions.

With a few exceptions the process of dispossession in the Police Zone was just about complete at the outbreak of war in 1914. The German colonial administration had granted small reserves totalling about one million hectares to six black communities considered loyal during the wars of 1904-1907.²⁶ Together with the Rehoboth Gebiet, Namibians occupied only 2,7 million hectares of land in the Police Zone before 1915. (See table 1 in appendix) Despite this concession, an estimated 90 per cent of adult males in the Police Zone were in wage employment in 1913.²⁷ The process of dispossession in the Police Zone was carried out with such thoroughness that an eminent African historian observed that Namibia 'must have been the only colony in the world where settlers resisted the taxing of Africans. It was unnecessary.'²⁸

Although relatively few in numbers, white farmers were firmly entrenched on the land. By 1913, 1331 farms were in private possession, of which 118 were on lease and 193 dormant. The land allotted to whites amounted to 13,4 million hectares (some 32 per cent of the total area of 42,3 million hectares available for white settlement). 1587 white adults were on these farms²⁹, with a labour complement of about 12 500.³⁰ In addition there were 337 closer settlements of 10 hectares each.³¹ Whites also owned some 90 per cent of all cattle in the Police Zone and 70 per cent of the small stock.³²

Land Policies after 1915

The conquest of Namibia by Union troops in 1915 brought about certain changes with regard to land policies. A period of military rule ensued lasting until 1919. During this time the Union government, though effectively in control of Namibia, was precluded from alienating or allocating any land on a permanent basis. Many black Namibians used the turmoil of war to their own advantage. They deserted their work places in large numbers and settled on vacant Crown Land and unoccupied farms. Settlements proliferated all over the country.³³ The South African government was caught up in a contradictory situation: on the one hand it sought to control squatting - the official term for reclaiming ancestral land - as much as possible in order to force squatters back into wage labour. On the other hand, however, it tried to encourage urban blacks to settle in rural areas so as to increase the supply of labour to farms.³⁴ Pretoria's position

was exacerbated by the fact that it was prevented from proclaiming permanent reserves. As a result, only so-called temporary reserves were recognised, and by 1920 about 30 such reserves were in existence all over the country.³⁵ (See table 2 in Appendix) By the same token, permanent white settlement also could not take place during the period of military rule. Instead, whites who flocked into the country from the Union were issued with grazing licences in respect of surveyed but unoccupied farms.³⁶

The granting of the mandate over Namibia to South Africa in 1919 enabled South Africa to intervene more decisively on land issues. In terms of the mandate all land held by the previous German government was transferred to South Africa.³⁷ Henceforth only the Governor General of the Union had the power to legislate in regard to the allocation of Crown Land, and 'retained control over the actual process of allotment'. The white Legislative Assembly - which was created in 1925 - did not have any powers with regard to land issues until 1949.³⁸ The South African government introduced its *Land Settlement Proclamation* of 1912 as amended in 1917 and the *Crown Land Disposal Ordinance* 1903 of the Transvaal as amended in 1906.³⁹ The provisions of these South African Acts were embodied in the *Land Settlement Proclamation* of 1920. A Land Board was also established to facilitate white settlement; this was followed by the establishment of a Land Bank in 1921.⁴⁰

Simultaneously, Pretoria appointed the *Native Reserves Commission* in 1920 to report on the size of and conditions in temporary reserves and the availability and distribution of labour.⁴¹ In its report, published in 1921, the *Commission* recommended the division of land along racial lines. Black settlements and small isolated reserves - referred to as 'Black Islands' - should be removed from what the *Commission* regarded as 'essentially European areas'.⁴² It recommended that a total of 2,24 million hectares of land in the Police Zone should be reserved for black Namibians. By its own admission, the land thus set aside for black occupation was 'infinitesimal in comparison with the area occupied by Europeans or available for European occupation'.⁴³ (See table 3 in Appendix) In addition to recognising the six small reserves held by various communities under German treaty, the Union government proclaimed ten reserves between 1923 and 1926.⁴⁴ Apart from some additions to these reserves after 1926, only three more reserves were proclaimed in 1932, 1947 and 1951.⁴⁵ (See tables 4 and 5 in Appendix)

These interventions paved the way for the rapid settlement of Namibia by white farmers. The proclamation of reserves meant that many Namibian pastoralists who had reclaimed parts of their ancestral lands after conquest were resettled on marginal lands in the eastern parts of the territory. At the same time the South African government embarked on an accelerated program of settling mainly poor South African whites on dispossessed land. Generous financial assistance by the state meant that by 1926 880 new farms had been allotted to 1106 settlers comprising a total area of 7,5 million hectares.⁴⁶ After that the pace of settlement declined. Between 1926 and 1932 only 381 new holdings were allotted to 412 settlers.⁴⁷ In addition to these settlers from the Union more than 150 farms were allotted to about 200 Angola Boer families in 1928. This happened against the wishes of the white Legislative Assembly and the Administrator at the time.⁴⁸

Drought and the Great Depression brought the first phase of white settlement to an end in 1932. However, by 1937 settlement was resumed, despite an acknowledgement by the Administrator that 'land suitable for settlement was fast running out'.⁴⁹ By 1946 surveyed farms in the Police Zone comprised 32 million hectares representing just over 60 per cent of its area or 39 per cent of the country. By contrast, the area reserved for black Namibians in the Police Zone amounted to 4,1 million hectares.⁵⁰ Notwithstanding the conclusion of an official commission of inquiry into long-term agricultural policy in 1949 that settlement could no longer be increased and that white farm children should be channelled increasingly into trade, the professions and industry, the post-war period witnessed another brief spell of white settlement. By shifting the Police Zone further north and opening up land in the desert, another 880 farms were allotted between 1946 and 1954,⁵¹ bringing the total number of farms to 5214.⁵² (See table 6 in Appendix)

The alienation of ever increasing portions of land for white settlers implied that large numbers of people were resettled onto more marginal land. No accurate data exists on the extent and nature of such relocations as yet. But several cases have been documented of communities that had to vacate ancestral lands which were reclaimed after 1915 in favour of white settlers. Herero pastoralists in central Namibia, for example, were forced to give up land east of Windhoek only to be relocated in more marginal areas in the east of the country. Needless to say, such relocations were accompanied by fierce resistance. In the example just cited, the colonial administration had to resort to violence to force communities to move to the eastern reserves.

Windmills and pumps were put out of action and huts burned. When this failed to produce the desired results, military aircraft dropped bombs into the hills of Orumbo, which eventually made Chief Kutako lead his people away.⁵³

In other cases reserves allocated in earlier years for use by particular communities had to be vacated at a later stage to fit into the overall strategy of white settlement. An example of this is the case of the Aukeigas reserve to the west of Windhoek. Before 1914 the farms Fürstenwalde and Aukeigas had been allocated to a Damara community by the German colonial Government to form the Aukeigas reserve. By 1932 Aukeigas had reached its final size of 13837 ha. Not before long, however, the reserve was considered to be overgrazed and was closed to new entrants in 1947. In June 1956 the reserve was finally deproclaimed. 254 families (1500 individuals in all) together with 1780 large stock units and 15 820 small stock units were moved to Soris-Soris in the arid north-western parts of the country. This farm had been bought by the South African government as compensation for the deproclaimed reserve. Aukeigas was subsequently divided into two commercial farms of 5000 ha. each. In addition, 1000 ha. of the former reserve was set aside for the development of a recreation resort - the present Daan Viljoen recreation resort - while 2000 ha. were added to the Aukeigas farm school.⁵⁴

In 1962 the final phase of forced removals and relocations was ushered in with the appointment by the South African government of the *Commission of Enquiry into South West Africa Affairs*, commonly known as the *Odendaal Commission*. The task of the *Commission* was to further entrench territorial apartheid in Namibia. In its findings the *Commission* pointed out that, based on experience, 'virtually all' existing reserves 'have been unable to achieve more than a subsistence economy'. It argued that the amalgamation and expansion of some of the reserves together with 'further training and active co-operation of their inhabitants' would ensure that all homelands would 'provide a proper livelihood..for their respective population groups.'⁵⁵ However, economic development was not envisaged as part of a wider national development strategy, but rather within the ethnic enclaves proposed by the *Commission*. It argued that conditions for such development would best prevail if homeland residents 'were not unsettled unnecessarily by disrupting their existing strong traditional family and homeland ties.'⁵⁶

To achieve these political and economic objectives, the *Commission* proposed to reduce the number of existing reserves, while increasing their overall size. The result was that the 17

existing reserves in the Police Zone were consolidated into seven ethnic homelands. The addition of land to reserves was achieved by purchasing 426 white farms, and by the deproclamation of government land and game reserves. As a result, the total area set aside for black Namibians increased from 22 million hectares to about 32,7 million hectares; an increase of close on 50 per cent.⁵⁷

In practice, this increase in land was less impressive than the figures may suggest, as large tracts of these additions were either desert or semi-desert land, or unusable on account of a lack of water. No less than 87 per cent of the new Damara 'homeland', for example, fell within the desert and semi-desert agro-ecological region. Similarly, the entire Nama communal area was classified by government agriculturalists as semi-desert.⁵⁸ To this day at least 30 per cent of the Herero 'homeland' is unsuitable for any agricultural production due to the presence of *gifblaar*, a noxious plant, and a shortage of water.⁵⁹

With the implementation of the recommendations of the *Odendaal Commission*, Namibia's distribution of land along racial lines was complete. Subsequent proclamations - particularly in the 1980's - did extend access to agricultural land by black Namibians by abolishing racist regulations which had made the purchase of commercial farm land by black Namibians impossible. However, such concessions were made within the land ownership structure as recommended by the Odendaal Commission and benefitted only big communal farmers with the financial ability to purchase commercial farms on a long-term credit basis. No attempts were made to make more land available to small farmers and the landless.

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APPENDIX

Table 1: Land Occupied by Namibians in 1913

District	Name of Reserve	Area (ha)
Keetmanshoop	Berseba	575 000
Warmbad	Bondels	174 505
Bethanie	Soromas	8 212
Omaruru	Okombahe	172 780
Outjo	Zesfontein	31 416
	Fransfontein	36 188
Rehoboth		1 758 618
TOTAL		2 756 719

Source: M.J. Olivier, 'Inboorlingbeleid en -Administrasie in die Mandaatgebied van Suidwesafrika', University of Stellenbosch, Ph.D., 1961, p.97

Table 2: Temporary Reserves in Namibia, 1920

DISTRICT	RESERVE	EXTENT(ha.) (approximate)
Warmbad	Bondelswarts	175 000
	Hirachabis	---
Bethanie	Bethanien(incl. Soromas)	10 000
Keetmanshoop	Vaalgras (or Witbooisende)	46 000
	Berseba	736 000
Gibeon	Witbooisvlei	20 000
Maltahoehe	Neuhof	10 000
Rehoboth	Hoachanas	20 000
Windhoek	Orumbo north	6 071
	Okatumba south	4 593
	Eros	1 316
	Aukeigas	4 479
	Fuerstenwalde	6 386
	Okakuramea/Ovini- eikiro[sic](i)	no figure
Gobabis	Uichinas	5 000
	Gunichas	5 000
	Aminuis	30 000
Okahandja	Ovitoto	15 000
	Okawayo[sic]	---
Karibib	Autarwib Ost[sic]	13 958
	Neubrunn	13 500
	Otjimbingue	13 000
Omaruru	Otjohorong	25 000
	Okombahe	172 713
Outjo	Zesfontein	50 000
	Fransfontein	10 000
	Otjeru	10 000
Grootfontein	Ovisume	4 645
	Otavifontein	2 500
	Gauss	5 674

Notes: (i) According to LW 1 3/15/2 Depression Commission: Memorandum Native Affairs Windhoek, 14.6.1923 this area comprised about 20 farms.

Source: W. Werner, 'An Economic and Social History of the Herero of Namibia, 1915-1946', University of Cape Town, Ph.D., 1989, p.123

Table 3: Recommendations of the Native Reserves Commission

	Hectares	Total
1. Proposed reserves.....	794 938	
2. Reserves to be closed.....	139 288	
		<hr/>
		655 650
3. Land earmarked for reserves in case of future extension or of unsuitability of proposed reserves.....	636 881	
4. Land held by natives under German treaties or agreements.....	945 343	
5. Approximate total extent of land occupied by natives or to be occupied as reserves.....		<hr/>
		2 237 874

Source: Report of the Administrator, 1921, p.14

Table 4: Reserves set aside for Black Namibians, 1923-1926

Name of Reserve	Year of Proclamation	Area (ha)
Berseba		575 000
Bondels		174 505
Fransfontein		36 188
Okombahe		172 780
Soromas		8 212
Sesfontein		31 416
Aminuis	1923	230 000
Epukiro	1923	284 000
Neuhof	1923	20 500
Otjituo	1923	105 768
Ovitoto	1923	47 791
Tses	1923	229 925
Gibeon	1924	38 782
Waterberg East	1924	343 000
Otjohorongo	1925	330 000
Otjimbingue	1926	83 053
TOTAL		<hr/> 2 421 920

Notes: Reserves without a year indicate those reserves that were considered to be held under treaty from the German colonial government.

Sources: Republic of South Africa, Report of the Commission of Enquiry into South West Africa Affairs 1962-1963, R.P. No. 12/64, p.69; UNIN, Toward Agrarian Reform. Policy Options for Namibia, (Lusaka, 1979), p.13

Table 5: Reserved Areas 1932-1951

Name of Reserve	Year of Proclamation	Area (ha)
Aukeigas	1932	10 862
Eastern	1947	1 260 000
Warmbad	1951	14 523

Sources: Report of the Commission of Enquiry into South West Africa Affairs 1962-1963, p.69

Table 6: Land Utilisation in 1946

Within the Police Zone:

Surveyed farms.....	31 961 091 ha.
Urban areas.....	425 341 ha.
'Native Reserves'.....	4 151 208 ha.
Rehoboth Gebiet.....	1 303 400 ha.
Prohibited and diamond areas....	7 629 652 ha.
Namib desert (excl. the above)...	358 060 ha.
Unsurveyed Crown land.....	6 361 108 ha.
	<u>52 189 860 ha.</u>

Outside the Police Zone:

Ovamboland, Kavango, Caprivi	
Zipfel, Kaokoveld , Namib desert	
and game reserves.....	30 101 000 ha.
	<u>82 290 860 ha.</u>

Source: General Rehabilitation Commission, p.16

**COMMUNAL LANDS IN NAMIBIA
THE LEGAL FRAMEWORK, ITS APPLICATION
AND EXISTING PRACTICES**

by

The Legal Assistance Centre

1. INTRODUCTION

This study, conducted by and on behalf of the Legal Assistance Centre, examines the current land tenure system in areas, generally referred to as communal areas, with a view to provide information on the legal framework of ownership and access to land in those areas. The study seeks to set out and analyse the applicable statutory and other legal provisions. It thereafter examines how land is allocated in practice in communal areas and how disputes concerning land issues are in fact resolved.

The study will also seek to highlight some of the major weaknesses of the current statutory regime and the traditional law as applied in respect of land use and tenure in communal areas with special regard to considerations of social equity and justice.

In dealing with the question of communal areas, it is to be noted that many of the areas referred to as communal were deliberately reconstructed or created to further colonial policies. Their major objectives were to act as reservoirs for cheap labour and to aid the process of territorial apartheid and the dualistic nature of the economy, as well as to pursue a policy of divide and rule.

The traditional land tenure systems were directly affected by colonial legislation and practices. As a result, communal land rights have become one of the most pressing issues in any land discussion in Namibia.

This study does not claim to be an exhaustive analysis of land tenure systems in communal areas, but seeks to provide a brief perspective on the existing legal framework of and the institutions for land allocation, control and administration in the areas concerned.

The factual data and information in this paper were obtained through field visits to local "tribal offices", administrations and through interviews with kings, chief and traditional authorities. Local people were also interviewed in order to

assess the extent to which the traditional authorities enjoy authority over land allocation and control.

2. THE LEGAL BACKGROUND

Under German rule, large areas of the land of the indigenous population of Namibia were confiscated. According to one historian, "German land policy with regard to the acquisition of land had been formulated in 1892, on the premise that, after the demarcation of so-called "native reserves", the colonial authorities would gradually acquire by proclamation the remainder of the Territory, as Crown Land ." However, the German colonial administration did not manage to complete the implementation of this policy before Germany lost control of South West Africa as a result of World War II.

The Treaty of Peace and South West Africa Mandate Act, No 49 of 1919, gave effect to the Mandate for South West Africa established pursuant to the Peace Treaty of Versailles. In general, this Act delegated the administration of the territory of South West Africa to the Governor-General of South Africa, who was given both legislative and executive powers. The Governor-General subsequently delegated administrative powers over the Territory to the Administrator of South West Africa.

In terms of this Act, the land held by the German colonial administration effectively became Crown Land of South West Africa, with the South African Parliament retaining authority over land rights. The Act stated that "no grant of any title, right of interest in State land or minerals" within South West Africa could be made without the authority of Parliament, except pursuant to the provisions of several specified laws which the Governor-General could make applicable to South West Africa. These specified laws included the Crown Land Disposal Ordinance 1903 of the Transvaal, which authorised the setting aside of native reserves without specific Parliamentary authority.

The Act also stated that only the South African Parliament could alienate land within South West Africa which was "now or hereafter set apart as a reserve for natives or coloured persons".

From this point onwards, authority over "native affairs" in the Territory see-sawed back and forth over the years and took various forms reflecting different policy variations of maintaining controlling of "native affairs" by the South African State and also later reflecting different South African

strategies in response to local and international pressure for the independence of Namibia.

The legislative changes and trends relating to the communal areas should be viewed against this larger historical and political background.

This background also helps to explain the complexity of the legal history of the communal areas. A related complicating factor (which is a consequence of the apartheid policy and divide and rule) is the piecemeal and unstructured manner in which the legislation developed, resulting in anomalies and a number of unprincipled differences of detail.

In 1920, a proclamation of the Governor-General of South Africa authorised the Administrator of South West Africa to set aside Crown Lands as reserves "for the use and benefit of aboriginal natives, coloured persons and Asiatics".

Shortly afterwards, a Native Reserves Commission was appointed to investigate the control, size and conditions of existing reserves and to advise on the establishment of permanent native reserves.

On the basis of the recommendations of this Commission, the Administrator's powers in connection with "natives" were defined in two key pieces of legislation - the Native Administration Proclamation, 1922 (Proc 11/1922) and the Native Administration Proclamation, 1928 (Proc 15/1928) (and in regulations promulgated pursuant to these two proclamations). These provisions are not entirely consistent with each other and tend to overlap in certain areas.

Sect 16 of Procl 11/1922 states:

The administrator may whenever he deems it desirable set aside areas as native reserves for the sole use and occupation of natives generally or of any race or tribe of natives in particular and the inhabitants thereof shall be subject to such restrictions and to such regulations as he may prescribe.

Sect 20 of this Proclamation empowered the Administrator to make regulations regarding "the establishment, management and control of native reserves in rural areas".

Pursuant to this authorisation, the Administrator promulgated a set of Native Reserve Regulations in 1924 in Government Notice 68/1924 which initially applied to all native reserves established pursuant to Proc 11/1922, although certain reserves were subsequently exempted from the operation of the regulations.

Under these regulations, magistrates were given "general control" of the native reserves within their districts. Where the Administrator appointed a superintendent for the area, this superintendent was to follow the instructions of the magistrate. The superintendent and the magistrate were "charged with the duty of making allotments of land, collecting taxes and fees, supervising sanitation, branding native stock and generally controlling the Reserve". They were also empowered to control livestock and set grazing fees. The magistrate for the district was given the power to appoint headmen, but such headmen were to be under the strict control of the superintendents.

It is noteworthy that these regulations did not place authority over the allotment of land in the hands of traditional leaders. In fact, the regulations specifically state that a headman shall not make any allotment of land, either to newcomers or by way of redistribution of land already occupied, nor shall he under any circumstances deprive any person of any land of which such person shall be in occupation except upon the express order thereto of the Superintendent.

Proc 15/1928 provided for the appointment of a Chief Native Commissioner, native commissioners, and assistant native commissioners; established native commissioners' courts and set forth their jurisdiction; and addressed the position of traditional leaders by placing the Administrator of South West Africa in the position of "supreme or paramount native chief", and empowering him to "recognise or appoint any person as a chief or headman in charge of a tribe, or of a location or a native reserve" and to make regulations prescribing the duties, powers and privileges of such chiefs or headmen.

This Proclamation also gave the Administrator the power to "define the boundaries of the area of any tribe"; the power to divide or amalgamate tribes, or to create new tribes in the interest of "the good government of the natives"; and the power to order the removal of any tribe or any portion of any tribe or any "native" from one place to another within the Territory, whenever he deems it "expedient in the general public interest".

Pursuant to this Proclamation, the Administrator issued "Regulations Prescribing the Duties, Powers and Privileges of Chiefs and Headmen" in Government Notice 60/1930. In general, these regulations stated that chiefs were persons "appointed to exercise tribal government and control and to perform the administrative functions herein prescribed or required under any other law now in force or hereafter promulgated, in or over any tribe or area assigned for the occupation of such tribe". Headmen were persons "appointed to control a minor tribe or location under the direction of a Native Commissioner" and were not to include "persons commonly called headmen or indunas appointed by chiefs to assist in the administration of their tribes".

Among the duties of such chiefs and headmen set out in these regulations is the duty to "render such assistance as may be required of them by responsible officers of the Administration in connection with the efficient administration of the laws relating to the allotment of lands and kraal sites and to commonages and the prevention of illegal occupation of or squatting upon land". Chiefs and headmen were also given responsibility "for the proper allotment to the extent of the authority allowed them by law of arable lands and residential sites in a just and equitable manner without favour or prejudice." They were expected to carry out the orders and instructions of native commissioners, magistrates and superintendents.

Thus, "chiefs" and "headmen" were (and are) in terms of these laws in the position of subordinate administrative officers, with no independent authority over the allocation of land in the "native reserves".

The regulations specifically state that chiefs and headman "shall enjoy the privileges conferred upon them by the long established and generally recognised usages of their tribes, but otherwise shall not use any compulsion or other arbitrary means to extort or secure from any person any tribute, fee, reward or present". This prohibition, which is still in force, may have some bearing on the payment of fees for the allocation of communal lands.

Proclamation 15/1928 contains several provisions relating to the role of the courts in the enforcement of the Proclamation.

In addition to the power to order the removal of any tribe or portion of a tribe or any "native" from one place to another within the Territory, the Administrator (and the legal successors

of this office) is also empowered to remove any chief or headman from his position for incompetency or for other just cause, and to order the removal of such chief or headman, his family and his property from one place to another within the territory.

The Proclamation contains an ouster clause which provides that:

The Administrator shall not be subject to any court of law for or by reason of any order, notice, rule or regulation professed to be issued or made or of any other act whatsoever professed to be issued or made or of any other act whatsoever professed to be committed, ordered, permitted or done in the exercise of the powers and authority conferred by this Proclamation.

The Proclamation also places certain limitations on legal proceedings against chiefs or tribes in respect of land disputes:

No legal proceedings in regard to the ownership, occupation or acquisition of land by a native tribe shall be instituted or maintained against the chief of such tribe, or both, by an individual member or members of the tribe concerned unless such member or members produce a written certificate issued by the Secretary for South West Africa stating that the Administrator has approved of the institution of such proceedings.

Both of these provisions (currently on the statute book) clearly attempt to limit the courts' jurisdiction. They are thus unconstitutional, being in direct conflict with Article 18 of the Namibian Constitution which provides that:

Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by common law and any relevant legislation, and persons aggrieved by the exercises of such acts and decisions shall have the right to seek redress before a competent Court or Tribunal.

Although the legal basis for the "native reserves" has changed over the years, the courts have held that the unrepealed portions of Proc 11/1922 and 15/1928 and their accompanying regulations have remained in force.

Although many of the individual provisions of the two proclamations have been repealed, neither of them has been repealed in their entirety. Proclamation 11/1922 was amended as

recently as 1985; Proclamation 15/1928 as recently as 1989; and the Regulations in GN 68/1924 as recently as 1988 (by the Herero Legislative Authority).

Most reserves established by the colonial authority were done so under the authority of Section 16 of Native Administrative Proclamation, although the Proclamations establishing certain reserves such as Ovamboland and the Okavango Native Territory do not cite enabling authority while "the unnamed area east of Rundu" was set apart in terms of the South West Africa Native Affairs Administration Act, 56 of 1954. With the exception of the Warmbad Native Reserve which was reserved for the sole use of the "Bondelswarts tribe of Hottentots", the reserves were for the sole and occupation of "natives" generally rather than for a particular group. The individual statutes establishing the reserves are all silent on the issue of allocation of land within the respective reserves; this was still governed by the 1922 and 1928 Native Administration Proclamations.

No reserve was allocated to the groups of people referred to as "Bushmen" until the 1960s and the Rehoboth gebiet was not categorised as a native reserve and is referred to separately below.

In 1924, the Native Reserve Trusts Funds Administration Proclamation required that separate native reserve trust funds be set up for each native reserve established pursuant to Proc 11/1922. The administrator also had the authority to establish trust funds for "any tribe or aggregate of tribe or portion of a tribe in Owamboland, the Caprivi Zipfel and the Okavango Native Reserve."

In 1939 the Native Trust Funds Proclamation established the Herero Tribal Trust Fund and authorised the administrator to create "Damara", "Hottentot" and miscellaneous "native tribal trust funds" by notice in the Gazette for expenditures "upon objects which in the opinion of the administrator are in the interest of and calculated to promote the welfare of, the tribe or aggregation of natives concerned". The 1939 Proclamation did not repeal the earlier 1924 Proclamation, resulting in a degree of overlap in the proclamations.

The Trust Funds authorised by the 1924 Proclamation however were tied to the land (the "reserves") whilst the Trust Funds authorised by the 1939 Proclamation were set aside for "tribes", or an "aggregation of natives".

In 1954, the Administration of Native Affairs was transferred from the Administrator of South West Africa to the South African Department of Native Affairs by the South West Africa Native Affairs Administration Act 56 of 1954. All references to the "administrator" in legislation was thereafter to be read as references to the Governor-General of South Africa who in turn was empowered to delegate his authority to the Minister of Native Affairs.

The Act also set aside certain land along the Kavango River east of Rundu "for the sole use and occupation of natives" and further stated that this land, as well as "any other land or area in the territory which has at any time prior to the commencement of this Act been so reserved or set apart or which may at any time after such commencement be so reserved or so set apart, in terms of any law" shall vest in the South African Native Trust established by the Native Trust and Land Act, 18 of 1936.

According to the 1954 Act, the Trustee referred to in the Native Trust and Land Act was to have the same duties, powers and functions over land in South West Africa as if the land were included in the Union.

Furthermore, the assets and liabilities of any fund set up under any law relating to matters administered by the South African Minister of Native Affairs (which would include funds associated with "Native Reserves") were transferred to the South African Native Trust.

The Trustee was the Governor-General of South Africa. The uses of the money in the Trust Fund included the acquisition of land for the objects of the Trust, and the expenses relating to development and to "the material, moral and social wellbeing" of natives residing on Trust land. In 1978, at the time of various powers and functions being transferred from the State President of South Africa to the Administrator-General for South West Africa, the latter became the Trustee of the South African Bantu Trust.

The Representative Authorities Proclamation, 1980 (hereafter referred to as AG 8) provided that legislative authorities of any "population group" became empowered to make ordinances in respect of communal lands. It also provided that the ownership of any such lands which vested in the South African Development Trust (formerly the South African Native Trust) was to vest in the Government of the Territory. The related Trust funds were to be transferred into the Central Revenue Fund of South West Africa

or into the revenue fund of the relevant representative authorities. Accordingly, the various representative authorities acquired control over the communal lands which they were empowered to administer and these communal lands lost their status as assets of a trust and became the property of the Government of the Territory.

Following the report of the Odendaal Commission, which was directed to investigate the promotion of "the material and moral welfare and social progress of the inhabitants of South West Africa" and more particularly its non-white inhabitants and to make recommendations for a five year plan for the "accelerated development of the various non-white groups of South West Africa inside as well as outside their own territories and for the further development and building up of such native territories in South West Africa", an Ordinance was passed in 1967 by the South West African Legislative Assembly which authorised the Administrator to "set apart and reserve" by Proclamation any state land specified in the schedule to the Ordinance "for the sole use and occupation of natives". This authority to set aside specified land for this purpose would appear to overlap with Proc 11/1922 which gave the Administrator power to set aside unspecified land for identical purposes. The only additional function of 1967 Ordinance was apparently to earmark certain State land for this purpose. In 1969, the Administrator exercised this authority and reserved certain land for the purpose of the Proclamation.

Following the Odendaal Report, South African Parliament also acted on its recommendation by passing the Development of Self-Government for Native Nations in South West Africa Act, 54 of 1968 which was intended to assist the "native nations" in South West Africa to "develop in an orderly manner to self-governing nations and to independence". The Act recognised Damaraland, Hereroland, Kaokoland, Okavangoland, Eastern Caprivi and Owamboland as "the areas of the different native nations of South West Africa" as well as "such other land or area as may after the commencement of this Act be reserved and set apart for the exclusive use and occupation by any native nation recognised by the State President by Proclamation in the Gazette as an area for such nation".

The State President was also empowered to establish legislative councils for these areas with certain powers specified for these legislative councils. The allocation of communal land was not initially one of the listed powers, but subsequent amendment to the Act added "land settlement, registration of deeds and

surveys, but excluding trigonometrical surveys" to the list of matters which fell under the authority of the legislative councils. It was not provided however that ownership of the "native reserves" was to pass through the legislative council.

Legislative councils were also empowered to constitute an executive council and had powers with regard to the appointments, dismissals, conditions of service of chiefs and headmen and related matters.

The Act was subsequently amended to enable the State President to clear any area which already had a legislative council to be declared by Proclamation "self-governing". The amended Act empowered the State President to direct, by Proclamation, that any land owned by the Government of South Africa or the South African Bantu Trust or administration of South West Africa be transferred to the Government of any self-governing area on certain conditions. No proclamations transferring any such land or property had been located.

During this period, the Rehoboth Gebiet was also granted "self-government" and this is referred to in more detail below. These moves toward greater "autonomy" in "certain homelands" may be seen as the further development and extension of the separate ethnically-based apartheid administrations imposed upon Namibia.

It is to be emphasised that in 1978 the Administration of the South African Bantu Trust was transferred to the Administrator-General and the ownership of the native reserves which formerly fell under the Trust until AG 8 of 1980 transferred the ownership to the Government of the Territory.

To sum up, all areas set aside "for the sole use and occupation of natives" before or after the commencement of the Native Trust and Land Act, No 18 of 1936 became the property of the Government of South West Africa.

The Development of Self-Government for Native Nations in South West Africa Act, No 54 of 1968, was repealed in most parts of Namibia by AG 8 of 1980, which specified that the repeal of the Act would be effective in Hereroland, Kaokoland, Kavango, the Eastern Caprivi, Ovambo and Damaraland when the representative authorities for those areas came into operation and "in any other part of the territory, on a date to be determined by the Administrator-General by Proclamation". Thus, as the Act does not appear to have been repealed in any part of Namibia by subsequent Proclamation, it remains in force in Bushmanland (and

in any other areas reserved and set apart for the "exclusive use and occupation by any native nation" after the commencement of the Development of Self-Government for Native Nations in South West Africa Act in 1968 and "recognised by the State President by proclamation in the Gazette as an area for such nation").

It has not been possible to investigate the Ordinances passed by the various Representative Authorities to determine whether any of them relate to the allocation and use of the communal areas.

During the implementation of Resolution 435, the powers, duties and functions of the various representative authorities were transferred to the Administrator-General by the Representative Authorities Powers Transfer Proclamation, 1989 (AG 8 of 1989). This Proclamation is silent on the question of movable and immovable property.

AG 8 of 1980 and all the proclamations establishing representative authorities under its terms were repealed in their entirety by the Namibian Constitution.

The Namibian Constitution clearly transfers ownership of all the communal lands which previously vested in any governmental authority - including South African, South West African and "second-tier" representative authorities - to the Government of Namibia in a broad omnibus provision regarding the transfer of government assets:

All property of which the ownership or control immediately prior to the date of independence vested in the Government of the Territory of South West Africa, or in any Representative Authority constituted in terms of the Representative Authorities Proclamation, 1980 (Proclamation AG8 of 1980), or in the government of Rehoboth, or in any other body, the benefit of any such Government or Authority immediately prior to the date of Independence, or which was held in trust for or on behalf of the Government of an independent Namibia, shall vest in or be under the control of the Government of Namibia.

However, according to the Constitution, all laws which were in force immediately before the date of independence - which may include any ordinances passed by the various representative authorities - remain in force until repealed or amended by an Act of Parliament, or until declared unconstitutional by a competent court.

Thus, after a confusing history of reservation and ownership, it seems clear that the ownership of all the land in Namibia has been set aside for "native" occupation over the years now vests in the Government of Namibia.

Technically speaking, control of the allocation of land within these areas is governed primarily by the Native Administration Proclamation, 1922 (Proc 11/1922) and the Native Administration Proclamation, 1928 (Proc 15/1928), by any relevant laws enacted by the various authorities which preceded the representative authorities or the individual representative authorities in respect of communal land, and by customary law where its provisions are not in conflict with the Constitution, the common law or any statute currently in force.

3 TRADITIONAL AUTHORITIES, CUSTOMARY LAW AND THE COURTS

Following the application of Roman-Dutch common law to South West Africa in 1919, customary law continued to apply only in the areas in which it had not been superseded by Roman-Dutch common law or any statutory provision. Accordingly, customary law has survived only in so far as it has not been superseded by the common law or by statute.

Upon independence, the Constitution provided that the common law and customary law in force on the date of independence shall remain in force to the extent to which it does not conflict with the Constitution, or any other statutory law. Customary law which conflicts with provisions of the Constitution would be unconstitutional and liable to be struck down as invalid. Relevant constitutional provisions would under Article 10 which guarantees that all persons shall be equal before the law and that no persons may be discriminated against on the grounds of their race or ethnic origin or Article 16 which guarantees the rights of all persons to acquire land in any part of Namibia. The Constitution however further provides that laws remain in force until repealed or declared unconstitutional by a competent court.

Accordingly, customary law applied by traditional authorities which offends against the equality provisions of Article 10 and the provisions of Article 16 guaranteeing persons the right to acquire property anywhere in Namibia may be liable to be struck down as unconstitutional.

When the then Supreme Court was called upon to consider the application of customary law during the 1980s, it held that

customary law survives in the interstices of the statutory scheme, unless there is a specific and direct conflict with the statutory scheme or Roman Dutch common law. The Court decided that it was entitled to take judicial notice of customary law. It held that it could inform itself of customary law with the aid of history books and that evidence of customs in a reserve could be proved in the same manner as any other custom, that is "by ordinary persons who have knowledge of the nature of the customs and the period over which they have been observed".

The 1928 Proclamation vests in chiefs and headmen civil and criminal jurisdiction only where it has been specifically conferred by the Minister of Bantu Affairs and Administration (prior to 1977) or by the Administrator-General for South West Africa from 1977 to independence, or by the President of Namibia.

Traditional authorities have jurisdiction to decide civil claims "by natives against natives arising out of native law and custom". Criminal jurisdiction is in respect of any offence under statutory law, common law or native law and custom, other than a schedule of serious offences listed. Stock theft is the only offence directly related to land included in the exceptions. The procedure in hearing both civil and criminal cases is to be in accordance with native law and customs observed by the tribe or in the native reserve concerned. Punishment in criminal cases expressly excludes death, mutilation, grievous bodily harm or imprisonment and finds an excess of R40 or two head of large stock or ten head of small stock. A convicted person has the right of appeal to the "Native Commissioner" or (the legal successor of that office).

In interpreting this authority, the (then) Supreme Court decided that the authority to try criminal matters arising out of "native law and custom" is further limited by the fact that only so much "native law and custom" survives as has not been superseded by statute. In other words where a statute provided otherwise, either directly or by implication, authority would be excluded.

The court differentiated between headmen appointed in terms of Government Notice 68 of 1924 and those appointed in terms of Proclamation 15 of 1928. Appointments in terms of the 1924 Proclamation would have no authority to deprive anyone of land without the authority of the Superintendent and have no authority to order anyone to take up residence elsewhere and could not impose a fine without the authority of the magistrate. An appeal to the magistrate is also expressly provided for in the 1924 Government Notice.

The 1928 Proclamation, however authorises the Administrator to appoint any person as a chief or headman in charge of a tribe or a native reserve and to make regulations prescribing the powers, privileges and duties of such chiefs and headmen.

In the absence of regulation issued under the 1928 Proclamation, expressly providing to the contrary the Supreme Court has also held that to a great extent, native law and custom were retained.

Accordingly, traditional authorities, duly appointed in respect of land allocation and disputes over land, are able to apply customary law in such areas as long as the application is not in conflict with the Constitution, any other statute or the common law. In addition to the limitations provided by the Constitution upon the exercise of powers under customary law, the Supreme Court has expressly held that when an administrative decision is taken which adversely affects the rights of the inhabitants of a reserve to utilise "the grazing and water on communal land" natural justice requires that the person affected by the decision should have been given an opportunity to be heard.

The rules of natural justice would accordingly apply to the exercise of any powers under customary law where a traditional authority seeks to take a decision which could adversely affect the rights of a particular party or parties. In those circumstances the party concerned would have a right to be heard, and the authority is obliged to act in good faith in applying its mind, without improper or ulterior motives. The study has revealed that principles of natural justice are not necessarily subscribed to by traditional authorities in respect of land issues in certain areas of Namibia. The authorities concerned accordingly run the risk of having decisions set aside by the courts where these principles have not been adhered to.

The provisions of Article 18 of the Constitution further ensure the right of persons to approach the courts, in the case of administrative bodies or officials failing to act fairly and reasonably in the exercise of their acts and decisions. The limitations contained in the ouster clause which conflict with this constitutional right are thus liable to be struck down as unconstitutional.

4. OVAMBO

The Ovambo communal area is situated south of Namibia's border with Angola and covers about 56 000 square kilometres. It is estimated that the population in the area is about 450 000 (about

40% of the total Namibian population). It is also estimated that the majority of the 45 000 exiles who returned home after independence currently reside in the area.

The area consists of seven sub-regions, either falling under traditional kings in the case of Ongandjera, Uukwaludhi and Ondonga, or senior headmen appointed by the colonial administration, in the cases of Uukwanyama, Uukwambi, Uukolonkadhi and Ombalantu. Each sub-region is in turn divided into wards and villages, each with its own ward headman and village headman.

Prior to the colonial era, land allotment was traditionally the domain of the kings of the different clans in Ovambo - with each of the clans previously having kings. The kings in turn appointed certain people who acted as their assistants or councillors in determining land allotment and other related land issues.

During the colonial era, certain changes occurred. In Uukwambi for instance, following the fall of King Iipumbu in 1932, the then Native Commissioner (Hugo Hahn) appointed four senior headmen and vested in them the power to allot land. Following their deaths, their respective titles were inherited by members of their clans and this practice continues in that area.

Although the colonial administrations passed laws relating to land allotment, the study has revealed that the allotment of land effectively remained the responsibility of traditional leaders in their respective areas.

Prior to the colonial era, land belonged to the kings who had the overall power of allocating land to people in their respective areas. In those parts of Ovambo where kings still exist (Ondonga, Ongandjera and Uukwaludhi) it is still thought that the land belongs to the kings, notwithstanding the colonial legislation which vests the property in the State. In practical terms, the study found that land is allotted by village sub-headmen who are accountable to senior headmen, who are in turn accountable and responsible to their respective kings. The same system applies in areas where there are no longer kings such as Ombalantu and Uukolonkadhi, with the only difference being that the further level of accountability to kings is no longer in existence. The kings and senior headmen only intervene in the process where there are disputes and where the village headmen or sub-headmen are unable to settle the disputes.

Although the colonial administration passed legislation which empowered the administrator and legal successors to that position to appoint kings, chiefs and senior headmen, in practice the study has shown that village headmen and sub-headmen are generally appointed by the king or senior headman, usually in a similar manner although the procedure in Ondonga differs from the other areas of Ovambo. In Ondonga, senior headmen are appointed by the king who informs the particular headman as to the boundaries of the district to be under his control and an initial period of what amounts to probation ensues. During this time the senior headman will be under observation by certain people appointed by the king. At the end of this period, they will report to the king on the capabilities of the senior headman and if the king considers him fit for the position, the appointment is ratified and the title is officially conferred.

Although land is allotted by sub-headmen or village headmen in the entire area, the framework within which the allotment occurs takes two basic forms, with the differences relating to the appointment of village headmen and manner in which payment occurs.

As stated above, the appointment and recognition of village headmen is, in general, in the hands of senior traditional leaders (kings in the areas where they exist and senior headmen where there are no kings).

In the first instance, the senior traditional leader appoints village headmen who allot land to individuals in their respective villages. These village headmen are responsible for collecting money from those individuals to whom land has been allotted as a purchase price for the right to occupy land. Money collected is handed to the senior headman having jurisdiction for that district. The money usually becomes the personal property of the senior headman concerned, although the village headman usually receives a small allowance as a salary. This system is generally operative with minor variations in most areas except for Ondonga and Uukwanyama where a different system is in place.

In Ondonga and Uukwanyama, the king or senior headman sells the right to allot land in particular villages to headmen. In effect, headmen are required to "buy" a village prior to becoming a headman. These headmen in turn collect payment from people to whom land is allotted. This payment becomes the personal property of the headman.

Payment is usually in kind - mostly in the form of cattle, although money is also occasionally received. There is generally no fixed or standard price for either villages in the case of headmen purchasing the right to allot land in respect of such villages (in the case of Uukwanyama and Ondonga), or in the case of persons paying village headmen for the right to occupy individuals plots for residential and cultivation purposes. The person vested with the power to determine the amount of payment has an extremely wide discretion in doing so, resulting in the discretion being arbitrarily exercised frequently. According to the study, payments differed not only from district to district but within districts themselves.

The study revealed widespread dissatisfaction amongst the people of Ovambo at the arbitrary nature of the determination of payment for the right to occupy and cultivate land. Dissatisfaction also centred on the fact that only traditional authorities benefited from land related payments. There was also a perception held by many people interviewed that the traditional system of land allotment was misused by the colonial administration in order to ensure that loyal or sympathetic tribal leaders were appointed in certain areas and that the colonial administration thereby ensured that they received payment and patronage from their own communities.

The procedure to be followed in application for the allotment of land is similar throughout Ovambo although slight local variations may occur in certain areas. After an applicant has identified the area of land which he or she wishes to occupy, the applicant approaches the headman having jurisdiction over the area concerned. The headman thereafter accompanies the applicant to the piece of land together with the deputies and assistants of the headman. The boundaries and the payment are then determined. If the applicant accepts the terms, he or she orally informs the headman and payment is effected shortly thereafter.

The study revealed that anyone can apply for land allotment in the Uukwanyama and Uukwambi sub-regions. In other areas however, namely Ombalantu, Ongandjera, Ondonga, Uukwaludhi and Uukolonkadhi, discrimination against women is practised. In these areas, only men or widows and, in certain limited circumstances, divorced women (where the traditional authority concerned with the allotment of land is satisfied that the reasons for divorce did not involve misconduct on the part of the woman) are eligible. Widows of a deceased man who had been allotted land are obliged to reapply to the headman through the deceased's heirs for permission to continue to use the land and

a further payment is then applicable. Widows do not generally have the right to succeed a deceased land occupier in his rights to the land. She is obliged to await the decision of her deceased husband's relatives (the heirs) who have the right to decide that she may not be permitted to be allotted the land and remain there. The deceased's relatives may do so in circumstances in which they are of the view that she directly or indirectly caused her husband's death or even if they disliked her. This practice, which has caused considerable hardship to widows, has been ameliorated in recent years as communities have come to realise the extremely unfair and harsh consequences of this practice.

In the allocation of land, village headmen generally give preference to married couples or, in certain areas such as in Ondonga, to those intending to get married in the near future. Clan membership is not required but the study revealed that factors such as a level of responsibility, accountability and diligence are required in certain areas.

Tenure is usually for life. When a person to whom land has been allotted dies, the right to the land reverts to the headman who will charge the household again for the right to cultivate and occupy the land. The failure on the part of the household to make the payment will entitle the headman to allow another person to apply for the rights to the land. This practice usually has a particularly adverse impact upon women, who, during their husband's lifetime, are frequently not able to acquire assets in their own right and accordingly do not have the means to make such payments after their husbands' deaths. (In accordance with customary law, a widow is generally not an heir to her husband's estate unless he makes a valid will, in terms of statutory and Roman-Dutch common law).

In general, land is allocated for residential purposes and for cultivating crops, whether the allotment is fenced in or not. The remaining land is usually available for communal grazing and for cattleposts.

In Uukwambi, any person who wishes to make use of a cattle post attends to his or her own arrangements in order to do so. In terms of custom, fences cannot be erected in the communal grazing areas. In the Ondonga area however, a recent phenomenon of individuals fencing off large areas for exclusive grazing has arisen, either with permission from the traditional authority concerned or without such permission. Certain individual "farms" have recently been established in the Omangetti area of Ondonga.

In the areas of Uukwanyama, Ongandjera, Uukwaludhi, Uukolonkadhi and Ombalantu, land is only allocated for residential purposes, cattle posts, grazing, crop production and, in certain circumstances, for businesses.

When a dispute arises concerning the determination of boundaries or the allotment of land or the extent of the rights in respect of allotment, the aggrieved person can report the matter to the village headman who in turn fixes a date for the hearing. The headman is required to notify the other party to the dispute concerning the nature of the complaint made against such a party. At the hearing, the headman together with a committee of advisors who comprise local people experienced in the question of boundaries and land issues, will convene and the respective parties will appear before them to state their respective cases.

If either party is not satisfied with the decision of the headman, he or she is given the right to appeal to the senior headman for the district in which the dispute arises. There is a further appeal to the "tribal court" which has its seat in the offices of the tribal administration. The decision of the tribal court, comprising senior headmen of the area, is final and there is no further appeal except in the case of the areas where there are kings who have the final say.

The study revealed that the general feeling of the people interviewed in Ovambo was that the traditional land allotment system is not satisfactory in view of the wide discretionary powers vested in the traditional authorities. People accordingly do not have the express right to acquire land as the means of acquisition can easily be placed beyond their reach at the discretion of the traditional authority. Accordingly, the wealthy and the powerful enjoy greater access to obtaining land. In certain circumstances, wealthy business people and influential civil servants have been able to "acquire" rights to large "ranches" which they have fenced in.

The determination and manner of payment is also the cause of widespread dissatisfaction. Many respondents who were interviewed stated that chiefs and headmen frequently use the existing system as a source of personal enrichment rather than a means of administering the land to the benefit of the communities. Concern was frequently expressed about the lack of accountability to communities with the existing institution of land allotment.

The traditional leaders, in turn, expressed dissatisfaction at the lack of adequate supportive machinery to enforce customary law and traditional practices. They expressed concern and dissatisfaction at the growing phenomenon of persons fencing land without their authority and others simply occupying land without following the procedures. In both instances the people concerned do not meet their land charges and do not respect their authority.

According to the study, the majority of people in the area canvassed desired urgent changes to be made to the existing system of land allotment and control to ensure greater social justice and that rights are safeguarded and become certain. They expressed the need to establish an appropriate institutional and legal framework for the regulating of land and related issues in the area.

5. KAVANGO

The Kavango communal area is estimated to cover about 46 000 square kilometres, with an estimated population of 168 000 people (approximately 12% of the Namibian population).

The area consists of five sub-regions, each falling under the jurisdiction of a particular chief (hompá). In each sub-region there are villages under the authority of headmen (timbi). These headmen usually occupy their positions by virtue of a formal appointment by the hompá following an election by local inhabitants of the particular area concerned.

The study revealed that in practice, communal land tenure in Kavango is governed by tradition and custom, which in some cases have in certain areas undergone recent adaptations. The traditional authorities allocate the land to the inhabitants and regulate its use. The procedures followed for allotting land are generally the same in all sub-regions of the area. If the applicant is a local inhabitant (in other words a person from that particular area in which in respect of which an application is made for an allotment), the procedure is relatively straightforward and the allotment may be granted by the local headman together with local inhabitants by way of majority vote, provided that there is sufficient space, grazing grounds and that the applicant is not precluded by reason of past undesirable conduct to acquiring the right to occupy the land.

Should the applicant originate from outside the particular area and have relatives in the area concerned, the applicant together with his or her relatives present themselves to the local

headman. The headman then convenes a meeting to which all local inhabitants in the particular area are invited.

The applicant may be questioned at length by the headman and local inhabitants and after the matter has been fully ventilated, a decision is taken, based on the wishes of the majority as to whether the person is to be allotted the land applied for.

The matter is then referred to the chief headman with the recommendation from local inhabitants. This chief may take the matter with the hompa who has the final say in an application of this nature. Should an applicant not have any relatives in the area, and is unknown to the headman and local inhabitants, the applicant is required to present himself or herself to the headman and fully communicate his or her intentions to the headman. A meeting is convened and the procedure outlined in respect of applicants with relatives in the area, is followed.

Kavango has recently pioneered some effective involvement of members of the community in land allocation matters by establishing land allocation committees in all the sub-regions. These committees are elected by the people in particular areas and include the hompa and headman (timbi) of the area. The term of office of the committee members and their accountability to communities has not as yet been clearly defined in all the sub-regions, although committees in at least two of the regions are developing written guidelines to be followed.

The system of land allotment would appear to be functioning more effectively in Kavango than in other areas. The emergence of allocation committees, which are integrated within the traditional land allotment system, has resulted in a greater acceptance of the system by the people, according to the study. The people consulted in the area expressed the wish that the new initiatives such as the election of allocation committees, should receive governmental support, especially in the formulation of appropriate legislation to address the subject.

Accordingly, it would appear that the headman, although playing a significant role in the procedure, primarily facilitates the process whereby local inhabitants decide on the recommendation as to whether an applicant should be allotted land or not, whilst the hompa retains the final say on the matter.

Clan membership is not required in applications for the allotment of land. According to those interviewed (including all five hompa's) gender is not taken into account in the allotment of

land. According to the hompas and most headmen approached in the study, applications however mostly emanate from men. Women usually only settle on land together with relatives or with their husbands and do not apply in their right for the allotment of land.

There would appear to be a notion of women in this context as not enjoying an independent capacity to acquire the rights to land occupation in their own right. In an interview with one headman, it was expressly stated that he would give preference to male Kavangos because "women are too weak to be useful and productive on the land" although, as a general position of policy, the preponderance of the evidence obtained from the hompas and headmen is that women are not precluded from applying for a land allotment. The only requirement relating to the person of the applicant is that he or she should respect and obey the customs and traditions of the area and must be accepted by the local community.

Disputes in relation to land and its allotment are usually referred to the headman who will call both parties to the dispute together with their respective witnesses. They will thereafter appear before the traditional court comprising the headman and his councillors or the heads of homesteads in the immediate environment. Judgment is thereafter handed down by the headman, based on the evidence presented by the parties and the opinions of the majority of the people present. If the dispute is not resolved, it may be referred to the hompa who can send a tribal policeman or a timbi to mediate the dispute. One of the parties may also appeal against the judgment of the headman. This appeal usually taken the form of approaching the same headman to conduct the hearing again where further evidence may be presented concerning irregularities of the previous proceedings such as bias or corruption of the headman concerned. The matter is thereafter referred to the hompa who has the final say.

According to the study, those interviewed held the view that land in the region is, according to custom and tradition, communal and cannot as such be bought or sold. Occupants as members of a particular community are however required to pay tribal tax for their respective use of the land. In the case of land being allotted for commercial undertakings such as shops or shebeens, payment is made to the respective tribal authorities for permission to conduct such a business and licences are obtained through the local magistrate's office. Payments in respect of commercial undertakings are predetermined and fixed amounts which differ only in respect of the nature of the commercial

activity. These fixed amounts do however differ from sub-region to sub-region although the amounts themselves are uniform within a particular subregion.

According to the study, there have been instances of forced removals of local inhabitants in order to make land available for FNDC projects and other governmental purposes such as proclaiming national parks or conservation areas such as the Kaudom Park. These relatively recent forced removals of people from land allotted to them in accordance with local traditions and customs have, according to the study, given rise to resentment and the resolve of communities to be involved in land allotment in order to protect themselves in the future from being removed from land allotted to them.

According to the study, the traditional land allotment system practised in the area enjoy widespread support of the people in the area. Although instances of favouritism and bribery were referred to, the preponderance of the evidence obtained in the course of the study indicated that the people had confidence that the system could be improved and more accountability could be ensured with community participation. In order to achieve effective participation and accountability, appropriate procedures and mechanisms were suggested which would entrench the required level of community involvement in the process.

6. CAPRIVI

The Caprivi area is a 425km strip of land extending east from Kavango in the north-eastern part of Namibia into the border area between Angola, Botswana and Zambia. The Kwando River divides the area into two, namely West and East Caprivi.

The West Caprivi area was proclaimed a national park in 1968. It was previously inhabited by the Khwe and Kung Bushmen and the Mbukushu people. The inhabitants were then evicted although the west bank of the Kavango River is apparently occupied. Issues related to the legislative framework and practices in relation to land allotment in this area are addressed in a separate discussion paper.

The Eastern Caprivi communal area extends eastward from the Kwando River and covers about 11 600 square kilometres. It has an estimated population of around 56 000 people.

This area is divided into two "tribal" areas. The Mafwe are in the western part whilst the Masubiya live in the east. Each

village is under the authority of the local headman (induna). All villages in the defined district constitute a ward, headed by a ward headman. All ward headmen constitute the traditional council called the Khuta. This is the highest legislative, administrative and judicial body in the traditional systems in the Caprivi. The Khuta is headed by the senior headman (Nkambela) whose function is to act as a link between the community and the chief. The chief is the supreme leader of the "tribal area".

According to the survey, land allotment in East Caprivi has, in practice, been mostly governed by customary law and traditions. In accordance with these traditions and customs, land is regarded as the property of the respective tribes under the custodianship of their chiefs (notwithstanding the contrary legislative provisions which vest the ownership of the land in the State) and confirmed by the Supreme Court in 1985. The actual delineation and extent of the land of the respective tribes have been the subject of a boundary dispute which has not as yet been finally resolved. According to the study, applications for the allotment of land by the former ethnic representative authority, companies doing business in the area and parastatals such as the FNDC were directed through the traditional leaders and their structures. The traditional leaders of both Khutas were interviewed and firmly believe that they are vested with the ultimate authority over land allotment in their respective areas and act accordingly.

According to the survey, adult members of the Mafwe and Masubiya tribes are entitled to one residential plot in a defined for arable allotment. They are also entitled to access to communal land for grazing and for collecting wood and thatch. The Khuta is responsible for the allotment of land and is accountable to the chief for the exercise of these powers.

A person wishing to obtain a land allotment is required to identify the plot of land desired and thereafter apply to the Khuta in respect of the plot. The Khuta thereafter sends the induna concerned to investigate the application for the plot and to determine whether prior claims exist in respect of that particular piece of land. If a valid claim exists, the applicant is precluded from being allotted that land.

If the applicant is to be accorded the land, allotment applied for, the induna will then determine the boundaries of the portion. The amount of land to be allocated will depend upon the availability of land in that particular area as well as other

factors such as the size of the family and the anticipated needs of the applicant.

The traditional hierarchy having jurisdiction in the area must be satisfied and is required to approve all cases relating to land allotment before any person acquires the right to occupy land. After obtaining permission to settle on or cultivate the land, the applicant is usually expected to pay a customary fee, either in cash or in kind, to the Khuta. According to the study, this payment is not expressly required but has developed by usage. It depends on individual applicants themselves as to the amount to be paid a standard fee not being applicable.

The payment accrues to the Khuta and the allocation of the land is recorded in the meetings of the Khuta.

Although there are no clearly specified criteria for applicants themselves to meet in order to qualify for land allotment, there are a number of general requirements such as membership of the tribe under whose jurisdiction the piece of land falls (with certain confined exceptions), the willingness of the applicant to accept the authority of the Khuta, the acceptance of the applicant by the community concerned, the applicant's ability to live harmoniously with other people in the area, and the like. Accordingly an applicant's disobedience to traditional authority and unfaithfulness to a chief as well as the inability to live in peace with other residents, may result in the Khuta arbitrarily withdrawing the land rights from the person.

According to the traditional authorities interviewed, there are no direct barriers to women acquiring rights to land. However upon an examination, it was revealed that the authorities require that women should be living with other people, presumably in a family unit. (It was not clear that this requirement is applicable to men). In the case of the death of a husband to whom land has been allotted, the widow and children are usually permitted to continue to occupy the land. In certain circumstances however, the husband's family may claim the land in the manner similar to the position in Ovambo. As in the case of Ovambo, this phenomenon is on the decline as a consequence of the growing realisation of its unfairness and being regarded as untenable.

Land disputes are resolved by the Khuta which reaches its decisions on the basis of consensus. Any person wishing to bring a dispute before the Khuta having jurisdiction is free to do so. The parties to the conflict are given a chance to state their

respective cases before the Khuta. The Khuta then makes a ruling and can require one of the parties to pay a fine. Part of the fine will accrue to the Khuta and the rest to the party in whose favour the decision has been made, on a basis decided by the Khuta.

Land allotment is usually for life, although a person can be expelled from the land if the Khuta so decides. According to both Khutas, land disputes cannot be referred to the magistrate's court to determine any land dispute. They state that the only appeal against a decision of the Khuta is the High Court of Namibia.

According to the study, there appear to be a general acceptance of the traditional system of land allotment by the people in the area, indicating that the traditional authority in respect of land allotment is still intact. Many people however were concerned about the process itself and issues such as fairness and justice in land allotment procedures and in the handling of disputes by the Khuta, in the absence of procedures which accord with the principles of natural justice and the Constitution of Namibia.

Favouritism and corruption in certain instances on the part of traditional hierarchy were the cause of dissatisfaction on the part of many people interviewed.

The study also revealed problems stemming from the inability of traditional authorities to deal with complex issues relating to land allocation such as land use, the administration of land allotment systems and environmental degradation. According to some of those interviewed in the area, particularly those in the younger generation, the existing system required a considerable degree of modification in which the Government of Namibia should be involved. The need to design an appropriate institutional framework to regulate land use and grazing patterns, and safeguard the rights of people to land, improve the process of land dispute resolution and protect the natural resources from further degradation, was repeatedly stressed.

7. DAMARALAND

The Damara communal area is located in north - western Namibia, bordering with Kaokoland in the north, and includes commercial farms of the Outjo, Omaruru, Karibib and Usakos districts in the east and south. Coastal nature reserves provide the western border. 87 per cent of the area is in the desert or semi-desert

agro-ecological region. The population of the area is estimated to be 31 400.

An important feature of the Damaraland communal area is that it has largely been a construct of apartheid. The people came from various different parts of the country, mostly from towns, and were forcibly settled on the land designated as their homeland, following the Odendaal Commission. Unlike most other areas of Namibia, there was not a previously developed traditionally based land allotment system in existence in respect of the land comprising the Damaraland homeland.

Land tenure in Damaraland is essentially communal. The area is divided into twelve wards under the authority of the headmen, who are government appointees. The allocation of land has been the responsibility of these appointed traditional authorities, in cooperation with the (former second-tier) Department of Agriculture in Khorixas.

According to the study, anybody wishing to settle on the land prior to independence (and the repeal of the second-tier authorities legislation), was required to identify the piece of land required, and apply through the Agricultural Office in Khorixas. The agricultural officers would then physically investigate the proposed piece of land, including the grazing conditions, water availability and the carrying capacity of the land. They would thereafter process the application and make their recommendations to the headman of that particular ward. The headman would in turn send his recommendations to the Chief's Council, which would approve or disapprove the application.

Farmers are required to pay a grazing fee of 5c for goats and sheep per head, 60c for cattle, R4 per donkey (the first four being exempted). This money is payable monthly to the Department of Agriculture and forms part of the State revenue, formerly of that second-tier authority.

There appears to be considerable confusion as to which office or institution is currently responsible for land allocation. The headmen were appointed pursuant to AG 8 and fully integrated within the Damara second-tier authority. Following the dissolution of the Damara second-tier authority, these headmen no longer have the authority to exercise these functions.

Presently, the process of allocating land is said to be the responsibility of the Ministry of Land, Resettlement and

Rehabilitation, through the office of the Regional Commissioner in Khorixas.

There would appear to be no clear procedure for handling of land disputes. According to senior headmen consulted, no land disputes had arisen in the area since the establishment of Damaraland and the dispute procedure had thus not been an issue.

The study revealed that women were eligible to apply for a land allotment and have in fact been allotted land. The tenure of the right to occupy would appear to cease upon the failure of the occupant to pay the grazing fees (following the appropriate legal steps).

It would accordingly appear that land tenure and the power to allot land in Damaraland has been largely a colonial and apartheid construct aimed at facilitating the process of discrimination, divide and rule and political patronage whereby the participants in the structure and their followers were to an extent the principal beneficiaries.

8. Namaland

The Nama communal area is situated in the southern part of Namibia and covers an area of 21 120 sq km. It is estimated to have a population of around 18 000 people.

The area is divided into several separate wards, each resorting under a chief or government-appointed headman. According to the study, all applications for land in the areas were addressed to the relevant tribal authority, care of Nama Administration in Keetmanshoop. The tribal authorities considered all applications for land on the basis of the numbers of stock owned by the applicant, availability of land and water, and the carrying capacity of the land.

It appeared that in most cases the traditional authorities did not have the capacity to launch an effective assessment. They also did not appear to possess the necessary power or will to turn people away. This led to extreme pressures on the land, overgrazing and degradation of natural resources.

As in the case of Damaraland, the Nama reserve was largely constructed to evacuate blacks from the white farming areas, and to involuntarily settle them in reserves.

Although there was no legislation preventing someone from another "tribal" group from settling on the land, in practice a tribal authority for one grouping would not allocate land to an outside person.

Since land is communal, the study revealed that a person could only be granted the right to make use of the land, and was allocated a grazing card as proof of the land allotment. On applying for land, the occupant was required to pay an application administration fee in the sum of R5-00. Thereafter and once land has been allocated to the applicant, the applicant was required to pay an annual grazing fee. The amount of the grazing fee would depend on the number of stock he or she would keep on the land.

The administration fee as well as the annual grazing fee was paid to the Nama Administration to be deposited into the account held for that particular tribal authority.

Both men and women were entitled to apply for land, and there was, according to the study, no evidence of discrimination against women on the part of the tribal authorities allocating land. In cases where land had been allocated to the husband, the widow could, on the death of her husband, apply for the grazing card, (which was issued upon the original allocation of the land), to be transferred to her name.

Where disputes arise over the allocation of land, or in relation to any other issue pertaining to land, the matter is usually referred to the tribal authority responsible for the land allocation. If the parties to the dispute were not satisfied with the decision of the tribal authority, they could appeal to the Executive Committee of the Nama Council. According to the study, those interviewed held the view that there is no right of appeal in disputes concerning land to the Magistrates' Court.

Although provision is made for the operation of tribal courts, the study has revealed that these do not operate in practice. The only adjudicatory function performed by the tribal authority is in respect of land disputes.

With the repeal of AG 8 and the subsequent dissolution of the Nama representative authority, a certain vacuum in respect of land allocation and related issues has arisen. This has been compounded by the fact that the former Executive Committee of the Namas, played an active role in the process.

9. KAKOLAND

Kakoland covers about 49 000 sq km, and its population is estimated at 30 000 people. The Ovahimba, a nomadic pastoral community, are to be found in the northern district of the area, whereas the southern part is inhabited by the Herero.

The people in Kakoland have strong traditional ties to the area, and are confined to stock farming. Land tenure in the area is communal. According to the study, the powers to allocate land are vested in the hands of the traditional authorities. There are about 36 headmen in charge of the various areas under their jurisdiction.

The study revealed that there are not clear procedures and criteria for allocating land. What is clear, however, is that an applicant must be a member of the particular tribe to be eligible to apply for a land allotment. The Ovahimba are very much concerned about the encroachments onto their land by people who do not have "traditionally" based land rights in the area. Like the Bushman people, they can also be considered a vulnerable group whose rights to land should be protected. This is vital if they are to continue making a living on their land, without being marginalised.

According to the study, the headmen possess discretionary powers to allocate land, and are also responsible for the resolution of land disputes. They assume the authority to seize a person's land, and expel a person from the area, if that particular person does not respect the traditional authority.

There would appear to be a high degree of politicisation of the tribal authority, resulting in land related issues and disputes being handled on partisan political considerations. Some of the people interviewed in the area are sceptical of the ability and competence of the traditional leaders to deal with issues related to land administration and control.

10. HEREROLAND

Following the proposals of the Odendaal Commission, the Herero communal area was enlarged to include various isolated areas such as Aminuis, Otjimbingwe, Ovitoto, etc, which have been populated by Herero-speaking people. The population of the total area is estimated to be around 37 000.

It has been difficult to clearly establish how the current land tenure system is practised in Hereroland. Firstly, there is much confusion on the part of "traditional" authorities as to who is

currently responsible for land allocation. Secondly, we were informed that there were no records available which could at least afford a perspective on past practices of land allocation and dispute settlement. The authorities concerned who were approached were reluctant to assist with the study owing to what was referred to as the political sensitivity of the subject.

The study however established that land tenure in Hereroland is communal, although there is an increasing trend of bigger stock owners fencing off their individual allotments. They expressed the view that communal land tenure inhibits progressive commercial farming. According to a former member, the former Herero Administration apparently sought legal advice on the subject which concluded that the former Herero Legislative Assembly and Executive Authority had the power to allocate land on individual basis.

Presently, the study revealed conflicting opinions between the wealthy farmers in the area, and the ordinary poor people as to whether individual farmers ought to be granted exclusive (and even freehold) rights to the land or not. Following independence, the study revealed that the incidence of "illegal" fencing has increased in the area, and the traditional authorities voiced concern that they do not have power and the ability to control this process.

One of the most crucial problems identified in the study is reconciling the need to preserve the integrity of the communal land tenure as desired by the poor majority, and at the same time provide an opportunity for the more affluent farmers to gain access to individual farms. The study also identified degradation of the environment as an increasingly significant problem attributable to overgrazing caused by seeking to accommodate too many people and too much livestock on the limited land available.

11. BUSHMANLAND

The area which now includes "Bushmanland" was first "set apart and reserved for the sole use and occupation of Natives" in 1969 by Proclamation 84/1969, which derives its authority from section 1 of the Reservation of State Land for Natives Ordinance, 1967 (Ord. 35.1967).

"Bushmanland" was set aside for the exclusive use and occupation of members of the "Bushman Nation" by the State President of South Africa in 1976.

The "population group" called "Bushman" was used by the colonial administration as a sort of dumping ground; many people with no traditional relationship to either "Bushmanland" or its residents were classified as "Bushmen". Today there are over 30 000 persons who were classified as "Bushmen" by the SWA government, including several distinct cultural and linguistic groups of Bushman peoples, as well as a number of poor and dispossessed people who did not readily fit into any of the other "population groups".

As noted above, in those areas of Namibia which had ethnically-based "second-tier" representative authorities, the legislative authorities of the different population groups were given jurisdiction over the occupation and possession of communal land and the power to establish and empower tribal, community and regional authorities in respect of "tribes or other communities" on communal land. However, this did not affect Bushmanland, as no representative authority was ever established there.

No chiefs or headmen were ever recognised or appointed in Bushmanland, as these particular leadership positions were not part of the traditional social structure of the "Bushmen". In past years, land occupation and use in Bushmanland has been administered by a series of Commissioners acting under the direction of the Superintendent of the Department of Governmental Affairs, who was based in Windhoek. The Superintendent and the Commissioner set up a "council" of Bushmen in Tjum!kui which had no legal authority and was rarely consulted on matters of consequence. The most recent "Acting Commissioner") a junior clerk under the direct control of the Superintendent departed in December 1989.

12. REHOBOTH

The Rehoboth Gebiet is located 90 km south of Windhoek, in central Namibia. The area covers about 14 500 sq km, and its population is estimated to be approximately 37, 000.

The Rehoboth Basters established a republic in 1870, fourteen years prior to the formal colonisation of South West Africa.

After South Africa took over the mandate for South West Africa, an agreement was reached in 1923 giving a limited form of self-government to the Rehoboth community.

Under the terms of the 1923 Agreement, the South West Africa administration acknowledged "the right and title of the Rehoboth

Community to the land at present occupied by it within the boundaries of the Gebiet".

Following dissension resulting in confrontation with the South African State and following the appointment of Inquiry, and Advisory Board was established in 1928 by the Rehoboth Gebiet Affairs Proclamation, 1928, as recommended by the Commission, the acquisition of any interest in land (leasehold or freehold) by any person "other than a member of the Rehoboth Community" was prohibited, unless the Administrator had given written consent.

(In 1929, a Proclamation was passed to exempt and interests in immovable property held by "Europeans" as of the date of the Proclamation from the restrictions on acquisition of land set forth in the 1923 Agreement and the 1928 legislation; "Europeans" were free to transfer their property as they wished, to whom they wished.

In 1976, the South African Parliament passed the Rehoboth Self-Government Act, No. 56 of 1976, which granted "self-government" to the "citizens" of the "Rehoboth Gebiet". This Act made new provision for the election of a Kaptein and a Legislative Council, and the appointment of a Kaptein's Council by the Kaptein. It also established a Rehoboth Revenue Fund for revenues and expenditures of the Government of Rehoboth.

The Kaptein's Council and the Legislative Council together constituted a Legislative Authority which was empowered to make laws on a wide range of specified matters. Several of these matters related directly to land and land use: "control over the residence and settlement of persons in Rehoboth who are not citizens of Rehoboth"; the "possession, acquisition and sale of land by the Government of Rehoboth"; "matters relating to land and land settlement in Rehoboth"; the registration of deeds and the survey of land in Rehoboth; agricultural matters; fish and game preservation; mineral rights, mines and mining; and financial assistance to farmers. The assent of the State President of South Africa was required for all laws passed by the Legislative Authority.

The Act also provided that no laws made applicable to South West Africa after the commencement of the Act (including laws enacted by the South African Parliament as well as laws enacted by the Legislative Assembly of South West Africa) relating to these specified matters would be applicable to the Rehoboth Gebiet.

In terms of this Act, all movable or immovable property in Rehoboth relating to the matters on which the Legislative Assembly was empowered to pass laws which was owned and controlled by the Government of the Republic of South Africa, the Administration of the Territory of South West Africa, or the Rehoboth Baster Community was transferred to the Government of Rehoboth.

The 1976 Act prohibited any person other than a "citizen" of Rehoboth or the Rehoboth Investment and Development Corporation from acquiring any interest in land in the Rehoboth Gebiet without the prior consent of the South African Minister of Coloured, Rehoboth and Nama Relations and the Kaptein's Council.

Legislative action by the Government of Rehoboth on the subject of land has not been investigated for the purposes of this paper. However, according to an 1990 study compiled by the Namibia Institute for Social and Economic Research, the Government of Rehoboth decided in 1983 that government-owned farms should be divided into "economic units" and sold to the "more industrious farmers" in the Gebiet. According to the same source, in 1988 the Government of Rehoboth passed a motion stating that all communal areas in the Gebiet (with a few exceptions) should be sold.

During the implementation of Resolution 435, all the powers, duties and functions of the Kaptein's Council were transferred to the Administrator-General of South West Africa, and the Kaptein, the members of the Kaptein's Council and the Legislative Council were required to vacate office. From this point onwards, the Administrator-General was deemed to be the Government of Rehoboth.

The result of this transfer of powers seems to have been that all land rights vested in the Government of Rehoboth were under the control of the Administrator-General.

The Namibian Constitution then repealed the Rehoboth Self-Government Act, 1976 in its entirety, making the Rehoboth Gebiet an integral part of Namibia. On the date of independence, all the property vested in the Government of Rehoboth was transferred to the Government of Namibia.

As a legacy of the various manifestations of the "self-government" of Rehoboth, there are a number of areas for which the laws which apply to the Rehoboth Gebiet are not the same as those which apply to the rest of Namibia.

For example, the Registration of Deeds in Rehoboth Act, no. 93 of 1976 establishes a separate registry for deeds in the Rehoboth Gebiet, while the registration of deeds for the rest of Namibia falls under the Deeds Registries Act, no. 47 of 1937.

Another example, (which has an indirect relation to the transfer of Land) is the Administration of Estates (Rehoboth Gebiet) Proclamation, 1941 (Proc. 36/1941), which applies to the administration of estates of person who are members of the Rehoboth Baster Community, while the estates of other persons in Namibia are governed by the Administration of Estates Act, no. 66 of 1965 and the Interstate Succession Ordinance, no. 12 of 1946.

The Registration of Deeds in Rehoboth Act, which is still in force in Namibia, places no restrictions on the acquisition of property by persons who are not members of the Rehoboth Gebiet Community. It merely requires that requests for land transfers be accompanied by a "document issued by the office of the Rehoboth Baster Community stating that the legal provisions and customs applying to the transfer have been complied with".

Thus, with the repeal of the provision in the Rehoboth Gebiet Affairs Proclamation, 1928 restricting land acquisitions in 1989 and the repeal of the Rehoboth Self-Government Act, No 56 of 1976 by the Namibian Constitution, there appear to be no remaining racial restrictions on the purchase of land in the Rehoboth Gebiet.

The Rehoboth Investment and Development Corporation was established by South African legislation in 1969 for "the encouragement and promotion of the advancement of the Rehoboth Community of South-West Africa in the field of agriculture, mining, trade, industry and finance, until such time as the Rehoboth Community is able itself to effect such advancement without assistance".

This Corporation was given wide powers to acquire, lease and sell interests in land. It was exempted from the constraints on the acquisition of land set forth in the 1923 Agreement and the 1928 legislation, although similar constraints were imposed by the Act which established the Corporation. The Corporation was not allowed to :

- (a) alienate its immovable property situated in the Gebiet to any person other than a member of the Rehoboth Community or other than a burgher company; or

- (b) perform any act whereby a member of the Rehoboth Community becomes the owner of more than fourteen thousand hectares of land situated in the Gebiet.

The extent of this Corporation's land holdings was not investigated. The Act establishing it is apparently still in force, although the Corporation would appear to be inactive and its assets would appear to vest in the State.

13. CONCLUSION

Much of the present land debate in Namibia has revolved around the question of the redistribution of commercial farm lands to benefit the landless majority the possibilities presented the cost involved and the constraints imposed by the Namibian Constitution. While redistribution of farm lands is a major legitimate concern, it should not undermine the need to seriously examine the dispensation in the communal areas which are home to a large section of the Namibian population. Communal areas are vital to most of the Namibian people. As a result, security of land tenure and access to communal land are important issues.

Presently, it would appear that the rural institutional capacity of the prevailing land tenure system and rural land administration (particularly in certain areas) are in the midst of a legitimacy crisis.

Following independence, traditional authorities which were primarily responsible for land related issues in the communal areas, no longer enjoy the power and ability to effectively administer land tenure and administration. This has resulted in illegal fencing of the land by wealthy stock owners (Ovamboland and Hereroland), a phenomenon which adversely impacts upon the poorer sections of these communities. Legal enforcement machinery is lacking to prevent the illegal enclosure of this nature and other forms of encroachment and abuses in communal areas.

There is accordingly a clearly identified need to formulate an appropriate legal and administrative framework to regulate land use and tenure and to safeguard and define the rights of land users in communal areas.

A sound land tenure system requires that rights in land be defined so that they may be defended and security of tenure guaranteed. For this reason, it is to be noted that in many areas, especially the northern communal areas, (viz Kavango, East Caprivi, Ovamboland), the traditional land tenure system

provides a form of social security for the people. Any reform process that will adversely affect this situation threaten the livelihood of particular communities and should be taken into account.

Any land reform in respect of communal areas should guard against changes to the tenure system which would increase the vulnerability of the rural poor and result in their further marginalisation. Rather, emphasis should be on improving access to land and equalising such access. Emphasis should also be placed upon bringing any system into line with the provisions of the Namibian Constitution, in particular those provisions guaranteeing equality and prohibiting discrimination on the basis of gender and the other grounds referred to in Article 10 of the Constitution.

This study also seeks to emphasise the need for the rural population to be involved in the process of decision making and formulating the reforms required in their specific areas. It is our view that acceptance can best be achieved by encouraging not only participation in the decision-making by the local communities but also in their participation in the resulting institutions. Regional variations should also be taken into account.

Although the Constitution provides that all persons shall have the right to acquire land in any part of Namibia, it is our view that there are certain groups in Namibia which would appear to be vulnerable and may require special protection. These are the "Bushmen" and the Ovahimba, whose survival depends on their access to the land which they have historically occupied.

Consideration should be given to transferring the State land which they currently occupy to a Trust or a collective form of ownership, sanctioned by the Constitution, and subject to the appropriate conditions which would ensure that the scheme would be constitutionally permissible whilst at the same time ensuring both fairness and the survival of these vulnerable indigenous groups.

**CURRENT LAND TENURE SYSTEM
IN THE COMMERCIAL DISTRICTS OF NAMIBIA, 1991**

by

**Department of Agriculture and Rural Development
Ministry of Agriculture, Water and Rural Development**

Summary

1. As a result of the low and highly variable rainfall over most parts of the country, but especially in the southern half, agricultural production in the commercial districts of Namibia is based mainly on extensive livestock farming.

2. Land is classified into three main categories. The first comprises land which is agriculturally unusable and has been demarcated as desert, diamond areas and/or nature reserves. Approximately 12,65 million hectares of land (owned by the State) fall in this category. Secondly agricultural usable land is subdivided into the so-called communal areas (approximately 33,49 million hectares) and the commercial farming area (approximately 36,16 million hectares).

3. The commercial sector comprises some 4200 farm businesses on 6292 farms under a freehold system of individual land ownership.

4. Agricultural production from the large farm sector has contributed an average of 10,7 per cent to Namibia's Gross Domestic Product over the past decade. Although agriculture's contribution to the Gross Domestic Product is fairly small compared to the mining industry, it is the country's most important employer.

5. The natural vegetation of Namibia can broadly be classified into semi-desert and savanna which is the main veld type. Bush-encroachment is a serious problem. It has been estimated that as a result of bush-encroachment the long term carrying capacities of the savanna are 20-30 per cent lower than twenty years ago and even lower in some areas (parts of Tsumeb for example).

6. Most of the land which falls in the commercial districts is unsuitable for agricultural purposes other than extensive stock farming. Farming enterprises vary according to the production potential of the different parts of the country. Generally speaking cattle farming takes place in the northerly commercial farm districts; cattle in combination with small stock farming

in the central districts; and predominantly a small stock farming in the south.

7. Beef is the mainstay of Namibia's agricultural economy with a near 60 per cent contribution to the gross farm income. Meat production from small stock (sheep and goats) has replaced Karakul pelt production as the second most important branch of commercial agriculture. Karakul pelt production in the southern districts of Namibia has been the second most important agricultural branch after beef. The Karakul breed is well adapted to the arid conditions prevailing in the south, but fluctuations on world markets have forced many farmers out of the pelt business. Game farming, particularly in the central and northern parts of the country, has become an important branch of agriculture in recent years. Apart from stock farming, the commercial agricultural sector also produces a limited variety and quantity of crop products.

8. The nature and condition of the range or veld, has an overriding influence on the farming operation through the number and type of animals it can sustain per unit area. The carrying capacity varies from year to year with rainfall. The stocking rate of the commercial area is, in practice, only approximately 70 per cent of the official (theoretical) stocking rate, mainly due to bush encroachment.

9. There are four main categories of land ownership under the freehold system of individual ownership (the so-called commercial area). They are: (i) individual ownership which is the largest portion; (ii) the municipalities and Peri-Urban Board; (iii) the churches and particularly the Roman Catholic Church; and (iv) the State, which owns experimental and production or demonstration farms as well as other agricultural land.

10. Apart from the 12,65 million hectares of land classified as agriculturally unusable, the State also owns 466 913 hectares of land in the commercial area, 1,29 per cent of the total. Agricultural land belonging to the State is used for research, training, production and demonstration purposes. The Government owns 20 farms totalling 169 216 hectares for these purposes.

11. Municipalities and the Peri-urban Board owned a total of 349 998 hectares of agricultural land in the commercial districts in 1991. Most of the municipal lands are fairly well developed into grazing camps and stock watering points. The land or camps are generally leased to stock farmers for grazing on a rather short term basis (through tender or public auction). The

churches are the owners of 222 365 hectares of land in the commercial districts. The Roman Catholic Church is the single largest owner with an estimated 180 000 hectares. Most of the farms of the churches are used for agricultural production.

12. Individual owners, including companies, are by far the most important category; they possess 97,13 per cent of the total commercial area. The majority of farms in the commercial districts belong to individual owners. In fact, 95 per cent of the surface area of the commercial districts (34 362 744 hectares) belongs to individual owners. The overwhelming majority are individual white farmers, including non-Namibian owners of agricultural land. Namibian black farmers own only 2,9 per cent of commercial farms in Namibia (Rehoboth excluded). A total of 181 farms out of the total of 6 123 individually owned farms in the commercial district belong to black farmers.

13. Non Namibian citizens currently own 382 farms in Namibia or 6,2 per cent of all commercial farms (8,2 percent of the surface area) .

14. The majority of farm owners throughout Namibia own single holdings; only 3,4 percent of farmers own more than three farms.

15. In 1991, 6 292 farms (pieces of land) were "consolidated" or incorporated into 4 205 farm businesses. This implies that on average every farm business is made up of approximately one and a half farms. Some of the "farms", acquired as second or third properties by individual owners, would not be economically viable if they were to be farmed as a separate unit. Thus the number of "farms" comprising a business may not be an indication of the size of the business.

16. The size or magnitude of farm businesses may be approached or evaluated from different starting points; (i) physical size or hectares, ii) the number of farms that constitute a business and/or iii) the productive capacity of the farming unit or business. In a country like Namibia where environmental factors affecting agriculture are extremely variable, the first two approaches (hectares and number of farms) alone are not sufficient to compare different ecological regions. Therefore, the third approach namely productive capacity (or potential) must be considered in conjunction with size and/or numbers.

17. The 4 205 farm businesses in the sixteen commercial districts, belonging to individual owners, companies,

municipalities, churches or the State - but excluding plots around the towns - have an average size of 8 592 hectares.

18. Farm businesses in the southern sheep producing districts tend to be larger than those in the mixed and cattle producing central and northern districts. This is to a large extent explained by the environmental conditions. The carrying capacity for livestock is much lower in the south and therefore farms tend to be bigger. The Tsumeb/Otavi region with the highest rainfall and the most productive land has the smallest farms. Farmers in Bethanien/Luderitz, on the other hand, with desert conditions need a vast area of land to make a living. Even then it remains risky and financially uncertain.

19. It is clear that hectares and/or number of farms do not tell the whole story. The quality of the land, its productive capacity and its suitability for a specific type of production must also be considered. The optimum number of livestock which a unit can safely carry is probably the best indication of the potential of a farm business.

20. For Namibia's commercial farming area as a whole, 61,2 per cent of the farming businesses can carry more than 400 head of cattle or the equivalent thereof. Four out of ten however are considered to be too small to secure an "acceptable" income for the entrepreneur. Within the different production areas there is considerable variation, however. The beef production areas are best off, with "only" 23,9 per cent of the businesses falling below the norm. However, due to the bush-encroachment problem the number of farms in the beef areas that cannot biologically carry 400 head of large stock, are a probably 30 per cent higher than the official carrying capacities indicate.

21. 6 123 farms are owned by 4 064 individual persons. A total of 382 Namibian farms (6,1 per cent of the total) belong to 272 persons who are in all probability not Namibian citizens. The Non-Namibian owners are mainly South African, German, Austrian, French, Italian and Swiss.

22. It seems that 80,2 per cent of individual owners occupy their farms or businesses on a full time-basis. Of the 554 owners not staying on their farms, 28,5 per cent are staying in a town in the same district, while nearly half (47,8 per cent) live and work in the main centres.

23. Of the 251 farm owners staying outside Namibia, more than half (57,9 per cent) are living in the Republic of South Africa

and the rest in other countries abroad. As far as could be ascertained approximately 20 "Foreign owners" are presently staying on their farms in Namibia.

1 Introduction

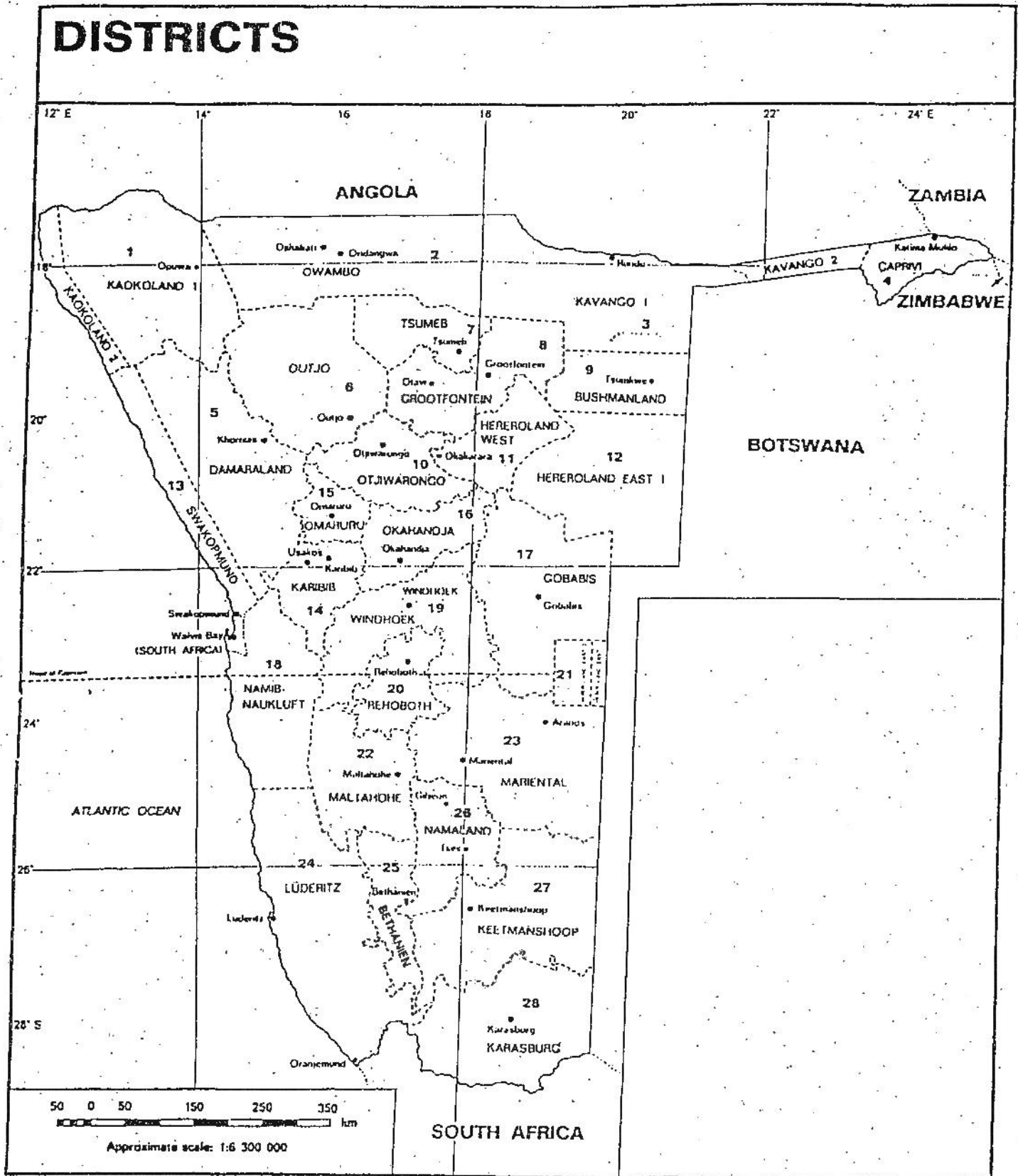
1.1 Namibia covers an area of 82 314 400 hectares. Like most other developing countries, agriculture plays a vital role in both the social and economic aspects of the livelihood. Approximately 69,6 million hectares are utilizable for agricultural purposes (the rest are taken up by deserts and nature reserves particularly on the western side of the country). Agriculture is on average the third largest contributor to the country's Gross Domestic Product. The commercial farming sector dominates this contribution.

1.2 As a result of the low and highly variable rainfall over most parts of the country, but especially in the southern half, agricultural production in Namibia is based mainly on extensive livestock farming. The northern half of the country is suitable for cattle farming with cattle and sheep in combination in the central districts. The southern and western parts of the country with its harsh climate and sparse vegetation can only support extensive small stock farming with sheep and/or goats. Dryland cropping is restricted to the far north-eastern regions of the country with an annual rainfall of 550 mm or more.

1.3 A highly dualistic situation with regard to land-tenure and agricultural production exists in Namibia. Of the approximately 69,6 million hectares of agriculturally usable land about 36 million (44 per cent) are situated in the southern half of the country, in the so-called "commercial" farming area or commercial districts. The rest, about 33,5 million hectares, comprise the so-called "communal" farming regions. This study is primarily concerned with the farming sector in the commercial districts of Namibia (figure 1.1).

1.4 The commercial sector comprises about 4200 farm businesses on 6292 farms under a freehold system of individual land ownership. Agricultural production, predominantly livestock farming, is based on private entrepreneurship and on business and commercial principles. The farms are generally well developed with sufficient infrastructure to make sound farming methods possible. Producers in the large farm sector are well organised and supported by financial institutions, producers co-operatives, marketing agents and control boards.

Figure: 1.1



Source: F.N.D.C., 1989, p.141

1.5 This study focuses on the existing patterns of land use in the commercial sector and the main features of land ownership. In order to set the scene for the main topics, a few paragraphs highlight the large-farm sector's role in the total economy of the country. Some environmental factors affecting or rather dictating agricultural production are also discussed.

2 Economic Contribution of the Commercial Sector

2.1 Agriculture production from the large farm sector has contributed an average of 10,7 per cent to Namibia's Gross Domestic Product over the past decade (Adams and Werner, 1990, p.44). It is therefore one of the major contributors to the total economy of the country. However, due to irregular rainfall and periods of severe drought during the past few years, the annual contribution has fluctuated considerably. (Department of Finance, Namibia, 1989, p.16).

2.2 Apart from the seemingly small contribution to the Gross Domestic Product the agricultural sector also makes important indirect contributions to other sectors of the economy.

2.3 Robberts (1987, p.G4) puts it as follows:

"Given that agriculture is integrated into the SWA economy, it contributes indirectly to income generation through inputs into agriculture derived from local resources, and through the channelling of a large proportion of agricultural outputs into local industry. For example, agriculture is strongly vertically connected with secondary sectors which inter alia deliver the following inputs: fish products, wheat mill products, livestock feed, manure, insecticides etc. The link with various tertiary sectors such as trade, transport and services is also fairly strong. It is estimated that for every R10 million of inputs derived from agriculture there is R5,3 million income generated in other non-agricultural sectors.

"Horizontal connections through agriculture are created with branches of industry such as meat processing, tanning, dairies, oil refineries, wheat mills, and also indirectly with bakeries and other food processors. According to estimates an income of R2,7 million is added to every R10 million worth of outputs delivered to industry by agriculture. The real power of this linking mechanism or multipliers in agriculture is only apparent when one takes into account that the average direct contribution of agriculture to GDP between 1970 and 1986 was merely 8,0 per

cent, but when the ripple effect on the economy is considered, agriculture's total contribution to the country's income is 11,8 per cent."

2.4 Although agriculture's contribution to the Gross domestic Product is fairly small compared to the mining industry, for example the sector is the country's most important employer. The commercial agricultural sector provides work for a labour-force of approximately 33 000 people (estimated at 16 per cent of the total labour-force). Calculated at an average of nine persons per household, the formal agricultural sector provides approximately 22 per cent of the country's population with a living.

3 Environmental factors affecting agriculture

3.1 The scenic beauty of Namibia is partly the result of the harsh climate and the barren landscape in places. For the tourist it may be soothing, but for the farmer it can be appalling. As Adams and Werner (1990,p.1) said: It is not easy to farm in Namibia!

3.2 Broadly speaking two main environmental factors or constraints for agriculture can be identified. These two factors namely rainfall and the productive capacity of the natural vegetation actually dictate practical agriculture and determine to a large extent what type of farming or what branch of production can be practised in a specific region.

Rainfall and climate

3.3 Namibia is a dry country and rain is the ultimate decider of what is possible. The country's general low and highly variable rainfall makes most of the land in the commercial farming sector unsuitable for any agricultural purpose other than extensive livestock farming. An outstanding characteristic of the rainfall pattern in Namibia is the great variation between successive years (up to 124 per cent between years) together with strong fluctuations within the same season. The result is that the effectiveness is sometimes seriously hampered.

3.4 The expected frequencies of rainfall years that are below the long term average for Namibia are as follows (de Klerk, 1989, p. B5).

Area	Rainfall as per cent of long term average		
	54% and less	55%-69%	Total
Northern Namibia	10,1	11,4	21,5
Central Namibia	12,6	16,1	28,7
Southern Namibia	23,4	14,0	37,4

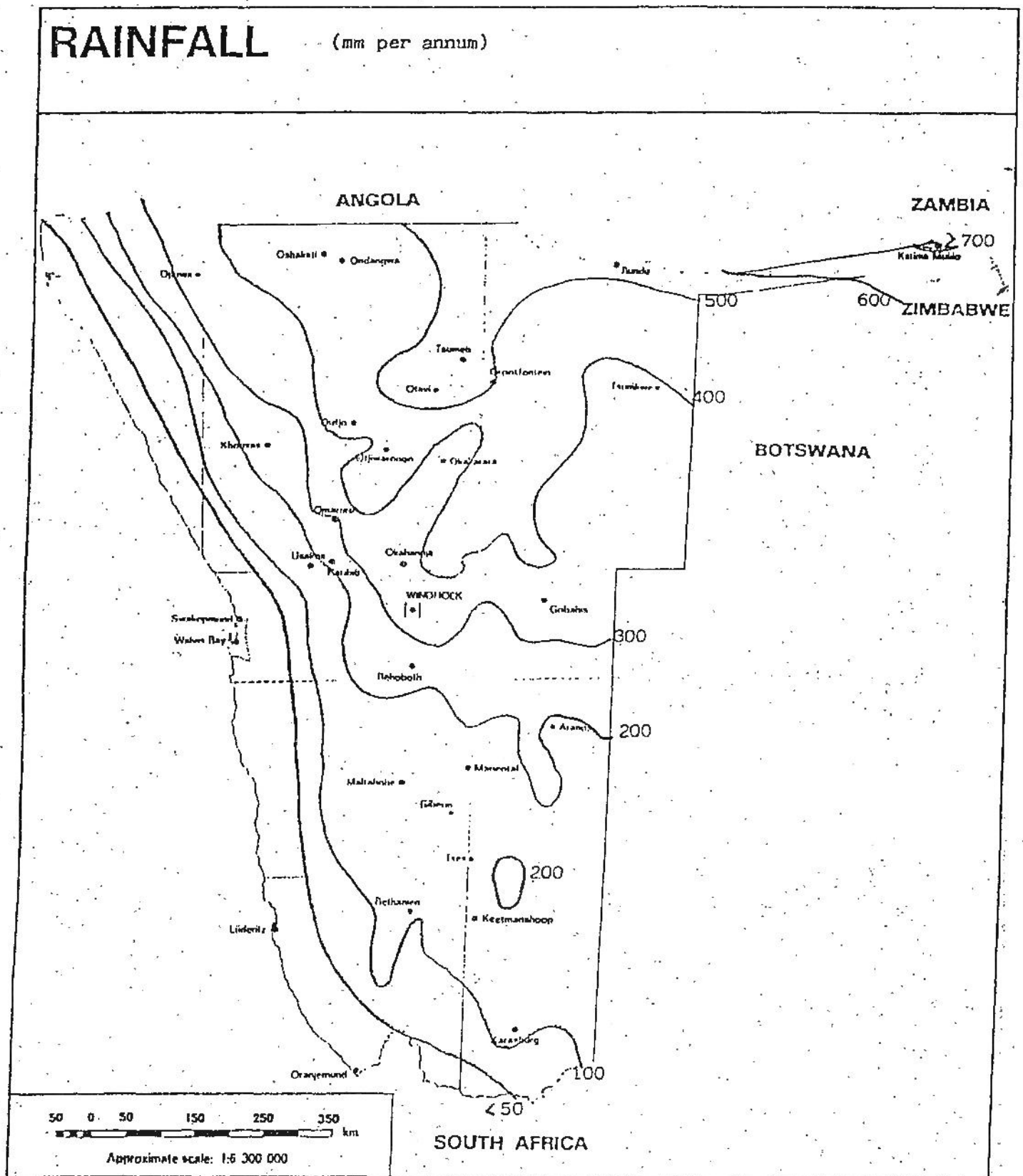
3.5 Rainfall of less than 70 per cent of the long term average is expected to cause a drought problem. According to the above figures the northern part of Namibia is likely to have a drought every four to five years, while the southern part can expect subnormal conditions practically every second year (4 out of 10). The long term averages for rainfall and evaporation in Namibia and the variability of the annual rainfall are presented in Figures 3.1 and 3.2. See also maps prepared by FNDC (1989 p. 7-8). A careful study of these figures inevitably leads to the conclusion that Namibia is indeed a dry country and very susceptible to drought.

3.6 Rainfall figures for specific areas in the commercial farming sector will be discussed in paragraph 4.1

The natural vegetation

3.7 Due to the low and variable rainfall the natural vegetation in most of the commercial farming area is such that extensive stock farming is the only possible way of utilizing the land. Only a very small portion of the land in the so-called Tsumeb-Otavi-Grootfontein triangle, with an annual rainfall in excess of 500 mm, is suitable for dryland crop-production. In the south and south-western parts the rainfall is between 100 and 200 mm, with the result that the grazing is sparse and only suitable for extensive breeds of small stock (Karakul and goats). Due to increasing rainfall towards the north-east the vegetation cover increases to the extent that more intensive breeds of small stock (Dorper for meat production) can be kept. Towards the centre of the country (300 mm rainfall) pastures are such that mixed farming with both small stock and cattle is possible. The natural grazing in the north and north-east of the country is perfect for cattle farming.

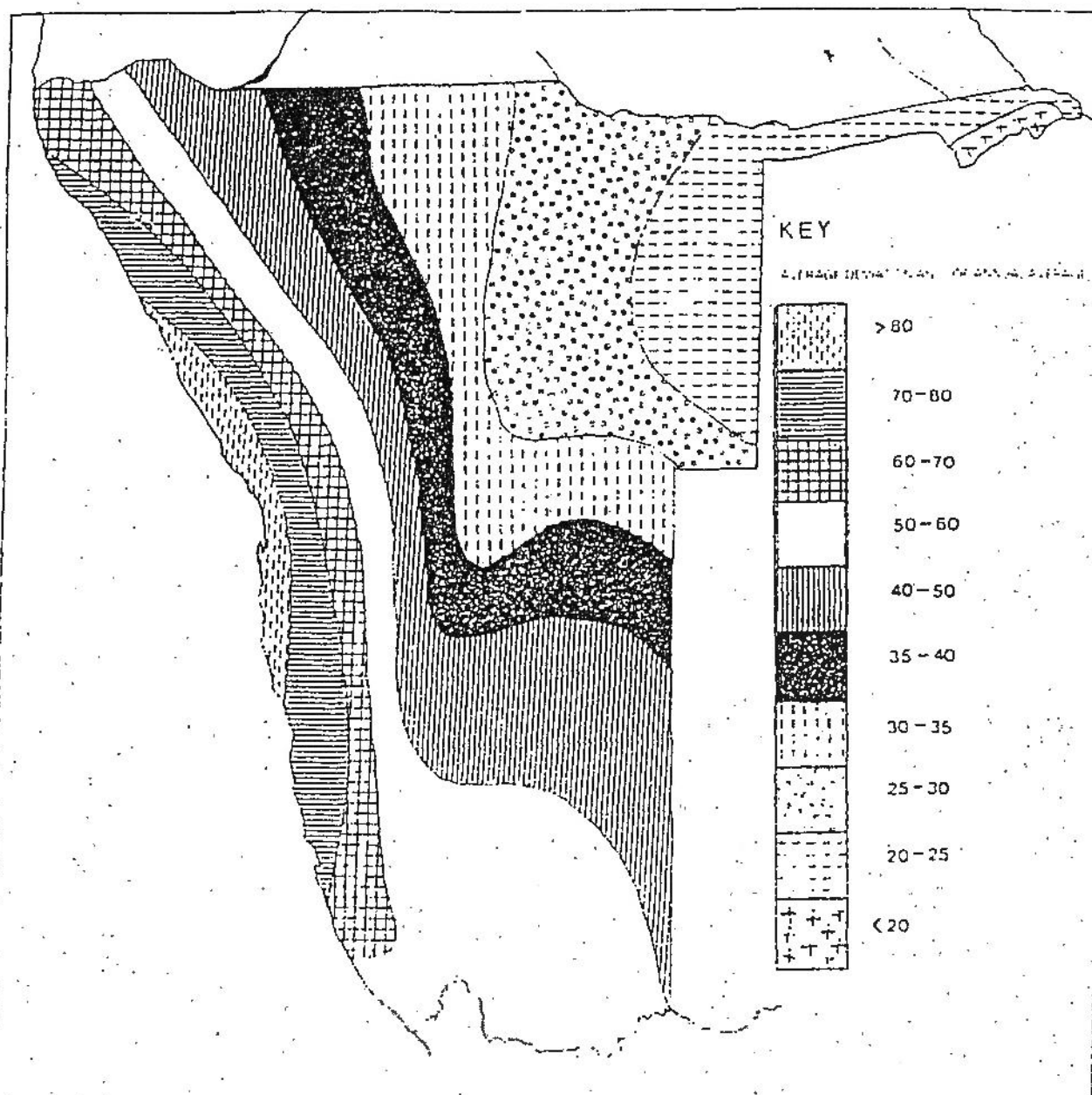
Figure: 3.1



Source: Adapted from F.N.D.C., 1989, p.136

Figure: 3.2

Rainfall variability



Source: Adapted from Van der Merwe, 1983, map 12

3.8 The natural vegetation of Namibia can broadly be classified into two main types namely desert vegetation and savannas (open grass land) (FNDC, 1989, p.8). The desert vegetation is on the south-western and western border of the commercial farming area, adjacent to the western desert (Namib desert). Farming in this area is absolutely marginal with a very high risk of drought (see section below on stock farming potential, Area G).

3.9 Savanna is the main veld type for most of the commercial agricultural sector. The central part of the southern districts (Karasburg, Keetmanshoop, Mariental and Maltahohe) is largely covered with dwarf shrub savanna giving way to a mixed tree and shrub savanna towards the east. The district of Windhoek is predominantly highland savanna changing towards camelthorn savanna in the Gobabis district. The northern districts (Okahandja and Otjiwarongo) have a thornbush savanna. Outjo district consists mainly of mopane savanna, while that of Grootfontein and Tsumeb is described as mountain savanna and Karstveld.

3.10 Open grass land mixed with shrubs and trees is the backbone of the agricultural economy of Namibia. The grasses, especially the perennial species are generally sweet and nutritious and apart from mineral supplementation little feed additives are needed. The well-being of agriculture is highly dependent on the maintenance of a good and vigorous grass cover. Unfortunately this reliable and indispensable basis of the agricultural industry (and the beef industry in particular) is seriously threatened by the problem of bush-encroachment.

3.11 Bush-encroachment, sometimes described as the most pressing man-made problem in the northern beef producing districts, is taking on "alarming proportions" (SWA Agricultural Union, 1989, p.10). In essence it involves the gradual replacement of grasses by thorn bushes (particularly *Acacia mellifera* ssp. *detinens* and *Dichrostachys cinerea*) which are inedible by cattle. An inevitable result is a decrease in productive capacity or carrying capacity of the grazing, with consequently lower animal production.

3.12 In 1986 the degree of bush-encroachment was estimated at 8,6 million hectares in seven of the most important beef producing districts in the north, with a further 5,8 million hectares in the adjacent mixed farming areas in the central districts (S.W.A. Agricultural Union, 1989, p.49). Districts worse affected by invader bush and hectares invaded are as follows:

Grootfontein	2 052 000 ha
Otjiwarongo	1 466 000 ha
Tsumeb	805 000 ha
Outjo	1 314 000 ha
Okahandja	716 000 ha
Gobabis	2 020 000 ha

3.13 It is not within the scope of this study to elaborate on the reasons for bush-encroachment. Basically it is the result of competition between different plant species for moisture with the bush having an advantage over the grass. Once invader bush takes over as a result of drought or overgrazing, the result is a gradual diminution of grazing and consequently a decline in carrying capacity (Department of Agriculture and Nature Conservation, 1989, 1. p.8).

3.14 It has been estimated that as a result of bush-encroachment the long term carrying capacities are 20-30 per cent lower than twenty years ago and even more in some areas (parts of Tsumeb for example). In the thorn bush savanna (parts of Otjiwarongo and Okahandja) degeneration of the natural grazing has reduced carrying capacities from 1:8-10 ha to 1:15/20 ha.

3.15 The possible devastating effect of bush-encroachment on the productivity of a farm is also partly illustrated by figures on the debt burden of farmers in the beef areas (Laubscher, 1991, personal communication). In Otjiwarongo and Tsumeb the total debt per head of livestock is R345,94 and R318,49 respectively against R143,80 in Okahandja where a lot of farmers are active in eradicating invader bushes.

3.16 Bush-encroachment can have a detrimental effect on the productivity of the beef producing areas in the long run if it is not stopped. Successful attempts have already been made to control or eradicate invader bush. However it is a lengthy and costly process, requiring inter alia a change in the attitude of farmers towards the problem.

3.17 Invader bush is not exclusive to the commercial farming districts. Large parts of the communal areas are also seriously affected. It is a national problem that requires planning and dedicated action. The problem is in many cases already beyond the means of the individual farmer.

4 Utilisation of agricultural land

4.1 The limitations of the country's natural environment restrict the range of utilisation possibilities. The harsh climate (low and variable rainfall, for example) makes most of the land which falls in the commercial districts unsuitable for any agricultural purpose other than extensive stock farming. Even the stock farming enterprise is diversified into different branches according to the production potential of the different parts of the country.

Branches of agriculture

4.2 Agricultural production in the commercial districts consists of a number of different enterprises according to the different agro-ecological regions in the country. Extensive stock farming (involving both cattle ranching and small stock farming) dominates agricultural production in terms of contribution to the gross national income from farming. The contribution of the different enterprises to gross farm incomes is presented in Table 4.1.

Table 4.1: Contribution of different agricultural enterprises to gross farm incomes, 1988/89 (Botes, 1989, p.3)

PRODUCT	RAND VALUE	PERCENTAGE
Cattle	287 451 596	58,97
Small stock	80 088 061	16,43
Pelts	43 984 659	9,02
Game	21 889 000	4,49
Fresh milk	12 202 560	2,50
Vegetables	9 660 940	1,98
Pigs	6 976 200	1,43
Eggs	6 537 545	1,34
Maize	5 585 308	1,15
Wool	4 196 965	0,86
Wheat	2 169 579	0,45
Forestry	1 950 000	0,40
Lucerne	1 672 200	0,34
Mohair	1 291 164	0,26
Fruit	808 250	0,17
Sunflower	527 289	0,11
Peanuts	292 500	0,06
Cotton	142 000	0,03
TOTAL	R487 425 546	100,00

4.3 According to Table 4.1 beef is the mainstay of Namibia's agricultural economy with a near 60 per cent contribution to the gross farm income. Namibia is a net exporter of beef with South Africa as the most important market. The value of beef exports have fluctuated strongly over the past few years mainly on account of climatic conditions experienced in the northern production areas. The value of beef exported in 1988 and 1989 were R147,5 million and R253 million respectively (SWA Meat Board, 1991, personal communication).

4.4 Meat production from small stock (sheep and goats) takes place in the central and southern districts and has replaced Karakul pelt production as the second most important branch of commercial agricultural production. The growth of meat production from small stock was a direct result of the collapse of the Karakul pelt market in the early 1980s. Initially meat production was stimulated by every good demand on the South African markets. However, production has reached the point where surpluses and a lack of export permits are creating serious marketing problems for the mutton and lamb enterprise. The number of small stock exported to south Africa increased from 320 982 in 1984, to 616 052 in 1987 and further to 843 112 in 1989 (SWA Meat Board, 1984 p.6; 1987, p.8; 1989, p.9). The South African market absorbs nearly 80 per cent of the country's production.

4.5 Karakul pelt production in the southern districts of Namibia has historically been the second most important agricultural branch after beef. The Karakul breed is perfectly adapted to the arid conditions prevailing in the South, but fluctuations on world fashion markets have forced many farmers out of the pelt enterprise. Karakul pelt production dropped from 3,5 million pelts in 1980 to less than 700 000 at present. Karakul pelts are marketed primarily in Europe, but the export values dropped from R42,8 million in 1980 to a low of R10,2 million in 1983. It has since recovered somewhat, but the Karakul pelt market is still too low to regain its position as a stable and viable farming commodity for the arid regions of the country. The marketing arrangements under STABEX 8 and LOME IV are, however, promising to stimulate the Karakul pelt production enterprise.

4.6 According to Table 4.1, game farming is the fourth most important agricultural activity. Game farming, particularly in important the central and northern parts of the country has become an important branch of agriculture in recent years and contributes approximately R20 million per year to gross farm incomes. Game farming is becoming increasingly popular because

it combines well with domestic stock farming and it is a big tourist attraction due to an unusual variety of fauna. The game enterprise has an estimated potential contribution to the country's economy of R158 million per year (FNDC, 1986, p.24).

4.7 Apart from stock farming, the commercial agricultural sector also produces a limited variety and quantity of crop products. Dryland cropping is, however, only possible in a small area of the country where rainfall is in excess of 500 mm per annum - mainly in the so-called Tsumeb-Grootfontein-Otavi triangle. An estimated 23 000 hectares are under cultivation, mostly still in combination with stock farming. The main crops are maize, wheat and sunflower.

4.8 Irrigation farming in the commercial sector takes place below the Hardap Dam (Mariental) and along the northern banks of the Orange River. Approximately 1900 and 900 ha respectively are under crops such as lucerne, cotton, fruit and vegetables. In conclusion, the importance of stock farming in the agricultural economy of the commercial districts is underlined by the data in Table 4.1. Stock farming (beef mutton, goats, pelts, game, milk, wool and mohair) contributes more than 93 percent to the gross farm incomes of the commercial sector. The maintenance of a stable and viable agricultural economy in the southern half of Namibia is, therefore, in the first instance dependent on the productive capacity and optimal use of the natural grazing. However, owing to the low and erratic rainfall over most areas (approximately half of the country has an annual rainfall of less than 300 mm) the grazing has a relatively low carrying capacity.

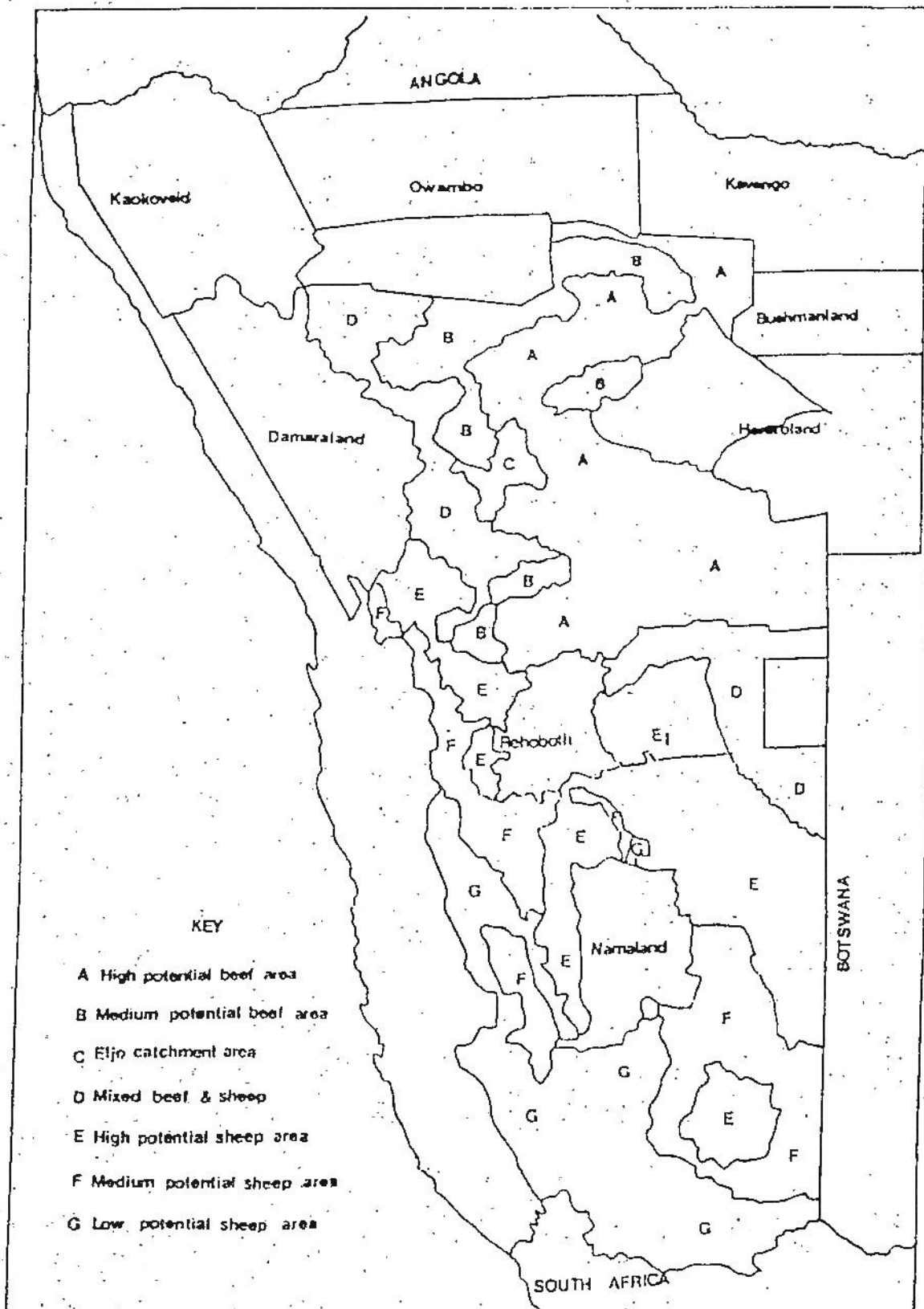
Stock farming potential

4.9 Generally speaking cattle farming takes place in the northern commercial farm districts, and cattle is combined with small stock farming in the central districts. The south is predominantly a small stock farming area.

4.10 The Department of Agricultural Technical Services in the previous administration compiled a systematic description and map of eight major farming zones (see Figure 4.1). These consist of high and medium potential cattle areas, high, medium and low potential sheep areas, a mixed zone, an eroded zone in the north-west, and an unstable small stock zone in the south and south-west. These zones are further sub-divided into a total of 52 sub-zones representing "fairly homogenous farming areas" which are described in terms of physical environment, land use, and current farming practices with the major determinant of

Figure: 4.1

Stockfarming potential: commercial farming districts



distribution the amount and reliability of annual rainfall. At a more detailed scale, topography and soil are critical. Most of the country, with the notable exception of about 20 000 hectare of rainfed cropland in the Grootfontein-Otavi-Tsumeb "maize triangle" is natural or modified rangeland which provides the main, often the sole, resource for livestock production. The nature and condition of this range or veld has an overriding influence on the farming operation through the number and type of animals it can sustain per unit area.

4.11 The carrying capacity will vary from year to year with rainfall. Overstocking can, and has, led to degradation of the resource, while good grazing management at conservative stocking levels can maintain it in good condition. The scope for improvement of carrying capacity is relatively limited except by costly bush control methods or by clearing bush and planting sown pastures in suitable areas.

4.12 The high potential cattle areas (A) are in the north and north-east with a mean annual rainfall of 450 mm (400 mm to 525 mm). There are eleven sub-divisions including the Grootfontein-Otavi-Tsumeb maize triangle. The medium potential cattle areas (B) lie mainly to the north and west of the high potential cattle zone with rainfall averages from 250 mm to 500 mm annually.

4.13 Zone C is the eroded Etjo catchment. The mixed cattle and sheep zone (D) is in the 250 mm to 350 mm rainfall zone in the north-west, adjoining Damaraland and in Kalahari sand areas of east-central Namibia. The high potential sheep farming zone (E) lies in the 150-250 mm areas west and south of Windhoek and down to Mariental and Maltahohe districts. The medium potential (F) and low potential (G) sheep zones successively occupy lower rainfall areas to the west and south of zone (E) with rainfall from about 100-200 mm annually. The unstable small stock zone (G) lies in the extreme south-west and south, on the desert fringe with an annual rainfall of 50-100 mm.

4.14 In order to evaluate the different stock farming areas in terms of their contribution to the total livestock farming industry of the country, certain production aspects of the regions were compiled in one table. The data are presented in Table 4.2.

Table 4.2: Production aspects of four commercial livestock farming areas according to agricultural potential. Namibia, 1991

AREA	Farming Units		Hectares		Average Ha.	Official carrying capacity of range Ha/LSU*
	Number	%	Total	%		
Area A & B (Beef Cattle)	1851	43,5	12 517 565	34,6	6763	8 - 10
Area C, D, & E (Mixed cattle & sheep)	923	21,7	6 287 247	17,4	6812	12 - 15
Area E & F Sheep, high potential)	1129	26,6	11 967 599	33,1	10600	18 - 30
Area G (Sheep, low potential)	348	8,2	5 392 469	14,9	15496	36 - 60
TOTAL commercial area	4251	100	36 164 880	100	8507	8 - 60

*L.S.U = Large stock unit.

Source: Department of Agriculture and Rural Development; Government of Namibia. Raw data, 1991.

4.15 From the data in Table 4.2 it is clear why beef production is the backbone of Namibia's agricultural industry. The beef enterprise occupies less than half of the agricultural land, yet it contributes approximately 60 percent of the gross farm income (Table 4.1).

4.16 In analyzing Table 4.2, however, certain misleading aspects of the data presented must be discussed to produce a more realistic picture of the present agricultural potential within certain livestock farming areas in Namibia. It is of importance to state that the statistics presented in Table 4.2 are based on the official carrying capacity for the different ecological farming regions. Therefore looking at the figures presented for area A and B (Beef cattle) (and to a lesser extent C, D and E) it can be inferred that an average farm of 6763 ha has the

potential to carry approximately 750 head of cattle, but this conclusion can be misleading. First the biological carrying capacity of Namibia's natural rangeland is not fixed and it will depend on the following:

- a. Drought conditions: It is a fact that this country is plagued by cyclic dry periods every 4 to 5 years. Even within the good years rainfall seems to be very erratic.
- b. Bush encroachment conditions: It is a fact that nearly 8,6 million ha of Namibia's prime extensive cattle farming areas are subject to extreme bush encroachment. The dimension of this problem and the economic implications thereof is reflected in the fact that the thorn tree savanna of the Otjiwarongo region, for example once with a carrying capacity of one large stock unit per 8 hectares, can at present hardly carry one large stock unit per 15 hectares.

4.17 There are also biological considerations in the estimation of carrying capacity, including the following:

- a. Condition of the pasture (quality)
- b. Mass/age of animals
- c. Sex of animal
- d. Condition and production level of animal

A large stock unit is defined as the equivalent of one animal (cattle) with a mass of 500 kg with an increment of 500 grams/day on a pasture with a digestibility percentage of 55 per cent.

4.18 For these reasons the approach of the Directorate of Agriculture to carrying capacity is now based on the "new" concept of "Biomass", where availability of consumable veld is compared with type of animal in use, on a yearly basis, for each specific farm. Under these conditions it can be estimated that the natural carrying capacity is approximately 30 per cent lower than the official carrying capacity, which means that an average farm of 6763 ha in the beef area for example has the potential to carry "only" 450 head of cattle instead of the theoretical 750. The Biomass approach is therefore a more realistic approach for the estimation of carrying capacity.

4.19 A third indication that the official figures for expressing carrying capacity (number of hectares per stock unit) are no longer in step with the realities of the present situation comes from the stock census figures of the Directorate of Veterinary Services (December 1990). For the past few years the livestock

population "seems to stabilise or even showing a slight negative trend." Livestock figures for the total commercial areas (December 1990) totalled the equivalent of 1 722 704 large stock units, compared with the "official total carrying capacity" of 2 448 317. The stocking rate of the commercial area is in practice, therefore, only approximately 70 per cent of the official (theoretical) stocking rate. Even with a 10 percent allowance for game, it is still in the vicinity of 80 per cent of the official carrying capacity. The official rates seem to be too high in the present veld circumstances.

5 Land ownership

5.1 It is standard practice in the literature to classify land in Namibia into three main categories. The first comprises land which is agriculturally unusable and has been demarcated as desert, diamond areas and/or nature reserves. Approximately 12,65 million hectares of land (owned by the State) fall in this category and most of it are along the country's west coast (in and around the namib desert). Secondly agricultural usable land is subdivided into the so-called communal areas (approximately 33,49 million hectares) and the commercial farming sector (approximately 36,16 million hectares). The respective percentages of the country's surface area for the three categories of land are 15,4, 40,7 and 43,9 per cent respectively.

5.2 In this section attention will be focused on land ownership in the commercial districts of Namibia. In the first part the distribution of farms will be analysed, while the farm businesses will be highlighted in the second part.

Distribution of ownership

5.3 There are four main categories of owners of land under a freehold system of individual ownership (the so-called commercial area). They are (i) individuals, who own the largest portion; (ii) the municipalities and Peri-Urban Board; (iii) the churches and particularly the Roman Catholic Church; and (iv) the State, which owns experimental and production or demonstration farms as well as other agricultural land.

5.4 In agreement with former investigations (Harrison, 1982 and Adams and Werner, 1990) it must be stated that data on ownership patterns and statistics like farm numbers etcetera are somewhat difficult to obtain with a high degree of precision. Due to a lack of a proper agricultural and land use data base in Namibia, data on the farming situation are best collected by means of surveys by extension officers in the sixteen commercial

districts. The data used in this chapter were collected by extension officers at the beginning of 1991.

5.5 Before embarking on a separate discussion of the different ownership categories, it may be illuminating to summarise land ownership in the commercial area of Namibia in a single table. This is done in table 5.1.

Table 5.1: Land ownership distribution in the commercial area of Namibia, 1991

Owner	Number of farms	Size (Ha)	% of Total
<u>The State</u>			
i) Experimental/production farms	20	169 216	0,47
ii) Other agricultural land	44	297 697	0,82
<u>Municipalities + P.U Board</u>	28	349 998	0,97
<u>Churches</u>	22	222 365	0,61
<u>Individual owners</u>			
i) Plots around towns	(681)*	33 958	0,09
ii) Company owned farms	55	728 882	2,02
iii) Individually owned farms	6123	34 362 764	95,02
TOTAL Commercial area	6292	36 164 880	100%

* Plots not calculated as farms - excluded from the total.

Source: Department of Agriculture and Rural Development; Government of Namibia, raw data 1991.

State-owned land

5.6 Apart from the 12,65 million hectares land classified as agriculturally unusable the State also owns 466 913 hectares of usable land in the commercial area, 1,29 per cent of the total commercial area.

5.7 Agricultural land belonging to the State is used mainly for research, training, production and demonstration purposes. The Government owns 20 farms totalling 169 216 hectares for these purposes, of which seven are in the Northern part, five in the Central part and eight in the Southern districts of the commercial area.

5.8 The balance of state-owned land in the commercial area, totalling 297 697 hectares (approximately 44 farms) is used mainly for agricultural production purposes by individual farmers who rent it from the Government. In most cases these farms belonged to former Second Tier Authorities, who either settled emergent farmers on it or utilise it for communal farming purposes - for instance 40 549 hectares in Otjiwarongo and 102 029 hectares in Gobabis. In Keetmanshoop approximately 38 000 hectares around the basin of the Naute dam are not presently used for agricultural purposes although it is suitable for stock farming.

5.9 The distribution of State owned land by district in the commercial area is summarised in Table 5.2.

Table 5.2: Summary of State owned land in the commercial districts; Namibia, 1991.

District	Experimental or Production farms, etc.		Other agricultural land	
	Number	Size (Ha)	Number	Size (Ha)
Outjo	-	-	-	-
Otjiwarongo	1	17 665	1	40 549
Grootfontein	3	17 099	2	7 241
Tsumeb/Otavi	3	16 889	-	-
NORTH	7	51 653	3	47 790
Windhoek	4	30 602	2	4 800
Gobabis	1	8 336	19	102 029
Okahandja	-	-	4	23 117
Omaruru/Karibib	-	-	7	42 752
CENTRAL	5	38 938	32	172 698
Keetmanshoop	3	31 641	5	38 000
Mariental	4	21 885	-	-
Karasburg	-	-	1	12 691
Maltahohe	1	25 100	3	26 518
Bethanien & Luderitz	-	-	-	-
SOUTH	8	78 626	9	77 209
TOTAL	20	169 217	44	297 697

Source: Department of Agriculture and Rural Development:
Government of Namibia. Raw data, 1991

Municipalities and Churches

5.10 Municipalities and the Peri-Urban Board owned a total of 349 998 hectares of agricultural land in the commercial districts. the largest municipal lands in the country are Keetmanshoop with 62 000, Bethanien/Luderitz with 65 000, Gobabis with 48 000, Windhoek with 47 000 and Omaruru/Karibib with 33 000 hectares of land. In the northern districts municipal lands are generally fairly small; see Table 5.3.

5.11 Most of the municipal lands are fairly well developed into grazing camps and stock watering points. The lands of camps are generally leased to stock farmers for grazing on a rather short term basis (per tender or public auction).

5.12 The churches are the owners of 222 365 hectares of land in the commercial districts. The different denominations were not investigated separately, but the Roman Catholic Church is the single largest owner with an estimated 180 000 hectares. Most of the farms of the churches are used for agricultural production. The Roman Catholic Church for instance, satisfies to a large extent the basic food requirements of its schools, hospitals, etcetera.

5.13 An analysis of the land ownership of the municipalities and the churches on a district basis, is presented in Table 5.3.

Table 5.3: Summary of land owned by municipalities and Churches in the commercial districts; Namibia, 1991.

District	Municipalities		Churches	
	Number	Size(Ha)	Number	Size(Ha)
Outjo	2	11 431	2	8 578
Otjiwarongo	2	700	-	-
Grootfontein	1	2 200	1	3 000
Tsumeb/Otavi	1	802	3	14 552
NORTH	6	15 133	6	26 130
Windhoek	1	47 812	1	7 000
Gobabis	4	48 290	2	31 106
Okahandja	1	9 620	1	2 890
Omaruru & Karibib	3	33 024	2	19 587
CENTRAL	9	138 746	6	6 583
Keetmanshoop	3	62 834	3	43 726
Mariental	4	21 271	4	17 367
Karasburg	2	28 570	2	64 406
Maltahohe	1	17 589	-	-
Bethanien & Luderitz	2	65 855	1	10 153
SOUTH	13	196 119	10	135 652
TOTAL	28	349 998	22	222 365

Source: Department of agriculture and Rural Development; Government of Namibia, raw data, 1991.

Individual owners

5.14 Individual owners are by far the most important category of land owners; they possess 97,13 per cent of the total of the commercial area.

5.15 It is interesting to note in Table 5.1 that 33 958 hectares of agricultural land are taken up by 681 plots around towns in the country. Although insignificant on a percentage basis, it is still nearly 34 000 hectares that are agriculturally speaking not really productive. Plots provide living space for some town people, but very seldom is an efficient farming enterprise found on a plot.

5.16 According to the agricultural survey by extension officers at the beginning of 1991, there are 55 company-owned farms in the commercial districts. The total number of hectares involved are 728 882, with 397 741 hectares (22 farms) in the southern districts, 268 809 hectares (31 farms) in the northern districts and only 62 332 hectares (2 farms) in the central districts of Namibia. Detailed information regarding the uses to which the company farms are put, was not collected. However, it appears that game farming, and to a lesser extent stock farming are the main branches for agricultural activities.

5.17 95 per cent of the surface area of the commercial districts (34 362 744 hectares) belongs to individual owners. Within this ownership category the overwhelming majority of farms belong to individual white farmers including Non-Namibian owners. Namibian black farmers own only 2,9 per cent of commercial farms in Namibia (Rehoboth excluded in this calculation). A total of 181 farms out of the total of 6 123 individually owned farms in the commercial district belong to black farmers.

5.18 A detailed analysis of the situation regarding individual owners of farms in the commercial districts of Namibia is presented in Table 5.4.

5.19 Non-Namibian citizens own currently 382 farms in Namibia or 6,2 per cent of all commercial farms (8,2 per cent of the surface area). The survey was conducted (January 1991) while registration for citizenship was in progress. Therefore, citizenship of a specific person could not be ascertained with 100 per cent surety. Some of the features of and issues surrounding this owner category will be dealt with later in this chapter.

5.20 This concludes the section on the distribution of ownership of farms in Namibia. The number of farmers, however, are not a clear or true reflection of the farming business as such, because the latter may comprise more than one farm (Incidentally, the expression "farm" is misleading and ill-defined because it gives no indication of magnitude). In the next paragraphs the magnitude of farm-businesses in Namibia will be overviewed. The data used in this analysis were also collected by extension officers of the Directorate of Agriculture in January 1991.

Table 5.4 Ownership of individually owned farms in the commercial districts; Namibia, 1991

District	Namibian owners				Non-Namibian owners.....	
	White owners		Black owners			
	Number of farms	Size (Ha)	Number of farms	Size Ha	Number of farms	Size Ha
Outjo	398	1895281	54	287586	35	151439
Otjiwarongo	406	1640960	16	61815	41	192003
Grootfontein	557	1726457	4	21782	3	20535
Tsumeb/Otavi	448	1523680	7	26473	9	61114
NORTH	1809	6786378	81	397656	88	425091
Windhoek	528	2998218	5	38552	17	105396
Gobabis	809	3673681	41	192313	31	131933
Okahandja	358	1497676	4	23674	17	104745
Omaruru/Karibib	236	1397407	7	42836	71	506289
CENTRAL	1931	9566982	57	297375	136	848363
Keetmanshoop	370	2954314	16	96463	49	425434
Mariental	759	4314168	14	97629	18	197834
Karasburg	263	2485458	4	27374	56	562826
Maltahöhe	220	2053967	3	13455	12	129899
Bethanien & Luderitz	208	2253385	6	50308	23	378405
SOUTH	1820	14061292	43	285229	158	1694398
TOTAL	5560	30414652	181	980260	382	2967852

Source: Department of Agriculture and Rural Development; Government of Namibia, raw data, 1991.

Farms and farm businesses

5.21 Information collected in 1988 for the agricultural resources reclamation strategy (Administrasie vir Blankes, Direktoraat Landbou, 1988, p.14) and updated in 1991 in preparation for the proposed Land Conference, is presented in Table 5.5.

Table 5.5 Numbers of farms and farm businesses in the commercial districts of Namibia, 1988 and 1991

District	1988		1991	
	Farms	F. Businesses	Farms	F. Businesses
Outjo	508	315	505	324
Otjiwarongo	475	283	472	299
Grootfontein	1044]	556]	576	301
Tsumeb/Otavi]]	478	294
NORTH	2027	1154	2031	1218
Windhoek	556	425	558	402
Gobabis	885	531	908	599
Okahandja	336	218	385	269
Omaruru & Karibib	318	256	327	254
CENTRAL	2095	1430	2178	1524
Keetmanshoop	533	338	453	334
Mariental	803	560	805	530
Karasburg	358	228	336	242
Maltahohe	244	163	244	165
Bethanien & Luderitz	278	181	245	192
SOUTH	2215	1470	2083	1463
TOTAL	6337	4054	6292	4205

Sources: 1988: Administrasie vir Blankes, 1988, p.14
 1991: Department of Agriculture and Rural Development;
 Government of Namibia, raw data 1991.

5.22 The variation in numbers between the two surveys (1988 and 1991) is not great and most probably more due to differences in interpretation of what constitutes a farm or a farm business rather than in actual changes as a result of subdivision or consolidation. Very little change due to the latter took place in recent years (people who decided to leave the country, left before 1988). In the opinion of the author (C.J.V.) the figures

for 1991 are as accurate as one can hope to get under prevailing circumstances. These figures will be used in the further analysis of the farming situation.

5.23 The 1991 data in Table 5.5 show that the 6292 farms (pieces of land) are "consolidated" or incorporated into 4205 farm businesses. This implies that on the average every farm business is made up of approximately one and a half farms. The ratios for the three subregions are 60 per cent for the North and 70 per cent for both the Central and Southern regions. Differences in land potential account for this; farms in the North are smaller and more intensive, getting bigger and more extensive towards the southern parts.

5.24 The numbers of farms in the different districts are not crucial nor even helpful for analyzing the farm business situation in Namibia. Some of the "farms" acquired as second or third properties by individual owners are not economically viable on their own and frequently merely ("odd") pieces of land. Therefore, further discussion will focus on the number of farming units, preferably termed farm businesses.

5.25 While on the topic of numbers of farms and farm businesses two seemingly contradictory figures must be explained right here before starting the discussion on farm businesses. Firstly, the total number of farm businesses in Namibia when calculated on a district basis, are 4 205. However, when calculated on the basis of ecological zoning (livestock potential areas/- see paragraph 4.1), there are 4 251 farming units.

5.26 This difference of 46 units is the result of overlapping of some farm businesses over two ecological zones. The computer is programmed in such a way that it separates the properties of a specific owner when the latter owns properties with different livestock potential code letters (A,B, C, etc.). The difference of 46 between the totals of the districts and the potential zones means that 46 farmers have properties which lie in different ecological zones and consequently the computer counts them as two separate enterprises. Agriculturally and biologically speaking the ecological zone figure (4251) is more correct.

Size of farm businesses

5.27 The size or magnitude of farm businesses may be approached or evaluated from different starting points, depending on the goals of the investigation. These approaches are: i) physical size or hectares, ii) the number of farms that constitute a business and/or iii) the productive capacity of the farming unit or business.

5.28 In a country like Namibia where environmental factors affecting agriculture are extremely variable, the first two approaches (hectares and number of farms) alone are not sufficient to compare different ecological regions. It is unrealistic to compare a 5000 hectare unit in the north-eastern part of Gobabis with a 5000 hectare unit in the south-western part of Karasburg. Therefore, the third approach namely productive capacity (or potential) must be considered in conjunction with size and/or numbers.

5.29 In the following paragraphs the three methods of evaluating size of farm businesses will be discussed individually and collectively.

Physical size (hectares)

5.30 The total number of 4205 farm businesses in the sixteen commercial districts, belonging to individual owners, companies, municipalities, churches or the State - but excluding plots around the towns - have an average size of 8592 hectares. The average sizes of farm businesses in the different districts are given in Table 5.6.

Table 5.6: Average sizes of farm businesses in the commercial districts of Namibia, 1991

District	Number of businesses	Average size (Ha)
Outjo	324	7484
Otjiwarongo	299	6916
Grootfontein	301	6069
Tsumeb & Otavi	294	5801
NORTH	1218	6588
Windhoek	402	8081
Gobabis	599	6994
Okahandja	269	6162
Omaruru & Karibib	254	8266
CENTRAL	1524	7346
Keetmanshoop	334	11095
Mariental	530	8835
Karasburg	242	13907
Maltahohe	165	14042
Bethanien/Luderitz	192	14883
SOUTH	1470	11571
TOTAL	4205	8592

Source: Department of Agriculture and Rural Development;
Government of Namibia. Raw data, 1991.

5.31 Table 5.6 shows that farm businesses in the southern sheep producing districts tend to be larger than those in the mixed and cattle producing central and northern districts. This is to a large extent explained by the environmental conditions (climate, rainfall, vegetation) prevailing in the different parts. The carrying capacity for livestock is much weaker in the south and therefore farms tend to be bigger. The Tsumeb/Otavi region with the highest rainfall and possibilities for dryland crop-production has correspondingly the smallest farm businesses in terms of hectares. Bethanien/Luderitz on the other hand with desert conditions needs a vast area of land to make a living which is still risky and financially uncertain.

Number of farms per farm business

5.32 From preceding discussions it became clear that the farm businesses are generally speaking than one farm (See Table 5.5). The factual situation regarding this matter is presented in Table 5.7.

Table 5.7 An analysis of the number of farms constituting farm businesses in Namibia, 1991

Number of farms	Number of businesses	% of businesses
1	2938	69,1
2	896	21,1
3	269	6,4
4	77	1,8
5	31	0,7
6	19	0,4
7 and more	21	0,5
	4251*	100

*4251 according to ecological zoning. The difference from 4205 is explained in paragraph 5.2.

Source: Department of Agriculture and Rural Development;
Government of Namibia. Raw data, 1991.

5.33 Table 5.7 shows that the majority of farm owners throughout Namibia own single holdings and that only 3,4 per cent of farmers own more than three farms.

5.34 Figures for the districts were not collected, but from the data in Table 5.5 it can be concluded that farmers in the northern districts own slightly more farms per business than do their central and southern counterparts. Adams and Werner 1990, p. 79 came to the same conclusion.

5.35 Although it is reasonable to assume that owners with "many" farms (more than three for instance) also possess the biggest businesses, it is not generally true. For example, in the single holding businesses there are lots of farmers that can carry more than 500 head of cattle (large stock units). On the other hand there is one owner with eight farms and another with nine holdings and both of them can accommodate less than 500 cattle.

5.36 From the foregoing it is clear that hectares and/or number of farms do not tell the whole story. The quality of the land, its productive capacity and its suitability for a specific type of production must also be considered. The number of livestock which a unit can safely carry (within the principles of optimal land utilisation) will most probably be the best indication of the magnitude of the farm business.

Livestock carrying capacity of farm businesses

5.37 Generally speaking, the number of livestock that a farm in the grazing areas can safely carry, will to a large extent determine its economic viability.

5.38 In order to compare the productive capacity of farms in different ecological regions (with differing agricultural potential), it is standard practice in the literature to express the productive capacity (carrying capacity) in terms of numbers of large livestock units it can carry. A large livestock unit (L.S.U) is defined as the equivalent of one mature beast (cow, ox, bull) with a body mass of 500 kilogram and which is producing normally. Together with this, carrying capacity is defined as the number of hectares grazing required to feed one large livestock unit properly for a period of one year, without damaging the grazing. The factor used for converting small stock to large stock is six: 1 large stock unit equals six small stock.

5.39 The minimum number of livestock as a basis for economic viability in commercial farming was set at 400 large stock units or 2000 small stock units by an Agricultural Policy Advisory Committee in 1983 (SWA/Namibia, Beleidsadvieskomitee vir Landbou, 1983, p.14). (It can be mentioned here that the norm for a "decent living" is presently under revision for adaptation to the level of development of the emerging/upcoming farmer). The division of farm businesses into the two categories (less than 400 large stock and more than 400 in Table 5.8 is merely to give an indication of the size of the businesses). The reader is referred back to paragraph 4.2 for a description and agricultural aspects of the four livestock potential areas; also Fig. 4.1.

Table 5.8: Distribution of farm businesses in the Namibian commercial area according to total livestock carrying capacity; 1991

Farming area	Number of farm businesses and %					
	Less than 400*LSU		More than 400*LSU		Total	
	Number	%	Number	%	Total	%
Beef production area	443	23,9	1408	76,1	1851	100
Mixed Beef and cattle production area	340	36,9	583	63,1	923	100
High potential sheep area	615	54,5	514	45,5	1129	100
Low potential sheep area	256	73,5	92	26,5	348	100
TOTAL: NAMIBIA	1654	38,8	2597	61,2	4251	100

*L.S.U. = Large stock unit.

Source: Department of agriculture and Rural Development; Government of Namibia. Raw data, 1991.

5.40 Table 5.8 shows that for Namibia's commercial farming area as a whole 61,2 per cent of the farming businesses can carry more than 400 head of cattle or the equivalent there-of. Four out of ten however are considered to be too small to secure an "acceptable" income for the entrepreneur to meet its obligations towards the society and the State.

5.41 Within the different production areas there are considerable variation, however. The beef production areas are best off, with "only" 23,9 per cent of the businesses too small to meet the required norm. However, it must be warned again, as in the discussion that followed Table 4.2, that the position is probably not as favourable as the figures suggest. The bush-encroachment problem and other biological realities reduced the official carrying capacities with approximately 30 per cent. Consequently the number of farms in the beef areas that cannot biologically carry 400 head of large stock, are probably higher than the figure of 443.

5.42 There is a gradual increase in the number of farm units classified as "small" as agricultural conditions worsen towards the south of the country. The high potential sheep area is more

or less equally divided between the two size categories, but in the low potential sheep area the situation is quite bad. The majority of farm units (73.5 per cent) are considered too small to ensure a sufficient and stable income for its operator. Further, this "large in hectares, but small in productivity" area is frequently plagued with droughts. It is not easy to farm in this part of the country.

Nationality of land owners

5.43 In Chapter 5.2 (Tables 5.1 and 5.4) it was established that 6123 farms (out of a total of 6292) or 97,3 per cent of the total belong to individual owners. The rest belong to the State, Churches, Municipalities and companies. Due to individuals owning more than one farm, the 6123 farms are owned by 4064 individual persons.

5.44 A total of 382 Namibian farms (6,1 per cent of the total) belong to persons who are in all probability not Namibian citizens. The number of persons involved here are 272.

5.45 Figures regarding personal ownership and nationality are difficult to determine with 100 per cent accuracy. According to extension officers of the Department of Agriculture, the numbers of persons owning farms or farm businesses in the sixteen commercial districts and their nationalities are approximately as follows:

Table 5.9: Nationality of individual owners of land in the commercial districts of Namibia, 1991

District	Number of individual owners	Nationality of owners				
		Namibian	Non-Namibian			
			RSA	Germany	Other	Total
Outjo	313	298	6	7	2	15
Otjiwarongo	289	260	6	18	5	29
Grootfontein	291	288	-	3	-	3
Tsumeb/Otavi	284	276	2	5	1	8
NORTH	1177	1122	14	33	8	55
Windhoek	388	375	6	6	1	13
Gobabis	579	561	13	2	3	18
Okahandja	259	244	3	11	1	15
Omaruru & Karibib	246	190	8	38	10	56
CENTRAL	1472	1370	30	57	15	102
Keetmanshoop	323	293	30	-	-	30
Mariental	512	502	9	1	-	10
Karasburg	234	194	39	-	1	40
Maltahohe	160	148	3	3	6	12
Bethanien & Luderitz	186	163	23	-	-	23
SOUTH	1415	1300	104	4	7	115
TOTAL	4064	3792	148	94	30	272

The Non-Namibian citizens classified as "Other" in the table are mainly Austrian, French, Italian and Swiss.

Source: Department of Agriculture and Rural development, Government of Namibia. Raw data, 1991.

5.46 From Table 5.9 it is interesting to note that RSA citizens seem to prefer the southern districts (probably due to distance), while overseas citizens bought predominantly in the central districts. On the other hand it may also be that RSA people bought the land primarily to farm it with domestic stock, while game and other considerations are more important for overseas buyers.

Residence of Land Owners

5.47 The situation regarding occupation of Namibian commercial farms was also covered in the January 1991 survey by extension officers.

The location of the owner's home in relation to the farm or farm business (in cases of more than one farm) was established. Once again, only individual owners were analysed because data on occupation of State farms et cetera are actually meaningless. The data are summarised in Tables 5.10 (a), (b) and (c).

Table 5.10 (a): Location of owner's home in relation to farm/farm business, Namibia, 1991

District	Number of owners	Location of owner's home		
		On the farm/farm business	Elsewhere in Namibia*	Outside Namibia**
Outjo	313	232	66	15
Otjiwarongo	289	187	73	29
Grootfontein	291	277	11	3
Tsumeb/Otavi	284	200	75	9
NORTH	1177	896	225	46
Windhoek	388	364	21	3
Gobabis	579	508	53	18
Okahandja	259	213	31	15
Omaruru & Karibib	246	115	85	46
CENTRAL	1472	1200	190	82
Keetmanshoop	323	255	38	30
Mariental	512	485	17	10
Karasburg	234	171	25	38
Maltahohe	160	121	27	12
Bethanien & Luderitz	186	131	32	23
SOUTH	1415	1163	139	113
TOTAL	4064	3259	554	251

* See Table 5.10 (b)

** See Table 5.10 (c)

Source: Department of Agriculture and Rural Development, Government of Namibia. Raw data, 1991.

5.48 From Table 5.10 (a) it seems that 80,2 per cent of individual owners for land in Namibia do occupy their farms or businesses on a full-time basis. Between the regions there is a slight tendency for less farms being occupied in the north (76,4 per cent) compared to the south 78,3 per cent and the central part (81,5 per cent). Within the districts Otjiwarongo and Omaruru/Karibib are the less occupied districts.

5.49 The situation of 80 per cent full-time farmers and 20 per cent part-time farmers appears quite normal when compared to similar situation elsewhere. From observations it appears, however, that part-time farming is becoming gradually more popular.

5.50 The 805 individual owners who do not stay on their properties full-time at present were further analysed in respect of location of their homes. The data are presented in Table 5.10(b) and (c).

Table 5.10(c): Location of owners home in relation to farm/farm business for owners staying "outside Namibia - Table 5.10(a)", 1991

District	Number of owners	Location of owner's home	
		R.S.A	Overseas
Outjo	15	7	8
Otjiwarongo	29	6	23
Grootfontein	3	-	3
Tsumeb/Otavi	9	2	7
NORTH	56	15	41
Windhoek	3	2	1
Gobabis	18	13	5
Okahandja	15	3	12
Omaruru & Karibib	46	10	36
CENTRAL	82	28	54
Keetmanshoop	30	30	-
Mariental	10	9	1
Karasburg	38	37	1
Maltahohe	12	3	9
Bethanien & Luderitz	23	23	-
SOUTH	113	102	11
TOTAL	251	145	106

Source: Ibid, 1991.

5.51 Of the 554 owners staying "elsewhere in Namibia" (Table 5.10(b) 158 (28,5 per cent) are staying in the towns for the appropriate district. They are presumably part-time farmers (some even semi-retired) working in nearby towns for an extra income. A further 131 (23,7 per cent) live on farms (their second farm in another district), while nearly half of the owners (265 or 47,8 per cent) own farms in Namibia, but living (working) in the major centres. Quite a large number of farm owners in Omaruru/Karibib for example, stay and work in Swakopmund or Walvis Bay.

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Section 4

NEPRU Briefing Papers

LAND TENURE DATA

1. Introduction

1.1 There are many different sets of figures on land ownership in Namibia, prepared by different authors and at different times. In this brief paper we attempt to set out a consistent set of data with sources.

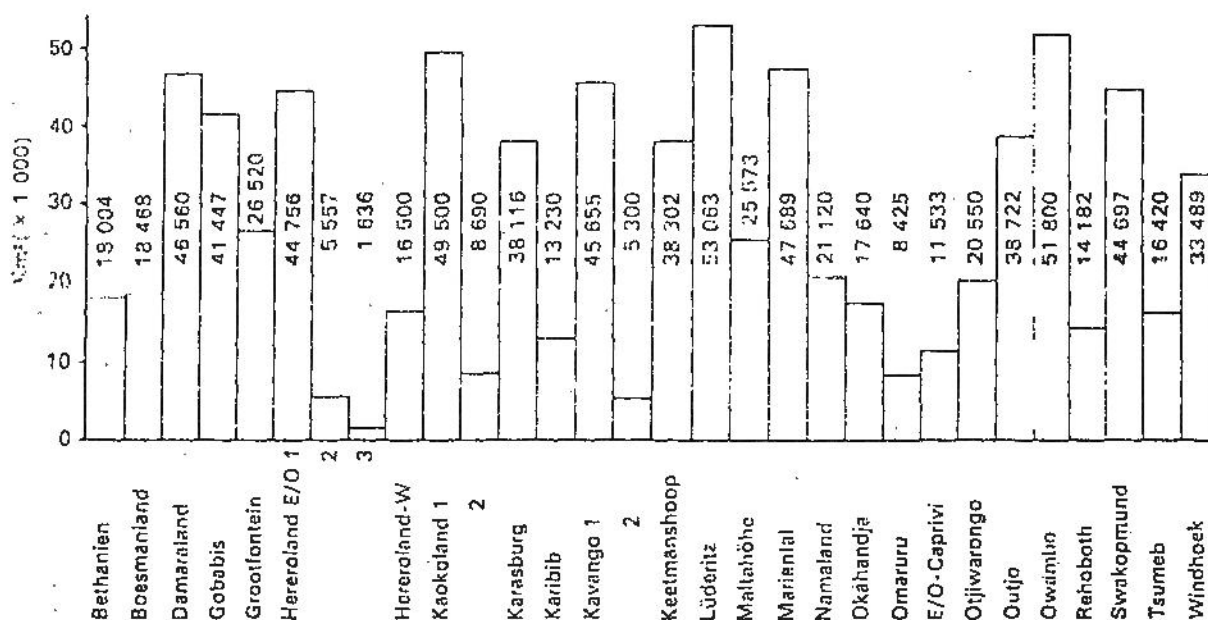
1.2 The principal sources are:

- (a) *The National Atlas of South West Africa (Namibia)*, 1983. Edited by J.H. van der Merwe, Institute for Cartographic Analysis, University of Stellenbosch and the Directorate Development Co-ordination, SWA.
- (b) *The Current Land Tenure System in the Commercial Districts of Namibia*, April 1991. Department of Agriculture and Rural Development, Ministry of Agriculture, Water and Rural Development, Windhoek.
- (c) Data provided by the Ministry of Wildlife, Conservation and Tourism to NEPRU, June 1991.

2. Administrative Units

2.1 The total area of Namibia, including Walvis Bay (1,124 km²), is 824,268 km².

2.2 Pending the report of The Delimitation Commission which is charged with the delineation of the boundaries of the regions and Local Authorities along geographical rather than ethnic lines, the names of the 26 magisterial districts remain in common use. For the record these are reproduced below (Source: *The National Atlas of South West Africa*, 40).



3. Diamond Area

3.1 Diamond Area 1, in the Namib Desert between the Orange River in the south and latitude 26°S in the north and extending inland for 100 km from the coast (an area of 25,000 km²), is an exclusive mining area under the administration of Consolidated Diamond Mines.

3.2 Diamond Area 2, in the Namib Desert north of latitude 26°S, is now incorporated in the Namib Naukluft Park under the Ministry of Wildlife, Conservation and Tourism.

4. Conservation Areas

4.1 Three general vegetation regions are identified in Namibia: desert, savanna and woodland. There is a proclaimed area in each of these regions. Some 100,000 km² or 12 per cent of the country is protected. More than three quarters of this land is of no use for agriculture. In other words, only 3 per cent of the land area suitable for agriculture has been set aside for conservation. The major conserved land areas comprise the following:

Desert

4.2 The desert conservation areas (74,029 km²) are as follows:

- (a) Hot Springs Ai-Ais and the Fish River Canyon, 461 km²
- (b) Namib Naukluft Park, 49,768 km²
- (c) National West Coast Tourist Recreation Area, 7,800 km²
- (d) Skeleton Coast Park, 16,000 km²

Savanna

4.3 The savanna conservation areas (22,967 km²) are as follows:

- (a) Daan Viljoen Game Park, 40 km²
- (b) Hardap Recreation Resort, 252 km²
- (c) Etosha National Game Park, 22,270 km²
- (d) Waterberg Plateau Park, 405 km²

Woodland

4.4 The woodland conservation areas (11,470 km²) are as follows:

- (a) Khaudom Game Park, 3,841 km²
- (b) Mahango Game Park, 245 km²
- (c) Western Caprivi, 6,000 km²
- (d) Mudumu National Park, 984 km²
- (e) Mamili National Park, 400 km²

5. Agriculturally Usable Land

5.1 According to the Ministry of Agriculture, Water and Rural Development, of the total area of the country (824,268 km²) 696,000 km² are agriculturally usable, the balance being made up of diamond areas and/or nature reserves. Of the 696,000 km², approximately 33.39 million hectares fall within the Communal Area and 39.16 million hectares fall within the commercial farming area.

5.2 Strictly speaking, these statistics overstate the agriculturally usable area within the Communal Areas. MAWARD has identified 1.2 million hectares in western Kaokoland and 2.4 million ha in western Damaraland as being unutilised. The areas lie in the semi-desert mean annual 50-100 mm rainfall zone. The Ministry advises that the areas are not suitable for agricultural development because of their ecological sensitivity. They are situated adjacent to desert areas and act as natural buffers against the inland expansion of the desert (NEPRU Working Paper 3, Appendix B).

5.3 Further, there are some 2.7 million hectares of land in east Hereroland in the Kalahari Desert which is not agriculturally usable due to the absence of exploitable groundwater. Although it is technically possible to convey water into this area by pipeline from the Okavango, the costs of doing so are likely to be prohibitive for the foreseeable future.

5.4 Thus the net area of agricultural usable land in the Communal Areas is about 27 million hectares. Thus the relative proportions of agriculturally usable land are as follows:

Communal Areas, 27 million hectares = 43 per cent

Commercial Areas, 36 million hectares = 57 per cent

5.5 Of course, not all agriculturally usable land in Namibia has the same agro-ecological potential. Land may be broadly subdivided into land suitable for small stock (sheep and goats) and that suitable for large stock (cattle). There is an intermediate category of land suitable for a mixture of the two. The major part of the land suitable for cattle and for mixed stock farming is in the commercial area. The small stock area is shared more or less equally between the communal and the commercial farmers.

5.6 On the other hand, the bulk of the land suitable for rainfed crop production lies in the northern Communal Areas. Only a small proportion of the land suitable for potential dryland

cropping is found in the commercial areas, in the neighbourhood of Grootfontein and Tsumeb.

6. Commercial/Freehold Areas

6.1 There are four main categories of owners of land under a freehold system of individual ownership (the so-called commercial area). They are (a) individuals who own the largest portion; (b) the municipalities and Peri-Urban Board; (c) the churches, particularly the Catholic Church; (d) the State which owns experimental and production or demonstration farms as well as other agricultural land (see Table 1)

Table 1: Land ownership distribution in the commercial area of Namibia, 1991

OWNER	Number of Farms	Hectares	Per Cent
<u>The State</u>			
Experimental/ production farms	20	169 216	0.47
Other agri- cultural land	44	297 697	0.82
		466 913	1.29
<u>Municipalities and Peri-Urban Board</u>			
	28	349 998	0.97
<u>Churches</u>			
	22	222 365	0.61
<u>Individual Owners</u>			
plots around towns	*(681)	33 958	0.09
company farms	55	728 882	2.02
individually owned farms	6123	34 362 764	95.02
		35 125 604	97.13
TOTAL	6292	36 164 880	100.00

* Plots not calculated as farms

Source: *The Current Land Tenure System in the Commercial Districts of Namibia*, April 1991. Department of Agriculture and Rural Development, Ministry of Agriculture, Water and Rural Development, Windhoek.

WATER SITUATION IN THE COMMUNAL AREAS

Summary

The national situation

1 The annual water consumption in Namibia is forecast to increase from 250 million cubic metres (Mm³) in 1990 to 400 Mm³ by the year 2005. The assured yield of both surface and underground water sources, excluding border rivers, is only 500 Mm³ per year. Currently, about 60 per cent of the nation's supplies come from groundwater, but the relative contribution from groundwater will diminish. Extraction from Namibia's border rivers will have to increase and so will the cost (and price) of water due to the need to pipe it over long distances.

2 Some 106 Mm³ or 42.4 per cent of the current water supply is consumed by some 7,000 hectares of commercial irrigation. About 67 Mm³ of water goes to domestic consumers, mainly urban (i.e. 60 per cent), and 64 Mm³ to livestock (mostly on the commercial farms). Probably less than ten per cent of the nation's current total water supply is consumed in the Communal Areas.

Water supply authorities

3 Formerly, the second tier authorities provided water for domestic and stock watering on communal land and to small rural settlements. Since independence, the responsibilities for the supply of water have been under review. An important new development is the emergence of the Directorate of Rural Development whose tasks span the entire range from needs assessment to operation and maintenance, in particular for the small installations in sparsely populated areas of communal land.

4 Under the second tier authorities, consumers were passive recipients. Users of communal supplies were not expected to pay for water. In the mid 1980s, major efforts were made to mobilise political support by injecting large sums into water supply in the Communal Areas. Local involvement in planning and implementation was minimal. The new administration has inherited a situation in which government is expected to provide water free of charge to consumers.

Water pricing and charges

5 The allocation of water, like land is an equity issue. In a modern nation state, free access to a safe and reliable water supply, sufficient for personal consumption and hygiene is a fundamental right. Over and above that basic requirement, water is a resource that is limited, costly to obtain and must be paid for by the consumer. Water pricing poses a series of difficult questions for Namibia. A set of principles might include:

- a) Partial Subsidisation of rural household water and of small-farm livestock water. Overall the goal should be to recover at least recurrent/maintenance costs but this needs to vary from area to area in relation to total water cost and income.
- b) Cross subsidisation of urban household water charges via an inverse step tariff (i.e. higher charges above some threshold level) with some charges even for stand-pipe water (subject to its systematic provision).
- c) Full cost (including depreciation and interest on capital cost) pricing of water for commercial ranches/farms served by publicly financed water supplies, including FNDC and other large ranches.
- d) Full cost (including depreciation and interest on capital) pricing of water to mining, manufacturing and commerce.
- e) Strict licensing, including some form of monitorable ceiling on extraction, of private facilities, unless there is no present or near term limit to withdrawals from that source.

Irrigation

6 Because of the scarcity of water, large-scale irrigation is unlikely to be viable. Medium-scale irrigation from pump schemes drawing on border rivers may be viable for high value crops, but further evaluation of existing projects is required before new ones are initiated. Micro or spot irrigation using water-efficient drip systems (e.g. for kitchen gardens and fruit trees) for household self-provisioning may be viable around boreholes.

7 The extension of water supplies for irrigation in Kavango and elsewhere needs to be based on a clear understanding of objectives and alternative means of achieving them. The aims of the existing FNDC irrigation schemes would seem to be unclear: food self-sufficiency, production, technology transfer, research, employment generation for local people?

Access to water in the Communal Areas

8 Water, not land, is the country's scarcest resource. Namibia is, without doubt, the driest country in Southern Africa. However, access to water is more closely related to land tenure and income than climatic conditions. The best aquifers underlie the commercial farming area. In the south and centre of the country, the distribution of exploitable groundwater mirrors that of the commercial farms, with the more difficult aquifers underlying the Communal Areas. The groundwater situation in the northern Communal Areas, especially in Kavango and eastern Ovambo, is generally better. Indeed, the extension of water supplies into underutilized areas is expected to be the most cost effective way of increasing employment and food production in the immediate term.

9 Because of the relatively favourable water supply situation in the privately-owned freehold areas, water shortages are unlikely to be a major constraint to land distribution. However, the operation and maintenance of water supplies could eventually become a major cost for government, unless consumers can be persuaded to accept and meet the water costs themselves.

10 On average, Communal Area households are a total of 45 minutes walking distance to and from water, compared with commercial land owners and urban dwellers who have water piped to their houses. Marked differences in the average daily per capita water consumption are evidence of the inequitable access to water. According to the Department of Water Affairs, consumption averages 330 litres per person per day in major towns and 85 litres per day in rural areas. In practice, where water has to be carried over large distances, per capita daily consumption rarely exceeds 20 litres.

11 **Ovambo:** The extremely high concentration of population and unfavourable groundwater conditions have combined to produce the most pressing water supply problems in the country. The situation has been exacerbated by the war, which has resulted in serious damage to installations, delayed maintenance and capital works, and the extremely high population growth rate in Ovambo, bolstered by the returnees. Most of the population are concentrated in the area of the Cuvelai river system. At the same time, large areas of Ovambo are hardly inhabited because of the lack of drinking water.

12 Some 400,000 people are served by a piped water scheme. The capacity of the system is now insufficient during peak demand and it cannot be extended without major investments. Thus, Ovambo

is currently the focus of activity by the Department of Water which is implementing a series of major water supply projects in cooperation with foreign donors.

13 Kavango: Like Ovambo, the population is concentrated in a small area because of the shortage of drinking water. However, compared with Ovambo, the water resources of Kavango are relatively plentiful. In addition to shallow groundwater along the river and tributary valleys, potentially exploitable groundwater is available through most of the Communal Area.

14 Hereroland: The setting aside of this "homeland" for the Herero-speaking people was made possible by the fact that much of the area was not settled by white farmers, being almost entirely waterless. Most of the Herero population at that time were concentrated along the western and southern fringes of the designated area where groundwater was more readily available. The Eastern National Water Carrier was extended in the 1970s to supply the Okamatapati area in Hereroland West. However, the overall impact of this water supply scheme on the distribution of population has not been very great. The old established settlement trends along the western and southern fringes have continued.

15 To this day, large waterless areas in Hereroland East and West remain unutilized during the dry season. In most of the area, the probability of striking aquifers with an assured flow are extremely low. Some groundwater may still be found in some of the area, but it will require further intensive investigation work. If found to be viable, the remaining areas will have to be developed with imported water.

16 Kaoko, Damara and Nama: The communal lands in the dry west and south of Namibia are clearly already over-populated in terms of the number of people that can gain a decent livelihood from stock rearing. Despite the already heavy levels of overcrowding and overstocking at the waterpoints, pressure continues to increase. Post-Odendaal, resettlement in this marginal area has been maintained only with a very high level of subsidy, which is likely to be unsustainable. The need is to provide safe and reliable supplies sufficient to sustain the existing population and their animals, rather than to increase water supplies or to extend them into unutilized areas. Under present conditions, some farmers will not be able to pay for water supplies if subsidies are withdrawn.

1. Introduction

1.1 This paper reviews the water situation in the Communal Areas, the water supply problems currently confronting farmers and government and the technical and organisational options for overcoming them within the context of land reform.

1.2 Water, not land, is arguably Namibia's scarcest resource. Land without year-round access to supplies of water for human and livestock consumption, may be suitable for wildlife, but is of limited value for human settlement and for agriculture. In terms of the total assured water yield per unit area of land, Namibia is, without doubt, the driest country in Southern Africa and probably one of the driest in the world. It is estimated that on average 83 per cent of the total rainfall evaporates shortly after falling. Of the remaining 17 per cent, 14 per cent is lost through evapotranspiration, one per cent recharges groundwater and only two per cent remains to be harvested behind dams.

1.3 Average figures for the country conceal significant regional variations. The mean annual rainfall ranges from 50 mm in the western region to 700 mm in Caprivi in the north east (Map 1). Variability increases as mean annual rainfall decreases. It is as high as 80 per cent in the far west and decreases to less than 20 per cent in the north east. But even in Caprivi, Namibia's wettest region, climatic conditions are, by world standards, defined as *semiarid*. On average, Caprivi has more than five dry months per year, (i.e. months in which the evaporative demand of the atmosphere exceeds the income of moisture from rainfall). On the other hand, Damara and Nama small-stock farmers in the arid west and south of the country, face on average, eleven dry months and rely almost entirely on groundwater supplies for domestic and stock watering purposes.

1.4 Data on distances travelled to fetch water (Table 1), assembled in the course of the 1991 national socio-economic/attitude-to-land survey, revealed that access to water is more a function of land tenure and income than climatic or hydrological/hydro-geological conditions. On average, Communal Area households are a total of 45 minutes walking distance to and from water, compared with commercial land owners and urban dwellers who have water piped to their houses.

Table 1 Minutes spent walking to and from water

<u>Regional grouping</u> (households in survey)	<u>Dry Season</u>	<u>Wet Season</u>
Ovambo, Cuvelai (124)	38	22
Non Cuvelai (94)	67	28
Kavango (108)	50	40
Caprivi (107)	47	33
Other Communal Areas (97)	23	16
Commercial Land Owners (105)	0	0
Farm workers (107)	2	2

1.5 Marked differences in the average daily per capita water consumption are further evidence of the inequitable access to water. According to the Department of Water Affairs, consumption averages 330 litres per day per person in major towns and 85 litres per day in rural environments. In practice, where water has to be carried over large distances, per capita daily consumption rarely exceeds 20 litres.

2 Background: The national situation

Water resources

2.1 The Department of Water Affairs¹ estimates that the total annual water consumption in Namibia will continue to increase from 250 million cubic metres (Mm³) in 1990 to 400 Mm³ by the year 2005. The total assured yield of both ephemeral surface and underground water sources, excluding perennial rivers, is estimated at only 500 Mm³ per year. Thus increased extraction from Namibia's border rivers will be vital, even if their remoteness in the far north and south of the country will greatly increase unit costs. Namibia already has agreement with neighbouring riparian states for the annual extraction of 500 Mm³ from the Orange River and 180 Mm³ from the Cunene River.

2.2 A water master plan provides for the future withdrawal of water from the Cunene and Kavango rivers on Namibia's northern frontier. The Cunene River is an important source of supply for the densely populated parts of Ovambo, where potable groundwater is generally deficient. No agreements have been reached on the utilization of waters from the Kavango, the Kwando or the Zambezi rivers, although it is planned that the Eastern National Water Carrier will eventually draw at least 90 Mm³ per annum from the Kavango River. When completed, this will be Namibia's largest single project and will augment water supplies in the central area of the country. The project is being developed in phases

according to water demand and the availability of capital funds. It has so far been completed between the central area of the country and the dolomitic aquifer in the vicinity of area of Grootfontein. An eastern extension supplies the Herero Communal Area in the neighbourhood of Okakarara.

2.3 Water sources in Namibia can be divided into three major categories, namely perennial surface water, ephemeral surface water (impounded in dams) and groundwater. Currently a little more than 250 Mm³ is utilized (Table 2).

Table 2 Utilization of water sources in 1989

Source	Demand on Sources (Mm ³ per year)
Perennial surface	58
Ephemeral surface	50
Groundwater	142
TOTAL	250

Source: Department of Water Affairs, 1990

Water demand

2.4 The estimated demand of the various consumers (Table 3) shows the relatively large requirement (106 Mm³ or 42.4 per cent) of the 7,000 hectares currently under commercial irrigation (on the banks of the Okavango, below the Hardap dam, and the Tsumeb-Otavi-Grootfontein triangle), which, because of the very high water requirement (currently 15,000 m³ ha⁻¹ per year) and relatively low economic return, must be considered a tertiary priority, after domestic and stock, and mines and industries.

Table 3 Estimated future water demand in Namibia

Consumer	Consumption (Mm ³)			
	1990	1995	2000	2005
Domestic*	67	81	91	115
Stock	64	67	70	75
Mining	12	15	25	30
Tourism	1	2	3	5
Irrigation	106	130	147	175
TOTAL	250	295	340	400

*Urban 39, Rural 28

Source: Department of Water Affairs, 1990.

Irrigation

2.5 Irrigation provides an opportunity to greatly intensify land use and create livelihoods for relatively large numbers of people (at one household per 3 to 4 hectares). However, because of the high requirement for water per unit area, large-scale irrigation is unlikely to be viable in Namibia. Medium scale irrigation from pump schemes drawing on border rivers and the Okavango, or from dams on the Hardap model, may be viable for high value crops, but requires further evaluation of existing projects before new ones are initiated. Because of the high costs of pumping, irrigation from groundwater is unlikely to be viable in most areas, except perhaps in the Kaarstveldt (including Otavi Highlands/Tsumeb and some other artesian aquifers).

2.6 Micro or spot irrigation using water-efficient drip systems (e.g. for kitchen gardens and fruit trees) for household self-provisioning may be viable on ranches, for example. In this case the water for crops is a by-product of human and livestock use and may have a low incremental cost. There is a need to test the feasibility of this type of spot irrigation in different areas because such additional food output is one possible way of raising ranch output and the consumption of fresh produce by workers and their families.

Water consumption in the Communal Areas

2.7 According to the Department of Water, of the 67 Mm³ supplied to domestic consumers in 1990, 60 per cent was consumed by urban dwellers. Thus the rural water consumption (i.e. rural domestic, 28 Mm³; plus stock, 64 Mm³) of 92 Mm³ (25.6 per cent of total water demand in 1990) was considerably less than that allocated to commercial irrigation.

2.8 The proportion of the rural water supply used by the Communal Areas (inhabited by 65 per cent of the total population) is not separately recorded by the Department of Water Affairs, but it probably amounts to less than a quarter of the 131 Mm³ consumed by domestic and stock (Table 3), that is less than 10 per cent of total national water demand. This follows from the fact that, according to the Department of Water Affairs, some 77 per cent of domestic and stock water is supplied from groundwater and of the 32,000 boreholes in Namibia, 27,680 (86.5 per cent) are in private hands.

Water supply in the commercial areas

2.9 The best aquifers underlie the commercial farming area; for example, in the marble bands at Otjiwarango, in the dolomitic karst area in the Grootfontein-Otavi-Tsumeb triangle and in the Karoo sandstones in the south east. In the south and centre of the country, the distribution of exploitable groundwater mirrors the distribution of commercial grazing land, with the more difficult aquifers underlying the Communal Areas (e.g. in Herero West and East, Damara and parts of Nama Communal Areas). It is also the case that, in much of the densely settled Ovambo floodplain, the groundwater is usually saline. Kavango, where groundwater conditions are much more favourable, is an exception.

2.10 Because of the relatively favourable water supply situation in the privately-owned freehold areas, the availability of water, at least initially, is unlikely to be a major constraint to land reform. However, if history is any guide (e.g. in Damara and Nama), the operation and maintenance of water supplies could eventually become a major cost for government on distributed land, unless consumers could be persuaded to accept and meet the water costs themselves at the outset.

3. Responsible authorities in the Communal Areas

3.1 Under the previous administration, the Department of Water Affairs was responsible for the provision of bulk supplies. The second tier authorities provided water for domestic and stock watering on communal land and to small rural settlements. Since independence, the responsibilities for the supply of water have been under review. An important new development is the emergence of the Directorate of Rural Development whose tasks span the entire range from needs assessment to operation and maintenance, in particular for the small installations in sparsely populated areas of communal land.

Department of Water Affairs

3.2 Under the Water Act, The Department of Water Affairs is given the task of investigating water resources, establishing major water supply schemes and supplying water in bulk. It is also responsible for advising the Government on policy matters, concerning for example, the protection and utilization of the water resources and the equitable distribution of water within the country. It is expected that the scope of its work will be extended to include much of the source and scheme development work previously undertaken by the second tier authorities.

3.3 The Department's water supply development strategy is guided by the principle that local water sources must be utilized before a regional water source further way. Where water has to be shared by a number of consumers, the domestic and stock watering needs are given priority over other uses.

Regional level

3.4 Following the report of the Odendaal Commission in 1964 and the subdivision of the country into so-called homelands, the second tier authorities were given full responsibility for a range of services, including water development. This involved both source and scheme development, for which they relied on private contractors, as well as operation and maintenance within the Communal Areas. The Department of Water Affairs were involved only where a major bulk supply scheme was undertaken (e.g. Ovambo from the Cunene River, Hereroland from the Eastern National Water Carrier). In these circumstances, the second tier authorities paid the tariffs levied for bulk water supplied to them and were encouraged to charge individual consumers for the water used.

3.5 Under these authorities, consumers were passive recipients, entirely dependent on the Agriculture Department, whose staff and budgets were mostly taken up with water provision. Users of communal supplies were not expected to pay for water. Grazing fees were levied to cover some of these costs but revenue regularly fell below target. Little or no attention was paid to the sustainability of the system or the harmonisation of approaches in the various "homelands". In the mid 1980s, major efforts were made by the South African administration to mobilise political support by injecting large sums into the agricultural sector (principally water) in the Communal Areas. The pace of development was such that local involvement in planning and implementation was minimal.

3.6 Although the authority structure and budgetary system have changed following the abolition of the ethnic administrations, the arrangements for operation and maintenance of rural water supply have, as yet, altered very little. The new administration has inherited a situation in which government is expected to provide water free of charge to consumers in the Communal Areas. The whole issue of water charges has become highly politicised. The government will undoubtedly have an up-hill struggle in weaning consumers away from the idea of free water supplies and introducing the concept of community management and financing of schemes.

3.7 Proposals for the allocation of responsibility for the supply of water to the Communal Areas are in the process of being considered by the Water Supply and Sanitation Policy Committee. The precise arrangements will depend on the type of water supply scheme. However, for the majority of borehole schemes, for example, it is likely that the Department of Water Affairs will take over the task of source development, leaving the Directorate of Rural Development, at the interface between government and the community, responsible for such tasks as need assessment, operation and maintenance, extension work, etc.

3.8 The extension of water supplies into unutilized, or only seasonally utilized, Communal Areas (see Map 2), especially in the north and east, is expected to be the most cost effective way of increasing employment and food production in the immediate term. Major difficulties will arise in matching the rate of physical progress in water supply to the development of community based schemes for operation and maintenance and schemes for environmental management.

4. Water Pricing²

4.1 The allocation of water, like land resources is an equity issue. In a modern nation state, free access to a safe and reliable water supply, sufficient for personal consumption and hygiene is a fundamental right³. Over and above that basic requirement, water is a resource that is limited, costly to obtain and must be paid for by the consumer. Water pricing poses a series of difficult questions for Namibia. A set of principles might include:

- a) Partial Subsidisation of rural household water and of small-farm livestock water. Overall the goal should be to recover at least recurrent/maintenance costs but this needs to vary from area to area in relation to total water cost and income. Water user committees to collect funds and to provide labour and routine maintenance should complement or substitute for cash water charges.
- b) Cross subsidisation of urban household water charges via an inverse step tariff (i.e. higher charges above some threshold level) with some charges even for stand-pipe water (subject to its systematic provision).
- c) Full cost (including depreciation and interest on capital cost) pricing of water for commercial ranches/farms served by publicly financed water supplies, including FNDC and other large ranches.

- d) Full cost (including depreciation and interest on capital cost) pricing of water to mining, manufacturing and commerce. This is crucial to avoid distortions of uses and of location in the context of physically scarce, high cost water.
- e) Strict licensing, including some form of monitorable ceiling on extraction, of private facilities, unless there is no present or near term limit to withdrawals from that source. Pegging of recent past offtake levels may be necessary as a starting point, with increased offtake levels being strictly monitored especially in areas where there is a danger of secularly falling water tables.

5. Ovambo

5.1 The extremely high concentration of population and unfavourable groundwater conditions in Ovambo have combined to produce the most pressing water supply problems in the country. The average time taken to fetch water in the dry season reported by respondents in the non-Cuvelai area was 67 minutes, the highest in the country. The situation has been exacerbated by the war, which has resulted in serious damage to installations, delayed maintenance and capital works, and the extremely high population growth rate in Ovambo, bolstered by the returnees.

Groundwater

5.2 The most important traditional sources of water are low-yielding shallow hand-dug wells excavated 3 to 10 metres in the unconsolidated Kalahari sediments along the drainage lines of the Ovambo flood plain. The shallow groundwater depends on annual recharge by the highly variable Cuvelai drainage system which flows into Etosha Pan. As the dry season progresses, wells often become brackish and/or dry up. Traditional wells have been improved by lining, covering and the installation of hand-pumps, often with the help of churches and NGOs.

5.3 Deep boreholes yield highly saline water, especially in the south towards the Etosha pan. In the south west, the chances of striking deep groundwater improve but are still variable. In this direction, agricultural conditions are more marginal because rainfall is less reliable. To the east, groundwater conditions improve and a few boreholes were drilled by the former Owamboland Administration.

Surface water

5.4 The north western border of Ovambo follows the Cunene River. The reservoir of the Calueque dam in Angola feeds a piped water scheme constructed and maintained by the Department of Water Affairs since the early 1970s. The system, which is now supplemented from Ruacana Falls power station, consists of 90 km of canals, 680 km of pipelines, 9 treatment plants, some 30 pumping stations, 200 standpipes for rural water supply and tanks/reservoirs at each of the 23 centres. In 11 centres, additional water is used and added to the scheme from oshanas during the rainy season. Some 400,000 people are served by the official and unofficial take-off points. The capacity of the system is now insufficient during peak demand and it cannot be extended without major investments.

5.5 In the longer term, given the required capital development, piped water supplies are not expected to be a constraint in Ovambo. Only a small fraction of the agreed extraction of 180 Mm³ from the Cunene is currently being used.

Opening up new areas

5.6 Most of the population are concentrated in the area where the regular efundja floodings of the Cuvelai river system occur. At the same time, large areas of Ovambo are hardly inhabited because of the lack of drinking water. An extended drinking water supply for people and livestock towards the higher rainfall areas in the east away from the Ovambo flood plain, would permit a smallholder settlement programme on a significant scale.

5.7 The northern quarter of this area is already settled and there are a number of ranches in the south east (Mangetti) area. In the central part of this eastern section, good quality water is available at drilling depths of 100-150 m. The probability of obtaining 1 m³ h⁻¹ is reported by the Department of Water Affairs to be 60 to 70 per cent. In the south east of this section, in an area straddling the main road near Oshivelo, a potentially important artesian aquifer at 70 to 120 m has been found which requires further testing before its sustainable yield can be determined.

Work in progress and planned developments

5.8 Ovambo is currently the focus of activity by the Department of Water Affairs. With financial support from the European Community, a comprehensive inventory of water sources (groundwater and surface) has been carried out in the transitional groundwater zone in the eastern part of the Cuvelai. This information will aid the identification of specific problems

and the formulation of solutions (type of scheme required, selection of equipment, etc.).

5.9 With the support of the Finnish Government, a major community-based water supply and sanitation project is due to commence in the densely populated parts of central northern Ovambo surrounding Engela. France is contributing to the Omakango-Omafufu pipeline; Germany to the rehabilitation of the Ogongo-Oshakati canal; India to groundwater development and Netherlands to the rehabilitation of Calueque pump station, the Ogongo-Okalongo Regional State Water Scheme, tapping points and the Ogongo purification plant.

5.10 Other plans for the development of surface supplies including irrigation in western Ovambo are still in the very early stages. Feasibility studies have not been undertaken, nor have sources of funding been identified.

6. Kavango

6.1 Like Ovambo, the population is concentrated in a small area because of the shortage of drinking water. However, compared with Ovambo, the water resources of Kavango are relatively plentiful. In addition to shallow groundwater along the river and tributary valleys, potentially exploitable groundwater water is available through most of the Communal Area. Yields of up to $5 \text{ m}^3 \text{ h}^{-1}$ of reasonable quality water are available throughout central and southern areas of Kavango at depths of 75-150 metres with a 70 per cent probability. In the east, around the Kaudom area, the probability of striking water declines to 40 per cent. In general the district has the greatest potential for the development of mixed farming of any area in Namibia.

6.2 In recent years, six drilling teams of the Department of Agriculture have drilled over 200 boreholes throughout Kavango and installed motorized pumps, at a cost of R25-30,000 per borehole, including installation. Current production is about 20-25 boreholes per year. In the past, the Department provided boreholes and pumps to ranches for individuals, but now the emphasis is on the provision of water to communities, subject to endorsement by local Agricultural Advisory Committees. Only genuine community proposals are reported to be approved. Each water point serves a community of between 50 to 250 people. This has been operated as a free service to the rural community, with the government paying for fuel and maintenance and employing pumpers.

6.3 As in Ovambo, The Department of Water Affairs has carried out a comprehensive inventory of water points in Kavango. This information will provide a basis for the extension of the existing water supply programme in the plains south of the Okavango valley. As elsewhere, the intention is to modify the conditions under which communities receive water, in such a way that they pay for the water they receive and are associated with and made responsible for the maintenance of the water point and pumps.

Irrigation

6.4 FNDC runs four capital-intensive, high-technology irrigation farms along the Okavango on 3400 ha of land leased from the regional authority. Some 625 ha are reported to be under irrigation for the production of field crops, fruit trees, horticulture, dairy products. The schemes are recognised by FNDC to be financially unviable and are currently losing some R2.2 M per year, due to high fuel, transport and labour costs. The projects are considered to be unreplicable by small or medium-scale farmers because of the high level of technology used, yet they continue to be justified by FNDC on the basis of "unquantifiable" benefits.

6.5 The extension of water supplies for irrigation in Kavango and elsewhere needs to be based on a clear understanding of objectives and alternative means of achieving them. The aims of the four FNDC irrigation schemes would seem to be unclear: food self-sufficiency, production, technology transfer, research, employment generation for local people?

7. Herero

7.1 The setting aside of this so-called homeland, Hereroland East and West, for the Herero-speaking people was facilitated by the fact that much of the area was not settled by white farmers, being almost entirely waterless. Most of the Herero population at that time were concentrated along the western and southern fringes of the designated area where groundwater was more readily available. Thus, in order to develop the area into a suitable place for settlement, on the lines recommended by the Odendaal Commission, a water supply system, based on a Master Plan⁴, had to be constructed.

7.2 In the absence of reliable groundwater in the area, the Eastern National Water Carrier was extended into Hereroland West, drawing water from the aquifer in the dolomitic kaarstland area east of Grootfontein. Thus, the Okamatapati area, representing

about 25 per cent of the grazed area in Hereroland West, is now mostly supplied by a 240 km main pipeline constructed between 1978 and 1981 to open up a waterless area of some 275,000 ha for stock farming.

7.3 The construction of the pipeline and the fencing of the range into individual farms was seen by government as a means of taking the pressure off the intensively grazed area around Okakarara and of introducing the Herero to "modern" farming methods. Fifty-six farms of about 5,000 ha (supplied by 360 km of secondary and tertiary pipelines) were planned, although only 41 farms were surveyed and fenced in the early 1980s. Each farm was divided into 4 camps with one central waterpoint. The scheme led to a large increase in stock numbers in the Okamatapati area without any detectable changes in the traditional systems of stock husbandry. The Okakarara area, from which settlers were drawn, continues to be under heavy grazing pressure.

7.4 From the outset, the Okamatapati scheme was seen by local people as a government project, centrally conceived and implemented without adequate consultation. Many people were reluctant to move from Okakarara to the new area. Farms were allocated free to farmers, who moved in before the construction of fences. In many cases, several households were allocated to one water point, but herds continued to be managed individually, which, of course, precluded the introduction of the rotational grazing systems recommended by the authorities. Recently, farmers have been pressing to have the 5000 ha farms subdivided and to be granted freehold rights to the land.

7.5 The overall impact of this water supply scheme on the distribution of population has not been very great. The old established settlement trends along the western and southern fringes have continued. Plans now exist to extend the supply from the Eastern National Water Carrier to Okandjatu and Otjirene to meet the growing demand generated by the local population.⁵

7.6 To this day, large waterless areas in Hereroland East and West remain unutilized during the dry season. Particular problems arise from the presence of the poison leaf (*gifblaar*) which is particularly dangerous for stock in the early part of the dry season when its leaves are still green. However, the management problems of these pastures are not unsurmountable.

7.7 In most of the unutilized area, the probability of striking aquifers with an assured flow of $1\text{m}^3\text{h}^{-1}$ is 10-20 per cent at 150-200 m depth. Probabilities improve in the south west, but this area is already settled. Higher yields and probabilities of striking water are reported for a small area around Gam in the north east.

7.8 Some groundwater may still be found in some of the area but it will require further intensive investigation work. If found to be viable, the remaining areas will have to be developed with imported water.

Operation and maintenance

7.9 In the past, the second tier administration met all the costs of borehole construction and maintenance, but since 1988, efforts have been made to pass responsibility for basic operation and maintenance to users. However, stockowners supplied by the pipeline continue to receive water free⁶. The government continues to take responsibility for borehole construction, some maintenance and repairs and the employment of pumpers. The local community have responded to the challenge of taking charge of their water supplies with varying degrees of success. The grazing fees, which were originally seen by producers as payment for water supplies are now widely ignored, especially by the larger stock owners.

8. Kaoko, Damara and Nama

8.1 Substantial areas of sparsely vegetated veld in western Namibia have been identified by MAWARD (Map 2) in Damara and Kaoko as being unutilized. However, these areas lie in the semi-desert and the extension of water supplies to them is probably neither economically nor ecologically justifiable. The semi-desert areas of short annual grassland and scattered bush are suitable for wet season grazing only and will not sustain livestock during the dry season however much water is provided.

8.2 The communal lands in the dry west and south of Namibia are clearly already over-populated in terms of the number of people that can gain a decent livelihood from agriculture. The need is to provide safe and reliable supplies sufficient to sustain the existing population and their animals, rather than to extend water supplies into unutilized areas.

Kaoko

8.3 Traditionally, the highland areas of Kaoko are well endowed with springs and small stream-bed aquifers which sustain pastoralists during the dry season. During the summer months, when pans and wells were recharged, herds and flocks used to move out to the sandveld plains where there were few permanent water sources.

8.4 In the late 1960s, after Odendaal Commission, some 150 boreholes were hastily drilled in the sandveld and equipped with windpumps or diesel engines by the Second Tier Authority. These provided free year-round supplies that support large sedentary communities and discouraged seasonal transhumance. This in turn led to continuous grazing and a visible deterioration in the landscape, especially in the southern and eastern parts of Kaoko.⁷

8.5 Many of the pumps are now reported to be out of action as they were never adequately maintained and government is under pressure to repair them. However, before this is done there is need to involve the consumers in the replanning of water points to be provided in the area, (i.e. their location, capacity and choice of technology) as well as the arrangements for their management by the community.

Damara

8.6 Following the Odendaal Commission and the designation of the area as the homeland of the Damaras, all the white-owned commercial farms (223 in total - many of them producing Karakul) were bought out by the government and Damara people were settled involuntarily on the land. Families were allocated to individual water points. In the 1981 census, the Damara population in the designated Communal Area was about 24,200.

8.7 The settlement process continues today, as Damara, mainly displaced labourers from the commercial farming areas, apply to the traditional authorities and to the Directorate of Agriculture in Khorixas for a place to settle. Formerly, the staff endeavoured to investigate the potential of the land on which people were applying to settle, but now it merely endorses decisions made by the traditional authorities. No applicants for settlement are refused. Thus, despite the already heavy levels of overcrowding and overstocking at the waterpoints, pressure continues to increase.

8.8 Water tables are reported to be falling and five per cent of boreholes are drying up each year. Three years ago, the rate was two per cent. The Water Unit drills boreholes, supplies all equipment and diesel, builds dams and windmills, and services and maintains all equipment. Farmers are not expected to contribute in any way so the teams are called out continuously for maintenance and repairs. Subsidies amounted to R 3.0 million in 1990/91.

8.9 Farmers are expected to pay a grazing fee of 5c for goats and sheep, and 60c for cattle per month. In the fiscal year 1989/90 only R22,000 of the budgeted R150,000 was collected by extension staff. Most farmers refuse to pay grazing fees on the grounds that government is not providing a sufficiently reliable borehole service and that they sometimes have to purchase parts or fuel themselves.

8.10 Resettlement in this marginal area has been maintained only with a very high level of subsidy, which is likely to be unsustainable. Under present conditions some farmers will not be able to pay for water supplies as farm units are both too small and their production potential too low. If subsidies are withdrawn, the poorest farmers will be hardest and soonest hit. This would force many of them either to seek work in towns or as farm labourers on their former holdings. Detailed surveys of farm economics, the socio-economic condition of those associated with the farms and the costs and benefits of farm subsidies are urgently required as a prelude to land reform and revision of water subsidies in this area and/or resettlement elsewhere.

8.11 The water supply system needs to be replanned with the consumers as well as the arrangements for their operation and management. Alternative technologies need to be considered: sand/ground dams; solar panels in place of diesel; two boreholes per farm, with equipment moved between them.

Nama

8.12 The Nama Communal Area is in several respects more marginal than Damara. It falls into the semi-desert agro-ecological zone. Average rainfall varies between 100 mm in the south to 200 mm in the north and is very unreliable. Potential evaporation rates are extremely high (3.6 to 4.0 m). There are believed to be 1,300 to 1,400 farm families. Following the Odendaal Commission, "Namaland" was increased to virtually double its earlier size by the addition of commercial farms. Today it consists of several blocks of unfenced land and several of land

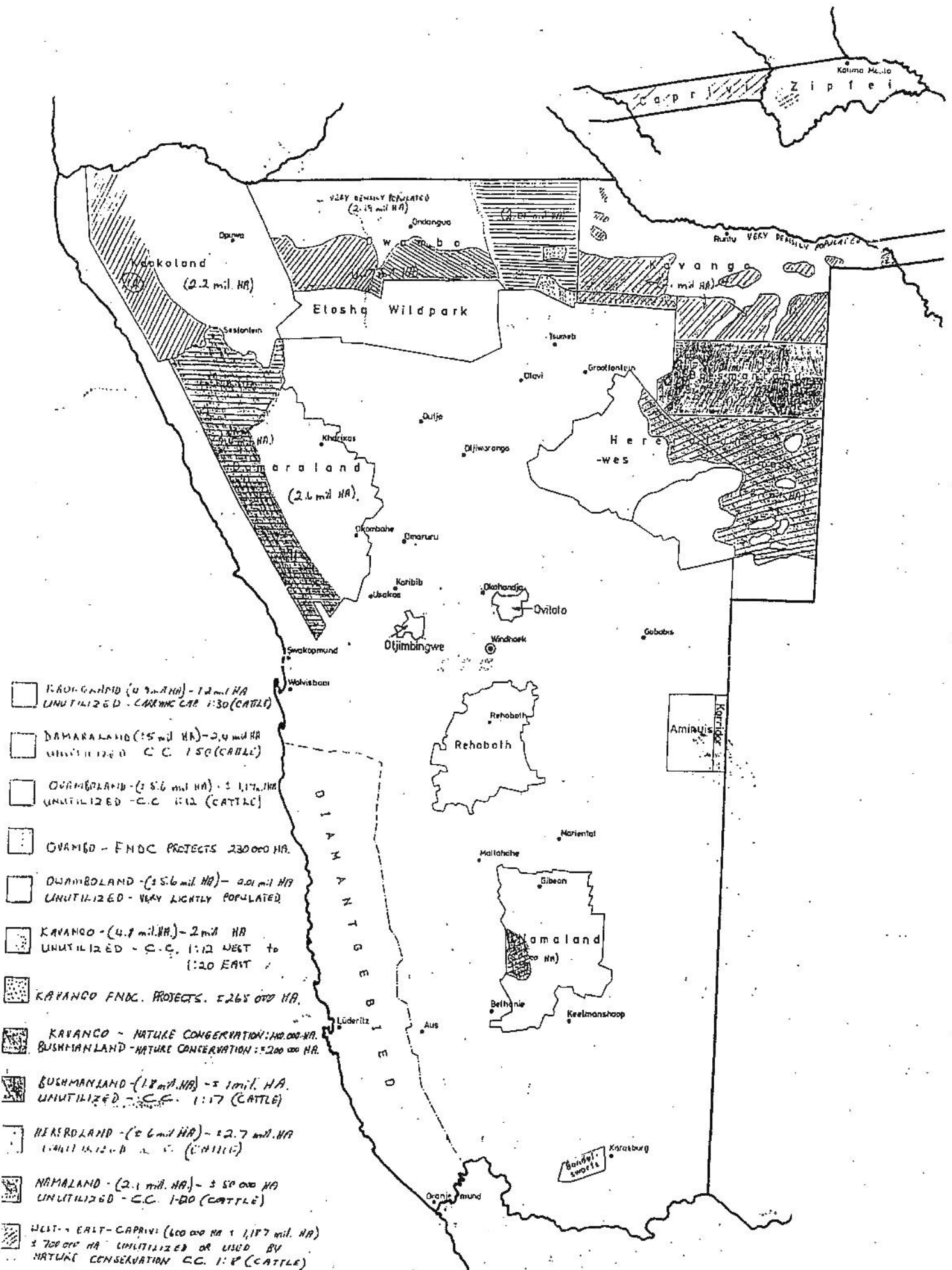
that was originally fenced, but which is now largely open due to the fences having fallen down. There is little difference in land use between the two.

8.13 As in "Damaraland", the settlement programme was not primarily intended to establish farmers, but rather to implement the apartheid policy, evacuating Blacks from the White-farming areas and vice versa. Thus, the circumstances under which they were settled and the support with which they were provided were not conducive to the development of a viable farming system. The result has been acute veld deterioration, a rural population composed largely of part-time farmers and impoverished labourers and the necessity for government to provide massive water supply subsidies.

8.14 The Directorate of Agriculture provides free fuel to all boreholes serving a "community", which in practice means more than one family. If only one family occupies a borehole it buys its own fuel, though maintenance is still carried out free. The staff are able to do little more than maintain the existing 850 windmills and 45 borehole engines, drill a few boreholes each year, maintain some fences, and distribute drought relief fodder. The main water supply issues relate to the high level of subsidy and the socio-economic problems which would result if it were withdrawn.

Notes:

1. *Perspective on Water Supply in Namibia*, Department of Water Affairs, Windhoek, February 1990.
2. Based on paper by Reginald Herbold Green, Ecology, poverty and sustainability: environmental portents and prospects in Rural Namibia. The Association of Agricultural Economists of Namibia, Inter-Conference Symposium, Swakopmund, 1990.
3. Goals for Children and Development in the 1990s.
4. *Hereroland Master Water Plan*, Interim Report, Hydroconsults Consulting Engineers, Windhoek, May 1972.
5. *A Master Water Plan for Hereroland*, Planning Division, Department of Water Affairs, SWA, Windhoek, February 1988.
6. Evans, P. (1990) *Review of Water Supply Situation and Associated Issues in Herero Region, Namibia*, 18-21 September 1990, UNICEF, Namibia.
7. *A review of agriculture in Kaokoland with special reference to animal husbandry and veterinary extension*, by R.D.Paskin, BVSc. Directorate of Veterinary Services, Windhoek. March 1990.



SOCIO-ECONOMIC CONDITIONS AND ATTITUDES TO THE LAND QUESTION

Main conclusions from the survey

1 *If everyone cannot have land, who should not use land in the Communal Areas?*

Just over half the sample thought that people on high incomes should be excluded from using land in the Communal Areas. However, a third of the people in Caprivi felt that all people from the two main tribes should be allowed to use land in the Communal Area even if they have incomes or live in town.

A surprising number of people in all areas suggested that government officers should not use the Communal Area lands. This is probably because for most people they are the most obvious people to have other incomes.

The people in the southern Communal Areas were the most concerned to protect themselves from the incursions of other ethnic groups.

2 *Should people with higher incomes be allowed to use the Communal Areas?*

Most people in the Communal Areas, as well as farm workers and urban people thought that high-income and urban households should be able to use the Communal Areas for both livestock and ploughing. This was strongest in Caprivi, and weakest in the southern Communal Areas, where only half the people supported this view.

With the exception of Caprivi, more than half the people support the view that large herd owners should be forced to leave the Communal Areas.

3 *Should grazing in the Communal Areas continue to be communally used, or divided into the private holdings of the people now using it?*

Four fifths of the people in Caprivi supported communal grazing. There was also strong support in Kavango and Ovambo, though away from the floodplain more people were interested in private grazing lands. However, in the southern Communal Areas a majority of people opted for private use of grazing lands. It is likely that answers to this question would be related to herd size; the bigger herd owners in the southern Communal Areas appear to have different interests to the small herd owners, who are often more interested in communal use in order to best use

land in different seasons. Such opposing views are easily seen in Ovitoto, for instance.

4 What problems would be created if the grazing land were divided?

The people of Caprivi saw enclosure of grazing land as problematic, four out of five people raising problems. The two most important obstacles were that some people would not be able to get land, and that it would be difficult to move livestock if all the land were fenced. This second point is vital in Caprivi, where cattle must be moved seasonally when the rivers are flooding the grazing lands.

Three quarters of the people of the southern Communal Areas also raised problems, being particularly worried about conflicts over the boundaries and about some people ending up with very small land holdings.

In Ovambo and Kavango more than two people out of every five thought there would be no problems with dividing grazing land. The others raised similar problems, in particular the fact that some would get no land, and that there would be conflicts in setting the boundaries. Urban people, farm workers and land owners gave similar responses.

5 Who should allocate land?

Four out of five Caprivians, with their strong tribal affiliation, felt that the tribal authorities should allocate land. No other region had a majority who favoured this option, despite the fact that it is the system that currently operates in the Communal Areas. However, two out of five people in Kavango opted for it, and one third of Ovambos.

Nearly two thirds of people in the southern Communal Areas, and urban people and farm workers, favoured allocation of land by the government. More than half the Ovambos also favoured this option. This is an important point, because many Ovambos are angry that the current system of land allocation in Ovambo, by the tribal authorities who require payment, has not yet been changed by the government.

A third of farm owning families favoured purchase of land, as opposed to allocation. Another quarter said that the Ministry of Agriculture should allocate land.

6 *Do you want more land?*

Predictably, nearly all Namibians claimed to want more land for both grazing livestock and ploughing.

7 *Where do you want more land?*

Most Namibians want more land in their home area. However, just under a half of the farm workers, and a third of urban people preferred to take land away from their home areas.

More importantly, in most areas, more than two thirds of the people were prepared to move if offered land elsewhere. The strong exception was Caprivi, where two thirds of people were not prepared to move out of the region to obtain land. In addition, only half of the people in Kavango were prepared to move.

8 *Would you take new land somewhere else if you had to give up all of your rights to land in your home area for ploughing and grazing livestock?*

More than half the people in Ovambo and Kavango and the southern Communal Areas said they would give up their land rights in the Communal Area if offered new land elsewhere. Only a quarter of Caprivians would be prepared to give up their rights in Caprivi.

One third of land owners would be prepared to give up their own land in order to get land somewhere else. A majority of both urban people and farm workers appeared willing to give up their present land rights in order to get new land.

9 *If you received the land for free, would you want it as your own, so that your children could inherit it, or would you be willing just to use it during your lifetime?*

All groups were categorical in wanting land rights that could be inherited by their children.

10 *Under what terms will you be willing to take new land?*

A remarkable proportion claimed that they were willing to pay for land. In general, it may be said that the more overcrowded and degraded the area from which people come, the more they are willing to contribute to the payment for land.

Over half the respondents in Ovambo, Kavango, and the southern Communal Areas answered positively. Only one third of Caprivians

were willing to pay for new land, which is associated with their strong tribal rights, and the perceived availability of the land. More than two thirds of land owners, farm workers and urban people professed themselves ready to pay for land.

Secondly, more than a third of Ovambos and Kavango people affirmed their willingness to pay rent for land, and over a half of people in the southern Communal Areas. Just under a third of Caprivians were also willing. Three fifths of farm workers and urban people were willing to pay rent, in addition to three quarters of the land owners.

People were asked if they would pay one third of their production each year. (Payments would be as grain, calves, etc.) In general responses were very similar to those for the first question except from land owners, who were not prepared consider this option.

The people were then asked if they would take the new land if they could purchase it, with a government subsidy, under favourable conditions. Three quarters of Ovambos and people from the southern Communal Areas and land owners wanted to take land under these terms. Three fifths of Kavangos were also willing. Less than two fifths of the Caprivians were prepared to take land on these terms. Finally, nine out of ten urban people and farm workers were willing to take land under these terms.

The last question asked if people would give up a good job and income if they could get good agricultural land. Except in Caprivi and Kavango, a majority of people thought they would.

11 Do you want to farm in the communal or the commercial area?

Differences in the responses to this question were very marked; more than two thirds of people in Ovambo, Kavango and Caprivi wanted to continue to farm in the Communal Areas. Even in the other Communal Areas, with their generally poorer conditions, just over half the people wanted to continue to farm in the Communal Area. On the other hand, six out every ten farm workers and two thirds of urban people opted to farm in the so-called commercial area. Not surprisingly, most land owners wanted to stay in the "commercial" area, though 6% said they would prefer to farm in the communal area!

- 12 100 years ago there were few Namibians, so they could use all the land they wanted. Now there are many Namibians, and even if all the land is redistributed many will not be able to get land. What should the government do?

Many Ovambos suggested the need for an increase in employment off the land. Just under half the people in all other groups suggested the need for more jobs off the land. About one third of Kavango people were concerned to have improved education so that they could get other jobs.

Many people in the survey did not accept the premise of the question that there would not be enough land for all who needed it in Namibia if it were redistributed. This was particularly strong in Caprivi, in the southern Communal Areas and among farm workers and urban people.

Some San people in Kavango and Caprivi wanted the food hand-outs started again that they had been accustomed to receive from the South African Defence Force. A return to such a system will do nothing to reduce the dependence of these people in the long term, but long term solutions do need to be found to their current lack of adequate livelihood.

- 13 Who should get land?

In general, the first three selections are all based on considerations of equity: equality of use, land for returnees, and land for the landless who have no other job. Fourth is the concern that land should be used by good farmers, and fifth the belief that those who had land stolen should now get access to land.

1.1 Introduction

In this paper the main results of the Socio-Economic and Attitudes Surveys will be set out. Many of these are also to be found in the regional papers, but here the comparisons between the responses of different groups will be emphasised. In addition, there will be a section on the methodology of the surveys and the problems encountered.

As set out in the section on methodology, the aim was to interview about 105 heads of household in each of eight strata on the socio-economic conditions of the household, and then up to three adults in the same households on attitudes to the land question. The following numbers of adults were therefore interviewed:

	Socio-economic Survey	Attitudes to Land Issues
1 Ovambo Cuvelai	124	226
2 Ovambo Non-Cuvelai	95	166
3 Kavango	108	182
4 Caprivi	107	162
5 Other communal areas	97	162
6 Land Owners	100	192
7 Farm workers	107	193
8 Urban	108	180
	=====	=====
TOTAL	846	1,463
Communal Area Total	531	898

One of the main reasons for interviewing more than the head of household in the attitudinal survey was to ensure that the views of women were well represented. Whereas 75% of the heads of household were men, 51% of the total number of people who answered the attitudinal survey were men, and 49% were women.

1.2 The Households

Most households were headed by men in all strata. The lowest percentage was in Ovambo, where women were effective heads of 45% of households, either de facto (28%), where they had husbands away as labour migrants, or de jure (17%), where the woman was single, divorced or widowed. The basic statistics can be seen in Table 1 below. Ovambo provides the largest number of labour migrants in Namibia. There may be relatively more Damaras and Namas working outside Damaraland and Namaland, but many more of them have their families with them, for instance as labourers in

the large farm sector. Remittances were received by 28% of households in Ovambo, compared to an average of 17% in all the Communal Areas (C.A.s).^[1]

	Ovambo Cuvelai	Ovambo Non-Cuv	Kavango	Other Caprivi C.A.s	Land Owners	Farm Workers	Urban	C.A. Average	Weighted Average
<u>Head of household</u>									
Male headed	57%	53%	80%	81%	78%	95%	65%	70%	69%
Female <u>de facto</u>	32%	22%	9%	10%	10%	4%	8%	17%	15%
Female <u>de jure</u>	11%	25%	11%	9%	12%	1%	27%	14%	16%
<u>Numbers in household</u>									
Adults	5.3	5.3	5.3	3.5	4.5	2.4	2.4	4.78	4.3
Children	4.2	4.6	6.3	4.4	4.9	0.8	2.0	4.88	3.8
Average Consumers	7.4	7.6	8.5	5.7	7.06	2.8	4.3	7.25	6.2
Children/Adult	0.79	0.87	1.19	1.26	1.09	0.33	0.83	1.02	0.9

Table 1 Basic statistics on households in the sample

Sizes of households varied considerably around the country, but were generally larger in the Communal Areas. It should be noted, however, that households were answering the question, "How many people usually eat in this household every day?" The children who were away boarding at school would therefore not have been counted, and this would probably have reduced the numbers of children in the sample, particularly in the households of land owners and farm workers.

In Table 1, the line "average consumers" is obtained by counting adults as one consuming unit, and children as a half. The aggregate gives a measure of the number of people that the household has to feed, clothe, etc. In the Communal Areas, Kavango households are the largest, and Caprivi the smallest. (Unfortunately, the numbers interviewed in the five less populated Communal Areas - Kaokoland, Bushmanland, Damaraland, Hereroland and Namaland - were too few to be usefully compared individually.)

The final line gives the number of children (of 17 years and less) in each household for each adult. The largest ratio is in Caprivi. This high ratio of children to adults would appear to indicate that the population of Caprivi is growing the fastest

[1] Note that the weighted averages are the percentages we would expect to get from a survey of the total Namibian population. They are obtained by weighting each value by its proportion within the total population.

in the Communal Areas, through natural increase. However, in recent years there have been large numbers of Angolan refugees settling in Ovambo and Kavango, and if they stay, this may provide even greater growth in the population.

1.3 The People

1,463 adults answered questions on their attitudes to land. Over half of them had travelled to other parts of Namibia, but only just over a quarter had travelled outside Namibia. This is shown in Table 2.

	G-C	OMC	Kav	Cap	OCA's	L-O	F-W	Urban	C.A. Sample Average	Weighted Average
Number of people	226	166	182	162	162	192	193	180	898	1463
Percentage male	35%	39%	53%	59%	57%	56%	61%	53%	49%	51%
Percentage female	65%	61%	47%	41%	43%	44%	39%	47%	51%	49%
No formal education	21%	14%	33%	31%	48%	1%	47%	5%	29%	25%
Lower Primary	25%	29%	24%	13%	17%	5%	30%	7%	22%	19%
Higher Primary	41%	42%	27%	24%	26%	14%	21%	19%	32%	27%
Senior School	13%	13%	10%	26%	8%	45%	2%	43%	14%	20%
Diploma or degree	1%	3%	6%	5%	1%	35%	1%	25%	3%	10%
Been outside own area	59%	60%	42%	29%	62%	65%	68%	82%	50%	59%
Been outside the country	13%	15%	13%	39%	18%	65%	13%	48%	20%	28%

Table 2 Education and Movement of Interviewees

The higher proportion of women who answered the questionnaire in Ovambo is due to the higher levels of labour migrancy amongst men in Ovambo than from other parts of the country. Within the Communal Areas, fewer Ovambos appeared to have had no schooling at all than in other areas, but many more Caprivians went beyond primary education. Farm workers and people from the southern Communal Areas had received the least education, with just over half having had some formal schooling. Land owners and urban people had the highest levels of education, with more than a quarter having had some training after school. (However, the Windhoek sample of urban dwellers would have biased the sample upwards, we suspect.)

Half the people in the Communal Areas had travelled outside their own area, and 20% had been abroad. Caprivians are the most likely to have travelled in other countries, but fewer of them had been to other parts of Namibia. In general, land owners and

urban people had travelled within Namibia and abroad more than other groups.

1.4 Water and firewood

Within the Communal Areas, nearly all households have to obtain water and firewood away from the homestead. Water, in particular, constrains where people can live, and where they can keep livestock. Some households spend a great deal of time obtaining water, especially in the dry season.

	OC	ONC	Kav	Cap	OCA
Dry season	38	67	50	47	23
Wet season	22	28	40	33	16
Difference	16	39	10	14	7

Table 3 Minutes to walk to and from water

Households in Ovambo outside the Cuvelai floodplain had particular difficulties, as seen from the data in the box. However, even in Kavango and Caprivi, water remains a major difficulty for many households. In the other Communal Areas, families are forced to live near water, and so the average time to obtain water is slightly less, but households are less spread out than in the north.

Almost all households in the Communal Areas use firewood as their major source of fuel, and most of them are aware that fuelwood is becoming more difficult to obtain.

	OC	ONC	KAV	CAP	OCA
Use Fuelwood	96%	99%	97%	99%	99%
Compared to five years ago, getting firewood takes:					
less time	7%	14%	12%	14%	4%
same	3%	19%	19%	21%	12%
more time	90%	67%	69%	65%	84%

Table 4 Fuelwood in the Communal Areas

There are particular difficulties in obtaining firewood in the Ovambo floodplain and in the southern communal areas, where deforestation is more advanced. But on the other hand, in all areas except Caprivi, more than half the households believed that the firewood situation could be improved with some cooperative action by farming families.

1.5 The condition of the land

	Ovambo Cuvet	Ovam. Non-Cuv	Kavango Capriv	Other C.A.	Land Owners	Farm Wkrs	Urban	C.A. Average	Weighted Average
<u>Cropland, compared to ten years ago</u>									
Worse	65%	54%	74%	44%	41%	25%	18%	48%	56%
Same	12%	9%	20%	36%	42%	59%	40%	30%	24%
Better	23%	37%	6%	18%	17%	16%	42%	22%	20%
<u>Grazing land, compared to ten years ago</u>									
Worse	78%	61%	71%	47%	49%	33%	29%	65%	61%
Same	5%	13%	22%	33%	14%	32%	37%	20%	17%
Better	17%	26%	7%	20%	37%	35%	34%	15%	22%

Table 5 Opinions of households on the condition of their land

In general, the people of Ovambo and Kavango felt that the condition of both grazing land and crop land had degenerated over the last ten years. In Ovambo this is probably the result of poor land and water management in the densely settled central areas, and the heavy intensity of use around available water for livestock in the dry season. In Kavango, where few boreholes are available inland, the riverine area is becoming congested, and arable farmers are not yet using methods of fertilisation to compensate for the smaller scope that now exists for rotational cropping. Fewer households elsewhere held this opinion.

1.6 The fencing of grazing land

The issue of fencing is becoming increasingly important because so much grazing land is being enclosed in Ovambo and Kavango at present. This effectively reduces the Communal Area, at a time when many people in the Communal Areas are seeking greater access to additional grazing land, possibly from the commercial farm sector.

It can be seen from Table 6 that farm workers, who mostly do not have livestock, or may only keep a few on the farm, stress the fact that people fence in order to protect their own cattle. Communal Area farmers, who have to share their grazing land, stress the fact that people fence to keep other livestock off the land. Land Owners, who have no problem with access to land, can emphasise management aspects.¹

	DC	DNC	Kav	Cap	OCA	L-O	F-W	Urban	C.A.	Weighted Aver.	Average
Why do people fence in land?											
Keep other livestock off the land	71%	58%	81%	75%	38%	14%	25%	30%	65%	51%	
Look after one's own livestock better	14%	26%	12%	10%	47%	20%	34%	28%	22%	24%	
Rotational grazing	6%	14%	3%	4%	11%	62%	21%	6%	8%	10%	
Prevent conflicts over land rights	3%	1%	3%	8%	1%	3%	8%	17%	3%	7%	
Other	7%	1%	2%	2%	3%	2%	13%	19%	3%	9%	
How does it affect other people when someone fences in land?											
It has no effect on others	60%	47%	49%	50%	32%	21%	35%	28%	48%	43%	
It benefits all farmers	5%	15%	13%	4%	4%	17%	9%	2%	8%	7%	
Conserves grazing	6%	14%	1%	9%	10%	10%	4%	6%	8%	7%	
Positive responses:	71%	74%	63%	63%	46%	48%	48%	36%	64%	57%	
Difficult to get to water sources	7%	6%	15%	13%	10%	18%	16%	15%	10%	12%	
CA becomes crowded, maybe deteriorates	13%	10%	4%	4%	23%	9%	17%	20%	11%	14%	
Trek routes may have to be moved	5%	3%	13%	11%	9%	9%	2%	6%	8%	6%	
Other may have to sell land	3%	3%	1%	-	7%	8%	9%	4%	3%	4%	
Negative responses:	28%	24%	33%	28%	49%	44%	44%	45%	32%	36%	
Other	1%	2%	6%	9%	6%	8%	8%	18%	5%	8%	

Table 6 The reasons for fencing, and its affects on others

Within the Communal Areas, it would have been useful to have been able to survey separately large and small herd owners on the question of fencing. Nevertheless, the responses are instructive. In the northern Communal Areas farmers tended to interpret the question in terms of fencing their arable lands. They were clear that fencing was to keep other livestock off the land, but did not believe that this affected other people. Outside the Cuvelai, where it would be more apparent that grazing land was being enclosed by a few individuals, fewer people, just under half, thought that there was no affect on others. Generally, in the northern Communal Areas, it may be that the fact that people expect to fence in arable fields is reducing awareness that grazing land is now being enclosed by a few farmers. This will reduce objections to enclosure in the short term (though not in the long term as the reduction in the seasonal veld becomes more obvious). In these areas, fencing was not seen as affecting others in just over half the responses, and in total was seen as a neutral or positive step.

In the southern Communal Areas, where much of the land had been fenced before the shifts in boundaries that came with the Odendaal Plan, fences are seen by nearly half the households as being useful in protecting herds. On the other hand, just over half the valid responses on how fencing affects others were

negative. The only other group for whom this was true was urban dwellers, many of whom want to be able to keep livestock in the Communal Areas, and who would be concerned at the idea of others enclosing the range.

1.7 Security on the land

Heads of households were asked two questions to test their perceived security of tenure on the land.

	Ovambo Cuvelai	Ovambo Non-Cuv	Kavango	Caprivi	Other C.A.	Land Owners	Farm Workers	Urban	C.A. Average	Weighted Average
Can anyone take your land?	25%	32%	4%	5%	3%	15%	14%	50%	14%	26%
Under what circumstances could someone take your land?										
Government redistribution	17%	28%	20%	19%	55%	25%	44%	28%	28%	28%
Male head of household dies	60%	49%	23%	14%	5%	4%	9%	12%	30%	29%
Cannot repay loan	3%	4%	1%	2%	2%	23%	7%	20%	2%	8%
Problems with the Headman	9%	8%	4%	8%	8%	6%	4%	4%	7%	6%
Divorce	-	-	6%	6%	5%	1%	-	2%	3%	2%
Other	-	4%	-	-	9%	20%	17%	20%	5%	8%
NOBODY CAN	10%	8%	47%	52%	17%	21%	19%	14%	27%	19%

Table 7 Perceptions of security of tenure

The first question was, "Can anyone take your land away from you?" Many answered firmly: "No-one can take my land!" The exceptions were that half the urban households accepted that their land in the Communal Areas could be taken, given their absence, and about a quarter of Ovambos agreed that they could lose their land. This is because the tribal authorities effectively control the land in Ovambo, and after the death of the head of household, they do take land away from the household unless the wife and children can again find the payment for the right to use it.

Within the Communal Areas, this security of tenure on the land (apart from in Ovambo) is in line with the strong security of tenure that exists in communal lands with traditional tenure arrangements throughout Southern Africa. In colonial times this was re-inforced by the necessity of maintaining secure access to tribal land for reasons of social welfare which were essential as a prop to the working of the contract labour system.

But when household heads were asked again: "Under what circumstances could someone take your land?", a different picture emerged. Most people now agreed that they could lose their land. Over half the sample in the southern Communal Areas thought that government could take land for redistribution. Nearly half the farm workers thought the same, and so did about a quarter of each of the other groups. It is interesting that only a quarter of the land owners suggested the option, for clearly more than that number thought that the survey itself was part of a plot to take their land, and many were very aggressive as a result.

For women in Ovambo, the major fear was that they would lose their land when their husband (or father) died. A quarter of the Kavango households suggested this too, though women usually continue to farm with their children's households or return to their own families.

People in Ovambo were asked whether it was acceptable that land was lost when the husband died. While eight out of ten male heads of households and wives of labour migrants found it not acceptable, all women heads of households found it so. Many of these are widows who have directly suffered from the system. When asked what would be better, four fifths of the respondents thought the wife and children should keep the land. Others said the whole system should be changed by the Government.

The problem of not being able to repay loans was mentioned by a fifth of land owners and urban households, those being the categories that would be concerned with land purchases, and the use of land as collateral. A small number of people in each group suggested that problems with the headman could lead to eviction, but this was considered more of a theoretical than real possibility in most places.

Perhaps a final comment on security of tenure is that it is a basic precondition for agricultural planning and farm investment by farmers in both the large and small farm sectors. The few people who had responded yes to the question "Can anyone take your land?" were also asked if this prevented them from improving their land. Of the 48 people in Ovambo who answered the question, seven out of every ten people (presumably all women) said that it did. It is important that as Ovambo moves to a fairer form of land allocation this factor is taken into account.

1.8 Crop Production and Livestock Production

These aspects of the livelihoods of different groups have been discussed in the regional papers and the paper on farm workers. Please look there for the descriptions.²

1.9 Farming Game Animals in the Communal Areas

As a matter of interest, and because there are real opportunities to raise incomes in some of the Communal Areas through the utilisation and harvesting of wildlife, people were asked whether they thought this was a possibility, if there was good money in it.

	Ovambo Cuvelai	Ovambo Non-Cuv.	Kavango	Caprivi	Other Land C.A.	Land Diners	Farm Workers	Urban	C.A. Average	Weighted Average
Could farm game animals	68%	68%	56%	36%	59%	30%	48%	73%	57%	63%

Table 8 Farming game animals in the Communal Areas

Interestingly, within the Communal Areas, the people who are most harassed by game were the least interested in the possibility. The people of Caprivi lose both crops and livestock to game. Since the greatest potential to benefit from game is also in the Caprivi, the Ministry of Wildlife, Conservation and Tourism clearly has an important job on its hands to prove the benefits of conservation and harvesting to the people there.

Land owners were doubtful, because they assumed that the idea would be foreign to the people of the Communal Areas and their traditions. The notion that people who have been deprived of opportunity will not welcome it also needs to be tackled.

2. Incomes

Households in Namibia obtain income from many sources. In Table 8 below, the percentage of households obtaining some income from each source is shown, but note that the table does not show the contribution of each income source in total income.

	Ov-Cuv	Ov-NC	Kav	Cap	Other	Land-O	Fa-W	Urban	C.A. Average	Weighted Average
<u>For cash</u>										
Wages or pensions	40%	33%	39%	41%	38%	99%	94%	91%	38%	58%
Pensions	27%	33%	14%	17%	27%	3%	2%	8%	24%	18%
Casual work	5%	3%	13%	15%	4%	5%	11%	13%	8%	9%
Remittances	32%	22%	9%	13%	9%	4%	5%	8%	17%	16%
Small enterprise	22%	17%	17%	32%	5%	4%	4%	4%	18%	13%
Sales	33%	35%	54%	52%	63%	-	8%	5%	42%	29%
Service trade	2%	1%	3%	7%	3%	1%	0%	5%	3%	3%
Other (rents, annuities, exchanges)	2%	0%	2%	2%	7%	1%	0%	1%	3%	2%
<u>For cash &/or subsistence</u>										
Crop production	90%	98%	94%	89%	19%	15%	7%	10%	78%	55%
Livestock production	80%	85%	84%	82%	87%	97%	43%	34%	84%	66%
Hunt'g gather'g fish'g	11%	7%	5%	27%	19%	24%	7%	10%	23%	16%
Food (in-kind, drought)	15%	16%	6%	18%	41%	3%	52%	2%	19%	17%

Table 9 Sources of income to households in Namibia

It should be noted that this is household income, not farm income. 99% of land owners sold farm produce, but their household income was paid to them out of the farm budget as a wage. On the other hand, for households with the enterprise and household budgets mixed together, all sources of income have to be calculated and costs deducted. (These points are elaborated in the Appendix.)

One point to note from the table is the difference between the spread of sources of income to land owners and urban people, on the one hand, and Communal Area incomes on the other hand. In general those dependent on wages have a much smaller array of income sources; they do not have to spread their income sources so wide because they are less vulnerable to annual variability in production.

The sources of average cash income in each stratum are in Table 9 below. The distribution of cash incomes within each stratum is shown in Figure 1. It is necessary to state that (and see the Appendix):

Subsistence income, which is the value of farm produce retained by the household for its own use, has not been valued, and would be very important in low income households.³ It is not possible for households to have zero income, but some households can manage with no cash income, though with great difficulty, given the need for clothes, tools, salt, etc.

Land owners underrated their household income from the farm business, probably without exception. Not only did they underrate the cash income from the farm, many of them by up to two to four times, we suspect, but they also failed to value income-in-kind from the farm. This would include food and fuelwood produced on the farm, but also the labour time of farm workers when working for the household (for building, gardening, etc) and the use by the household of farm equipment, such as vehicles.

A randomly selected sample of Windhoek households was used as a proxy for all Namibian households no longer using the land, a group which should include all urban areas and mining personnel. In terms of attitudes to the land question, this is probably acceptable but for income data, Windhoek incomes are probably not a good representation of incomes in urban and mining areas. It can be assumed that Windhoek incomes greatly overestimate the average level of incomes of the 350,000 people (say 70,000 households) in this category in Namibia.

Given the wide distribution of incomes in each stratum, which can be seen in Figure 1, the averages are not always useful. But they can be used to demonstrate the differences in the importance of different sources of income in different areas. First, looking at Communal Area incomes, it is noticeable that less cash goes into the "Other Communal Areas" as wages and incomes than into the northern Communal Areas. In general, this appears to be related to lower average income levels rather than the number of households that get such incomes, since it can be seen in Table 8 that 38% of households receive wages or pensions, equal to the Communal Area average.

Secondly, still comparing the northern Communal Areas, where many households are involved with crop production, with the southern Communal Areas, where the greatest dependence is on livestock production, it can be seen that sales are a much more important source of income in the south. This is largely because households in the south cannot produce crops and vegetables under

rainfed conditions in the south due to the low rainfall, so more food must be purchased. In addition more materials have to be purchased for house construction and household consumables than in the wooded north. These require the sale of livestock in order to purchase food and other goods.

With a much smaller possibility of relying on subsistence production in the south, it must be assumed that there is much greater poverty there. Not only is cash income less, but so in subsistence income.

Thirdly, all other sources of income are lower in the south, on average, mainly because so few people are involved in them. Fewer people receive remittances from migrant labourers, less casual work is available, and less informal sector activity is possible.

Fourth, although 43% of farm workers were able to keep a few livestock on the farms on which they worked, these were usually donkeys, and little is obtained by farm workers in the form of livestock sales (none was recorded in the survey) or subsistence from their own on-farm production. However, many farm workers receive some food and housing as a part of wages. This is still likely to be lower than the value of average subsistence incomes in the northern Communal Areas.

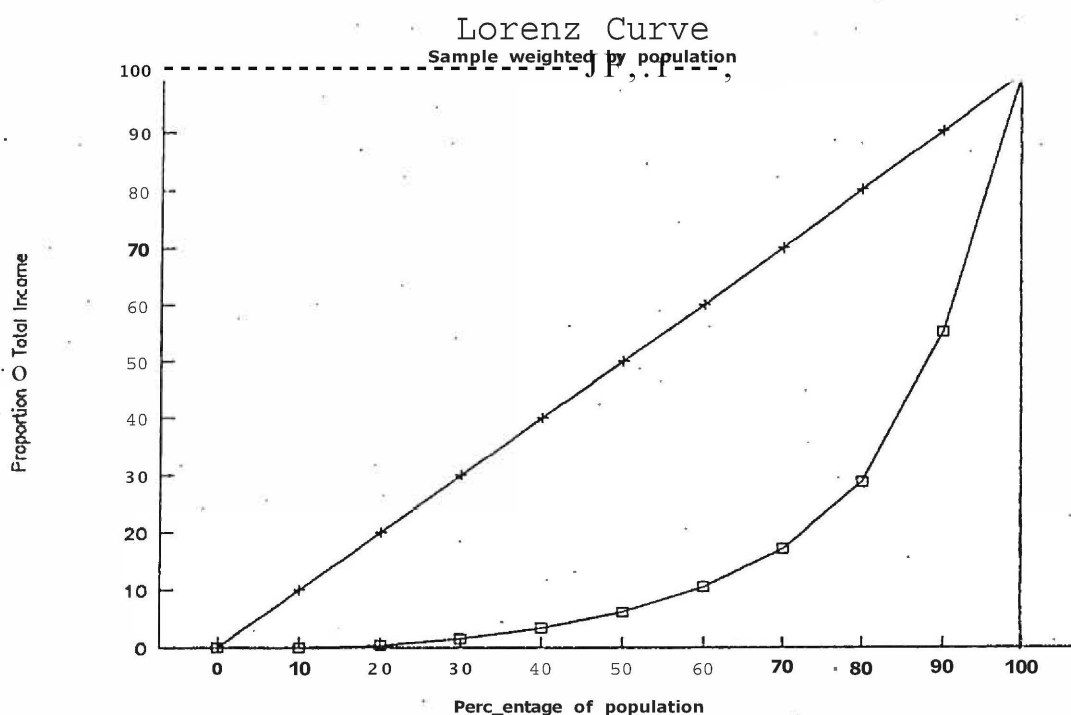
In addition, it should be noted that there is a problem in the valuation of income-in-kind. If a worker is given meat and milk as a part of wages, the range of goods that can be obtained by the worker, and which s/he might prefer, is reduced, compared to what could be purchased with the equivalent amount of money. Furthermore, income-in-kind is invariably less consistently given than stated by farm owners. There is the further problem of the pricing of goods in farm shops, where there are no price controls up to now. All these factors reduce the value of total income to the worker. It can certainly be said, therefore, that the average income to farm workers' households is well below the average in any of the Communal Areas.

Finally, the ten income groups that have been chosen for the distribution of incomes in each stratum in Figure 1 were chosen such that 10% of the total (weighted) sample falls into each group. Taking the top range, it can be seen that its lower limit is R24,000 per annum. This is R2,000 a month, and easily obtained by a household where husband and wife are teachers. 90% of all households fall below this level, and many fall well below it.

Lorenz Curve

As far as is known, no other attempt has yet been made to estimate the distribution of incomes in Namibia. So, in spite of the known deficiencies of the data, the income levels were aggregated to produce a Lorenz curve for Namibian incomes." This is shown as Figure 2. The Gini coefficient is estimated as 0.654.

Figure 2.1:



It can be seen that the curve differs from the diagonal particularly widely in the lower end of the income range. This would be reduced somewhat if subsistence income could be included (though it rarely can be in Lorenz curve estimation) since total income would then be above zero for all households. On the other hand, the effect of using the unrepresentative high Windhoek incomes is to make the upper end of the curve look better than it should (ie, further to the left).⁵ So the total effect of

[2] A Lorenz Curve shows the proportion of total income of the population received by each decile (which is to say, ten per cent) of the population. Thus, an examination of the curve shows, for instance, that the bottom 70% of the population earns less than 20% of the total household income in Namibia. The nearer the curve is to the diagonal line the more even the distribution of income, since along the diagonal 10% of the population earns 10% of the income etc.

improving the estimation of incomes by including both subsistence income and a better sample of urban and mining incomes might not be to improve the distribution of incomes at all (or the Gini Coefficient) though the curve would be shifted slightly upwards and to the right. As expected, the distribution of incomes in Namibia is very poor.

The range of cash incomes in each decile has been estimated after weighting the data to represent the whole Namibian population. It is the same as that used in Figure 1. So, based on the data we acquired, each 10% of the population falls into the following ranges (except for the lowest two deciles):

11%	No cash income
9%	R 1 - R 600 per year
10%	R 601 - R 1,200 "
10%	R 1,201 - R 1,908 "
10%	R 1,909 - R 2,760 "
10%	R 2,761 - R 4,484 "
10%	R 4,485 - R 7,680 "
10%	R 7,681 - R 13,150 "
10%	R 13,200 - R 24,000 "
10%	R 24,000 plus per year

Figure 1: Distribution of Annual Cash Income in Different Regions

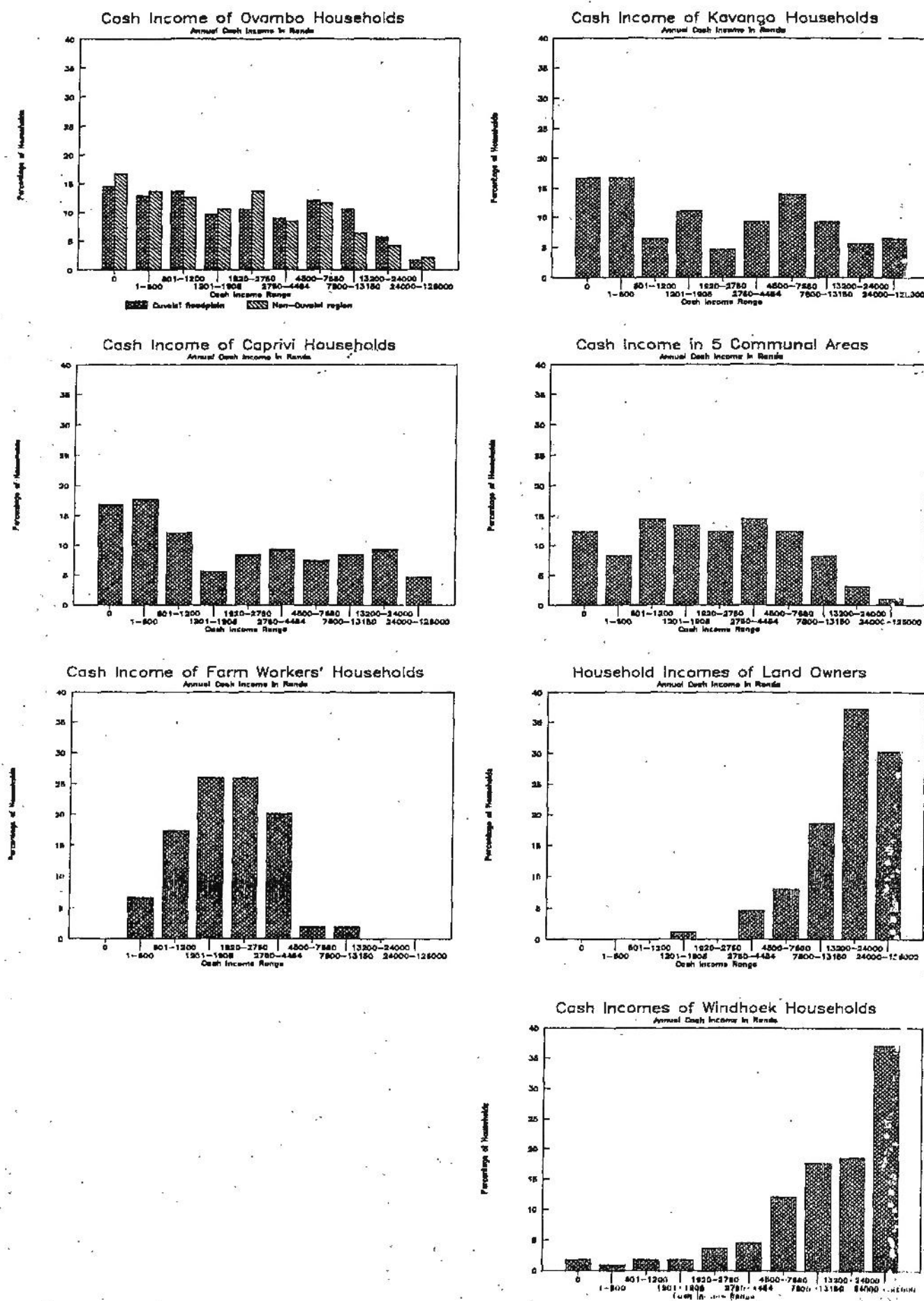


Table 10: Sources of Average Cash Income, by Stratum, in Rands

	Ovambo Cuvelai	Ovambo Non-Cuv.	Kavango	Caprivi	Other Communal Areas	Land Owners	Farm Workers	Urban	Sample Average	Weighted Population Average	Communal Area Average
Wages and pensions	234.17	240.52	351.88	309.01	144.65	1,823.10	173.78	1,989.81	658.37	708.72	256.05
Casual work	13.51	15.79	37.21	18.40	3.92	18.60	5.74	80.97	24.27	32.55	17.77
Remittances	24.85	19.76	18.47	22.45	5.57	14.36	1.96	12.41	14.98	15.81	18.22
Small enterprise	15.49	28.59	16.86	37.25	6.39		0.00	4.03	13.58	13.05	20.92
Sales	24.44	23.08	35.76	47.09	141.36		0.00	4.50	34.53	28.13	54.35
Service trade	26.69	0.10	4.40	7.17	1.25		0.00	34.25	9.23	15.69	7.92
Monthly average income	339.15	327.84	464.58	441.37	303.14	1,856.06	181.48	2,125.97	754.95	813.95	375.22
AVERAGE ANNUAL INCOME	4,069.80	3,934.08	5,574.96	5,296.44	3,637.68	22,272.72	2,177.76	25,511.64	9,059.39	9,767.43	4,502.59
Number of households	124	95	108	107	97	86	104	108	829		531

Notes

Ovambo Cuvelai is the central floodplain area.

Ovambo Non-Cuvelai is outside the central floodplain.

Other Communal Areas are Kaokoland, Damaraland, Bushmanland, Hereroland, Namaland.

Land owners are large scale commercial farmers. Their cash incomes are certainly underestimated.

Farm workers are only in the large scale commercial farm sector.

The urban sample was drawn in Windhoek only, and undoubtedly overestimates urban and mining incomes.

Sample average is the simple average of the eight strata.

Weighted population average is weighted according to the proportion of each stratum in the total Namibian population.

Communal Area average is the simple average of the five Communal Area strata.

3 Attitudes to the Land Question

3.1 If everyone cannot have land, who should not use land in the Communal Areas?

	O-C	ONC	Kav	Cap	OCA's	L-O	P-W	Urban	C.A. Weighted Average Average	
Those with other incomes	52%	54%	75%	27%	47%	43%	53%	42%	51%	52%
Government officials	23%	25%	5%	13%	14%	20%	11%	17%	16%	17%
Towns' people	5%	8%	4%	8%	7%	8%	14%	5%	6%	7%
Those with no farming ability	8%	7%	10%	8%	12%	19%	7%	17%	9%	11%
Other ethnic groups	9%	3%	7%	8%	15%	3%	4%	5%	8%	7%
"Everyone must have land"	4%	4%	1%	32%	4%	7%	2%	12%	9%	7%
Commercial farmers	0%	0%	0%	3%	2%	0%	0%	3%	1%	1%

Just over half the sample thought that people on high incomes should be excluded from using land in the Communal Areas. However, a third of the people in Caprivi felt that all people from the two main tribes should be allowed to use land in the Communal Area even if they have incomes or live in town. This is associated with little perceived land pressure at present, and strong tribal loyalty (which does not extend to the San, the oldest residents in the area).

A surprising number of people in all areas suggested that government officers should not use the Communal Area lands. This is probably because for most people they are the most obvious people to have other incomes.

The people in the southern Communal Areas were the most concerned to protect themselves from the incursions of other ethnic groups, a reasonable desire on their already hard-pressed and ecologically vulnerable land.

3.2 Should people with higher incomes be allowed to use the Communal Areas?

Most people in the Communal Areas thought that high-income and urban households should be able to use the Communal Areas for both livestock and ploughing. This was strongest in Caprivi, and weakest in the southern Communal Areas, where only half the people supported this view. Farm workers and urban people gave rather similar views, about half supporting the idea that high income households should be able to keep livestock in the Communal Areas, but rather more supporting the use of Communal

	O-C	ONC	Kav	Cap	OCA's	L-O	P-W	Urban	C.A. Weighted Average	Weighted Average
High-income urban households should be allowed to:										
keep livestock in CAs	64%	62%	52%	77%	47%	11%	47%	53%	60%	56%
plough in the CAs	74%	80%	58%	81%	52%	32%	58%	68%	69%	68%
Large herd owners should be forced to leave the CAs	61%	65%	67%	44%	74%	58%	61%	51%	62%	60%

Areas for ploughing by urban families.

With the exception of Caprivi more than half the people support the view that large herd owners should be forced to leave the Communal Areas. There was strong support for the idea from the people of the southern Communal Areas, where this is often seen as a possible measure for relieving the pressure on grazing.

3.3 Should grazing in the Communal Areas continue to be communally used, or divided into the private holdings of the people now using it?

	Ovambo Cuvelai	Ovambo Non-Cuv	Kavango	Caprivi	Other C.A.s	Land Owners	Farm Workers	Urban	C.A. Weighted Average	Weighted Average
Communal grazing	67%	58%	64%	82%	41%	19%	26%	42%	62%	52%
Private use	33%	42%	36%	18%	59%	81%	74%	58%	38%	48%

Four fifths of the people in Caprivi supported communal grazing. There was also strong support in Kavango and Ovambo, though away from the floodplain more people were interested in private grazing lands. However, in the southern Communal Areas a majority of people opted for private use of grazing lands. While many farmers in the southern Communal Areas have fencing (from the pre-Odendaal dispensation) very few of them are able to use the fencing to keep other livestock away, due to the overcrowding and requirement to share land. For many, therefore, their own fenced land would be an improvement on current conditions. It should also be said that it is likely that answers to this question would be related to herd size; the bigger herd owners in the southern Communal Areas appear to have different interests to the small herd owners, who are often more interested in communal use in order to optimise the use of range land in

different seasons. Such opposing views are easily seen in Ovivototo, for instance.

3.4 What problems would be created if the grazing land were divided?

	O-C	DNC	Kav	Cap	OCCs	L-O	F-W	Urban	C.A. Average	Weighted Average
No problems	42%	40%	46%	16%	25%	21%	44%	41%	34%	39%
Some people would get no land	13%	28%	21%	23%	8%	30%	19%	20%	19%	19%
Conflicts over boundaries	19%	14%	15%	16%	25%	16%	13%	14%	18%	16%
Holdings would be very small	12%	9%	7%	13%	23%	16%	15%	8%	13%	11%
Difficult to move livestock	2%	9%	7%	21%	9%	2%	4%	2%	12%	8%
Other	1%	1%	5%	10%	10%	16%	6%	15%	5%	7%

The people of Caprivi saw enclosure of grazing land as the most problematic, four out of five people raising problems. The two most important obstacles were that some people would not be able to get land, and that it would be difficult to move livestock if all the land were fenced. This second point is vital in Caprivi, where cattle must be moved seasonally when the rivers are flooding the grazing lands.

Three quarters of the people of the southern Communal Areas also raised problems, being particularly worried about conflicts over the boundaries and about some people ending up with very small land holdings.

In Ovambo and Kavango two people out of every five thought there would be no problems with dividing grazing land. The others raised similar problems, in particular the fact that some would get no land, and that there would be conflicts in setting the boundaries. Urban people and farm workers gave similar responses. The land owners in the large scale commercial sector also saw problems in dividing the communal grazing land, giving similar reasons for the difficulties.

3.5 Who should allocate land?

	O-C	ONC	Kav	Cap	OCAs	L-O	F-W	Urban	C.A.	Weighted
									Average	Average
Government	60%	49%	38%	17%	65%	17%	67%	63%	46%	55%
Tribal authorities	28%	30%	43%	80%	26%	21%	16%	8%	41%	26%
Ministry of Agriculture	9%	21%	13%	1%	7%	26%	11%	16%	10%	13%
"People should purchase land."	1%	0%	0%	0%	1%	33%	3%	10%	0%	4%
Other	2%	-	7%	2%	1%	4%	3%	3%	2%	3%

Four out of five Caprivians, with their strong tribal affiliation, felt that the tribal authorities should allocate land. No other region had a majority who favoured this option, despite the fact that it is the system that currently operates in the Communal Areas. However, two out of five people in Kavango opted for it, and one third of Ovambos.

Nearly two thirds of people in the southern Communal Areas, and urban people and farm workers, favoured allocation of land by the government. More than half the Ovambos also favoured this option. This is an important point, because many Ovambos are angry that the current system of land allocation in Ovambo, by the tribal authorities who require payment, has not yet been changed by the government.

A third of farm owning families favoured purchase of land, as opposed to allocation. Another quarter said that the Ministry of Agriculture should allocate land. These views tended to favour themselves since they would favour those with access to bank loans, and with proven expertise in the management of large farms. It was not possible to ask the land owners in the limited survey questionnaire how these assets could be more widely spread.

3.6 Do you want more land?

	O-C	ONC	Kav	Cap	OCAs	L-O	T-W	Urban	C.A.	Weighted Average
Want more land for ploughing	87%	92%	91%	92%	82%	38%	88%	72%	89%	83%
Want more land for grazing	83%	83%	93%	91%	88%	64%	92%	78%	88%	84%
Would not give up land rights to get a high paying job.	69%	61%	78%	78%	75%	72%	63%	55%	72%	65%

Predictably, nearly all Namibians claimed to want more land for both grazing livestock and ploughing. Furthermore, many also said they would not be prepared to give up all their land rights (including the right to graze livestock in the Communal Areas) if they could get a high paying job. Only about one third opted to take the job, and there was little difference between the various groups, apart from 45% of people in the urban area who opted to take the high paying job.

3.7 Where do you want more land?

	O-C	ONC	Kav	Cap	OCAs	L-O	T-W	Urban	C.A.	Weighted Average
home area	58%	67%	62%	81%	68%	84%	56%	61%	57%	63%
away	16%	17%	5%	8%	9%	11%	9%	29%	11%	16%
anywhere	26%	17%	33%	11%	23%	5%	36%	11%	22%	21%
If you were offered land far away, would you take it?	67%	67%	51%	29%	62%	45%	72%	73%	55%	65%

Most Namibians want more land in their home area. However, just under a half of the farm workers, and a third of urban people preferred to take land away from their home areas.

More importantly, many people would be prepared to move if offered land elsewhere. The strong exception was Caprivi, where two thirds of people would not be prepared to move out of the region to obtain land. In addition, only half of the people in Kavango were prepared to move. Elsewhere in the Communal Areas, two thirds of the people would be prepared to move, and rather more than that proportion of farm workers and urban people.

Finally, of the land owners in the large farm sector who had said they wanted more land, 45% would be prepared to take it away from their current farms.

3.8 Would you take new land somewhere else if you had to give up all of your rights to land in your home area for:

	Ovambo Cuvelai	Ovambo Non-Cuv	Kavango Caprivi	Other C.A.	Land Owners	Farm Workers	Urban	C.A. Average	Weighted Average
Ploughing	54%	55%	59%	24%	49%	31%	57%	48%	53%
Grazing livestock	56%	55%	57%	24%	36%	35%	60%	50%	56%

More than half the people in Ovambo and Kavango and the southern Communal Areas said they would give up their land rights in the Communal Area if offered new land elsewhere. Only a quarter of Caprivians would be prepared to give up their rights in Caprivi.⁶

Two thirds of land owners would not be prepared to give up their own land in order to get land somewhere else. Considering the investment of effort and finance in the farms it is rather surprising that one third were prepared to move to new land.

A majority of both urban people and farm workers appeared willing to give up their present land rights in order to get new land.

3.9 If you received the land for free, would you want it as your own, so that your children could inherit it, or would you be willing just to use it during your lifetime?

	Ovambo Cuvelai	Ovambo Non-Cuv	Kavango Caprivi	Other C.A.	Land Owners	Farm Workers	Urban	C.A. Average	Weighted Average
Own it	99%	97%	91%	97%	94%	94%	88%	97%	94%

This question was asked because it was thought by some that many people might be willing to have access to land and use it with

no other rights to it. The results show that this was firmly rejected by all groups.

3.10 Under what terms will you be willing to take new land?

	O-C	ONC	Kav	Cap	OCAs	L-O	F-W	Urban	C-A	Weighted Average
Pay for the land	60%	60%	53%	32%	62%	88%	72%	69%	53%	62%
Pay rent	35%	36%	44%	29%	54%	74%	64%	61%	40%	48%
Pay 1/3 of production	54%	61%	44%	33%	60%	32%	75%	63%	30%	58%
Buy with government subsidy	75%	76%	62%	39%	78%	75%	90%	90%	66%	77%
Join a collective	75%	88%	55%	54%	70%	23%	72%	78%	55%	73%
Give up a good job & income	60%	63%	38%	47%	68%	58%	61%	59%	55%	58%

It is very clear from the replies to all previous questions that many people within Namibia profess to need, or want, more land. At the end of the gruelling war of independence this is hardly surprising. But since the costs to the government of obtaining land will be high, it is important to assess the degree to which people are prepared to pay for land. A remarkable proportion claimed that they were willing to pay. In general, it may be said that the more overcrowded and degraded the area from which people come, the more they are willing to contribute to the payment for land. Perhaps it should also be said that these responses were not given lightly; most people thought hard about the answers, and took the whole questionnaire very seriously.

The first question was, "If you had to pay for new land, would you still take it?" Responses to this question are less useful than the others because many people said, "Yes, if I had the money." Nevertheless, the willingness to contribute is clear, and over half the respondents in Ovambo, Kavango, and the southern Communal Areas answered positively. Only one third of Caprivians were willing to pay for new land, which is associated with their strong tribal rights, and the perceived availability of the land. More than two thirds of land owners, farm workers and urban people professed themselves ready to pay for land.

The second question was, "Will you take new land if you have to pay rent for it?" This caused some suspicion since the level of rent was not stipulated, and it received the lowest agreement. Still, more than a third of Ovambos and Kavango people affirmed their willingness to pay rent, and over a half of people in the southern Communal Areas. Just under a third of Caprivians were also willing. Three fifths of farm workers and urban people were

willing to pay rent, in addition to three quarters of the land owners.

The third question was more specific: "Would you accept new land if you have to pay one third of your production each year?" (Payments would be as grain, calves, etc. Many tenant farmers in Asia pay in-kind for land.) In general responses were very similar to those for the first question except from land owners, few of whom would expect under current conditions to give up the value of one third of new production as rent or interest payments on bank loans. Only one third of land owners therefore agreed with the question.

The fourth question was the most lenient in its terms: "Would you take the new land if you could purchase it, with a government subsidy, under favourable conditions?" Answers can be taken to reflect the maximum percentage of people who would consider contributing payment towards greater access to land.

Three quarters of Ovambos and people from the southern Communal Areas and land owners would be prepared to take land under these terms. Three fifths of Kavangos were also willing. Less than two fifths of the Caprivians would be prepared to take land on these terms, yet another sign of their unwillingness to pay for land which is available to them as a right. Finally, nine out of ten urban people and farm workers would be prepared to take land under these terms.

The fifth question should probably not have been asked, since very few Namibians have the experience of collective work, with the exception of the "returnees" from the Angolan camps. Still, with the exception of land owners, more than half the people stated their willingness to join collectives with good land. This is probably merely a reflection of the strong desire for access to land.

The sixth question, "Would you give up a good job and income if you could get good agricultural land?" in general confirms the findings above. Except in Caprivi and Kavango, a majority of people thought they would. In Caprivi and Kavango, it can be guessed that people would not see why they could not have both, since they already have the right to land.

3.11 Do you want to farm in the communal or the commercial area?

	O-C	ONG	Kav	Cap	OCAs	L-O	F-W	Urban	C.A. Average	Weighted Average
Communal Area	74%	76%	71%	78%	53%	6%	28%	19%	70%	52%
Commercial farm area	24%	24%	28%	22%	41%	93%	62%	70%	28%	43%
Either	3%	1%	1%	-	6%	1%	9%	11%	2%	5%

Differences in the responses to this question were very marked; more than two thirds of people in Ovambo, Kavango and Caprivi wanted to continue to farm in the Communal Areas. Even in the other Communal Areas, with their generally poorer conditions, just over half the people wanted to continue to farm in the Communal Area. On the other hand, six out every ten farm workers and two thirds of urban people opted to farm in the so-called commercial area. Not surprisingly, most land owners wanted to stay in the "commercial" area, though 6% said they would prefer to farm in the communal area!

3.12 100 years ago there were few Namibians, so they could use all the land they wanted. Now there are many Namibians, and even if all the land is redistributed many will not be able to get land. What should the government do?

	O-C	ONG	Kav	Cap	OCAs	L-O	F-W	Urban	C.A. Average	Weighted Average
Increase employment	57%	74%	43%	47%	42%	41%	43%	39%	53%	50%
Provide education	12%	10%	31%	14%	22%	34%	34%	20%	18%	20%
Farming cooperatives	1%	-	1%	-	-	16%	1%	1%	0%	1%
Other	8%	1%	14%	19%	11%	5%	10%	11%	11%	9%
Share the land better	22%	16%	12%	21%	25%	4%	25%	26%	19%	21%

More people in Ovambo than from other areas suggested the need for an increase in employment off the land. The men from Ovambo are used to seeking migrant work to supplement their incomes. Just under half the people in all other groups suggested the need for more jobs off the land. About one third of Kavango people were concerned to have improved education so that they could get other jobs. (One third of the people in Kavango had no formal education.)

Many people in the survey did not accept the premise of the question that there would not be enough land for all who needed it in Namibia if it were redistributed. As might be expected, this was particularly strong in Caprivi, where perceptions are that land is plentiful, and everyone has a right to land. One in five of the people in Caprivi insisted on the land being better shared. In the southern Communal Areas and among farm workers and urban people, also, a quarter of the people objected to the question as it stood. All these people live in close proximity to the large farm sector, and would expect more land to be available if it were well redistributed.

One sixth of land owners suggested that the answer to the employment problem was for people in the Communal Areas to form cooperatives. (Perhaps it should be said that this suggestion is often made as the answer to other people's problems by people who wouldn't do it themselves. As a general rule cooperatives never work unless they are seen by people as the logical answer to their own problems.)

Finally, various other suggestions were made. The most common of these was from San in Kavango and Caprivi who wanted the food hand-outs started again that they had been accustomed to receive from the South African Defence Force. A return to such a system will do nothing to reduce the dependence of these people in the long term, but long term solutions do need to be found to their current lack of adequate livelihood.

3.13 Who should get land?

Percentage of First Choices:	Ovambo Cuv.	Ovambo Non-Cuv	Kavango	Caprivi	Other C.A.s	Land Owners	Farm Workers	Urban	C.A. Average	Weighted Average
Equality of use	25.8	20.4	9.3	13.0	15.4	5.7	22.6	20.3	16.8	19.49
Returnees	21.0	20.4	22.5	4.9	9.8	0.5	5.7	4.9	15.7	13.36
Landless, no job	20.1	16.8	18.1	12.3	9.2	3.6	18.0	15.9	15.3	16.55
Chiefs allocate	3.1	6.0	4.9	47.5	6.1	6.3	4.1	3.6	13.5	5.80
Those who had land stolen	9.6	8.4	4.9	5.6	21.5	1.0	5.2	12.8	10.0	9.80
Good farmers	6.1	9.6	8.8	6.2	4.9	60.9	13.4	18.7	7.1	11.62
V small holdings, no job	5.2	5.4	7.1	3.9	9.2	1.6	7.2	6.6	5.8	6.14
Need land	2.6	3.6	5.5	2.5	6.7	5.2	6.7	4.4	4.2	4.36
Livestock owners, no job	2.6	1.8	6.5	1.9	4.9	6.8	6.7	6.0	3.6	4.48
Want land	2.6	1.8	2.2	0.6	1.8	0.0	2.6	2.7	1.8	2.26
Livestock owners, urban job	0.0	1.2	2.7	3.9	2.5	0.5	2.6	1.1	1.7	1.36
Men only	0.9	0.6	0.0	0.6	1.2	1.6	1.0	3.3	0.7	1.39
REFUSED TO ANSWER	0.4	4.2	7.1	1.2	6.7	6.3	4.1	1.6	3.9	3.11

Within Ovambo, people emphasised equality of access to land, and that land should go to Returnees and the landless. In the latter two cases the choice was also justified in terms of fairness and equity. At the end of the war, the Ovambos are looking for a fairer share of the country's resources. As with the people of Kavango, concern for the Returnees is strong as they are seen as having been deprived of their livelihoods. The use of land has to be purchased from the tribal authorities in Ovambo, and few Returnees have the funds with which to do so. Similarly, the landless are those who do not have the funds to purchase land rights. There is considerable anger in Ovambo that one year after independence the government has not yet changed the system of land allocations within the region. And, as already shown above, many Ovambos would also welcome new land outside the region.

In Kavango there was equal concern for the Returnees and the landless.

In Caprivi nearly half the people thought that any new land should go to the people chosen by the tribal authorities. Another quarter of the people were concerned over equality of use, or that land should go to the landless.

In the other Communal Areas, consisting of Kaokoland, Damaraland, Bushmanland, Hereroland and Namaland, all regions to which people were shifted over the years off the more favoured central areas

of the country, the major concern, expressed by a fifth of the people, was that land should go to "the people who had land stolen." The other main concern was for equality of access to land.

The major concern of land owners, expressed by three out of every five, was that land should be used by good farmers. Few of the land owners' households wanted to make a second choice (and many expressed the view that all the other choices were stupid).

Farm workers were concerned first for equality of use, and secondly that the landless should get land. A third concern, expressed by one in eight, was that good farmers should get land.

Urban people supported equality of use, first, and access by good farmers, second. Other concerns were for the landless and those who had had land stolen.

The weighted total of responses in the table shows the list of responses we might expect from a national referendum on the subject. Each of the strata's responses have been weighted by the proportion of the population within the total Namibian population. The first three selections are all based on considerations of equity: equality of use, land for returnees, and land for the landless who have no other job. Fourth is the concern that land should be used by good farmers, and fifth the belief that those who had land stolen should now get access to land.

Notes

1. This illustrates quite well the fact that it is not easy or useful to impart management skills to people for whom those skills have been rendered inappropriate.

2. The papers where information may be found on crop production and livestock are: Land Related Issues in the Communal Areas: Ovambo, Kavango, Caprivi, Kaokoland, Damaraland, Namaland, Hereroland and Bushmanland; and Farm Workers and Land Reform.

3. In economic terms, subsistence income is the value of the income the household would have to earn from wages and spend to achieve a level of consumption that it produces for itself.

4. The frequencies in each stratum were weighted twice:

- (1) to equalise the stratum frequencies,
- (2) and by the weighting of the stratum within the total population.

5. The effect of using the unrepresentative, high Windhoek incomes is to increase the proportion of incomes in the higher income groups above what would be expected in a better chosen sample. Thus, from the graph, it would appear that the top 10% of earners obtain 45% of the national household (cash) income. In fact, they probably obtain much more, since many of those in urban and mining areas have considerably lower incomes and thus increase the proportion of people on lower incomes, and reduce the number of people on high incomes, but at the same time reduce the overall national income, and increase the total proportion of the national income the higher earners receive. In other words, the curve should be more concave, and would lie to the right of the estimated one, particularly in the upper end of the graph.

6. It is not clear why the response of the Other Communal Areas is so ambiguous concerning ploughing rights, which are not greatly of interest in most of the southern Communal Areas; People probably did not know how to respond to a question essentially irrelevant to their situation.

Appendix

Methodology for the national sample survey on Socio-Economic Conditions and Attitudes to the Land Question

1 Methodology

A sample of 840 households was drawn from the total population using a random stratified cluster sampling method for the attitudinal and socio-economic surveys. Eight strata were selected within the national population, each with fifteen clusters of seven households, such that there were 115 households in each stratum.

1.1 Stratification - Justification

The strata were chosen such as to represent different groups in the population that would be likely to have a similar attitude to the uses and issue of land. These were the following:

- 1 Ovambo Cuvelai
- 2 Ovambo Non-Cuvelai
- 3 Kavango
- 4 Caprivi
- 5 Other Communal Areas
- 6 Land Owners
- 7 Farm workers
- 8 Urban

It was felt that the very large population of Ovambo (believed, in the absence of accurate census data to lie within 37% and 50% of the total Namibian population) justified its division into two strata. The Agricultural Extension Officers in the region suggested that the people in the Cuvelai Region (ie, those who live in the area in which the *oshanas* are inundated most years from the Cuvelai River in Angola) tend not to migrate to pastures in the south on an annual basis in search of pasture, unlike the people of the non-Cuvelai Region, many of whom travel with herds to the pastures. The two groups might therefore have different attitudes to the land question. This division was therefore defined, though in the knowledge that no estimation exists of the relative numbers in each region. From a little knowledge of the settlement pattern in the whole region, we estimated roughly that about 60% of the people lived in the Cuvelai Region.

Land use, availability and allocations vary distinctly between Ovambo, Kavango and Caprivi so the latter two regions formed the third and fourth strata.

The population of all other Communal Areas is approximately 115,000, or about 8% of the Namibian population. These regions have one important distinguishing feature in common: they are the areas to which displaced people have been moved over the last century as the land has been alienated by settlers. They contain the people with the greatest historical grievances over land. This common feature was believed to be of overriding importance in the formation of people's views about land, and with this justification and the small total population, the areas were put into one stratum. It is accepted that one weakness comes of placing into one group people who were placed into areas not theirs by previous recent history (Nama and Damara) with those who were constrained into a small part of lands they previously used (Herero, Kaoko, Bushmen).

"Land owners" are the owners of farms in the freehold farm sector (commonly referred to as "commercial farmers" on the inaccurate assumption that farmers in the Communal Areas do not have such motivation). Freehold farmers in Rehoboth were also placed in this group. The farm owners and their families constitute about 20,000 people, only about 1.4% of the total population. It was felt that though their opinions would be well represented in the land conference they should have the chance to provide their views on the questions that other people were going to be asked in the survey, and they were therefore included.

It is thought that "farm workers" and their families in the freehold sector constitute about 150,000 persons. The Ministry of Agriculture's estimate is higher, but does not account for the many workers shed by the farms during the 1980s.

For completeness, the final stratum consists of urban people and workers on the mines. These people have in common their disassociation from the land, though some still own land, or have household members currently living and working the land. Many have livestock. Given the difficult logistics of sampling in all towns and mining complexes, only Windhoek was sampled, with care to ensure that all sectors of the community were interviewed. While the sampling in Windhoek is thought to well represent the views on land of all the people in towns and mines, it has to be accepted that the estimation of Windhoek incomes certainly produces a bad bias upwards on incomes of the whole urban and mining population.

With a great deal of rough estimation of the total population and constituent groups, the final strata were therefore as follows:

Stratification of Namibian population for attitudinal survey

		Population in thousands	%	cumulative population	weight in total popn
1	<u>Ovambo-C</u>	314	22.4%	314	.224
2	<u>Ovambo-N</u>	210	15.0%	524	.15
3	<u>Kavango</u>	168	12.0%	692	.12
4	<u>Caprivi</u>	65	4.6%	757	.046
5	<u>Other CAS</u>	115	8.2%	872	.082
6	<u>land owners</u> ¹	20	1.4%	1042	.042
7	<u>farm workers</u>	150	10.7%	1022	.107
8	<u>towns &</u> ² <u>mines</u>	359	25.5%	1401	.255

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- Notes
- 1 Land owners consists of the estimate of approx 3,320 large farm sector owners + 1,020 land owners in Rehoboth who also own livestock (ie, do not rent out land, though 400 of them do not farm themselves), plus their families.
 - 2 The figure for towns and mines is obtained by subtraction from the total.

The population figures were derived using the method worked out by the Namibian Institute of Social and Economic Research for the National Immunisation Survey, 1990 (Tapscott, 1990). This is necessary because no accurate census data exist for Namibia. The method uses the 1981 census data and the 1989 electoral data (thought to be close to 100% of the adult population) to derive district data for the full population, and the proportion of the population in each census district. By this estimation, the total population is calculated to be 1,401,000, of which 37.3% are estimated to be in Ovambo. These are both lower than many other current estimates, but are probably derived with more care.

The importance of the relative totals lies mainly in the aggregation of the data to obtain national values. All the aggregated national data (referred to in the tables as "weighted averages") must be treated with the greatest caution, because of the possibility that the weighting of the strata is quite wide of the mark. The true national values could lie within a wide margin from the quoted material. Partly for this reason, most data quoted in the report are for the separate strata.

1.2 Selecting the clusters

Within each stratum, a variety of methods had to be used to derive the sample clusters. Most of these were based on random sampling of the enumerator subDistricts that were drawn up by the Directorate of Statistics for the 1981 census. Within each region, these are supposed to contain a roughly equal population, and therefore give any household within the region an equal chance of being randomly selected.

Ovambo: No enumerator subDistricts have been drawn up for Ovambo. For the 1989 census, a list of administrative subDistricts had been drawn up. Each of these was designated as lying within the Cuvelai or non-Cuvelai, with the assistance of the Agriculture Officers from the region. Then the two lists were randomly sampled to obtain 15 clusters each. Then, on a map of the region, grid lines were drawn over the area covered from the administrative centre, and these were randomly sampled to obtain the location of the sample centre. The team sampling the area would use the map to put themselves as near to the map location as possible, and then sample the first seven houses they could find at which they could locate the head of household.

On the assumption that 60% of the population live in the Cuvelai area, populations were as follows:

	Estimated population	Clusters
Ovambo Cuvelai	314,195	15
Ovambo Non-Cuvelai	209,464	15

Kavango, Caprivi: The enumerator subdistricts (ESDs) were randomly selected in Caprivi. In Kavango, the ESDs were found to represent the population distribution badly, and were amended using a population distribution map drawn up for the Regional Development Plan (Loxten Venn, 1986), which was based on the use of satellite photography. Within the ESDs, the actual starting point for the sample was decided by grid selection, or, when only

one or two villages provided the whole population within the ESD, these were selected randomly.

	Estimated population	Clusters
Kavango	168,000	15
Caprivi	66,000	15

Other Communal Areas: First, the clusters were divided between the total population of the five regions, according to their proportion of the population, except that Bushmanland was allocated one cluster, although it was not warranted on grounds of population size.

	Population	%	clusters
Kaokoland	24,000	21%	3
Damaraland	31,000	27%	4
Bushmanland	3,800	3%	1
Hereroland	38,000	33%	5
Namaland	18,000	16%	2

Hereroland was presumed to include Hereroland East, Hereroland West, Ovitoro and Aminuis. Within each of the Communal Areas, clusters were then located according to grid sampling. However, Namaland, Damaraland and Hereroland each have an area in which farmers are farming communally on fenced land allocated to the Communal Area under the Odendaal Plan in 1964. From the relative populations within the fenced and non-fenced areas the clusters were therefore allocated as follows:

	Fenced area	Non-fenced area
Damaraland	2 clusters	2 clusters
Namaland	1 cluster	1 cluster
Hereroland	1 cluster	4 clusters

The non-fenced areas were selected from grids. The fenced areas were selected by randomly selecting the farms in the area from the maps. In Kaokoland, with its partly transhumant population and very difficult terrain, clusters were located 50 kms to the north, east and south of Opuwo. In Bushmanland the sampling was left to the agricultural officers, and was done in the region of Tsumkwe.

Land owners, Farm workers: The farming regions were listed with their 1981 agricultural populations previously estimated by the Namibian Economic Policy Research Unit (Moorsom, 1990, unpublished). On an assumption that the relative populations had

not changed significantly, a random sample of 15 was drawn from the regions, as follows:

	Agricultural population, 1981	Clusters	
		Land Owners	Farm Workers
Tsumeb	4277	-	-
Outjo	5904	1	1
Grootfontein	10642	2	2
Otjiwarongo	6315	1	1
Omaruru	2516	-	-
Okahandja	6238	1	1
Gobabis	15626	2	2
Windhoek	10460	2	2
Karibib	4493	1	1
Rehoboth	9204	1	1
Mariental	10956	2	2
Maltahohe	2909	-	-
Luderitz	4033	1	1
Bethanien	617	-	-
Karasburg	4639	1	1

Within each selected region farms were listed, and one or two randomly selected. The interviewing teams were then instructed to visit that farm and the six nearest adjacent farms. At each farm an Agricultural Extension Officer interviewed the farm owner's household, and another team member interviewed one farm worker and his or her household members. These were supposed to have been randomly selected by the interviewing team after a list was supplied by the farmer. Many farmers tried to influence the worker that was selected (see problems with the survey, below) but this was resisted where possible.

Windhoek City: It was not possible to obtain ESD maps for the City of Windhoek. Grid lines over the whole city (including Khomasdal and Katutura suburbs) were used to select areas for the sampling, and then plot maps were used to select house plots, again by random sampling. Once a house was selected, the six nearest were also interviewed. The fifteen clusters ended up thus:

	Clusters
Low density suburbs	4
Katutura	7
Okuryangava	1
Khomasdal	2
West Windhoek	1

2 The Questionnaires

Firstly, the socio-economic questionnaire was answered by the economic head of household. Then the questionnaires on land issues were answered by up to three adults in the household, one of whom was also the head of household.¹

The socio-economic questionnaire had four parts. The first included some basic data on the household, and asked for some perceptions on the environment of the area, and its changes over the previous years. The second part attempted to obtain household income data, a notoriously difficult exercise. The third part requested information on crop production, and therefore applied to only the 58% of the sample in higher rainfall areas or who use irrigation. Finally, some data were obtained on livestock holdings. In all, 846 households provided data, though some refused to answer questions on income.

The questionnaire on land issues was answered by some 1440 individuals in the 846 households. Again, the first part requested basic information on the individual. In the next part respondents were asked to rank the kinds of people who ought to receive land if there was a land reform, and to provide the reasons for the ranking. The rest of the paper requested views on various aspects of land: whether Communal Areas should remain communal, what kind of people should be able to have access to the Communal Areas, who should allocate that access, and under what terms would respondents be willing to gain access to more land.

The questionnaires were developed during November and December 1990 in three stages. An initial draft was drawn up by NEPRU. Then, in a two day meeting of the Senior Agricultural Extension Officers from most regions of the country, the draft was amended to include questions of concern to the Ministry, and to make it more relevant to the conditions of the Communal Areas in Namibia. Finally, a computer expert from NISER had to simplify many of the concepts about which the Ministry staff had hoped to obtain information, and at this stage too, some parts had to be omitted. The final questionnaires were far too long, and still could only request the briefest information on some important issues.

The first week of interviewing was used as the pre-test due to the shortage of time available for the surveying, which took place from January to March 1991. Some changes were made to the questionnaires thereafter, and 14 households had to be re-surveyed. There is no doubt, however, that a proper pre-test

could have greatly improved the quality of the data collected. (For instance, the pre-test was carried out in the South of the country, which excluded nearly all crop producers in the sample.)

3 Training and schedule

Given the variety of regional languages in Namibia, it was necessary that interviewing staff should be obtained and trained locally. For the most part, Agricultural Extension Officers carried out the interviews, and were trained for a day in each region before interviewing started. For 105 households in a region about 15 enumerators would be needed, which was a difficult request in many areas. Thereafter, enumerators were usually required to obtain information from 7 households each by the end of the week, often requiring travel over very long distances, and making supervision difficult. Such are the problems of a "national" sample survey in a sparsely populated country.

In addition, university students interviewed the farm workers and the Windhoek respondents, and the Ovambo speakers among them assisted with the large survey in Ovambo. The training was carried out in English, but in some areas would have been a great deal more effective in Afrikaans. All forms were filled out in English.

The survey proceeded as follows:

- Week 1: The South, including Namaland and Rehoboth
- Week 2: (Changes to the questionnaires.)
- Week 3: Windhoek
- Week 4: Hereroland, Kaokoland
- Week 5: Northern Commercial Areas
- Weeks 6,7: Ovambo
- Week 8: Kavango
- Week 9: Caprivi
- Week 10: (rest)
- Week 11: Damaraland, Bushmanland (and Namaland again)

4 Problems with the survey

There were many difficulties with the survey. First, the length of the survey certainly led to some respondent fatigue. Fortunately, most people in the sample were extremely keen to give their views, and many heads of households withstood two

hours of questioning with a great deal of patience. Some urban respondents and the land owners were less tolerant.

This was compounded by a second problem. Essentially, the questionnaires were drawn up with the Communal Areas in mind, and with far greater relevance to the conditions there than to those on freehold farms or urban areas. Some of the respondents had rarely visited Communal Areas and were unwilling to give their views on conditions there. Some were also reluctant to suggest who should benefit from a land reform since they did not believe that one was warranted. Nevertheless, land owners and urban populations are powerful groups with powerful voices, so we persisted in trying to obtain their views on the issues, as a contrast to the views from the Communal Areas.

The land owners were all interviewed by white Agricultural Extension Officers, and all farm workers were supposed to have been interviewed by black interviewing staff, one of whom travelled with each of the Agricultural Officers to the farms. In both cases problems arose.

Some of the Agricultural Extension Officers for the farms were the most resistant of all the enumerators to practice sessions and supervision (probably because the trainer was foreign and female). Some of them also colluded with the farmers they interviewed to provide the most "suitable" answers, and one managed to send in seven almost identical forms. However, it must also be said that others of the officers tried very hard to obtain reliable information. The officers were often faced with farmers whose fear of land reform issues led them to be aggressive and uncooperative. Many of the farmers did not believe in the confidentiality of imparted information or the scientific randomness of the survey, and believed that their farms had been chosen for the survey because SWAPO had identified them for redistribution.

Finally, even the land owners who did agree to provide information were often very unwilling to allow a randomly chosen farm worker and his/her household to be interviewed as well. Some of them insisted on picking out the farm worker who would be interviewed, and some of the Agricultural Officers colluded in this too. The farm workers were supposed to be interviewed alone and in confidence, but some farm owners would not allow this, and even contradicted the statements of the farm workers, most notably over the workers' incomes. Many farm owners claimed superior knowledge over all aspects of the lives and thoughts of "their natives".

The result of the interference by many (but certainly not all) farm owners in the proper running of the survey was that much of the information obtained from farm workers and their households was partial. It was notable to their interviewers that even when confidentiality was respected, many of the farm workers were reticent and fearful. However, other information about and from farm workers on their conditions of work and life was obtained in different ways.

The surveys in Windhoek and in the *koevoet* squatter areas of Oshakati were similarly bedeviled by refusals, sometimes with aggression, of those who believed that the interviewers were SWAPO agents. In all cases the interviewers withdrew, discarded any information already received and went to the next house. Many of the "clusters" were therefore very spread out within an area. This self-omission of those who do not support the government may certainly have led to some biases in the data on land issues.

5 Income data

A great deal of effort was taken to obtain data on cash incomes from all sources since such data do not yet exist in Namibia. It is necessary, therefore, to point out in some detail the limitations of the data obtained.

5.1 The sample

As explained above, the country was stratified into eight strata according to the criterion that the people in the different strata could be expected to have different attitudes to land issues. One stratum, "urban and mines" therefore consisted of people who were alienated from the land by reason of their work or residence. A decision was then taken that only Windhoek would be sampled, which greatly reduced the time and organisation required for the study, and which could be justified on the grounds that provided we were careful to randomly sample within Windhoek there was no reason to suppose that responses would vary from a sample taken throughout Namibia's urban and mining areas.

Such reasoning cannot be accepted for an economic survey of the urban areas where there is every reason to suppose that incomes will tend to be higher in Windhoek than in other urban and mining areas. Both incomes and the employment rate are likely to be higher in Windhoek than in all other urban areas, and more particularly than in towns with relatively larger squatter

settlements and "locations". This is borne out by the results, which show an average household cash income in Windhoek of R 2,126 per month (from one or more earners of income), or R 25,512 per year.

5.2 Household and enterprise income

Enterprise income had to be estimated in different ways, depending on whether the enterprise was treated as a separate entity from the household, with a separate budget, or whether it was integrated into the household budget. The difference can be shown by considering an accountant with her own company, but allocating to herself a monthly wage, which then constitutes her share of the household income, or a shoe mender who mixes together his costs and returns as a part of the household budget, and cannot say what he earns from the business each month.

Where it was possible for a household wage to be distinguished, this was always requested. In the case of farm owners, all those in the large farm sector (including one very large herd owner in Rietfontein) were asked to estimate their household income from the farm business. Thus, there was no attempt to estimate income from a consideration of the farm budget. A few farmers do allocate themselves a monthly wage, and were able to provide this figure. Others made an estimation. It can be safely predicted that all such estimations were greatly undervalued. Even in the case where a farmer takes a constant household income, he is likely to forget the value to the household of income in kind provided to the house from the farm, such as in the form of labour in the house or garden by farm workers, in the use of farm vehicles for personal business, in food, fuelwood and other products of the farm. 14% of the answers were discarded as absurd, as in several cases where farmers with a gross farm income of over R100,000 per year claimed that their household income was R300 per month. The final range of annual incomes from the freehold farm sector was from R 1440 (from a very small operator in Rehoboth) to R 96,000, with an average of R22,100. The real figures could be anything up to double the reported ones, at a rough guess.

In the case of small enterprises whose budgets were mixed with the household budget, an attempt was made to obtain the monthly costs and returns in order to estimate profits as household income. This applied particularly to small butchers, cake sellers and beer brewers in the Communal Areas. As always in such cases, the effort at estimation produced some surprises for the person being interviewed, and showed the need for the

widespread availability of bookkeeping courses for the development of the informal sector. Even more clearly illustrated was the need for the provision of mathematics courses to many of the Agricultural Extension Officers as a part of their upgrading. All such estimations had to be carefully reviewed by the survey supervisors.

5.3 Subsistence income

No attempt was made to estimate the value of subsistence income. This is the value of all goods produced by the household for its own consumption, and which the household would have to purchase using earned income if it did not produce them itself. The category includes not only food, but also household consumables such as clay pots, and clothes that are made for own use. Omitting subsistence income greatly undervalues the apparent income of producers in the Communal Areas, and that is why estimated income will always be referred to as cash income. 82 households in the sample (9.7%) had zero cash incomes, nearly all of them in the Communal Areas. Many claimed that they were either "given" clothes (more likely received them as payment in kind), or swapped grain for them. For salt, several families in Ovambo trekked to the area where it can be collected from the ground.

5.4 Limitations

Given all these considerations, the greatest care should be taken not to infer too much from the data. Perhaps it should be added, however, that income surveys always encounter such problems, and the final data are merely the best estimate in the circumstances. Undoubtedly, however, better estimates could have been made in a different survey that concentrated exclusively on incomes and expenditures, and in that case, incomes could have been checked against expenditures, and discarded when the two could not be made relatively compatible. There is a great need for Namibia to quickly develop the skills to carry out such surveys, since there is so little information available on the bulk of the people and their livelihoods.

NOTES

1. Copies of the two questionnaires, 14 pages altogether, may be obtained from NEPRU.

LAND RELATED ISSUES IN THE COMMUNAL AREAS

1. OVAMBO

Summary

Land and water resources

1. Ovambo covers some 56,000 sq km, but the lack of surface and underground non-saline water renders some 21,000 sq km of very limited use for stock or arable production, although harvestable game could flourish there. The Ovambo floodplain (the Cuvelai) is one of the most densely settled rural areas of Namibia. It is thought that Ovambo now contains some 524,000 people, over a third of the population of Namibia. Most of the 45,000 exiles who returned from abroad after independence are believed to have remained in Ovambo. Many of these are in the urban areas looking for employment.

2. With rainfall of between 350 mm and 550 mm, rainfed crop grain production is possible, unlike most of the country to the south and east. However, the scarcity of land with access to water has become a major factor affecting household income. Grazing has become acutely scarce, partly because of the expansion of cultivation into what were previously grazing areas.

3. Water supplies in the central part of the area are replenished most years by the River Cuvelai system. Outside this central area, surface water tends to be scarce in Ovambo, and through much of the area the groundwater is saline. The scarcity of water provides the greatest limitation to the expansion of settlement. As the population increases, many households are trying to build homesteads away from the Cuvelai and raise crops and livestock there. Over the last few years, there has been increasing settlement towards the east.

Crop and livestock production

4. The majority of Ovambos readily agree that agricultural conditions are becoming more difficult, especially in the densely populated, central area. Traditional systems of land use are clearly breaking down in the face of increasing human and livestock population and stagnant production technology. Yet, for the great majority of people, stock keeping and crop production provide by far the most important and for some the only means of subsistence.

5. The declining productivity of the land is reflected in the declining surplus marketed, increasing dependence on imported foodstuffs and heightened food insecurity. The amount of time spent fetching water and fuelwood increasingly cuts into productive work. Two thirds of the households in the central part of the region are now cropping less than two hectares and are forced to rely on purchased foodstuffs for much of the year. More than half the households have no cattle for ploughing but some of these have donkeys. A little under half the households in Ovambo are headed by women, more than in any other area of the country. Large numbers of males are obliged to leave the area in search of paid employment leaving the women to work on the land.

Attitudes to land

6. Nearly four hundred people in Ovambo answered questions about land issues, the majority of them women. In common with people from the other Communal Areas, the Ovambos strongly stress their right to use land in Ovambo, wherever they now live, and whatever their incomes. About two thirds of the people said that grazing in the Communal Areas should continue to be on a communal basis. On the other hand, when asked for the problems that might be created if the land were divided between those now using it, four out of ten said that division should be no problem. Others pointed out that some would get no land, or that there would be conflicts over boundaries, or that land holdings would be small.

7. Three quarters of Ovambos wanted to continue to farm in the Communal Areas. Nine out of ten Ovambos said they wanted more land for ploughing and eight out of ten wanted more land for grazing. The majority would understandably prefer to have new land in their home area. However, more people in Ovambo than in any other Communal Area in Namibia said they would be prepared to take new land far away if offered it.

8. Respondents were asked to rank the type of people who should obtain land, if there was a redistribution, and then justify their choices. In both parts of Ovambo, returnees were placed in first rank, chosen by 21 per cent of all respondents. The landless were second, with 18 per cent; and 15 per cent said that all Namibians must have equal amounts of land. Fourth, with 9 per cent came "those who had land stolen" from them. In Ovambo, this category was interpreted as applying to people who had been evicted by Headmen, or to returnees who had returned after the war to find that their land had been resold by Headmen. Finally, 8 per cent picked an option under which all Namibians should have equal access to use land.

9. Combining the two options on equality (i.e. equal access to use land, and equal amounts of land to all), makes this the biggest group, chosen by 23 per cent of Ovambos. This is an important point, because Ovambos, like the people of the other northern Communal Areas, appear generally ignorant or unconcerned about the consequences of the large amount of fencing going on in the south of the area, which will serve to make the Communal Area even smaller.

Government support services

10. Although there are long-term opportunities for extending water supplies and bringing unutilized areas into production and for the resettlement of land outside the region, the immediate future for the great majority of Ovambos will continue to lie in mixed farming within the central area. However, government-sponsored research aimed at the improvement of smallholder food production is inadequate. Bearing in mind the relative size of the population of Ovambo and the importance of subsistence agriculture to the community, the public resources allocated to help households improve their food production and marketing are inadequate.

Land allocation

11. There is widespread public dissatisfaction with the current system of land allocation, which is in the hands of the traditional authorities. It is seen to be inequitable and unfair, especially to women. The camping-off of large areas of range by wealthy individuals, with or without agreement by the authorities is another cause for concern. For those able to pursue this line of action, the absence of any effective form of land administration is an opportunity, but for the great majority of rural households the absence of controls has the immediate effect of depriving them of grazing, in some cases of arable land, and of disinheriting their children.

12. The Administration do not seem able to control land allocation in the district, or even to monitor it, a manifestation of the acute uncertainty about the future of Communal Areas. On the one hand it is acknowledged that very large numbers of people are vitally dependent on free access to the Communal Area. On the other hand, many officials believe that communal land rights are inherently incompatible with agricultural development and the conservation of natural resources and that the commercial farms provide the only workable model for progress.

Development Policy

13. In the colonial period there was no coherent policy for agricultural development in Ovambo which was regarded as a source of cheap unskilled labour. Over the last 10-15 years, a number of initiatives have been taken, but efforts have been piecemeal and inconsistent. Government development policies have been geared mainly to the extension of commercial ranching on holdings of upwards of 5000 hectares, a system which holds out no prospect for small producers and one which will eventually deprive them of their subsistence. For example, one proposal is to move the veterinary cordon fence gradually northwards as fenced farms are developed in the southern part of the district. One version of this scenario envisages the northwards progression of the fence until it reaches the Angolan border, having by then converted the whole of Ovambo into commercial or semi-commercial holdings and occupied the seasonal pastures on which small farmers depend.

14. There is no discernable official land use policy in Ovambo which is based on an assessment of what is the best possible use of land compatible with sustainable production and the wishes of the people. The various authorities, each responsible for a narrow aspect of land development, have often pursued their policies from Windhoek in isolation from others and with little or no local consultation.

15. Recently, the Department of Nature Conservation, through a process of consultative planning at local level, has been trying hard to change its former image as the wildlife police force. Recognising that income is potentially far higher under wildlife and tourism development than under alternative uses, especially foreign exchange income, the Department is exploring ways of expanding wildlife and tourism in Ovambo, but this poses major practical problems. The most intractable is the increased intensity of land use in Communal Areas following the displacement of pastoralists from protected areas. For such developments to take place, the initiative must come from the people themselves. This is unlikely to happen until they derive direct and tangible benefits from the presence of tourists and wildlife in their locality.

1. Introduction

1.1 Ovambo covers some 56 000 sq km in the north of Namibia, bordering Angola. In the centre of the region is the Cuvelai floodplain which is watered most years by water flows down the shallow *oshanas* which come from the Cuvelai River in Angola. These wide, shallow rivers keep their water for a few months thanks to highly impervious substrata. The *oshanas* provide water for human and livestock consumption, but, in the absence of falling flood cultivation, limit the areas over which crops may be planted. Nevertheless, the availability of water is so central that the Ovambo floodplain is the most densely settled rural area of Namibia.

1.2 The region can be roughly divided as follows:

	Kms ²
Settled	
Cuvelai floodplain	12,000
Other	10,000
Sparsely populated	
Seasonally inhabited	13,000
"Unused"	21,000

There is increasing settlement away from the floodplain despite the difficulties with water. The lack of surface and underground non-saline water renders some 21,000 sq km of very limited use for stock or arable production, although harvestable game could flourish there. The rest of the region is used seasonally by herdsmen moving livestock to pastures away from the heavily grazed central area.

1.3 No recent census data are available and the dislocations caused by the war make projections from the 1981 census unreliable. However, it is thought that Ovambo now contains some 524,000 people, about 37% the population of Namibia. An estimated 100,000 people live in the urban and peri-urban areas of Oshakati and Ondangwa¹. Most of the 45,000 exiles who returned from abroad after independence are believed to have remained in Ovambo. Many of these are in the urban areas looking for employment. Following the long war of independence, much of which was fought in the north, the development of industry, services and infrastructure is minimal.

1.4 With rainfall of between 350 mm in the south west to 550 mm in the north east, grain production is possible, unlike most of the country to the south. However, the scarcity of land with access to water supplies has become a major factor affecting household income. The June 1990 livestock census records 350,000 cattle, 360,000 goats and 120,000 donkeys. Grazing has become acutely scarce, partly because of the expansion of cultivation

into what were previously grazing areas. The most frequently expressed concerns of rural people are poor water supply, the scarcity of firewood and declining soil fertility². Other natural plant resources probably also have been over used.

1.5 In the colonial period there was no coherent policy for agricultural development in Ovambo which was regarded as a source of cheap unskilled labour. Over the last 10-15 years, a number of initiatives have been taken, but efforts have been piecemeal and inconsistent³. There are, so far,:

- (a) no organised markets for *mahangu* (millet) or livestock;
- (b) no adequate control of stock diseases, as a result of which almost the whole district lies north of the veterinary cordon fence;
- (c) no agricultural processing industries (besides the Eloo abattoir and canning factory);
- (d) no properly organized or adequately supported agronomic research programme;
- (e) no properly functioning agricultural extension service;
- (f) no programme for rational use of game which could thrive in those water-scarce areas unsuited to stock production.

2. The households, their environment and income

2.1 In Ovambo most households are dependent on crop and livestock production, but, given the high population and animal density, these are not easy ways to earn a living.

2.2 Outside the area watered from the Cuvelai, surface water tends to be scarce in Ovambo, and through much of the area the groundwater is saline. The scarcity of water provides the greatest limitation to the expansion of settlement. The great bulk of the population of Ovambo, therefore, is found within the central Cuvelai area, but as the population increases, many households are trying to build homesteads away from the Cuvelai and raise crops and livestock there. Over the last few years, there has been increasing settlement towards the east.

2.3 Given the rather different conditions in the Cuvelai area and the rest of the region, socio-economic data collected during the survey were analysed separately for the Cuvelai area and non-Cuvelai area.

2.4 Households in Ovambo are relatively large, averaging 5.3 adults (of 18 years and over) and 4.4 children who are currently eating at the house on a daily basis.⁴ Several households consisted of large extended families, and the largest interviewed had 32 members.

2.5 The 124 households interviewed in the Cuvelai area reported that on average they had to walk twenty minutes to and from water sources in the wet season, but twice as long in the dry season, after the *oshanas* had dried up. Away from the Cuvelai, the walk to and from water in the wet season averaged half an hour, and over an hour in the dry season. The time spent fetching water greatly cuts into the productive work time available to Ovambo households, especially away from the Cuvelai.

2.6 Obtaining firewood has also become more burdensome and many expressed shock at the effect of de-vegetation throughout the area in recent years. Of the households in Ovambo, over ninety per cent cook with firewood. Cuvelai households report that it takes much more time to obtain wood than five years ago. Outside the Cuvelai, fuelwood is, for the time being, slightly less scarce.

2.7 The majority of Ovambos readily agree that agricultural conditions have become more difficult. In the Cuvelai 65 per cent said that the condition of crop land was worse than ten years ago, and 78 per cent believed that grazing land was poorer. Outside the Cuvelai, conditions are not yet so pressing but are recognised to be deteriorating.

2.8 How then, in this difficult environment, do people make their living? One in six households in Ovambo claim not to make any cash income at all, but to live by subsistence production, presumably with some barter or income-in-kind to obtain clothes. The average cash income varied widely between households, as can be seen in Figure 1 below. It should be noted that subsistence production has not been valued and for many households would greatly exceed their cash income. It would include food and other items produced by the household for its own use, such as housing, as well as any fishing, hunting and gathering.

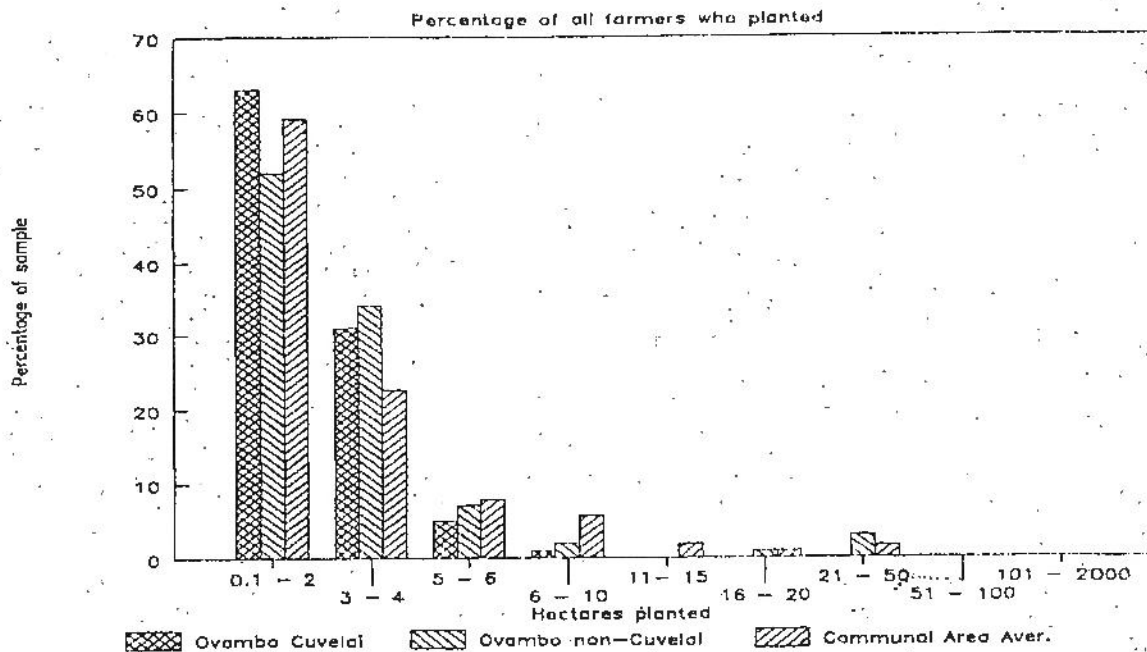


Figure 1 Cash income of Ovambo households

2.9 The average cash income for the whole sample (including those with no cash income) can be seen in Table 1.

Table 1: Sources of Cash Income in Ovambo, Rands per month

	Cuvelai	Non-Cuvelai	Average for the Communal Areas
Wages and pensions	234	241	256
Casual work	14	16	18
Remittances	25	20	18
Small enterprise	15	29	21
Sales	24	23	54
Service trade	27	0	8
	=====	=====	=====
total per month	339	328	375
TOTAL Per year	R 4070	R 3934	R 4503

2.10 Half of households in the Cuvelai (many of them in Oshakati), and one third outside the Cuvelai had at least one person in full time wage employment. Wages and pensions make a large difference to household income: the households in the Cuvelai who obtained wages and/or pensions received an average of R593 per household per month. The average of the households outside the Cuvelai earning incomes and/or pensions was R737 per

month. The incomes of the 63 per cent of Ovambo households not receiving wages or employment were mostly very low indeed.

2.11 However, since there are few jobs available in Ovambo, many men leave the area for work, leaving the women on the farm. Remittances sent to families in Ovambo by men working elsewhere are higher than to any other area of Namibia and at 45 per cent, more households in Ovambo are female headed than in other areas. Many more of the households within the Cuvelai receive remittances: 32 per cent compared to 22 per cent in the rest of the area.⁵

2.12 In the two areas, about one in three households had at least one person receiving a pension. In spite of this, many people who should clearly have had the right to a pension were not receiving one.⁶ In addition, it was noteworthy that pensions are supposed to be R92 per month in Ovambo, but most people said they got R150 every two months.

2.13 In Table 1, "small enterprise" refers to butcheries, beer-brewing and cake making mainly in Ovambo. Few households are involved in these activities (22 per cent and 17 per cent), but some made appreciable profits. "Service trade" refers mainly to taxi drivers and shoe menders. Only 2 per cent of households were involved.

2.14 "Sales" refers mainly to crop and livestock sales. Of the Cuvelai households, 90 per cent are involved in crop production compared with 98 per cent of the non-Cuvelai households. Two thirds of the households in the Cuvelai and half of non-Cuvelai households are cropping 2 hectares or less. Average holdings were 2.43 hectares in the Cuvelai, and 3.90 hectares outside. The distribution of crop areas in Ovambo and the average for the Communal Areas is shown in Figure 2. Nine out of ten people say they would grow more food if they had more land, and most people would be prepared to travel some distance (50 km) to obtain it.

2.15 As well as growing crops, four out of five Ovambo households are involved in livestock husbandry. Livestock ownership is shown in Table 2.

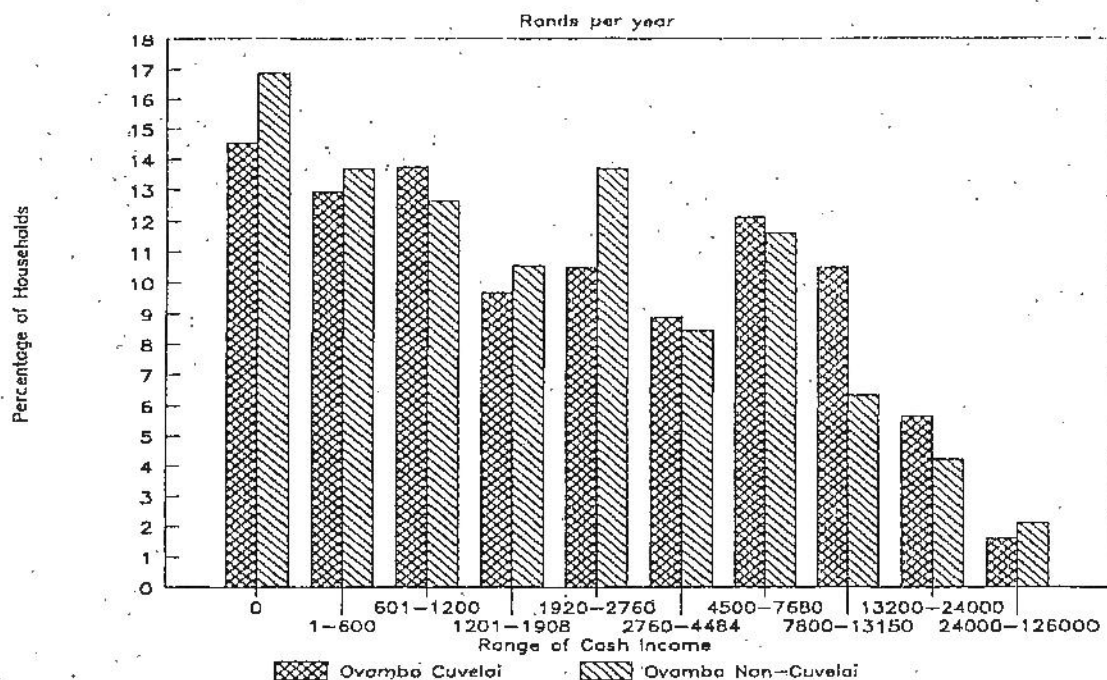


Figure 2 Hectares planted in Ovambo, 1990/91

Table 2: Livestock owned by households in Ovambo

	Cuvelai			Non-Cuvelai		
	Households keeping livestock	Households with livestock kept by others	Total	Households keeping livestock	Households with livestock kept by others	Total
Cattle:						
% of households with cattle	48%	32%		53%	31%	
Number of cattle per owner	13	8.9		21	13.8	
Average for all households	6.3	2.9	9.1	11.0	4.2	15.2
	(s.d.=11.1)	(s.d.=5.4)		(s.d.=32)	(s.d.=10.4)	
Goats:						
% of households with goats	65%	17%		76%	12%	
Number of goats per owner	18.1	10		21.2	6.4	
Average for all households	11.7	1.7	13.4	16.1	0.7	16.8
	(s.d.=20.5)	(s.d.=5.0)		(s.d.=26.0)	(s.d.=2.6)	
Sheep						
% of households with sheep	5%	0%		7%	0%	
Number of sheep per owner	2.8	0		6.3	0	
Average for all households	0.1	0	0.1	0.5	0	0.5
Horses and donkeys						
% of households with equines	22%	2%		34%	6%	
Number of equines	4.1	1.7		3.7	2.5	
Average for all households	0.9	0.04	0.94	1.3	0.16	1.5
	(s.d.=1.9)	(s.d.=0.3)		(s.d.=2.7)	(s.d.=0.8)	

(Note: s.d. - standard deviation)

2.16 It can be seen that total livestock holdings are considerable, although there are many households with no cattle or donkeys for ploughing. There is evidence that the distribution of livestock holdings has become more skewed in recent years, with increasing numbers of households without cattle, and increasingly large herds owned by a few stock owners.⁷ It should also be noted that sales of livestock are low: over the last year the average household in the Cuvelai sold 0.3 live cattle and 0.9 cattle as meat, consumed 0.5 cattle itself, and lost 4.2 cattle which died.⁸ The full data can be seen in Table 3.

Table 3: Livestock: Average household sales, consumption and mortalities

(a) Cuvelai

	Cattle	Goats	Sheep	Horses & Donkeys
Livestock owned	9.1	13.4	0.1	0.9
Sold alive	0.3	0.2	0	0
Sold as meat	0.9	0.2	0	0
Consumed	0.5	1.3	0	0
Died	4.2	7.2	0.2	0.3

(b) Non-Cuvelai

	Cattle	Goats	Sheep	Horses & Donkeys
Livestock owned	15.2	16.8	0.5	1.5
Sold alive	0.3	1.0	0	0.3
Sold as meat	0.7	0.2	0	0
Consumed	0.7	1.4	0.02	0
Died	3.9	4.9	0.07	0.3

2.17 These low sales figures are confirmed by income data; the people of Ovambo sell less than all other groups in the national survey, except farm workers and urban households. One third of Ovambo households sold some farm produce in the last year, if only just a kilo or two of grain to neighbours. The annual income for households selling produce was only R293 and R277 in the two areas. It is apparent that the surplus available for sale is small, a reflection of declining fertility and the scarcity of new land to clear and cultivate. In the absence of alternative sources of income, there seems little opportunity for Ovambos to increase their incomes except through agriculture, and this is strongly reflected in their attitude to land issues.

2.18 While all farmers in Ovambo grow millet, over ninety per cent also grow sorghum and beans, and half grow maize, often in very small quantities. Many households do not produce enough for their subsistence needs. Three quarters of the households who grow crops in the Cuvelai are also obliged to purchase *mahangu* (pearl millet) or maize for some months of the year. Outside the Cuvelai, 68 per cent of those growing crops purchase some staple as well. The region is a net importer of staple grains.

2.19 The Ministry of Agriculture's nascent research programme is concentrating on the provision of seed of uniform grain size and quality, in the belief that this will increase the marketability outside the district of grain produced by local farmers. But if falling yields are the problem, the decline in the available surplus would undermine the usefulness of this work. No attempt has yet been made to start research on the farming system or on soil and water conservation. The present situation is a direct outgrowth of the lack of appropriate agricultural research until independence. Ministry officials in all the northern areas freely admit their difficulties in advising small farmers on crop production.

2.20 When asked to state their main difficulties, most crop farmers mentioned bird and insect damage first, followed by drought, shortage of implements, lack of kraal manure or fertiliser, low rainfall and the difficulty of keeping livestock out of the fields. It is noteworthy that the shortage of land ranked low on their list of problems, although almost without exception farmers said they would grow more food if they had more land. It appears that farmers expect to increase crops through expanding the cropped area, not through yield increases. However, the importance of manure is well known, and six out of ten farmers in the Cuvelai and eight out of ten outside said that they had applied manure within the last year.

2.21 As illustrated above, sale or slaughter of livestock appears very low in Ovambo. It is reported that much of the meat consumed in the region comes from Angola on the hoof, and a visit to an auction shows that prices are not low relative to prices further south in Namibia. It cannot be said, therefore, that meat prices are held down in Ovambo because of the lack of a market, although this is widely believed. The veterinary cordon fence prevents meat being exported southwards, but this is hardly of consequence when the area is still a net importer of meat at a price hardly lower than in the South.⁹ Furthermore, it is reported that some of the livestock slaughtered at the FNDC abattoir in Ovambo comes from south of the cordon fence, which would not happen if prices were lower than what could be obtained further south.¹⁰ Markets do exist in Ovambo, including butcheries and bush butcheries, and at

the low end of the scale, the FNDC abattoir, which is poorly supplied because better prices can be obtained elsewhere.

2.22 There are sound economic reasons why smallholders tend not to sell cattle. These relate to their potentially high rates of appreciation and to their multiple uses in the farming system. There are few other investment opportunities available to the majority in Ovambo, and probably none so fruitful. Cattle also provide an important hedge against loss of income due to drought, and this is illustrated presently by the sale in Ovambo of cattle from drought stricken areas of Angola.

2.23 For the great majority of herd owners in Ovambo the removal of the veterinary cordon fence is not likely to raise incomes in the short term. No doubt the larger herd owners in the south of the region might benefit marginally and this probably explains the continued agitation in the region over this issue.

2.24 Ovambo livestock farmers are most concerned at the increasing pressure on grazing and water, especially following a year of relatively poor rains. The high sickness and death rate among their animals due "to hunger, thirst and disease" is their greatest worry. A secondary, though important, concern is the frequency of stock theft.

2.25 Interviewing took place in February, at a time of the year when most herds are kept around the homesteads. No grazing fees are charged for such grazing. In the dry season many cattle are moved to grazing areas south and east of the main population cluster in the Cuvelai floodplain, and some are moved north into Angola, as shown in Map 1. In some areas the Ministry levies grazing fees, and it was rumoured that some headmen also levy fees for grazing. Only 5 per cent of households in Ovambo reported paying grazing fees, averaging R81 each. These would have been some of the larger herd owners.

2.26 While grazing fees are not a major problem for most people, access to water in the dry season remains a major issue. Areas supplied by pipeline or with boreholes are badly degraded, while some parts of the region cannot be grazed for lack of water. The availability of water defines the areas that can be grazed, and in drought years, the use of water and the grazing around them become even more intense than usual. Herd owners want water made available throughout the Communal Area.

3. Obtaining land in Ovambo

3.1 Like much of Southern Africa, rights to land in the Communal Areas are communal only for grazing. Unlike other areas, however, the Ovambo have to pay tribal authorities for the right to plough. This system is unique within Namibia, and may be unique altogether. It cannot be said to be working satisfactorily, except for the tribal authorities who benefit.

3.2 When a man marries and wants land for his household (mainly his wife) to plough, he goes to the local headman with his request. The headman charges him for the right to some cropping land. When the man dies, whether he himself has been using the land or not, the rights to the land revert to the headman, and he will charge the household again for the right to plough. If the family cannot pay, they must leave the land, for the headman will allow another family to purchase the rights to the land. Many women are evicted because they cannot meet these charges. Returnees have not been able to obtain land rights in Ovambo because they cannot meet the costs. A year after independence there is a well of anger in Ovambo because the system which formed "the cutting edge of apartheid"¹¹ for the people in Ovambo remains in force.

3.3 There has not been time to trace the origins of the land allocation system, but it appears that a system of tribute to the tribal chiefs was subverted by the colonial power which, by allowing the effective ownership of the land to be vested in the tribal authorities, was able to obtain their allegiance without needing to pay them. Over the last three decades this was reinforced by allowing only favoured individuals to accede to headmanship or chieftainship. Of the seven chieftainships in Ovambo, some are more discredited than others by their collusion with the colonial regime.

3.4 There appear to be two structures for the allocation of land in Ovambo. In some Chieftainships, some of the money collected by the headmen is passed to the Chiefs (also called Kings). In others, the Chiefs sell rights over certain areas to prospective headmen, who then recoup their investment by charging the people the right to plough. The second system means that headmen are selected by their ability to pay, not by any system of inheritance.

3.5 There is disagreement over their territorial authority. This is particularly noticeable in the east, as more households move to new land. For example, there is disagreement over the border between the Ndonga and Kwanyama Chieftainships. Many households are reported to be required to pay both authorities in order to use land. Neither the Regional Commissioners nor the local SWAPO office has been able to persuade the tribal authorities to stop taking

these payments. This appears to be an issue requiring swift national action.

3.6 In the last ten years, one quarter of the households in the Cuvelai and one fifth outside the Cuvelai have paid for land, with average payments of R332 in the Cuvelai, and R367 elsewhere.¹² Some payments are much higher; it is said that the headmen decide how much to charge by the ability of the applicant to pay.

3.7 People in Ovambo were asked whether it was acceptable that land was lost when the husband died. While eight out of ten male heads of households and wives of labour migrants found it not acceptable, all women heads of households found it so. Many of these are widows who have directly suffered from the system. When asked what would be better, four fifths of the respondents thought the family should keep the land. Others said the whole system should be changed by the Government.

4. Attitudes to land issues

4.1 Nearly four hundred people in Ovambo answered questions about land issues, of whom 63 per cent were women and 37 per cent were men. Interestingly, their level of education was higher than that of respondents in the other Communal Areas as shown in Table 4.

Table 4: Education levels in Ovambo

	Cuvelai	Non-Cuvelai	Average in Communal Areas
No education	21%	14%	29%
Lower Primary	25%	29%	22%
Higher Primary	41%	42%	32%
Senior	13%	13%	14%
Diploma or degree	1%	3%	3%

4.2 More of the respondents had travelled outside the region (60 per cent) than the Communal Area average (50 per cent), but less of them had travelled outside the country (14 per cent) than the Communal Area average (20 per cent).

4.3 In common with people from the other Communal Areas, the Ovambos strongly stress their right to use land in Ovambo, wherever they are now located, and whatever their incomes. Six out of ten said that those with high incomes should be able to keep livestock in the Communal Areas, and eight out of ten said that urban households should be able to plough in Ovambo. On the other hand six out of ten believed that those with very large livestock holdings should be made to leave the Communal Areas.

4.4 About two thirds of the people said that grazing in the Communal Areas should continue to be on a communal basis. On the other hand, when asked for the problems that might be created if the grazing land were divided between those now using it, four out of ten said that division should be no problem. Others pointed out that some would get no land, or that there would be conflicts over boundaries, or that land holdings would be small. Three quarters of Ovambos wanted to continue to farm in the Communal Areas.

4.5 On the question of who should allocate land, only three out of ten suggested the tribal authorities. In the Cuvelai, six out of ten suggested Government, and only one out of ten suggested the Ministry of Agriculture. Outside the Cuvelai, half the people favoured government regulation and two out of ten proposed the Ministry of Agriculture.

4.6 Nine out of ten Ovambos said they wanted more land for ploughing and eight out of ten wanted more land for grazing. A series of questions was asked about where the respondent would like new land and on what conditions. The majority would understandably prefer to have new land in their home area. However, more people in Ovambo than in any other Communal Area said they would be prepared to take new land far away if offered it.

4.7 Most people said they would want more ploughing and grazing land even if they got a new job elsewhere (74 per cent in the Cuvelai, and 66 per cent outside). Slightly more than half of Ovambos said they would give up all their land rights in Ovambo if they had to in order to get new land elsewhere. Almost all said they would rather own land so that their children could inherit it than just have the right to use land. Six out of ten said they would give up a permanent job if they could get good agricultural land.

4.8 On the conditions under which people said they would take land, 60 per cent said they would be prepared to purchase it (but since many added, "if I had the money," this is not very useful). Only 35 per cent said they would be prepared to pay rent and more than half of these said they would agree to pay one third of their new production each year. Three quarters would welcome the opportunity to purchase land with a government subsidy, under favourable terms.

4.9 People were also asked what the Government should do for the people who could not get land even if there was a redistribution of land. In the Cuvelai 57 per cent suggested increasing other employment, but 22 per cent did not accept that there was not enough land to go round, and said that new land should be provided to all.

Outside the Ovambo 74 per cent suggested increasing other employment, but only 16 per cent thought there was enough land for all. This suggests a slightly stronger understanding among the people away from the favoured central area of the limitations of land.

4.10 One can conclude, therefore, that the Ovambos, like the people of the other Communal Areas, strongly desire access to more land, and that many of them would be prepared to take land on difficult terms. Quite rightly in their circumstances, land is considered the major source of livelihood. Also rightly, within the context of the currently available technologies, they look to increasing production through the acquisition of new land (and new water sources) rather than to increasing yields on their current land base.

Who should get land if there is a redistribution of land?

4.11 Respondents were asked to rank the type of people who should obtain land, if there was a redistribution, and then justify their choices. In both parts of Ovambo, returnees were placed in first rank, chosen by 21 per cent of all respondents. The landless were second, with 18 per cent; and 15 per cent said that all Namibians must have equal amounts of land. Fourth, with 9 per cent came "those who had land stolen" from them. In Ovambo, people interpreted this category to mean people who had been evicted by Headmen, or returnees who had returned after the war to find that their land had been resold by Headmen. Finally, 8 per cent picked an option under which all Namibians should have equal access to use land.

4.12 One of the main points to notice here is the strong concern in Ovambo for the plight of the returnees (only the people of Kavango were so concerned elsewhere). This was often expressed, and the main justification was usually economic (55 per cent), or political (24 per cent). We quote some of the statements that were made:

"Returnees should get land, because all of their properties are gone, or taken by other relatives. They've got nothing left for them. They should get land to start on in order to make a living." (Man, aged 89)

"...because these people have no land to produce their food. They fought to liberate the country." (Woman, aged 41)

"They do not have a place to stay, and they need accommodation and land for production." (Man, aged 25)

"They must have places where to settle as they found the land already occupied. Most of them have no work as they did not have a chance of education." (Man, aged 55)

"They are just hanging in the street looking for jobs so they must get land to keep themselves busy and to produce food for their children and families." (Woman, aged 38)

4.13 Secondly, concern for the landless was higher in Ovambo than any other region. Eight out of ten respondents, who were concerned for this category, gave justifications that were economic or emphasised self reliance; others emphasised the possible increase in productivity. Some statements:

"They must get land so that they will survive in this time of the world, because the reason they are jobless is only that they don't have any qualification to qualify for a job." (Woman, aged 38)

"Some of these people are able to work on the farm but because they have no land they can't do so. They have no other means of living or earning a living." (Woman, aged 29)

"They are poor because they have no land to use or to produce food to feed themselves as well as the nation. They should utilise the land because it belongs to them." (Woman, aged 39)

"They are having a terrible life. With land they may train themselves to become good farmers." (Woman, aged 67)

4.14 Thirdly, on behalf of those who had land stolen, many expressed anger at the current system of land allocation and the poverty it causes:

"Those who had land stolen are important to consider because there was collapse in land distribution." (Man aged 75)

"The land must be given back to the owners." (Woman aged 72)

"They are the poor people." (Woman aged 56)

"Many don't have land. It was taken from them. They are poor, most of them." (Woman aged 31)

Another 38 year old woman said

"Some of us wanted to buy land in the Communal Areas but the headman refused as we were town's people. So he gave it to his relatives. Land must be distributed to all Namibians not only to their families but to all who want land. In order to have that problem solved the tribal allocation must be replaced by the Government we choose. So the Government must be responsible for the land distribution."

4.15 Fourthly, the Ovambo were more concerned than any other group over issues of equality. Statements included the following:

"As long as they are citizens they have the right to use land."
(Man aged 60)

"Everyone must have a share if one has a bigger land than others." (Man aged 62)

"No more apartheid. All humans are equal." (Woman aged 47)

"We want all Namibian people to have equal land in the whole country." (Woman of 44)

"All the people are Namibians and they must have equal opportunity to use land. It doesn't matter whether rich or poor, because during colonial times just the richest were given the opportunity. Then every Namibian will feel proud in his home and a free Namibia." (Man aged 70)

"All Namibians must use their land as they wish, but must obey the Government rules. Things like rich man is higher than poor man must not be used any more in a free Namibia, but all the people must be treated equally whether they were not of the particular political party." (Man aged 58)

4.16 Combining the two options on equality (i.e. equal access to use land, and equal amounts of land to all), makes this the biggest group, chosen by 23 per cent of Ovambos. This is an important point, because Ovambos, like the people of the other northern Communal Areas, appear generally ignorant or unconcerned about the consequences of the large amount of fencing going on in the south of the area, which will serve to make the Communal Area even smaller. The Government may expect trouble when the implications of the current trend become more evident from a population which fought for a more equal opportunity within Namibia.

5. Enclosure of land

5.1 The increasing risk of incursions by livestock into fields of growing crops encourages farmers to build fences reinforced by sticks and bushes woven densely into the wires. The growing scarcity of land is an incentive to farmers to fence off as much as they can afford at the time and to extend it when they have money to fence more. In the process the land is being rapidly cleared of trees, for cultivation and for fencing, building and fuel.

5.2 In the last few years some of the larger farmers in the south of the Communal Area have begun to fence off large areas, effectively reducing the "communal" pasturage. As one local administrator commented, the example for this practice was set by ENOK. There are no current legal grounds under which such a practice can be prevented, provided the local headman agrees. It can be assumed that the headmen have been paid. It is not clear what will happen when one of these large stock owners dies.

5.3 In the sparsely populated area to the south of Ovambo, 97 farms of 1200 ha each have been leased to stock farmers¹³. In addition some of the larger farmers, many of whom are also businessmen, have applied for grazing land from the chief, but have fenced off much larger areas than those granted.

5.4 A further consequence of the expansion of fenced ranches on the Communal Area in the southern part of Ovambo is that the traditional migration routes used by stock owners from the more densely occupied northern parts of the district are becoming obstructed. This migration system used to allow the heavily grazed range in the north some respite during the dry season. Cattle were watered as they moved from government boreholes and along the main water carrier. Map 1 shows the former routes. The unfenced land also supported game used for local consumption as well as hunting by outsiders.

5.5 Those who oppose the wholesale enclosure of Communal Areas, tend to be the older and more conservative, who regard the communal land as a heritage, to be used as carefully as possible and handed on intact to the next generation. They see the Communal Areas as a place to which people can return when they have no other sources of income and where they are received, as of right, by their kin. Conceived in this way land is for the benefit of all the people with traditional ties to the area.

5.6 The advocates of enclosure tend to be younger, more educated and relatively more wealthy, who aspire to private ownership of land themselves. They hold that given the present rate of population growth and of degradation of natural resources, the land will soon

be unable to accommodate the majority of those with an ancestral claim to it. They argue that unless a programme of comprehensive land reform to convert communal into privately held land is instituted soon, no system of land use, either traditional or modern, will be possible.

6. Wildlife and scenic resources

6.1 Although heavily populated, parts of Ovambo have a good potential for the development of land use systems other than stock farming and crop production. Until recently, the development of natural and scenic resources has been neglected. The efforts of the colonial government were concentrated on holding the line against the encroachment of livestock and poachers southwards into the Etosha Game Park, rather than working with the local people to develop and utilize wildlife and scenic resources for the benefit of local people and as an alternative to stock farming in marginal areas.

6.2 Ovambo has some spectacular scenery along the Kunene and escarpments in the north west. The dry woodland forest of the north east is well preserved and the Cuvelai drainage system is one of the richest and most spectacular wetland systems in Namibia. This system also provides a rich source of protein for fish and supports a small local industry in dried fish. Over 400 species of birds have been recorded in the region. The area has potential for tourism, particularly if linked to Etosha, Kaokoveld and the Kavango regions. In particular, the saline grassy plains in southern Ovambo, bordering onto the Etosha Park, which are largely unsuitable for cattle farming, could be ideal for game farming, hunting and tourism. The export of wildlife from the Park northwards could result in fairly rapid restocking. If combined with the wetlands of the Lake Oponono system, a substantial wild-life economy could be developed in Ovambo.

6.3 68% of Ovambo households stated a willingness to consider game farming in place of livestock farming, provided it was profitable. In addition, the Department of Nature Conservation is currently conducting another enquiry in Ovambo. It remains to be seen whether a viable wildlife management and utilization programme can be worked out with the local people in which they will be the major actors and beneficiaries.

7 Issues

7.1 In Ovambo, the most pressing land-related issues are as follows:

- (a) Traditional systems of land used in the densely populated Cuvelai area of Ovambo are clearly breaking down in the face of increasing human and livestock population and stagnant production technology. Yet, for the great majority of people, stock keeping and crop production provide by far the most important and for some the only means of subsistence. The declining productivity of the land is widely recognised by the population and is reflected in the declining marketed surplus, increasing dependence on imported foodstuffs and heightened food insecurity. Horizontal expansion of agricultural settlement into unutilized areas is currently made difficult by lack of rural water supplies.
- (b) Although there are long term opportunities for extending water supplies and bringing unutilized areas into production and for the resettlement of land outside the region, the economic future for the great majority of Ovambos will continue to lie in the improvement of agricultural production and income within the Cuvelai area. However, government-sponsored research aimed at the improvement of smallholder food production is inadequate. Bearing in mind the relative size of the population of Ovambo and the importance of subsistence agriculture to the community, the public resources allocated to help households improve their food production and marketing seem largely inadequate.
- (c) There is widespread public dissatisfaction with the current system of land allocation, which is in the hands of the traditional authorities. It is seen to be inequitable and unfair, especially to women.
- (e) The camping-off of large areas of range by wealthy individuals, with or without agreement by the authorities is another cause for concern. For those able to pursue this line of action, the absence of any effective form of land administration is an opportunity, but for the great majority of rural households the absence of controls has the immediate effect of depriving them of grazing, in some cases of arable land, and of disinheriting their children. The dry season routes by which herders take

cattle to pasture in the south are being blocked by the new fencing.

- (f) The Administration seems neither able nor willing to control land allocation in the district, or even to monitor it, a manifestation of the acute uncertainty about the future of Communal Areas. Officials and traditional leaders seem to be frozen in immobile postures, awaiting guidance from Windhoek. On the one hand it is acknowledged that very large numbers of people are vitally dependent on free access to the Communal Area. On the other, many officials believe that communal land rights are inherently incompatible with agricultural development and the conservation of natural resources and that the commercial farms provide the only workable model for progress.
- (h) In the past, government development policies have been geared to the extension of commercial ranching on holdings of upwards of 5000 hectares, a system which holds out no prospect for small producers and one which will eventually deprive them of their subsistence. For example, one proposal is to move the "Red Line" gradually northwards as fenced farms are developed in the southern part of the district. One version of this scenario envisages the northwards progression of the fence until it reaches the Angolan border, having by then converted the whole of Ovambo into commercial or semi-commercial holdings and occupied the seasonal pastures on which small farmers depend.
- (i) There is no discernable land use policy in Ovambo which is based on an assessment of what is the best possible use of land compatible with sustainable production. The various authorities, each responsible for a narrow aspect of land development, pursue their policies from Windhoek in isolation from other departments and with little or no local consultation.
- (j) An exception is the Department of Nature Conservation, which through a process of consultative planning at local level, is trying hard to change its former image as the wildlife police force. Recognising that income is potentially far higher under wildlife and tourism than under alternative uses, especially foreign exchange income, it is exploring ways of expanding wildlife and tourism in Ovambo. But this poses major practical

problems. The most intractable is the increased intensity of land use in Communal Areas following the displacement of pastoralists from protected areas. Given the jealousy with which land rights are guarded, it is difficult to imagine that allocation of more land to wildlife and tourism could proceed smoothly, especially if outside interests were perceived to be benefiting at the expense of local people. For such developments to take place, the initiative must come from the people themselves. This is unlikely to happen until they derive direct and tangible benefits from the presence of tourists and wildlife in their locality.

NOTES

1. Tapscott, C. P. G. (1990) *The Social Economy of Livestock Production in Ovambo and Kavango*, Namibian Institute for Social and Economic Research, University of Namibia.
2. Personal communication, Peter Pauly, Oshakati.
3. A development strategy for Ovamboland (Ontwikkelingstrategie vir Owambo: Samevatting, November 1985, Loxton Venn & Associates) was produced in 1985 but not acted upon.
4. This is a de facto definition of household size, and therefore excludes labour migrants. In all the strata, only Kavango households were larger, with 5.3 adults, and 6.3 children.
5. As the survey progressed in different parts of the country, men from Ovambo were interviewed in many other areas where they had gone to work.
6. It is especially difficult for women who have had little to do with the formal economy or legal system to obtain ID registration for a pension.
7. Tapscott, 1990.
8. It is likely that the last figure is exaggerated; people remember cattle deaths vividly, those being losses of the household's most valuable asset, and forget how long ago they happened. However, the figure includes calf mortality, thefts, and car accidents, and was obtained after a drought year.
9. This is quite different from the situation in Caprivi.
10. Tapscott, 1990.
11. Regional Commissioner's comment to the survey team.
12. These amounts include some payments in kind, whose monetary value was estimated by the interviewers.
13. Adams, F. and Werner, W. (1990) *The Land Issue in Namibia: An Inquiry*.

2. KAVANGO

Summary

Land, water and human resources

1. Kavango covers some 46 000 sq km. Between 1981 and 1990, the population increased from 105 690 to about 168 000 which makes Kavango Namibia's second most populous district, with approximately 12 per cent of the total population. Households were the largest in the national sample, with an average of 11.6 people and the second highest proportion of children to adults. The population can therefore be expected to grow rapidly; so also will the demand for land. For the time being, however, natural resources are not under the same pressure as they are in other Communal Areas. This situation is not expected to last long. The lack of long term natural resource planning in the district is cause for concern.

2. Three quarters of the population is concentrated along the river which forms the border with Angola. The remainder is to be found along the tributary valleys and along the main road from Grootfontein. Much of the rest of the district is uncleared woodland and forest. Less than half the area is currently used for stock farming - about 2.0 million hectares out of a total of 4.5 million. The economic utilization of the remainder of the area awaits the development of groundwater. Much of the land in Kavango is highly suitable for wildlife management and utilization. However, a mixture of cattle and game would probably provide the most sustainable and economically viable use of land.

3. By Namibian standards, Kavango is well endowed. In addition to shallow alluvial aquifers, groundwater at exploitable depth is to be found through most of the Communal Area. With rainfall of 550-600 mm per year over most of the area, Kavango has more potential for the development of mixed farming than any area in Namibia. However, the district, which until fairly recently was self-sufficient in grain, is reported to be increasingly dependent on imports.

Problems of crop and livestock production

4. The people of Kavango have long combined settled agriculture with animal husbandry. Settlement has been accompanied by land clearing for millet cultivation, extending for about 300 km along the river. Increasing intensity of use is adversely affecting the ecology of the wetlands and the bordering resource-rich

natural vegetation. The river is over-exploited by the local people for whom fish is an important source of subsistence.

5. Kavango people are concerned about the deteriorating condition of their soils and pastures. However, loss of fertility is not yet on top of their list of crop production problems. These currently are: birds and insects (mentioned by 63 per cent of growers); crop damage by livestock and game (48 per cent); difficulties in obtaining equipment, especially for ploughing (35 per cent). On average, Kavango households planted 4.4 hectares of crops, a relatively large area. While sufficient land for ploughing is still available, Kavango farmers still prefer the traditional method of planting a section of new ground each season.

6. Seventy per cent of households herded cattle themselves; 27 per cent had their cattle cared for by others. Thus most households have access to animals. However, farmers complain of the shortage of watering points, which are needed to allow movement of cattle to unutilized areas. The major problems of livestock farmers in Kavango were ranked as follows: the sickness and death of animals; poor grazing; water problems; theft; lack of fencing; predators; and finally, drought, and marketing. Like the other northern Communal Areas, Kavango is north of the veterinary cordon fence, but this does not appear to have a negative impact on producer prices. In fact, the region is an importer of meat; butchers bring meat from Grootfontein.

Government development support

7. In financial terms, government support to crop and livestock production has concentrated on the transformation of peasant agriculture, rather than on supporting existing systems. For example, 31 one ranches have been set up with a free borehole and fencing by the authorities over the last ten years and handed out to tribal leaders and prominent people. Some of the ranching ventures are reported to have progressed, but others have not proved viable. According to veterinary records, there are only six owners with herds in excess of 300 head in the entire district. FNDC has invested in a number of irrigation schemes for field crops, fruit trees, horticulture and dairying, which are uneconomic due to high fuel, transport and labour costs. They are not replicable by small or medium-scale farmers because of the high level of technology used. The development of sustainable small-holder systems of land use on sandy soils has not received priority.

Attitudes to land

8. Some 180 people answered questions about the land issue. The people of Kavango overwhelmingly wanted access to greater amounts of land. More than 90 per cent claimed to want more land for grazing and for ploughing. Three quarters said that if there was not enough land for everyone, then business-people and those with other incomes should not use land. Only half the sample thought that people with high incomes should be allowed to keep cattle in the Communal Areas. Two thirds felt that the owners of very large herds should be made to leave the Communal Area. As in Ovambo, people in Kavango are most concerned about equity.

9. Only one third felt that communal grazing land should be camped off and divided among the people. Seven out of ten farmers wanted to continue raising stock in communal rather than freehold areas. Like other Communal Area farmers, more than 90 per cent wanted to own land for crop production, so that they could pass it on to their children; not merely use it during their lifetime.

10. In response to the question, "Who should get land if there is to be a redistribution?", the people of Kavango favoured the same categories as the Ovambos. Twenty three per cent said that land should go to returnees first and 18 per cent said that land should go to the landless. As in Ovambo, economic factors dominated the reasons for favouring the returnees.

Land allocation and enclosure

11. Four out of ten people considered that land should be allocated by government. The same number favoured the tribal authorities. However, according to the survey results, just over half of the farmers clear land for ploughing without asking. However, large blocks of grazing land can be allocated and enclosed only with the permission of the tribal authorities.

12. In 1990, the Minister for Lands, Resettlement and Rehabilitation encouraged the five Tribal Authorities each to set up a Land and Farming Committee to advise the Chief over the allocation of large blocks of grazing land. Each has now drawn up a plan, which includes numerous ranches in the southern part of the Communal Area, to be allocated to those approved by the authorities. The Mangetti Farms Project in Kwangali just to the north of FNDC's Mangetti Block is the most advanced of the schemes, having been started in 1985. Its lists closed in September 1989. The 44 farms are currently being surveyed, at a cost to Government of R 2.0 million. Over the last six years

many people, some of them government employees, have registered a claim for a 5000 hectare farm in Kavango.

13. However, the terms under which the land will be made available in this and the other schemes do not appear to have been decided. Some of the ranchers are expecting that boreholes and fencing will be free. Others have already begun to fence the land themselves. The committee chairmen have various views on the matter of tenure. One chairman expects that lessees will be allocated grazing permits only and that the land will remain State Land, for which government will supply fencing and construct boreholes for which the farmers will pay rent.

Development Policy

14. The demarcation and survey of large areas of communal rangeland for commercial ranches, prior to the elaboration of a land use strategy which draws on the expertise of the Ministry of Wildlife, Water Affairs, etc., would appear to be premature. There is a danger that other more appropriate development options, more beneficial to the majority of the people and environmentally more sustainable, could be pre-empted by the allocation of ranches to individuals. Similar questions need to be raised about the allocation of scarce riverain land for commercial irrigation.

15. It must also be asked whether public funds are most usefully invested in this type of development. The land being enclosed for ranches is, in principle, equally suited for occupation by communities of small farmers. The soils, rainfall and groundwater potential are apparently adequate for small-scale mixed farming. Communal land, which could be suitable for this purpose, is being provided on favourable terms to farmers, some of whom could afford to buy their own commercial farms, or at least could be helped to do so. Many farmers and even some headmen in Kavango seem not to have heard of the Land and Farming Committees, or to know their function.

16. Kavango has a relatively high potential for crop production, but this is threatened by the increasingly short cycle "slash-and-burn" system of agriculture practised by the rapidly expanding population. There is a notable lack of support given by the government to the improvement of small-scale agriculture in the Communal Areas. The methods of farming adopted by FNDC are of scant relevance to the vast majority of Kavango farmers. Kavango exemplifies the continuation of colonial policy; land and services and subsidies for the few, while the rest have to manage for themselves in a further reduced area.

1 Introduction

1.1 Kavango covers some 46 000 sq km. Between 1981 and 1990, the population increased from 105 690 to about 168 000 which makes Kavango Namibia's second most populous district, with approximately 12 per cent of the total population. The rapid growth is due both to high rates of natural increase and immigration from war torn Angola.

1.2 Three quarters of the population lives along the Kavango river which forms the border with Angola. The remainder of the people are mostly to be found in villages along the shallow valleys draining seasonally into the river and along the main road from Grootfontein to Rundu. Much of the rest of the area is uncleared woodland and forest (see Map at end of paper).

1.3 Settlement has been accompanied by land clearing for cultivation, which extends for about 300 km along the river. This is altering the ecology of the river, the wetlands and the bordering resource-rich natural vegetation and is said to be having adverse downstream effects in neighbouring Botswana. The river is reported to be heavily over-exploited by the local people for whom fish is an important source of subsistence.

1.4 Compared with Ovambo, the water resources of Kavango are relatively plentiful. In addition to shallow groundwater along the river and tributary valleys, potentially exploitable groundwater water is available through most of the Communal Area. Rainfall is between nearly all 550 and 600 mm per year, adequate for rainfed millet and sorghum production. There is potential for other crops, such as groundnut. In general the district has the greatest potential for the development of mixed farming of any area in Namibia.

1.5 Overall livestock populations per head of population are low compared with the other districts within the northern Communal Areas, reflecting the relatively greater importance of crop production. In 1990, cattle numbered 88 000 in the Communal Area, and 18 000 on the Mangetti ranches.

1.6 31 ranches were set up with a borehole and fencing by the former second tier authorities during the 1980s and handed out to tribal leaders and prominent people "as a demonstration". Some of the ranching ventures are reported to have progressed, but others have not proved viable. According to Veterinary records, there are only six owners with herds in excess of 300 head in the entire district. Less than half the district is

currently used for stock farming - about 2.0 million hectares out of a total of 4.5 million.

1.7 There are two proclaimed game reserves in Kavango; the Kaudom in the south west, bordering Botswana is the largest and game migrates seasonally in and out of the reserve.

1.8 There is an FNDC ranch/quarantine area of 259 000 ha at Mangetti, on the northern perimeter of the veterinary cordon fence. Four ranches (in Kwangali) adjacent to the southern boundary of Mangetti were allocated to individual farmers before independence. Boreholes and fences on three of these were developed by the previous government, but the farms were not taken up until recently on account of the security situation. Now the tribal authorities are in the process of alienating another 160 blocks of land to people with proven large cattle herds.

1.9 FNDC has invested in a number of irrigation schemes (field crops, fruit trees, horticulture, dairy). The management admits they are uneconomic, due to high fuel, transport and labour costs, and that they are not replicable by small or medium-scale farmers because of the high level of technology used. The FNDC farms are justified by the management on the grounds that they provide employment for local people and they produce grain for the district as well as for export to deficit areas. FNDC also purchases *mahangu* for delivery to Ovambo.

1.10 However, the district, which until fairly recently was self-sufficient in grain, is reported to be increasingly dependent on cereal imports, despite the fact that there is adequate land for dryland crop production and rainfall is adequate 3 years out of 4 in the drier parts of the district.

2. The households, their environment and income

2.1 Kavango households are the largest in the national sample, with an average of 5.3 adults and 6.3 children. The district also has the second highest proportion of children to adults (after Caprivi) and can therefore be expected to continue to grow rapidly.

2.2 With only a handful of exceptions, the 108 households which were interviewed grew millet. Forty nine per cent reported that they grow some sorghum, 94 per cent grow beans and 93 per cent grow small quantities of maize. Headmen and government officers report that people invariably sought permission from their

respective headmen if they wanted a few hectares to plough, but according to the survey results, just over half of the farmers claimed that they went ahead without asking. No-one pays for a land allocation in Kavango.

2.3 The time taken to walk to and from water points was surprisingly high, averaging 50 minutes in the dry season and 40 minutes in the wet season (which was the highest average for the wet season in the national sample). All but 3 per cent of those interviewed cooked with fuelwood. Two thirds of the population recognised that firewood was becoming more scarce.

2.4 In addition, Kavango people were concerned about the condition of their land: 74 per cent said that cropped land was less productive than ten years ago (the worst estimate in the sample) and 71 per cent thought grazing land had deteriorated. These observations are consistent with the rapid depletion of fertility associated with Kalahari sands, which do not sustain cropping for more than a few years without fertilizer.

2.5 Household cash income of survey households in Kavango was the highest in the Communal Areas. Figure 1, nevertheless, indicates that many households had very low or zero cash incomes. If subsistence production was adequate to meet food needs and for exchanges for clothes, salt and tools, this may not have been a sign of great poverty in Kavango. Average incomes are shown in Table 1. No estimate was made of the value of produce retained for consumption by the household, but this is likely to be higher in Kavango than in other Communal Areas in Namibia. In addition, half the households reported that they fished, gathered wild foods or hunted.

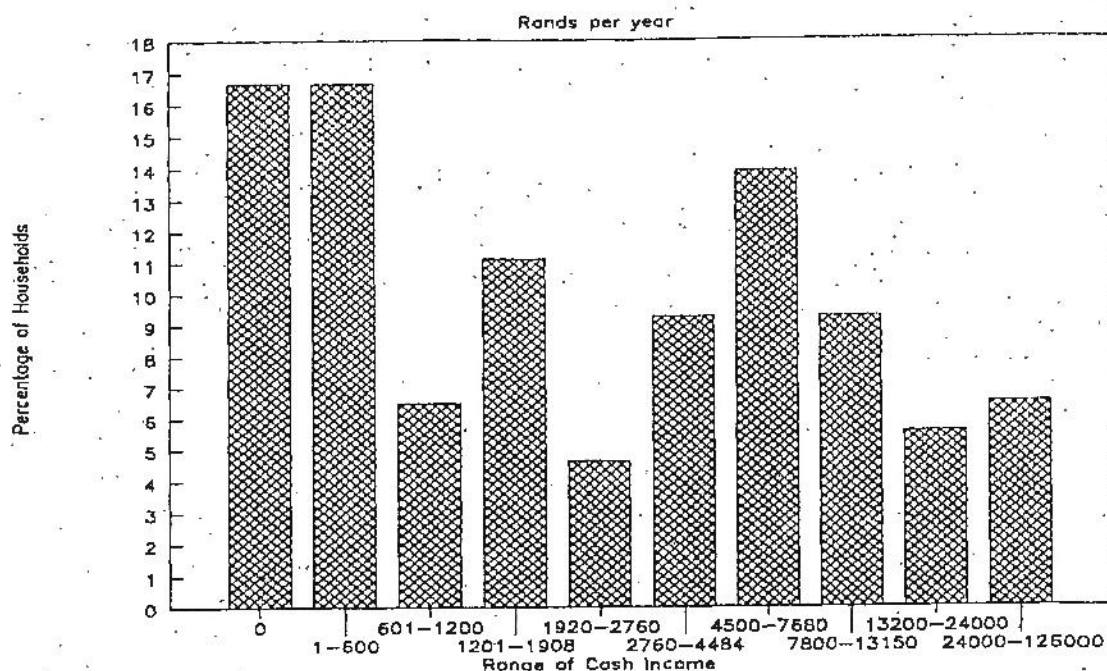


Figure 1 Cash income of Kavango households

Table 1: Monthly sources of household cash income in Ovambo

	Kavango Communal Area	
	Average	
Wages and pensions	351.88	256.05
Casual work	37.21	17.77
Remittances	18.47	18.22
Small enterprises	16.86	20.92
Sales	35.76	54.35
Service trade	4.40	7.92
	=====	=====
Average per month	464.58	375.22
Average per year	R 5574.96	4502.59

2.6 Only 14 per cent of Kavango households receive pensions, easily the lowest proportion in the Communal Areas, a reflection of the district's weaker links with the wider economy and the better livelihood opportunities to be obtained within the region. On the other hand, the total cash accruing from wages and

pensions received by 39 per cent of households was the highest in the Communal Areas.¹

2.7 Remittances were received by 9 per cent of Kavango households, considerably less than all the other northern Communal Areas.² Similarly, less income was received from small enterprises than in other areas in the north. However, the proceeds of sales, mainly of crops and livestock, were considerably higher in Kavango than in other regions due to the more favourable agricultural conditions and lower population pressure on the land.

2.8 Fewer households purchase grain staples (46 per cent) than in either Ovambo or Caprivi, indicating that food requirements could be met more easily from subsistence production. It is quite likely that wage-earning households purchase maize, widely grown in Kavango, as well as *mahangu*.

Crop production

2.9 Crop production data collected in the survey were considered insufficiently reliable to be worth quoting, although harvested production per farm in Kavango is believed to be the highest in the national sample.

2.10 On average, Kavango households planted 4.4 hectares of crops on the easily-tilled, sandy soils. However, only 23 per cent claimed to have spread manure in the last year, very different from the 80 per cent in Ovambo where land, rather than labour, is the scarce factor. While sufficient land for ploughing is still available, Kavango farmers still prefer the traditional method of planting a section of new ground each season. When this option is no longer possible, the fertility and water retention capacity of the light sandy soils will fall rapidly and farms will be less reluctant to apply manure or fertilizer.

2.11 Farmers ranked the problems of arable production in the following order: birds and insects (mentioned by 63 per cent of growers); crop damage by livestock and game (48 per cent); difficulties in obtaining equipment, especially for ploughing (35 per cent); water problems, drought, the difficulty of obtaining good seed, and inadequate fertiliser or manure.

2.12 The Second Tier Authority used to provide ploughing services until 1987, for which (subsidised) payment was required in grain. While these services were available, some households slaughtered their draught animals and some farmers still claim that they have inadequate draft power and/or implements.

2.13 Interviews with San living in or near villages revealed that many of them did casual work on others' farms for cash or income in kind. Some said that they could not get land, but more said that they could, but could not clear it for lack of tools.

Livestock production

2.14 Farmers often complained of the difficulty of not being able to move cattle to better grazing. The Ministry of Agriculture has drilled 207 boreholes in all, including those on private ranches, but this is insufficient to allow movement of cattle to unutilized areas, so most cattle are found in the vicinity of villages in the north of the region.

2.15 Seventy per cent of households herded cattle themselves; 27 per cent had their cattle cared for by others (some of these could have been households which also herded their own cattle). Fifty per cent had goats themselves; 16 per cent placed goats with others. Thus most households had access to animals. Taking all households in the sample, whether they herded animals or not, average cattle holdings were 23 cattle, 11 goats and less than one equine. San have no livestock, nor do they seem able to acquire any.

2.16 Cattle deaths had been high over the previous year; more than half the households claiming to have lost cattle, and 30 per cent to have lost goats. However, total cattle losses, at 3.4 cattle per household, were less than in Ovambo. These include calf mortality, and losses to predators, which can be serious.

2.17 Annual sales and own consumption of livestock were higher than in Ovambo or Caprivi, averaging 2.5 cattle and 1.9 goats over all households.

2.18 Like Kaokoland, Ovambo and Caprivi, Kavango is north of the veterinary cordon fence, but, as in Ovambo, this does not appear to have any negative impact on producer prices. The region is an importer of meat, and butchers bring meat in from Grootfontein. Thus, although many farmers complain of the difficulty of finding a purchaser, which often means moving animals long distances, the FNDC's abattoir is reported to be running at only 11 per cent of capacity, which suggests the

existence of an alternative market at higher prices through the local butcherries.

2.19 The major problems of livestock farmers in Kavango were ranked as follows: the sickness and death of animals; poor grazing; water problems; theft; lack of fencing; predators; drought, and marketing.

3. Attitudes to land issues

3.1 One hundred and eighty two people answered questions about the land issue, of whom just over half were men. One third of the sample had no education, the highest level in the Communal Areas. On the other hand six per cent had reached diploma level or above, also the highest. Only 42 per cent had been to other areas of Namibia, and 13 per cent had been outside the country.

3.2 Three quarters of the sample said that if there was not enough land for everyone, then business-people and those with other incomes should not use land. Only half the sample thought that people with high incomes should be allowed to keep cattle in the Communal Areas, and 58 per cent thought that urban households should be able to plough there. These proportions were both considerably lower than in other Communal Areas in the survey. Two thirds thought that the owners of very large herds should be made to leave the Communal Area.

3.3 Only one third of the sample felt that communal land should be divided among the people using it, instead of staying communal. However, a relatively high proportion, 46 per cent, thought that such a division would cause no major problems.³ Others were concerned about some not getting land (21 per cent), conflicts over boundaries (21 per cent), or the size of the holdings (7 per cent).

3.4 Half the respondents considered that if one person put up fencing in the Communal Area others would not be affected. Thirteen per cent thought the effects would be beneficial for all farmers, but the rest believed that it would be more difficult for other farmers because of problems of moving stock to water sources or because of overcrowding. It should be noted, however, that many farmers interpreted this question in the context of enclosing cultivated fields, so that attitudes to the fencing of communal grazing land were not always properly canvassed.

3.5 Four out of ten people considered that land should be allocated by government; the same number favoured the tribal authorities.

3.6 For themselves, the people of Kavango overwhelmingly wanted access to greater amounts of land. More than 90 per cent claimed to want more land for grazing and for ploughing, and nearly 80 per cent claimed that they would not take a high paying job if it meant giving up their land rights. Two thirds wanted land in the area, and only a half said they would take land far away if offered it. More than half said they would give up their land rights in Kavango if offered new land somewhere else. More than 80 per cent said they would still want more land in the area, even if they got a good job somewhere else. Seven out of ten farmers wanted to continue farming in communal rather than freehold areas.

3.7 In common with other Communal Area farmers, more than 90 per cent wanted to own land, so that they could pass it on to their children; not merely use it for themselves. Just over a half said they would be prepared to purchase new land, but under a half (44 per cent) said they would be prepared to pay rent or give up one third of their annual production. Only 62 per cent would be prepared to purchase new land with a government subsidy on easy terms. Finally, only 38 per cent said they would leave a permanent job if they could get good agricultural land, by far the lowest in the Communal Areas, in which the average was 55 per cent.

3.8 In response to a question on what Government should do for those who could not obtain land, even after a land redistribution, 43 per cent suggested increasing employment opportunities off the land, but a surprisingly high number (31 per cent) suggested improved education. Only 12 per cent did not accept that there was insufficient land for everybody.

3.9 Finally, in Kavango (as in Caprivi) one out of ten people felt that the Government should provide food to those with no land. In both these areas the San had previously depended on food relief from the South African Army. But, following the Army's withdrawal, many are finding it difficult to manage without food relief. They are unable to return to hunting and gathering. They have neither tools to clear land nor do they have livestock.

Who should get land?

3.10 In response to the question, "who should get land if there is to be a redistribution?", the people of Kavango selected the same categories as the Ovambos. Twenty three per cent said that land should go to returnees first and 18 per cent said that land should go to the landless. Thereafter, opinions were more divided; 9 per cent suggested that good farmers should get land, 7 per cent favoured those with very small land holdings and no job, and 5 per cent felt land should go to those who had had land stolen. As in Ovambo, economic factors dominated the reasons for favouring the returnees; 56 per cent gave economic arguments or stressed self reliance, and 25 per cent gave political arguments. The following comments were typical:

"They have been a long time outside their motherland, so they should be given a chance to start working for themselves in a free country." (Woman aged 28)

"They have just returned to their homeland and so they must be given land to settle on for good. Some did not find relatives so if they are given land they will be able to grow crops and feed themselves." (Woman aged 29)

"The Returnees are poor. They have got nothing. Their families were killed by the South African regime. When they came back they had no place to stay." (Woman aged 51)

3.11 Finally, several people were asked whether there would be objections to non-Kavango people being allocated land in the region. Responses tended to be circumspect. The Chairman of the Kwangali Land and Farming Committee⁴, responsible for administering land bordering Ovambo, said he was keeping his eye on movement across the border. Ovambos grazed cattle in the southern part of Kwangali in the rains and would have to be stopped when the ranches were developed there.⁵ Apart from this, there was only a small movement of Ovambos into Kavango, and this did not seem to be worrying people. None of the committee chairmen envisaged problems with people from outside Kavango taking the ranches (see Section 4 on enclosure of land), probably because the ranches are well south of the area in which most Kavango people farm. In any case, no scheme is said to have more than 25 per cent of other Namibians on its lists, and at least one has none.

4. Enclosure of land

4.1 In the ten years before independence, 31 farms were developed for favoured individuals on 5,000 hectare plots by the second tier authority's Department of Agriculture, which provided free boreholes and fencing. As in other Communal Areas, this has set a pattern and raised expectations for the future. Not only have the favoured few received large farms, but they have also received a scale of assistance not available to others in the Communal Areas.

4.2 Over the last six years, starting before independence, people, many of them from Windhoek, have registered a claim for a free farm in Kavango. In order to regularise this process, the Minister for Lands, Resettlement and Rehabilitation suggested to the five Tribal Authorities in August 1990 that they should each elect a Land and Farming Committee. Four of the authorities have now done this, and the fifth (Mbukushu) will do so soon.

4.3 The Committees have been elected at tribal meetings. It is not known how democratic the procedures were, but in at least one case people were invited to participate through their headmen and on the radio. Each Committee has 10 members (so far all men) who advise the Chief: (a) in cases in which disputes have developed, and (b) over the allocation of ranches, usually of 5,000 hectares (on the Ministry of Agriculture's recommendation). So far there are reported to have been no major disagreements between the Committees and the Chiefs.

4.4 The Ministry of Lands has also placed a Senior Control Officer in the region to assist with coordination because many Namibians have an interest in acquiring land. He is also responsible for the resettlement of San at Bagani, and possibly in the future with the resettlement of returnees and the disabled, though no land has been allocated for these yet. The Land and Farming Committees are supposed to assist with this later.

4.5 Each Land and Farming Committee has now drawn up a plan, each of which includes 40 ranches in the southern part of the Communal Area, to be allocated, with the final approval of the Minister of Lands, Resettlement and Rehabilitation, to those on the lists that it approves. Altogether, just over 160 farms are expected to be allocated, and perhaps more later in Mbukushu. Following proposals drawn up by a South African consultancy company in the mid-1980s, the plans call for a buffer zone between the ranches and the much reduced Communal Area to the

north in order to prevent cattle theft and within which timber concessions would be available.

4.6 The Mangetti Farms Project in Kwangali just to the north of FNDC's Mangetti Block is the most advanced of the schemes, having been started in 1985. Its lists closed in September 1989. The 44 farms are currently being surveyed, at a cost to Government of R 2.0 million. It is expected that the veterinary cordon fence will be moved so that the farms will fall inside the commercial area, as will the Mangetti Block.

4.7 However, the terms under which the land will be made available in this and the other schemes do not appear to have been decided. Some of the ranchers are expecting that boreholes and fencing will be free. Others have already begun to fence themselves. The committee chairmen have various views on the matter of tenure. However, they expect that the tribal authorities will be able to keep some control over the farms, so that they can evict farmers who are not farming properly. At the same time they recognise that loans from the Land Bank will not be obtainable by the developers without freehold title. One prospective farmer expected that the Land Bank would change its rules so that it could make loans available to leaseholders.

4.8 One chairman expected that leases would allow grazing only. Since the land would remain State Land, he felt that the Ministry should supply fencing and boreholes, and the farmers should pay rent. The Committee Chairmen and Ministry of Agriculture officials expect that some kind of services will be arranged to assist the development of the farms. What is much more difficult to discover is what kind of services the Ministry will offer to the mass of small farmers who do not benefit from the alienation of land.

5. Issues

5.1 Kavango seems to be pioneering a system of land administration for the Communal Areas in which the traditional authorities are working closely with the staff of the Ministry of Lands and the Directorate of Agriculture. However, there are clearly problems of coordination both at District level and between the District and Windhoek, i.e.:

- a) The demarcation and survey of large areas of communal rangeland for commercial ranches, prior to the elaboration of a land use strategy which draws on the expertise of the Ministry of Wildlife, Water Affairs, etc., would appear to

be premature. There is a danger that other more appropriate development options, more beneficial to the majority of the people and environmentally more sustainable, could be preempted by the allocation of ranches to individuals. Similar questions need to be raised about the allocation of scarce riverain land for commercial irrigation.

- b) For example, game or mixed game and domestic systems could be established on that part of the district not currently farmed. Much of the land in Kavango is covered by the poisonous plant *gifblaar*, that makes intensive livestock farming very difficult. The area is highly suitable for game ranching. However, a mixture of cattle and game would probably provide the most sustainable and economically viable use of the land. Mechanisms to allow the local community to profit from the harvest of game need to be established.
- c) The cost of establishing ranches, estimated at R250 000 each, raises the question whether they will become viable economic units, generating sufficient income to service loans, cover operating costs and depreciation and provide the occupant with an acceptable income. It must also be asked whether public funds are most usefully invested in this type of development, when most of the rural population of Kavango live in conspicuous poverty. The land being enclosed for ranches is, in principle, equally suited for occupation by communities of small farmers. The soils, rainfall and groundwater potential in some of these areas are apparently adequate for small-scale mixed farming. The resettlement programme of the Ministry of Lands, as far as it has been formulated so far, requires the expenditure of public funds on buying commercial farm land for the settlement of small farmers. At the same time, communal land which could be suitable for this purpose, is being alienated from the community by wealthy farmers, some of whom could afford to buy their own commercial farms, or at least could be helped to do so.
- d) Many farmers and even some headmen in Kavango seem not to have heard of the Land and Farming Committees, or to know their function. The process of land alienation has been allowed to proceed in the Communal Area at a time when there is agitation from the people of other Communal Areas to obtain additional land.

- e) The lack of clarity regarding the powers, responsibilities and relationships of the district authorities and central government with respect to planning and implementation of land development projects is a cause of uncertainty and inaction and is uncondusive to the development of sustainable land use systems.
- f) The future role of FNDC, if any, in natural resource development, and the relative priority to be accorded to production and welfare goals has not been clearly spelled out.
- g) Kavango has a relatively high potential for crop production, but this is threatened by the increasingly short cycle land rotation practised by the rapidly expanding population. There is a notable lack of support given by the government to the improvement of small-scale agriculture in the Communal Areas. The methods of farming adopted by FNDC are of scant relevance to the vast majority of Kavango farmers. Kavango exemplifies the continuation of colonial policy: land and services and subsidisation for the few, and the rest to manage for themselves in a further reduced area.

NOTES

1. It is not clear why this is the case. There was no reason to suppose that the sample was biased, indeed no Rundu households were selected in the random sample. However, it is possible that Kavango is better supplied with hospitals, police stations and schools than other Communal Areas.
2. Note that this excludes Kaokoland, which is included in the "Other Communal Area" category.
3. This can be related to the relative abundance of land in Kavango.
4. See paragraphs 4.2 and 4.3.
5. Thus the Ovambo pastoralists who move into south west Kavango with their cattle during the rains will suffer sooner from the development of the Kavango ranches than will Kavango people.

3. CAPRIVI

Summary

1. The district's population increased rapidly in the 1980s; from 37,900 in 1981 to more than 55,000 in 1989, which makes it the third most populous district. Caprivi is geographically isolated from the rest of the country and has a distinct cultural identity, which is reflected in its system of land allocation and administration. Because Caprivi has higher rainfall than the rest of Namibia and a more diverse ecology, it is often seen by outsiders as a potential resource to be exploited. This results in strong local antipathy to centrally conceived development plans.

West Caprivi

2. Since 1968, West Caprivi has been a National Park. Until that time, it was the home of an undetermined number of Khwe and Kung Bushman and Mbukushu. Most of the Mbukushu were evicted, while many of the Bushman families were absorbed in the South African Defence Force and are now sustained in the neighbourhood of the former bases by drought relief rations. Claims on the National Park continue to be made by the inhabitants of East Caprivi.

3. At Bagani, four hectare plots for subsistence cropping have recently been surveyed and allocated to households by the Ministry of Lands, Resettlement and Rehabilitation for the 1991/92 cropping season. The Ministry of Wildlife, Conservation and Tourism has recently consulted with the Bushman communities, other government ministries and NGOs with the purpose of jointly planning multiple land use within the Park. The Ministry has proposed ways in which the local community could share in decision making on the development of resources and the benefits. Unresolved questions relate to how the Park is to be managed so as to protect the interests of both the local community (however defined) and the environment. If wildlife populations are to recover and be maintained at an economic level, new settlement in the Park by non-residents would have to be limited.

East Caprivi

4. East Caprivi., which is bounded by rivers except for its northern border with Zambia, forms two thirds of the total land area of the district and has the bulk of the population. With the exception of the urban settlement at Katima Mulilo, almost all the inhabitants are smallholders living in scattered villages.

Resources

5. Most Caprivian households are involved in both livestock and crop production. Rainfall is in excess of 650 mm per year, the highest in Namibia, which makes it attractive for rainfed crops, but many of the soils are poor. East Caprivi is a net importer of grain in most years and is vulnerable to drought and flooding. Much of the west of the area lacks fresh water and is inhabited only by wildlife.

6. In recent years there has been a rapid expansion of cattle numbers due partly to the difficulties of marketing stock outside the district. When the SADF departed, the local cattle market declined dramatically. Large areas in the east of the district are affected by flooding from January to June, during which time the cattle are moved onto the higher ground, where the grazing is much poorer. Large quantities of forage are lost as a result of uncontrolled grass fires. In the late dry season mortalities are particularly high.

7. East Caprivi has a rich and highly diverse ecology. The vegetation ranges from floodplain grassland to dry forest. Large game used to abound but, due to illegal hunting, populations have declined to a fraction of their former numbers. Two national parks have been proclaimed with a view to safeguarding the few remaining wildlife resources and habitat, from which future introduction and distribution would be possible.

Socio-Economic Conditions in East Caprivi

8. Of the 107 households interviewed in Caprivi, 81 per cent were headed by males the highest proportion in the national survey. Households were small for the Communal Areas, with an average of 7.9 persons. Cash income averaged RS, 296 per year, a level that was below the average for the sample in Kavango, but higher than in other Communal Areas. Four out of ten households received wages or pensions... A third were involved in small enterprises, such as beer making or crafts; much the highest figure in the Communal Areas. Just over half the households made some sales during the year, usually of livestock or crops. However, three quarters of households require purchases of some

grain during the year, a proportion second only to the Cuvelai area of Ovambo.

9. Nine out of ten households grew crops, principally maize, and slightly fewer raised livestock. Eight out of ten households reported owning herds, which averaged 20 cattle. Just over a quarter obtained subsistence from hunting, gathering or fishing. The average area cropped by farmers in 1990/91 was 5.55 hectares, 57 per cent above the Communal Area average (3.54 ha). Caprivians seemed less worried about the state of their land than farmers in other areas. They considered wild animals a major pest, more serious than birds and insects.

10. The principal concern of stock keepers in the survey was the high incidence of cattle sickness and death, although the disease situation in Caprivi is less serious than in other northern Communal Areas. This concern was followed by water problems, poor grazing, drought, and the inadequacy of veterinary services.

Access to land in East Caprivi

11. Land is allocated by the two tribal authorities in Caprivi. There is a hierarchy of headmen, senior headmen and chiefs. The senior headmen in each tribe also form a council, termed a Khuta, headed by the Nkambela, or chief official. The Khuta acts as the link between the community and the chief. Each adult is entitled to land for residence and cultivation, but applications must be agreed with the tribal hierarchy. Criteria are tribal membership (though this can be circumvented), good relations with neighbours, no conflicts over boundaries, availability of suitable land and access to water.

12. This traditional hierarchy is highly respected in Caprivi, where the support for the system appears stronger than in any other part of Namibia. Eighty per cent of the Caprivians in the sample wanted to see the system continue, two or three times the number supporting land allocation by the traditional authorities in any other area.

13. Caprivians are concerned about the proposed development of a large LONRHO sugar plantation on the north bank of Lake Liambezi. This proposal has caused some local controversy, which is not helped by lack of information as to the intentions of the foreign developers and the suspicion, long prevalent in Caprivi, that the government might take over the land.

Attitudes to the land question

14. Of the 162 Caprivians who answered questions on the land issue, six out of ten were men. Half of these had received no formal education, but one quarter had obtained senior level education, a higher proportion than in any other rural area. Eighty one per cent wanted to continue farming in the Communal Area. About the same number believed that all Caprivians should be allowed to keep cattle and plough in the Communal Areas, whatever their income and the size of their herds. Caprivi provided the highest proportion in favour of open access to the Communal Area in the whole sample. It should not be inferred, however, that Caprivians would find it easy to share land with other Namibians. Their concern for their fellows' welfare does not seem extend to members of the Bushman community.

15. In the event of a hypothetical land reform, Caprivians said that they would prefer to leave the selection of beneficiaries to their Chiefs. This option was chosen by almost half the respondents. Caprivians strongly believe that only the Chiefs should have the right to allocate land.

Conclusions

16. It is important that the traditional authorities, who are strongly supported by the local community in matters of *land administration*, are included in any attempt to introduce a more modern system in the district. Their involvement should ensure that control over land allocation remains in the hands of the local community. At the same time, the legitimate interests and welfare of the Bushman communities with respect to land rights should not be ignored.

17. A system of *grazing management* needs to be devised which builds on the traditional system and which incorporates both the riverine areas and the sandy interfluvies. Flood-season grazing is the critical limitation. Ways of improving access to the national livestock market need to be found.

18. *Wildlife and tourism* potential in East Caprivi is high but much needs to be done to improve public relations with the farming community. As elsewhere, a major issue is how to channel the benefits of tourism to the local community to compensate for the costs of having wild animals in the neighbourhood of farms. Given the limitations on livestock farming and dryland cropping, alternative or supplementary forms of land use should be considered. Mixed grazing systems involving game should be viable in areas bordering the national parks.

19. The various departmental and central government development programmes seem poorly coordinated at the district level. There are various authorities, both government and private, with plans for land and water development (Ministry of Agriculture; Ministry of Wildlife, Conservation and Tourism, FNDC, LONRHO) but there is no adequate *district-level planning* unit which can harmonise the various local and national interests and incorporate them into a district plan.

1 Introduction

1.1 The population of Caprivi is reported to have increased rapidly in the 1980s from 37,900 in 1981 to more than 55,000 in 1989 which makes it the third most populous district, with 4 to 5 per cent of the national population in an area of 17,409 sq km.

1.2 Caprivi is geographically isolated from the rest of the country and has a distinct cultural identity, strongly exhibited in its system of land allocation and administration. Because Caprivi has higher rainfall than the rest of Namibia and a more diverse ecology, it is often seen as a potential resource to be exploited for the national benefit. In such a situation outside interests tend to take advantage of long-established and respected local institutions. This results in local antipathy to centrally conceived development plans, for example, for agricultural and wildlife developments.

A. West Caprivi

2.1 West Caprivi between the Okavango and the Kwando rivers is a proclaimed National Park under the jurisdiction of the Ministry of Wildlife, Conservation and Tourism. The 5,876 sq km park was the home of an undetermined number of Khwe and Kung San and Mbukushu when it was proclaimed in 1968. Most of the Mbukushu were evicted under the apartheid Odendaal Plan, while many of the San families were absorbed into the South African Defence Force. Claims on the National Park continue to be made by the inhabitants of East Caprivi. A section of the West Caprivi adjoining the Kwando River (the Kwando wedge) remains unproclaimed, but it is very sparsely settled, rich in wildlife and relatively undisturbed.

2.2 Most of the human settlement in West Caprivi is in the neighbourhood of the former SADF bases at Bagani at the western end of the Park and at Omega, where a community of mainly Khwe bushmen are sustained by "drought relief" rations and subsistence cropping. In addition, there are small groups scattered through the park, including the Kwando Wedge.

2.3 A boundary survey for four hectare family farms and feeder roads has recently been carried out by the Ministry of Lands, Resettlement and Rehabilitation, prior to the allocation of plots for the 1991/92 cropping season. Settlement is to take place in a strip of land within reach of the Okavango River and close to the present settlement of Bagani, north of the main road.

2.4 The Ministry of Wildlife, Conservation and Tourism has recently consulted with the San communities, other government ministries and NGOs with the purpose of jointly planning multiple land use within the Park. This consultation aimed to provide a framework for a conservation and development strategy which would allow local people to take responsibility for, administer and benefit from, the natural resources in West Caprivi. The Ministry has proposed mechanisms whereby the local community would share in decision making on resource utilization and would thereby share in the benefits.

2.5 The Ministry has stated it has no desire to resettle people against their wishes and accepts that the Bagani area is to become a focus of development. The Ministry proposes two "core conservation areas" at each end of West Caprivi from which human settlement would be excluded with community consent. This would require the inclusion of the Kwando Wedge in the protected area and the demarcation of the eastern boundary of the park along the main channel of the Kwando.

Issues

2.6 The issues relate to the management of a proclaimed area in a way which protects the interests of both the local community (however defined?) and the environment,

(a) If wildlife populations are to recover and be maintained at an economic level, new settlement in the Park by non-residents would have to be limited. A mechanism whereby financial gains from use of wildlife by non-residents can benefit the community does not exist at present, but is a matter of priority for the Ministry of Wildlife to redress.

(b) The legal basis on which other people could be excluded from Western Caprivi is uncertain. To insist that only San families be allowed access could run counter to the constitutional principles "that all persons shall have the right to: ...move freely through Namibia, (and to)...reside and settle in any part of Namibia." (Article 21). On the other hand it is evident that certain parts of Namibia are not in law or in practice freely accessible

4. Socio-Economic Conditions in East Caprivi

4.1 Of the 107 households interviewed in Caprivi, 81 per cent were headed by males, the highest proportion in the national survey.⁴ Households were small for the Communal Areas, with an average of 3.5 adults and 4.4 children.

4.2 On average, households were 33 minutes to and from water sources in the wet season, and 47 minutes in the dry season. All but one or two households used fuelwood to cook and only 65 per cent said it took more time to obtain firewood than five years ago, the lowest percentage in the sample. In general the Caprivians seemed less pessimistic about the state of their agricultural land than in other areas. More than half considered that the state of ploughing land and grazing were the same or better than ten years ago.

4.3 Caprivians seem to be less interested in cooperative efforts than other areas. Only 40 per cent considered that a system of cooperative encampment would work, compared to three quarters of the people in all other Communal Areas in the national survey.

4.4 They are also more sceptical concerning the possibilities of developing wildlife and tourism for the benefit of the people in the area. Only 36 per cent supported the idea. Caprivians frequently encounter wild animals damaging their crops and complain of losing stock to predators. Wildlife is considered a major pest.

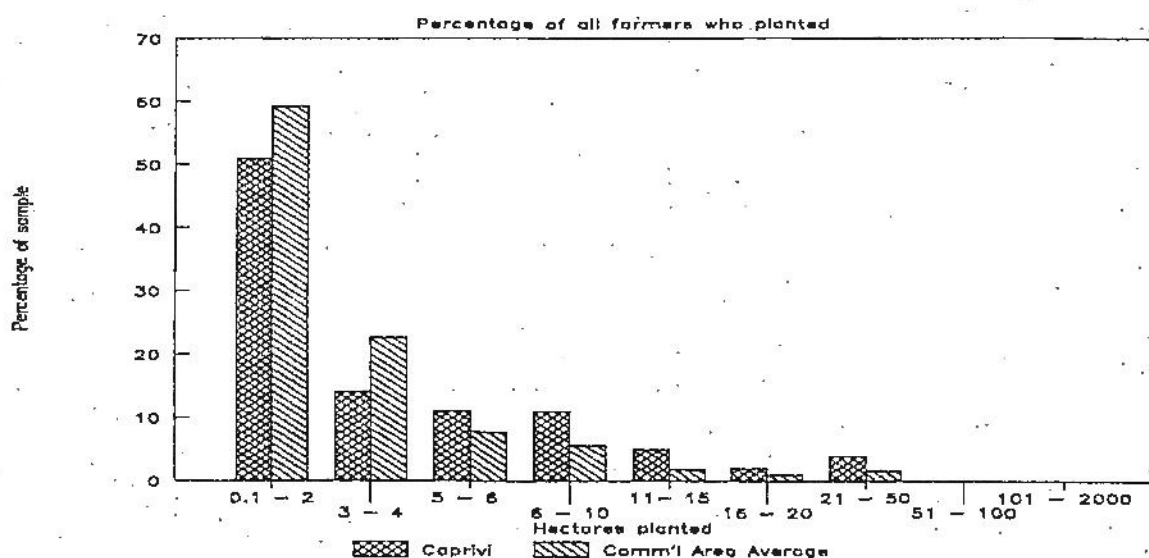
4.5 Cash income among the 107 households averaged R5,296 per year, a level that was below the average for the sample in Kavango, but higher than in other Communal Areas. The sources of income are shown in Table 1, and the distribution of incomes is shown in Figure 1. Subsistence incomes were not valued in these estimates, and would have been relatively high for low income households.

4.7 Nine out of ten households were involved in crop production, and slightly fewer in raising livestock. Only 27 per cent of households were involved in hunting, gathering or fishing; less than expected. One out of ten households had received some food from others over the last year, either as drought relief or as a part of wages.

Crop production in East Caprivi

4.8 Some farmers in Caprivi held rights to large areas, sometimes around 200 hectares of arable land. The result is that the average hectareage held by farmers was 81.99 hectares, about twenty times larger than any other Communal Area.

4.9 Four fifths of the land had been obtained by inheritance, and the rest by tribal allocation. However, the average area cropped by farmers in 1990/91 was 5.55 hectares, still 57 per cent above the Communal Area average (3.54 ha). The distribution of cropped areas is shown in Figure 2.



4.10 Two out of ten farmers in the survey had sold grain. The average proceeds from crop sales to the farmers who sold grain, R686, was the highest in the national survey. On the other hand, three quarters of households reported purchases of some grain during the year, a proportion second only to the Cuvelai area of Ovambo. It must be assumed that these households are not self-sufficient in grain, either because they have access to inadequate land or farming technologies, or are unable to mobilise the labour to produce their subsistence requirements. Some of these households may have been able to become engaged in other economic activities, although many face unemployment.

4.11 A picture therefore emerges of greater inequality between crop farmers than in other areas, with some farmers on relatively large holdings producing a sizeable surplus for sale, and many others not producing enough for consumption.

4.12 In 1990, 87 per cent of farmers in the sample had planted maize, 44 per cent had grown *mahangu*, 58 per cent had planted sorghum and 17 per cent had grown beans. Cotton is currently grown for sale to South Africa, but a project is being started by Tongaat Milling to encourage smallholder production for processing in Grootfontein.

4.13 Six out of ten Caprivi farmers ranked damage by wild animals as their greatest crop production problem. Warthogs and spring hares eat the crops and large mammals cause havoc to the fields. Half the farmers also complained about birds and insects, and drought. 48 per cent reported difficulties of obtaining implements and tools. A Ministry of Agriculture tractor hire scheme for land preparation had been in operation for several years, but, like most schemes of this nature, the tractors suffered frequent breakdowns, they were monopolised by the wealthier farmers and the scheme was heavily subsidised. In 1989, the tractor service for Communal Area farmers was discontinued.

Livestock production in East Caprivi

4.14 Caprivi currently has some 96,000 cattle, having lost 3,000 to drought in 1990. Eight out of ten households reported owning herds, which averaged 20 cattle. Three out of ten had an average of eight cattle cared for by others. Overall, Caprivi households owned 15.3 cattle, and had 2.2 cared for by others. An average of 1.7 goats per household were kept, fewer than in any other area.

4.15 Just over half the households in the sample reported cattle deaths in the previous year; about the same number had sold or slaughtered cattle for sale, a relatively high level. Indeed, among the northern Communal Areas, Caprivi was the only place where more cattle had been sold or slaughtered than had died over the year. Averaged over all households, 2.3 beasts had died and three had been sold or consumed.

4.16 The relatively high concentration of cattle in the area is a cause of concern to the Veterinary Department, which reports environmental damage from excessive stock numbers. The Caprivians have invested substantial amounts in cattle. Numbers have increased dramatically, due partly to the difficulties of

marketing stock outside the district. When the SADF departed at independence, the local cattle market declined dramatically. The FNDC abattoir in Katima Mulilo, now the sole commercial outlet, is working at a fraction of its capacity.

4.17 The marketing problem is a real one. Caprivians cannot sell their animals outside the region, and there is a small internal market. The FNDC pays up to R300 per beast for local consumption, a price which is about one third of that in the South of the country. The Meat Board is considering an abattoir and chilling plant for 6,000 cattle per year. The long term view of the Ministry of Agriculture is that the region should concentrate on crop production, and that cattle numbers should be reduced. Only if the returns from arable farming can be raised significantly will this be possible to achieve.

4.18 Currently offtake is only 4.4 per cent. The District Veterinarian aims to increase offtake by 3,000 to 4,000 head per annum (i.e. by 3 to 4 per cent), but achievement of this rate will have to await improvements in roads, transport and marketing arrangements.

4.19 The principal concern of stock keepers in the survey was the high incidence of sickness and death. This was followed by water problems, poor grazing, drought, and the inadequacy of veterinary services. Many also complained about the loss of animals to predators and the difficulty with marketing.

5. Access to land in East Caprivi

5.1 Land is allocated by the two tribal authorities in Caprivi. As in Ovambo and Kavango, there is a hierarchy of headmen, senior headmen and chiefs. The senior headmen in each tribe also form a council, termed a *Khuta*, headed by the *Nkambela*, or chief official.⁶ The *Khuta* acts as the link between the community and the chief. Each adult member of the Mafwe and Masubiya is entitled to land under traditional law for residence and cultivation, but each application for land must be agreed with the tribal hierarchy before settlement can be agreed. Criteria are tribal membership (though this can be circumvented), good relations with neighbours, no conflicts over boundaries, availability and suitability of land for cultivation and access to water.

5.2 This traditional hierarchy is highly respected in Caprivi, where the traditional support for the system appeared stronger than in any other part of Namibia. Eighty per cent of Caprivians

in the sample wanted to see the system continue, two or three times the number supporting land allocation by the traditional authorities in any other area. The following comments were typical:

"The Chief is the owner of the land, and all the people of the land are his children. He has always allocated the land."
(Man, aged 54)

"The Chief is the one who knows his people and thus can prevent conflict." (Woman aged 23)

"The Chief is naturally chosen by God so he has the right to allocate land. He is our God on earth. If the Chief moves from his area all the people follow him. He is the final man. The Chief is the pillar of our custom or community in this particular area." (Man aged 56)

5.3 The Khwe San also supported the view that the land belonged to the two Chiefs, even the ones who had been given inadequate holdings, or who were being encouraged by the tribal authorities to move away west to the banks of the Kwando River.

5.4 There has been a major conflict between the two tribal authorities for twenty or more years over the demarcation of the boundary of their jurisdiction over land. While this is well known and clearly tiresome from the point of view of the government administration, no farmers were encountered who had been affected by the friction.

5.5 Of much greater concern to Caprivians is the proposed development of a large Lonrho sugar plantation on the north bank of Lake Liambezi. This has caused some local controversy, which is not helped by lack of information as to the intentions of the foreign developers and the suspicion, long prevalent in Caprivi, that the government might take over the land. Neither the tribal authorities nor the majority of the people are SWAPO supporters. The SWAPO officers see the opposition to the scheme as political and say that the parties are encouraging people to refuse to move from Kalengwe, where the sugar scheme will be located.

5.6 The SWAPO office claims that three to four thousand people are expected to obtain work from the project, either as workers on the plantation or as out-growers.

5.7 It is also reported that a Zimbabwean organisation is intending to start large scale maize production to the north of Kabbe, again with the blessing of Government.

6. Attitudes to the land question

6.1 Of the 162 people who answered questions on the land issue, six out of ten were men. Half of these had received no formal education, but one quarter had obtained senior level education, more than in any other rural area. Few Caprivians have travelled to other parts of Namibia, but many have been to other countries, reflecting the much closer proximity of Zambia, Botswana and Zimbabwe.

6.2 To a question on who should not be permitted to use land in the Communal Areas if everyone could not have land, a third of Caprivians insisted that everyone should be permitted to use land. However, this does not mean that Caprivians would find it easy to share land with other Namibians. As a senior administrator admitted, "We have not developed a national consciousness yet".

6.3 The strong sense of local identity makes it difficult for outsiders to gain access to land. One farmer said:

"Caprivi is divided into two main tribes, Mafue and Masubia. If you happen to be near them, they will definitely tell you to leave the area if you don't belong to their tribe."

6.4 Thirteen per cent considered that if everyone could not have land, government officers should not use it; 27 per cent said that those with other incomes should not use it. However, 80 per cent of the sample also thought that urban households with high incomes should be allowed to keep cattle and plough in the Communal Areas. Caprivi provided the highest number in the whole survey of people in favour of open access to land for people originating in the area.

6.5 In addition, over 90 per cent said they wanted more land for ploughing and grazing; 78 per cent said they would take land in preference to a high paying job; 87 per cent would want more land even if they got a job elsewhere; 81 per cent wanted to continue farming in the Communal Area.

6.6 The very strong attachment to their region shows itself in other ways. Over 80 per cent wanted new land in Caprivi, and only 29 per cent said they would take land elsewhere if offered.

it. Only 24 per cent would take land elsewhere if they had to give up their land rights in Caprivi. All but a handful of Caprivians wanted to pass on land to their children; not just have the right to use land during their lifetimes. Less than half thought that large herd owners should be forced to leave the Communal Area, considerably lower than the average of 63 per cent for the Communal Areas as a whole.

6.7 Caprivians feel secure on their land. Nearly all claimed that no-one could take their land, though some women commented that they might lose access to land if their husband died. Most women would then go back to their families, since they have no rights to land as women, but some would stay on with their sons' families. While it is not known how typical a view this is, one Khwe San said,

"At any time the woman can divorce the man and the woman will get married to another man, that's why land should not be given to a woman."

6.8 With the strong attachment to their communal land system, few people said they would be prepared to pay in any way to obtain new land, unlike people questioned in other Communal Areas. Less than a third said they would want to buy land or pay rent, or give up one third of their annual production in lieu of rent for land. Only four out of ten said they would buy land with a government subsidy on easy terms.

Who should be given land?

6.9 Caprivians preferred to leave the selection of beneficiaries under a land redistribution to their Chiefs. This option was chosen by almost half the respondents. Caprivians strongly believe that only the Chiefs should have the right to allocate land. The landless were chosen by 12 per cent of the respondents. Nine percent selected the option under which all Namibians should have equal amounts of land.

7. Issues

7.1 As in the other Communal Areas in the north, biotic resources are being used faster than they are being replenished. The rapidly growing population of Caprivi which, compared with the rest of Namibia is still relatively well endowed, will increasingly face scarcity of land, timber, fuelwood, veld foods, fish, etc.

- (a) **Modernising traditional land administration:** Many countries are moving away from state control over land towards greater control by local communities. Their shift in tenure policy is based on the assumption that these groups will let longer term considerations prevail over immediate need. Unlike that of Ovambo, for example, the system of land administration in Caprivi is respected and valued by the people. It is important, therefore, that the Chiefs and the *Khutas* of East Caprivi are incorporated in a more modern system of land administration and not kept on the political margin. On the other hand, although the Khwe San supported the view that the land belonged to the Chiefs, their legitimate interests and welfare can no longer be ignored, and this may require some pressure from central government on the local land administration.
- (b) **District planning:** The various departmental and central government development programmes seem poorly coordinated at the district level. There are various authorities, both government and private, with plans for land and water development (Ministry of Agriculture; Ministry of Wildlife, Conservation and Tourism, FNDC, LONRHO) but there is no adequate district-level planning unit which can harmonise the various local and national interests and incorporate them into a district plan. For example a major sugar project is being planned by LONRHO on the north side of Lake Liambezi. Little information about the proposed project is available within the district, despite the fact that the impact of the scheme is expected to be profound. It is claimed that permission has been obtained from both the *Khutas* for this venture. However, since no-one in the district administration has seen the feasibility study, it is most unlikely that the *Khutas* were shown one, or that they would have had the expertise to evaluate it from the point of view of its impact on the local economy and the environment.
- (c) **Livestock marketing:** The local Veterinary Department's efforts to increase offtake by improving local marketing and to protect the flood season grazing by controlling grass fires are only interim measures. Ways of obtaining access to the national livestock market need to be found.
- (d) **Grazing management:** A system of improved grazing management needs to be devised which builds on the traditional system and which incorporates both the riverine areas and the sandy interfluvies. Mixed grazing

systems involving game should be considered. Flood-season grazing on the latter would appear to be the critical limitation. The subdivision of this land into individual ranches would increase the pressure on communal rangeland and would provide no guarantee that overgrazing would be avoided on the ranches.

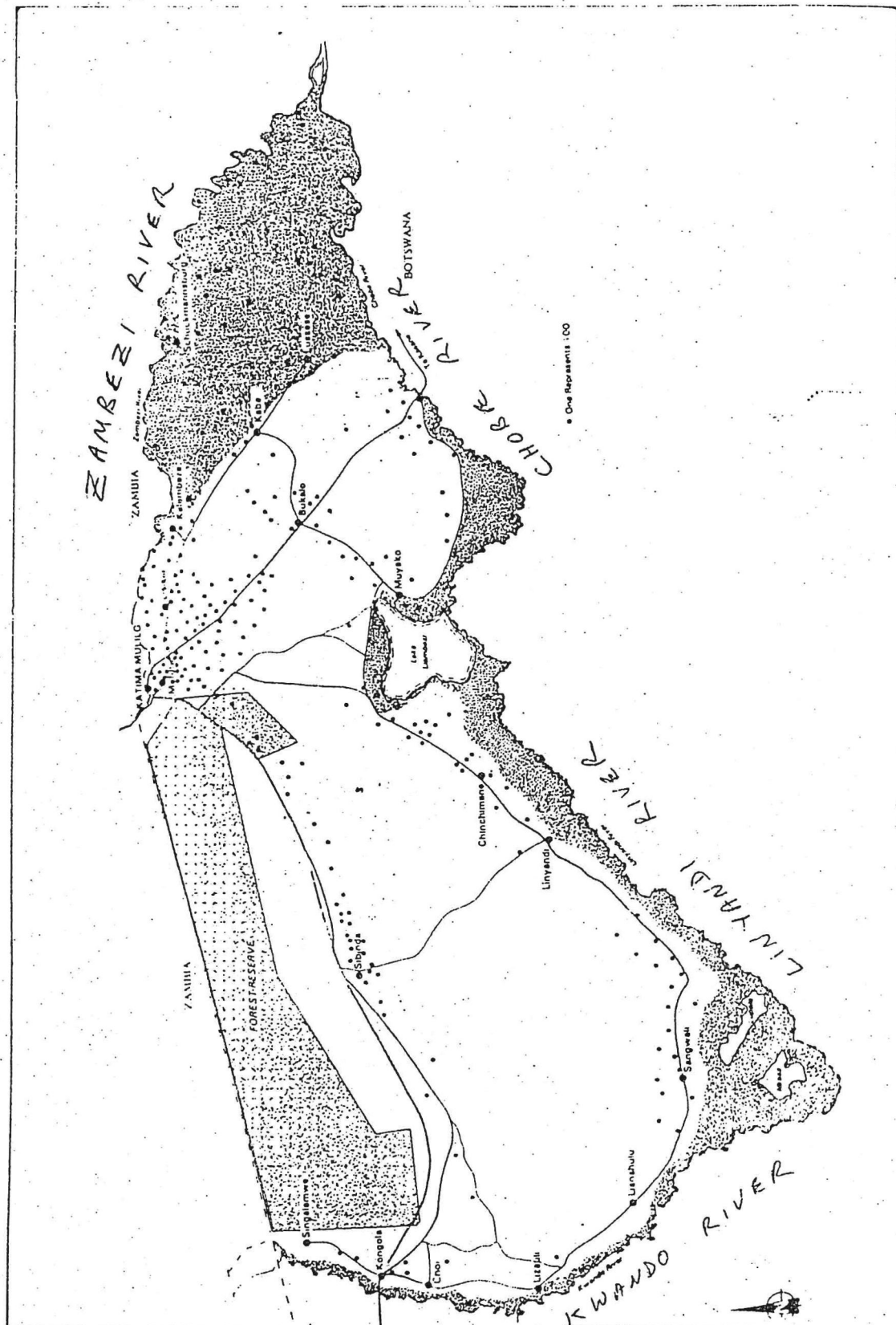
- (e) *Wildlife and tourism* potential in East Caprivi is high but much needs to be done to improve public relations with the farming community. As elsewhere, a major issue is how to channel the benefits of tourism to the local community to compensate for the costs of having wild animals in the neighbourhood of farms. Only then will the negative attitudes of Caprivians towards game be changed. Fishing (tiger and bream), boating, bird and game viewing, trails, camping, and trophy hunting could all be developed. Given the limitations on livestock farming and dryland cropping, alternative or supplementary forms of land use should be considered. Mixed grazing systems involving game should be viable in areas bordering the national parks.

NOTES:

1. Adams, F. and Werner, W. (1990) *The Land Issue in Namibia: An Inquiry*. Namibia Institute for Social and Economic Research, University of Namibia.
2. van der Vegte, J.H., Forester, C.W., and Forse, W.B., (1983) *Eastern Caprivi Regional Development Strategy*, Windhoek. (cited by Adams and Werner).
3. Kähler, J.W. (1990) *Veterinary Services in the Eastern Caprivi*, State Veterinarian, Katima Mulilo.
4. In the random selection of survey households, none were picked in Katima Mulilo or its suburb, Ngwezi. Few households were therefore part-time farmers, although the Ministry of Agriculture reports that there are many in Caprivi, and that this leads to poor husbandry.
5. It is not known how many of these were from relatives inside the region, such as from Katima Mulilo.
6. Adams and Werner, 1990 from which most of the material is obtained for this paragraph.

MAY 1

East Caprivi: Population
distribution, 1983.



Source: SWA/Namibia, Department of Governmental Affairs (van der Vegt, J.H., et al), Eastern Caprivi Regional Development Strategy, p.12(a)

LAND RELATED ISSUES IN THE COMMUNAL AREAS

4. Kaokoland, Damaraland, Namaland, Hereroland and Bushmanland (and Rehoboth)

Summary

Introduction

1. The Communal Areas of Bushmanland, Damaraland, Hereroland, Kaokoland and Namaland have between them a population of approximately 115,000 people, which is about 8 per cent of the national total and less, for instance, than the estimated 750,000 in the northern Communal Areas or the some 200,000 people whose incomes turn on the large farm sector's sustained productivity.

2. In the areas covered by the paper, there are major differences in the cultural, ecological, and socio-economic conditions. But, there are also some strong similarities. Each has a farming system based on stock rearing, except for the San communities who depend on subsistence cropping as well as veld and game products. Each consists of remnants of former ancestral lands. They are the areas with the strongest historical anger and grounds for restitution of land rights. Finally, each (with the exception of parts of Hereroland and Bushmanland) has harsh climatic conditions. Water is scarce and defines possibilities for agriculture and settlement.

3. These similarities, and the low population density, are the reason why they are grouped together and why they were treated as one stratum in the national survey of socio-economic conditions and attitudes to the land question. Rehoboth, where land rights are "*neither communal nor private*", was included in the same survey stratum as the commercial farms as it has more in common with these than any of the Communal Areas. It is, nevertheless, briefly discussed in the paper.

A. Land Related Issues

Hereroland

4. Too much effort has been wasted on attempts to introduce large-scale commercial ranching. This approach has failed: (a) to cater for the needs of the majority of farm households, who own few livestock; (b) to provide a sustainable production system in the Communal Areas; and (c) to take account of the different management objectives of livestock owners in the Communal Areas, for whom milk and herd growth are generally more important than meat production, and who attempt to maximise productivity per unit area rather than per beast.

5. The interests of the rich, politically powerful minority are at odds with those of the poor majority. This difference in interests is shown in the contrasting attitudes taken by people to the often illegal fencing of communal grazing by the more wealthy stock owners. It is necessary to preserve the integrity of the communal land for the majority of stock owners and, at the same time, to provide an opportunity for the better off to gain access to individual farms.

6. The survey revealed the very harsh conditions faced by San employed by Herero stock owners.

Damaraland

7. Resettlement in this marginal area, following the apartheid Odendaal Plan, has been maintained only with a very high level of subsidy. Some farmers are not able to pay for water supplies as farm units are both too small and their production potential too low. If subsidies are withdrawn, the poorest farmers will be hardest and soonest hit. This would force many of them either to seek work in towns or as farm labourers on their former holdings. Detailed surveys of farm economics, the socio-economic condition of those associated with the farms and the costs and benefits of farm subsidies are urgently required as a prelude to land reform and revision of water subsidies in this area and/or resettlement elsewhere.

8. There is considerable potential for game harvesting, trophy hunting and wildlife-based tourism in Damaraland, but as with other Communal Areas, ways need to be found to involve local people in decision-making over utilization and to channel the benefits to them.

Kaokoland

9. As in other areas of Namibia where communities adhere strongly to traditional values, the main land-related issue is the extent to which the local community should be allowed to decide the pace of modern change. People are worried about incursions onto their land by people who do not have traditional rights in the area. The Constitutional right to settle in any part of Namibia, and its relationship to traditional land rights needs to be clarified.

10. Some officials support the idea that the best solution to "overgrazing" and general "backwardness" of the Himba is to subdivide their territory into fenced "economic units", where they would be persuaded to settle, send their children to school

and raise livestock in the modern manner. Such aspirations for land reform and rural development in the semi-arid parts of the country require careful scrutiny as they are unlikely to be practicable over much of the area without displacing large numbers of people. The involvement of the community in the use of game, the decision-making over its utilization and in the use of the resulting benefits need to be addressed.

Namaland

11. Important questions to be resolved regarding the long-term viability of the Nama community are similar to those pertaining in Damaraland. These relate to the high level of subsidy and the socio-economic problems which would result if it were withdrawn.

12. Other questions relate to thinking on development policy for Namaland, which has centred on the creation of "economic units" in the Communal Area and on the removal of the larger stock owners to farms of their own. In many years, no progress has been made in the implementation of either of these ideas.

Bushmanland

13. The main land-related issues in Bushmanland concern control and management of land resources by the people themselves. The integrity of their traditional hunting/gathering territories and the exclusion from these of other forms of land use, especially of heavy concentrations of livestock, are essential to the economic independence and advancement of the San. Neither they themselves nor the local administration have been able to resist the incursions of pastoralists, motorised tourists and safari hunters who enter the area as if it were uninhabited. If the San are not to be reduced to even greater depths of poverty and dependence, they should not be deprived of more land.

14. Land reform requires that the community be allowed greater authority and responsibility for the management of land and natural resources, as well as a share in the benefits which derive from their stewardship.

Rehoboth

15. Up to independence, Rehoboth had its own constitution, elected government, and traditional leadership. The Rehoboth Constitution stipulated that nobody except registered citizens of the "homeland" were allowed to obtain an interest in land. This has now been superseded by the Namibian Constitution, but it is unclear how the land tenure situation in Rehoboth will be harmonised with that of the rest of the country. Without undermining the fundamental provisions of the Namibian

Constitution, the special circumstances of Rehoboth farmers, rich and poor, on both private, communal and government land, need to be taken into account in any land reform so as to provide justice and equity, security of tenure and livelihood and an environmentally sustainable system of land use.

16. Four major hindrances to farm viability and better veld management in Rehoboth are: a) the age of most farmers - 55 years on average; b) the absence from their farms of most farm owners, who have jobs in Rehoboth or elsewhere in the country; c) the lack of funds to invest in the farms; and d) the small size of most farms, which makes them difficult to manage; some overstock their land or rent to their neighbours who overgraze it.

17. A non-political body with local understanding and knowledge and with statutory powers to allocate and administer land would appear to be needed to resolve these problems. Even with these reforms, rural development in Rehoboth is likely to be hard going. Rehoboth is reported to have the worst inequality in land access, the worst social relations and the most underpaid labour force (excluding the San in the north east) in Namibia. It is unclear whether productivity is high enough to allow adequate remuneration of workers. Land reform by splitting ranches will tend to reduce the number of secure livelihoods.

B. Attitudes to Land Issues

18. In the course of the survey in the five Communal Areas (excluding Rehoboth), 97 households were interviewed. Within these households, 162 individuals were questioned on their attitudes to the land issues, of whom 57 per cent were men. The average size of households was 4.5 adults and 4.9 children (of 17 years and under), i.e. 9.4 persons. One major point of contrast with the northern Communal Areas is the small amount of cash which accrues to households in the five Communal Areas, where there is little informal sector activity.

Fencing of the Communal Rangeland

19. Fifty six per cent said that the range should be divided for the private use of people (c.f. only 32 per cent in favour of enclosure in the north). However, when asked whether this might lead to problems, a quarter agreed that there would be conflicts and were worried that some people would go without land. Fifty three per cent wanted to continue to farm in the Communal Areas (c.f. 75 per cent in the north). Sixty five per cent considered that government should administer the land, rather than the tribal authorities.

Access to Communal Land

20. Half the people said that those with other sources of income should be excluded. Fifteen per cent wanted to exclude other ethnic groups. More than half thought that those with high incomes should be stopped from keeping stock in the Communal Areas. Similarly, 48 per cent thought that people in urban households should not be allowed to plough (c.f. 27 per cent in the north). Three quarters of the people thought that large herds should be forced to leave the Communal Areas (c.f. 60 per cent in the north). These results show a greater desire to limit access to land than in the north where grazing is less scarce.

21. When asked what should be done for those who could not get land, a quarter did not accept that land was not available. Of the rest, 42 per cent suggested that jobs should be increased and 22 per cent wanted education improved. Seven out of ten people wanted more land in their home area, one out of ten wanted new land elsewhere and the rest would go anywhere to obtain it. Six out of ten said that, if offered land far away, they would take it. A half said they would give up their existing land rights if offered new land elsewhere. Ninety seven per cent wanted to own land, so that it could be passed on to their children, rather than just have usufructuary rights for themselves.

22. In general people were more willing than the people from the north to pay for new land. Sixty two per cent said they would be willing to buy land; 54 per cent would be willing to pay rent; 60 per cent to give up a third of their annual production for the rent of new land; 78 per cent would be willing to purchase land with a government subsidy on easy terms.

Who should get land?

23. Twenty two per cent of the people believed that any land which became available as a result of land reform, should go to "the people who had land stolen." In the northern Communal Areas, the comparable figure was only 7 per cent. Eighteen per cent wanted land to go to the landless or those with very small holdings and no job; 15 per cent supported equality of access; 10 per cent said that land should go to returnees.

24. Within these totals, people emphasised markedly different options. The men from Hereroland and Kaokoland usually selected the option of "people who had land stolen". (Women were more varied in their response, but often emphasised equality of access.) Namas stressed options calling for equality of access. Damaras selected the landless and then returnees. The San believed people should be chosen by the tribal authorities.

1. Introduction

1.1 The five Communal Areas of Bushmanland, Damaraland, Hereroland, Kaokoland and Namaland have between them a population of approximately 115,000 people, which is about eight percent of the total population of Namibia, and less, for instance, than the estimated 750,000 in the northern Communal areas or the 200,000 whose incomes turn on the large farm sector's sustained productivity.

1.2 Significant differences exist between the Communal Areas in the northern mixed farming zone and those in the southern and central pastoral zone. Although the Communal Areas in the north have higher agricultural potential, they are isolated from national markets and have suffered major material and social damage from the war. Largely due to previous neglect, there is considerable scope in the northern Communal Areas for improving infrastructure, especially water supplies and for agricultural expansion, unlike Damaraland and Namaland where the development options are extremely limited.

1.3 In the five areas covered by this paper, there are major differences in the cultural, ecological, and socio-economic conditions. However, there are also some strong similarities. First, each has a peasant farming system based on stock rearing, except for the San communities who depend on subsistence cropping as well as veld and game products. Secondly, they consist of the less hospitable remnants of former ancestral lands to which people were removed from the economic heartland. They are the areas with the strongest historical anger and grounds for restitution of land rights. Thirdly, each (with the exception of parts of Hereroland and Bushmanland) has harsh climatic conditions. Water supplies are scarce and define all possibilities for agriculture and settlement. However, again with the exception of Bushmanland and Kaokoland, they are within the disease free zone and have access to the national as well as foreign livestock markets.

1.4 These similarities, and the low overall population, are the reason that data on socio-economic conditions and attitudes to the land question were collected as one stratum in the national sample survey. However, it is necessary to outline the land issues separately for the five areas, presented in descending order of population, before together considering the attitudes to the land question.

1.5 Rehoboth, where land rights are "neither communal nor private", was included in the same stratum as the commercial farms, as it has more in common with these than any of the Communal Areas. This paper therefore contains no information from the socio-economic or attitudinal survey on Rehoboth. Land related issues in Rehoboth are, however, briefly discussed.

A. Communal Areas

2. Hereroland

2.1 The homelands proposed by the Odendaal Commission differed from the original "native reserves" in that they were both enlarged and ethnically constituted; self-government for each homeland was the ultimate objective. As some of the reserves were considered too small to exist as self-governing homelands, the Commission proposed that they be integrated with the nearest homeland of their population group. Hence, Hereroland consisted of several discrete areas, including some small, isolated blocks surrounded by White-owned commercial farms, e.g. Aminuis, Otjimbingwe and Ovitoto. The largest contiguous area is made up of Hereroland East and West, 61,000 sq km of camelthorn savanna on flat sandveld with a mean annual rainfall of between 400-500 mm in east-central Namibia. In the 1981 census, the combined Herero population in the Communal Area was about 34 500; in 1989 at the time of the election it was 37,600.

Hereroland East and West

2.2 Much of the area is grazed, but in the east it is waterless during the dry season and therefore relatively lightly utilised. Rainfall is marginal for cultivation, and crop production has greatly declined in favour of stock rearing. The communities live in scattered hamlets and are served by boreholes or water tankers operated by the Directorate of Agriculture. The Okamatapati area, representing about 25 per cent of the grazed area in Hereroland West, is mostly supplied by a 240 km main pipeline from the Otavi Highlands (Eastern Water Carrier) constructed between 1978 and 1981 to open up a waterless area of some 275,000 ha for stock farming.

2.3 In the past, the administration met all the costs of *borehole construction and maintenance*, but since 1988 the responsibility for basic operation and maintenance has been passed to users. However, stockowners supplied by the pipeline continue to receive water supplies free¹. The government continues to take responsibility for borehole construction, some maintenance and repairs and the employment of pumpers. The local community have responded to the challenge with varying degrees of success. The grazing fees, which were originally seen by

producers as payment for water supplies, are now widely ignored especially by the larger stock owners.

2.4 Although a few water points are managed by single farmers, most are shared by groups. Typically, stock holdings within the group vary considerably, ranging from 5 to 200 cattle plus smallstock. In some cases, the dominant farmer assumes the role of foreman, taking responsibility for the organization of the water point.

2.5 The construction of the *Eastern Water Carrier* and the fencing of the range into individual farms was seen by government as a means of taking the pressure off the intensively grazed area around Okakarara and of introducing the Herero to modern farming methods. Fifty-six farms of about 5,000 ha (supplied by 360 km of secondary and tertiary pipelines) were planned, although only 41 farms were surveyed and fenced. Each farm was divided into 4 camps with one central waterpoint. The scheme led to a large increase in stock numbers in the Okamatapati area without any detectable advances in husbandry. The Okakarara area, from which settlers were drawn, continues to be under heavy grazing pressure. The area is periodically dependent on "drought relief" during the dry season, the last occasion being in 1990.

2.6 From the outset, the Okamatapati scheme was seen by local people as a government project, centrally conceived and implemented without adequate consultation. People were reluctant to move from Okakarara to the new area and those who agreed to go were labelled as collaborators. Farms were allocated free to farmers, who moved in immediately the water points were installed and before the construction of fences. In many cases, several households were allocated to one water point, but herds continued to be managed individually. Recently, farmers have been pressing to have the farms subdivided and to be granted freehold rights to the land.

2.7 Compulsory anthrax and brucellosis vaccination is carried out free by the veterinary authorities who report that some of the Okamatapati farms are carrying up to 900 cattle instead of the recommended 500-600. The botanical composition of the pastures is said to be seriously degraded in the neighbourhood of the waterpoints. Animals are not rotated around the camps nor are they closely herded, but left to wander freely. Auctions are held regularly throughout the area.

2.8 Maintenance of the main pipeline is carried out by Water Affairs. The repair of secondary pipelines is the responsibility of the Directorate of Agriculture, its main function in the area. The pipeline development has not been without its technical problems. There is inadequate water pressure arising from excess demand at the many outlets on the lateral lines. Livestock on the farms served by the most southerly extension of the pipeline (lines two and three) have to be moved out to the Okakarara area in the earlier part of the dry season to prevent them being poisoned by the leaves of *gifblaar* (*Dichapetalaceae*).

2.9 *Range enclosure:* Until recently, fences could be erected only with the permission of the Headman's Council and then only with the agreement of the community. Since independence, the Headmen's Councils have lost authority and people are proceeding without the permission of the headmen and even against the wishes of the local community. The position is particularly tense in Otjituoo where wealthy stock owners have enclosed extensive areas in the last year and are continuing to do so, despite official announcements that the process is illegal. Some farmers get permission to enclose a small area and then greatly extend it.

2.10 It was clear, during the rains of February 1991, that the main purpose of those wealthy enough to afford the fencing was to reserve dry-season grazing. Their animals were being kept outside the fence in the remaining communal area until that grazing was exhausted, when the cattle would be brought into the enclosure to enjoy exclusive access to the untouched pasture. This practice poses a major threat to the livelihood of small farmers who cannot afford fencing and do not have recourse to dry season enclosures. Some fear that they will have to sell their animals to the big farmers when the dry season comes.

2.11 In 1985, a proposal to subdivide the whole of the area into individual farms caused considerable friction among local people and led to the dismissal of the Executive Body of the Herero Administration. Today the proposal is being considered again. Some argue that it is better for the Hereros to get more land from elsewhere before proceeding with the subdivision of the range.

2.12 Farmers report that cattle theft in the rainy season is a serious problem for the old people, especially with the weakening of the authority of the headmen and their police. This is one reason why even the old people are not entirely against fences.

2.13 There are proposals to upgrade and extend the Eastern Water Carrier eastwards, to build earth dams and to place an officer from the Directorate of Rural Development at Okakarara, who will draw up plans and supervise implementation. At this stage, these proposals amount to no more than project ideas.

2.14 Plans prepared by the former Herero Administration and the FNDC for 10 farming units of 4,900 ha each in unutilized areas of Otjinene and Epukiro districts (5 farms in each district) of Hereroland East have been shelved. These plans were similar to those implemented in Hereroland West except that in Hereroland East, low interest loans were to have been made available to individuals (and groups of farmers) through the FNDC to finance the capital costs (estimated at R210,000 per farm). Annual rent was to be charged at the rate of R1 per LSU up to 400 LSU. Service centres were to be set up to advise and assist farmers and to supply inputs on account. Again the purpose was "the promotion of commercial agricultural production by enabling Herero farmers to utilize hitherto unused grazing". At the same time "appropriate corrective measures" were to be applied in the old areas to assist the recovery and maintenance of the natural resources^{11, 2}

Issues

2.15 The development perspective for the Communal Areas has been dominated by the commercial farm model of 4,900 ha, fenced and subdivided into 4 or 8 camps, etc. allocated to individuals or to groups of farmers. This model was promoted both as a means of introducing modern, scientific, livestock production systems to the Communal Areas and as a means of reclaiming the overgrazed areas vacated for the new ranches. The inherent difficulties with this approach; would seem to be a failure to:

- (a) cater for the needs and capacities of the majority of farm households, who own few livestock;
- (b) match the modern production objectives and financial terms and conditions to the non-market priorities of livestock owners;
- (c) Provide a sustainable production system, especially in areas of scarce groundwater or where "gifblaar" is a problem;
- (d) provide a feasible means of closing off degraded areas and preventing the others from quickly filling the gap.

2.16 In considering the appropriateness of various reform measures, it is important to acknowledge the high degree of economic differentiation within the Communal Area. It is essential to recognise the corresponding interests and expectations in land reform which flow from such differentiation. Predictably, the interests of the rich, politically powerful minority are at odds with those of the poor majority. In addition, there are also the interests of those in the area with no cattle, such as the workers of the large herd owners. The survey revealed the very harsh conditions faced by San employed by Herero stock owners.

Ovitoto

2.17 This enclave, some 60 km north of Windhoek, now comes under the administration of Okavango District. The problems it encounters are typical of the other Herero enclaves. The Communal Area, of about 600 sq km of broken hilly country, is all that remains of a much larger area formerly occupied by the Herero people. In recent years it has been further diminished by the reservation of land for the Von Bach Dam and the Osona Military Base. The inevitable consequence of concentrating people and animals (9,200 cattle, 5,618 smallstock and 1,300 horses and donkeys in January 1991) on a decreasing area is "rural stagnation and regression"³.

2.18 There is widespread popular support within Ovitoto for land reform, which here refers to the settlement of people from the overcrowded Communal Area on land now occupied by commercial farms. The larger stock owners, possibly some 20 families with herds in excess of 250 cattle, are asking for government assistance so that they can each acquire a farm of some 5 000 ha. Apart from the over-riding issue of their historic rights, they no longer see any future in communal land which they argue should be divided among the community, each according to his needs.

2.19 On the other hand, the poorer stock owners wish for government help in extending the Communal Area. They envisage that government would purchase the surrounding farms and let down the fences separating them from the existing Communal Area. The same applies to the land set aside for Osona Base. They argue that this extension of the Communal Area would allow them to retain the flexibility of the current management system, essential for the survival of their herds and flocks in times of drought. They see no virtue in fencing the commonage into individual farms. At the same time, they are asking government to improve water supplies.

Issues

2.20 In Ovitoro, the diverse interests and expectations of the wealthy and the poor members of the community are clear. The high level of economic differentiation in the Communal Areas requires a response which both preserves the integrity of the communal land, albeit extended, for the majority of stock owners and, at the same time, provides an opportunity for the better off to gain access to individual farms.

3. Damaraland

3.1 Rainfall in this district is low and unreliable; 50 per cent of the area receives less than 150 mm, the remainder no more than 300 mm per annum. The district is prone to severe droughts which result in heavy stock losses. Most of the western part of the usable area consists of sparse savanna, suitable only for game and extensive ranching with smallstock on large farms of 10,000 to 12,000 ha. Further east extensive cattle ranching is feasible on farms of 5,000 to 7,000 ha.

3.2 Following the Odendaal Commission and the designation of the area as the homeland of the Damaras, all the white-owned commercial farms (223 in total - many of them producing Karakul) were bought out by the government and Damara people were settled involuntarily on the land. The Damara came from several different parts of Namibia. Many of them were townspeople. In the 1981 census, the Damara population in the designated Communal Area was about 24,200; in 1989 at the time of the election it was estimated to be 31,400.

3.3 The settlement of Damaras was not primarily intended to establish them as farmers, but rather to evacuate them from the White farming areas and move them to a reserve. Thus, the circumstances under which they were settled, and the support with which they were provided, were not conducive to the development of a viable farming system. The result has been acute veld deterioration, the formation of a class of part-time farmers, impoverished labourers and the necessity for government to provide massive water supply and fencing subsidies.

3.4 The former white-owned farms typically had a homestead, 3-5 camps and at least two water points. One or more Damara families were allocated one water point. The land on which they were settled, nonetheless, remained government property. Some families have been settled on communal land, that is land which had not previously been subdivided into farms.

3.5 The allocation of families to individual waterpoints was achieved with the cooperation of twelve Damara "headmen", who were government appointees. The headmen also formed the Executive Committee of the Second Tier Authority (STA), which made the decisions on who was to receive the water subsidies and the payments to farmers for fencing their land. Nine freehold farms are reported to have been purchased by the STA in the commercial area. Political patronage determined the choice of beneficiaries for subsidies, loans for the purchase of stock and the use of the farms.

3.6 The settlement process continues today, as Damara, mainly displaced labourers from the commercial farming areas, apply to the traditional authorities and to the Directorate of Agriculture in Khorixas for a place to settle. Formerly, the staff endeavoured to investigate the potential of the land on which people were applying to settle, but now it merely endorses decisions made by the traditional authorities. No applicants for settlement are refused. Thus, despite the already heavy levels of overcrowding and overstocking at the waterpoints, pressure continues to increase.

3.7 Some 1,500 families have been allocated land in this way and are registered as "farmers" with the Directorate of Agriculture in Khorixas. The Department's policy is not to interfere with management but to keep the farms going by maintaining waterpoints, providing free fuel for the borehole engines and supplying free fencing material. Originally farmers were paid to maintain fences but this was stopped two to three years ago.

3.8 It appears that most of the original internal fencing on the farms has disappeared or lapsed into disrepair and that many of the perimeter fences are also down. Grazing conditions on the farms are generally very poor, and farmers often have to move their stock over considerable distances to find grazing. Fences tend to obstruct these movements and those of any game. The main purpose of fences is to prevent stock from straying too far, not to facilitate veld management.

3.9 The general impression of these farms is that each is a communal area on a small scale. The households settled at each waterpoint regard the water and the grazing within reach of it as their own territory and some try to exclude neighbours from grazing there. Confinement within these small areas, which are segments of the old commercial farms, intensifies grazing pressure and the process of devegetation.

3.10 Most of the Damaraland farmers are said to have jobs elsewhere and their animals are managed by junior relatives or extremely low-paid labourers. Standards of husbandry are therefore poor. Extension work is virtually impossible. The Directorate of Agriculture is therefore confined largely to providing a borehole maintenance service and free fencing materials, despite having well trained and motivated staff.

3.11 Water tables are reported to be falling and 5 per cent of boreholes are drying up each year. Three years ago, the rate was 2 per cent. The Water Unit drills boreholes, supplies all equipment and diesel, builds dams and windmills, and services and maintains all equipment. Farmers are not expected to contribute in any way so the teams are called out continuously for maintenance and repairs. Subsidies amounted to:

1988/89	R 1.4 million
1989/90	R 2.0 million
1990/91	R 3.0 million

3.12 The Damaraland farmers are on government-owned land, using government-owned boreholes and enjoying a supply of free fuel and fencing. There are nevertheless a few farmers who have effectively taken sole possession of their land, refuse to allow other families to settle on it, and run it as a commercial "freehold" farm. One such farmer claims that he was "given" his land by Odendaal and intends to pass it on intact to his heir.

3.13 Farmers are expected to pay a grazing fee of 5c for goats and sheep, and 60c for cattle per month. In the fiscal year 1989/90 only R22,000 of the budgeted R150,000 was collected by extension staff. Most farmers refuse to pay grazing fees on the grounds that government is not providing a sufficiently reliable borehole service and that they sometimes have to purchase parts or fuel themselves.

3.14 Significant wildlife populations exist in Damaraland and there are at least four tourism concessions which base their trade on wildlife and spectacular scenery. One concession includes exclusive use of more than 30,000 ha for game ranching and tourism. There is pressure for this land and 'unutilized' but marginal land to be opened up for livestock farming.

Issues

3.15 Important questions to be resolved regarding the long-term viability of the Damara farming community are:

- (a) Resettlement in this marginal area has been maintained only with a very high level of subsidy, which is likely to be unsustainable. Under present conditions some farmers will not be able to pay for water supplies as farm units are both too small and their production potential too low. If subsidies are withdrawn, the poorest farmers will be hardest and soonest hit. This would force many of them either to seek work in towns or as farm labourers on their former holdings. Some consolidation of holdings would probably take place, the enlarged units continuing at a low level of production, under absentee managers.
- (b) Detailed surveys of farm economics, the socio-economic condition of those associated with the farms and the costs and benefits of farm subsidies are urgently required as a prelude to land reform and revision of water subsidies in this area and/or resettlement elsewhere.
- (c) There is considerable potential for game harvesting, trophy hunting and wildlife-based tourism in Damaraland, but as with other Communal Areas, ways need to be found to involve local people in decision making over utilization and to channel the benefits to them. A consultative process has been started in parts of Damaraland by the Ministry of Wildlife, Conservation and Tourism, which has been canvassing opinion on wildlife utilization and related issues.

4. Kaokoland

4.1 Kaokoland covers about 49,000 sq km. In the 1981 census, the population in the designated Communal Area was about 16,600; in 1989 at the time of the election it was estimated to be 24,200. The northern part of the district is occupied by the Himba, a nomadic pastoral people who adhere strongly to their traditions, and the southern part by the Herero. Neither group cultivate lands to any extent, though some have small gardens.

4.2 In 1980 the cattle population of Kaokoland was estimated at 111 000. The drought of the early 1980s decimated the herd, whose size was reduced by 1982 to 15 000 head. The cattle population since then had increased to 85 000 in 1990. Natural increase accounts for only a part of this growth. Many cattle

were bought in from Hereroland after the drought. Game is still relatively abundant in this area, including the internationally known "desert elephant and rhinos".

4.3 There are 27 territorial headmen among the Himba. In comparison with traditional leaders in other Communal Areas, their authority appears reasonably intact. Due to the low rainfall (50 to 300 mm) and its high seasonal and temporal variability, the Himba often have to seek permission to move their animals into the territory of neighbouring headmen. This ability to move over a wide area is essential to the survival of their herds and allows the veld some respite during drought.

4.4 There are some 153 boreholes in Kaokoland. The Department of Agriculture is responsible for their maintenance, but in 1990 only about one third were operative due to budgetary constraints. Stock owners complain about the situation, but have yet to take responsibility for maintenance themselves. A consequence of the previous government's free water programme is that stock owners have become more sedentary. This is reported to have had adverse effects on the veld in the vicinity of the water.

4.5 The Herero are, by recent tradition at least, more sedentary than the Himba and are considered by some local officials to have caused more veld degradation and soil erosion for that reason. They are also affected, perhaps to an even greater degree than the Himba, by the unreliability of water supplies.

4.6 A factor contributing to the rapid build-up of livestock in the district has been the very poor marketing facilities and outlets. This has also meant that stock owners have had little money to repair, maintain and operate the boreholes themselves. To date Kaokolanders have not been allowed to maintain boreholes as they are state property.

4.7 A source of concern to many Kaokolanders is the prospect of incursions by "outsiders". One reason given for this is that bovine lung sickness is endemic in Owamboland, but rare in Kaokoland. This explanation probably conceals a deeper fear that their traditional territory will be occupied by the more numerous people to the east.

4.8 *Development policy:* On the future development of Kaokoland there are divided opinions among officials, traditional leaders and stock owners. Those born in the district, or who have long associations with it, tend to defend the present system of land use which involves extensive grazing over large tracts of land,

unimpeded by fencing. This, they say, is a system which is well adapted to the harsh and variable conditions of Kaokoland and is therefore sustainable, given appropriate water development and management and better opportunities for livestock marketing. The opposing view is that no progress can be made until the whole area is fenced off into "economic units", with the pastoralists settled on them and managing them as commercial farms.

Issues

4.9 As in other areas of Namibia where traditional values are strongly adhered to by the community, the main land-related issue is the extent to which the local community should be allowed to decide the pace of modern change. For example:

- (a) The Himba and Herero of Kaokoland are apprehensive about incursions onto their land by people who do not have traditional rights in the area; The constitutional right to settle in any part of Namibia, and its relationship to traditional land rights needs to be clarified. The implications of these respective rights for the more vulnerable groups in Namibia will, however, need careful consideration by Government. It may be that Article 23 (2) of the Constitution, concerning "Affirmative Action", will provide a way of approaching the problem.
- (b) Some officials canvass the idea that the best solution to "overgrazing" and general "backwardness" of the Himba is to subdivide their territory into fenced "economic units", where they would be persuaded to settle, send their children to school and raise livestock in the modern manner. Such prescriptions for land reform and rural development in the Communal Areas require careful scrutiny lest, in the absence of alternative approaches, they are implemented by default.
- (c) The use of game, decision-making over its utilization and accrual of the resulting benefits to the community need to be addressed.

5. Namaland

5.1 The Nama Communal Area covers 21,120 sq km in the South of Namibia. It falls into the semi-desert agro-ecological zone. Average rainfall varies between 100 mm in the south to 200 mm in the north and is very unreliable. Potential evaporation rates are extremely high (3.6 to 4.0 m). Carrying capacities vary between 42 and 24 ha per LSU. In 1990, karakul sheep (85,000)

and goats (144,000) far outnumbered cattle (9,000). In 1981, the census recorded 12,766 people. This had increased to about 18,000 at the time of the election in 1989.

5.2 There are believed to be 1,300 to 1,400 farm families. One hundred small stock is a figure usually given as the threshold below which a household cannot survive without other sources of income. In 1988, half the farmers in Namaland had less than this number and one third owned fewer than 50 head. There are, however, a few big stock owners in Namaland, with up to 6,000 small stock and maybe 300 cattle.

5.3 Following the Odendaal Commission, Namaland was increased to virtually double its earlier size by the addition of commercial farms. Today it consists of several blocks of unfenced land and several of land that was originally fenced, but which is now largely open due to the fences having fallen down. There is little difference in land use between the two.

5.4 As in Damaraland, the settlement programme was not primarily intended to establish farmers, but rather to evacuate Blacks from the White-farming areas and move them to a reserve. Thus, the circumstances under which they were settled and the support with which they were provided were not conducive to the development of a viable farming system. The result has been acute veld deterioration, a rural population composed largely of part-time farmers and impoverished labourers and the necessity for government to provide massive water supply and fencing subsidies.

5.5 People are still coming from the commercial farms to the Communal Area to settle. They approach the traditional leaders and ask for a place. The latter should assess the carrying capacity, water availability and other factors before granting permission to settle, but they do not have the capacity to do this. Neither do they have the power to turn applicants away. They have to settle them, even though there is no space for them. The Directorate of Agriculture is also expected to assess each application, but in fact only rubber stamps it.

5.6 As in Damaraland, a major problem in bringing about agricultural change is that most of the people on the land are old; most of the young are in town working or looking for work. Many of those on the land are also poor and lack education.

5.7 The Department provides free fuel to all boreholes serving a "community", which in practice means more than one family. If only one family occupies a borehole it buys its own fuel, though

maintenance is still carried out free. The staff are able to do little more than maintain the existing 850 windmills and 45 borehole engines, drill a few boreholes each year, maintain some fences, and distribute drought relief fodder. The traditional authorities are responsible for all land issues and also for regulating grazing, although there is no evidence that they are able to do this.

5.8 The Directorate of Agriculture tries to maintain perimeter fences, at least, to "keep the animals off the roads". Some private individuals ask for fencing materials to repair their own perimeter fences and a few for internal camps. In general fencing is not considered important by most stock owners.

5.9 According to the Directorate of Agriculture, the main strategy for the Communal Area is to persuade the big stock owners to buy their own ranches in the commercial areas. There is said to be considerable popular support for this. One idea is that any farmer with more than 1500 head of small stock should be compelled to move off the Communal Area on to a farm of his own, and that government should assist such farmers with soft loans. But there are at present few incentives for large owners to buy their own farms. Not only is finance difficult to raise, but on the Communal Area the owner gets free land, free water, free fencing if he wants it, free drought fodder and is difficult to assess for tax.

5.10 A parallel aim is *"to persuade as many of those with small numbers of stock to leave the land and get a job".... "Namaland could then be divided into economic units for those who can and wish to farm seriously"*. The Directorate of Agriculture estimates veld carrying capacity at some 2.5 ha/SSU in the east of Namaland, and 10 ha/SSU in the west. Thus an economic unit of 1500 head would require some 3750 ha in the north east, and 15 000 ha in the south west. To farm properly on such units farmers would need to live austere lives and, even then, it is doubtful whether they could survive a drought such as that of the early 1980s.

5.11 This approach has been proposed, in various forms, for the last twenty years, but has yet to be implemented. It is said to be opposed by many of the smaller farmers, who fear that they would be deprived of their land rights and unable to find a permanent job.

5.12 A major problem in the neighbouring commercial farming area of Keetmanshoop is that many of the farms are too small, and are in continuous economic trouble. As a result they tend to be badly managed and to become run down and the veld degraded. The owners of such farms cannot afford to stock the veld at the rate it can carry in a given year. They are continuously pressed for cash, and transfer the pressure on to the veld. Thus they live on their capital, and cannot survive a severe drought.

Issues

5.13 Important questions to be resolved regarding the long-term viability of the Nama community are similar to those pertaining in Damaraland. These relate to the high level of subsidy and the socio-economic problems which would result if it were withdrawn.

5.14 Other questions relate to official thinking on development policy for Namaland, which has cantered on the creation of "economic units" in the Communal Area and on the removal of the larger stock owners to farms of their own. In many years, no progress has been made in the implementation of either of these ideas.

5.15 The application of the commercial farming model and its variants to Communal Area problems does not seem likely, in the light of experience in Namibia and elsewhere in Africa, to hold out much hope of success. The question has to be asked whether or not there should be a fundamental reappraisal of the nature of Communal Areas and of the available options for their development.

6. Bushmanland

6.1 This rectangular strip of sandveld, covering 18,500 sq km, abuts the Botswana border and is located in "the tree savanna and woodlands" ecological region. Two thirds of the area is uninhabited due both to the depth to groundwater (300-1000 m) and the absence of veld foods and game. The presence of poisonous plants in parts of Bushmanland has also deterred cattle owners from settling in those areas.

6.2 In the east, shallow groundwater allows habitation by some 3900 members of the San community. Mean annual rainfall is between 450-550 mm over most of the area, sufficient for rainfed cropping of millet and pulses, but marginal for maize in most years.

6.3 The ancestors of the Ju/Wasi community of Nyae Nyae, in Eastern Bushmanland, are believed to have lived off wildlife and veld foods occurring in the area for, perhaps, thousands of years. Their long history of stability in the area is evidence of a fine balance with the environment and a concern not to over-exploit the basis of their subsistence. In recent times tourists and hunters armed with modern weapons are seen with increasing frequency in the area and neighbouring pastoralists are pressing to establish themselves in Ju/Wasi territory. Hereros from Botswana are said to be moving into Bushmanland from Gam in Hereroland East, which is close to the boundary with Bushmanland.

6.4 As Megan Bieseke writes,

... all but about 3% of the Bushman people in Namibia are completely dispossessed and must struggle unremittingly to survive. Whether they do so on white-owned farms, on Herero or Kavango cattle posts, squatting at the edge of towns, or living in dependence on police or army, their ability to control their lives is very limited.⁴

6.5 Since the depletion of wildlife by hunting with firearms and the disruption of game movements as a result of farm and border fences, hunting and gathering has been only a temporary and partial source of subsistence for most Ju/Wasi. Many of the young people are looking for a new kind of life.

6.6 In the face of continuing threats of dispossession by outsiders, the Ju/Wasi of Nyae Nyae have adopted subsistence farming, which underwrites their claim to the land which they have occupied continuously for many thousands of years.

6.7 A democratically elected Farmers' Cooperative has been formed to assist the newly established settlements with their farming effort and to administer the land on behalf of the community. In so doing the Ju/Wasi are developing an approach to the administration of communal land.

6.8 The consultative planning process, initiated by the Ministry of Wildlife, Nature Conservation and Tourism and NGOs⁵ in January 1991 in Bushmanland, represents a new departure. The Ministry has in the past been regarded with distrust by local people.

6.9 In the west, people are concentrated in the peri-urban communities of Aasvoelnes and Mangettduin and there are small groups living along the Omuramba Omatako. Although San, most of these people are not related to the Ju/Wasi and for those Ju/Wasi in settlements such as Aesvoelnes, the system seems to have broken down. The Ministry of Lands, Resettlement and Rehabilitation has been promoting a system of 5 hectare plots for families in the west, but there is confusion among some residents about this land allocation.

Issues

6.10 The main land-related issues in Bushmanland concern control and management of land resources by the people themselves:

- (a) Despite the erosion of their territory and of their traditional lifestyle, the Ju/Wasi of Nyae Nyae are still dependent for a significant proportion of their livelihood on hunting and gathering. The integrity of their traditional hunting/gathering territories⁶, and the exclusion from these of other forms of land use, especially of heavy concentrations of livestock, is essential to their economic independence and advancement. Neither the Ju/Wasi nor the local administration have been able to resist the incursions of pastoralists, motorised tourists, safari hunters, etc. who enter Ju/Wasi territory as if it were, for all practical purposes uninhabited. It is necessary, if the Ju/Wasi are not to be reduced to even greater depths of poverty and dependence, that they should not be deprived of more land by unauthorised incursions into it and settlement upon it.
- (b) Land reform requires that the community be allowed greater authority and responsibility for the management of land and natural resources, as well as a share in the benefits which derive from their stewardship. Although there is good reason to believe that the San community will share the proceeds equitably, a major issue is how to channel the benefits of trophy hunting, photo-safaris, etc. to them.

7. Rehoboth

7.1 Rehoboth district covers a little less than 15,000 sq km, virtually all of which is natural grazing. Rainfall varies from an average of 150 mm (in the south west) to 350 mm in the north east) yearly with a high degree of annual variability. The 1981 census recorded 27 664 people which had increased to some 37,260 by 1989. The 1990 livestock census recorded some 38 500 cattle, 65 000 sheep (mostly Karakul) and 120 000 goats.

7.2 Four major hindrances to farm viability and better veld management in Rehoboth are:

- a) the age of most farmers - estimated at 55 years on average;
- b) the absence from their farms of most farm owners, who have jobs in Rehoboth town or elsewhere in the country;
- c) the lack of funds to invest in the farms; and
- d) the small size of most farms, which makes them difficult to manage; some overstock their land or rent to their neighbours who overgraze it.

7.3 There is broad agreement among local farmers, officials and other observers that the veld is generally in very poor condition, and that this is related to the progressive reduction in farm size to the point where most farms are uneconomic. This has come about through the system of land inheritance which was practised in Rehoboth until 1980. Up to that date farms were subdivided among the heirs upon the death of the owner; thereafter physical subdivision was no longer permitted, though heirs were allowed to inherit shares in their ancestral farm, which should be operated as a single unit.

7.4 The law introduced to forbid sub-division is regularly circumvented in practice. In 1990, 94 per cent of farms were smaller than 2,000 ha, which is generally considered an absolute minimum for economic viability. According to one investigation, the 2,793 land certificates (Grondbriewe) in the Rehoboth registry belonged to 2,200 owners. Only about half of the owners, however, owned livestock; the others either rented or gave their land to someone else to farm. Roughly 400 stock owners have given both their land and their livestock into the care of another, leaving some 620 people as active farmers. It is believed, however, that of these, about 200 are engaged in subsistence farming in communities of similar small farmers and a further 320 are part-time farmers with jobs elsewhere. This

leaves some 100 farmers engaged full time in stock raising somewhat above a subsistence level⁷.

7.5 There are some 3,000 surveyed farms in the district. Ownership of land or access to it can be divided into three types: private, communal and government-owned. Rehoboth differs markedly from other Communal Areas in that private ownership is the norm rather than the exception, and covers 1.2 million hectares. Even the communal land (58,000 ha) and the government-owned land (93,500 ha) have been subdivided and leased.

7.6 Up to independence, Rehoboth had its own constitution, elected government, and traditional leadership. The Rehoboth constitution stipulated that nobody except registered citizens of the "homeland" were allowed to obtain an interest in land.⁸

7.7 There is some anxiety about the land issue in Rehoboth, as land rights are "*neither communal nor private*". Although land certificates are issued and land can be bought and sold, land rights are limited by many regulations regarding sale, letting, inheritance, etc. Farmers fear that, if these regulations were swept away and Rehoboth became part of the larger commercial land market, "outsiders" would be able to buy land in Rehoboth. Land prices would soar and many small farmers would sell up and the community would become divided and dispersed. Alternatively, if the land was to be declared fully communal, people would ask what rights the present farmers had to their farms.

7.8 The Rehoboth Farmers Association proposed at a recent meeting to suggest to Government the establishment of a council for the district, one of whose main functions would be to allocate and administer land. This, however, seems likely to run into objections from Government, which has abolished the role of Kaptein and Raad and transferred their powers to itself.

Issues

7.9 The Rehoboth Constitution has now been superseded and subsumed by the Namibian Constitution⁹, but it is unclear how the land tenure situation in Rehoboth will be harmonised with that of the rest of the country. Without undermining the fundamental provisions of the Namibian Constitution, the special circumstances of Rehoboth farmers, rich and poor, on both private, communal and government land, need to be taken into account in any land reform so as to provide justice and equity, security of tenure and livelihood and an environmentally sustainable system of land use.

7.10 A non-political body with local understanding and knowledge and with statutory powers to allocate and administer land would appear to be needed to resolve these problems. The powers and responsibilities of such a body and its relationship with Central Government are issues to be resolved.

7.11 Even with these reforms, rural development in Rehoboth is likely to be hard going. Rehoboth is reported to have the worst inequality in land access, the worst social relations and the most underpaid labour force (excluding the San in the north east) in Namibia. Most of the impoverished, exploited workers are not Rehobothers.¹⁰ It is unclear whether productivity is high enough to allow adequate remuneration of workers. Land reform by splitting ranches is unlikely to do much to increase the number of secure livelihoods.

B. Attitudes to Land Issues

8. Socio-economic conditions

8.1 In the course of the survey in the five Communal Areas (excluding Rehoboth), 97 households were interviewed, distributed as follows:

Bushmanland	7
Damaraland	27
Kaokoland	20
Namaland	14
Hereroland:	
East and West	15
Ovitoto	7
Aminuis	7

8.2 Within these households, 162 individuals were questioned on their attitudes to the land issues, of whom 57 per cent were men. The average size of households was 4.5 adults and 4.9 children (of 17 years and under), i.e. 9.4 persons. This indicates that the child:adult ratio is the third highest in the country, after Caprivi and Kavango.

8.3 The percentage of people who had received formal education was the lowest in the country; of the 162 people who answered questions, 48 per cent had received no formal education (which is 1 per cent less than farm workers and their families). Only 9 per cent had proceeded beyond primary education.

8.4 Figure 1 shows the distribution of cash income within the five Communal Areas. It is noticeable that while there is a smaller percentage of households in the lower two income groups than in the northern Communal Areas (due to the absolute need for cash income in areas where it is not possible to feed the household from subsistence income), a lower percentage of households are found in the highest two income groups.

Figure 1 Cash income in the five Communal Areas

8.5 While the figures for average household cash income over such a wide area conceal a great deal, they at least show the contrast with the northern areas (ie, Ovambo, Kavango, Caprivi).

Table 1: Monthly sources of cash income in the five Communal Areas

	Five Communal Areas	Average of Northern CAS ¹¹
Wages and pensions	144.65	283.90
Casual Work	3.92	21.23
Remittances	5.57	21.38
Small enterprises	6.39	24.55
Sales	141.36	32.59
Service trades	1.25	9.59
	=====	=====
Total per month	303.14	393.24
total per year	3,637.68	4,718.82

8.6 Thirty eight per cent of households received wages or pensions, and 61 per cent sold farm produce, very often livestock. Quite a number of households fell into neither of these categories and are likely to have had very low cash incomes. Only 4 per cent obtained casual work. Remittances were received by 9 per cent of households; indeed 78 per cent of the households were male-headed. Small enterprises consisted of businesses where there were purchases and sales as part of the household budget, such as beer-making or small-scale trading. Only 5 per cent of households were involved. Service trades, such as taximan or shoe-mender, employed only 3 per cent of the households. In addition, some food had been obtained by 41 per cent of households during the last year, presumably mostly as drought relief.

8.7 Subsistence incomes have not been valued in the estimation of cash incomes above, whether from the consumption of livestock, milk or grain, or from hunting and gathering, or from building one's own house or making household consumables oneself. Nineteen per cent of households admitted to having hunted or gathered, though this may have been an underestimate since hunting is illegal in most Communal Areas. Subsistence incomes would add considerably to the income levels above, and would explain how households can survive at these low levels of cash income.

8.8 One major point of contrast with the northern Communal Areas is the small amount of cash which accrues to households in the five Communal Areas from alternative income streams. There are very few developments of informal sector activity.

8.9 With only a handful of exceptions, households cooked with firewood and 84 per cent said it took more time to obtain firewood than five years ago. However, more than 50 per cent of households considered that the condition of both cropland and grazing land had not worsened in the last ten years, which perhaps indicates the low expectations of people in the drier Communal Areas (or their better evaluation of these things?).

8.10 Livestock production dominates the farming system in all of the Communal Areas except Bushmanland, although 28 per cent of the sample of 97 households did plant crops over a small hectare. These were mostly Kaokoland households; some people in Hereroland also grew crops. While concern for grazing land dominates the attitudes towards the land issue, 88 per cent of households claimed they would grow more food if they had access to cropping land.

8.11 Farmers ranked the problems of arable production in the following order: water; the difficulty of keeping livestock out of the fields (there is little vegetation from which to make fencing in these areas); difficulty in obtaining equipment and implements; birds and insects; and finally poor or inadequate seed.

8.12 Data on livestock holdings were not collected separately by area. However, holdings of cattle, goats, sheep, and equines were all considerably higher than in the northern Communal Areas. Production problems, in order of incidence, were: lack of water; sickness and death of animals; drought; poor grazing; theft; predators and inadequate fencing.

8.13 Two thirds of households thought that fencing would affect other people in the Communal Areas, 23 per cent stating that it would lead to overcrowding and perhaps degradation of the remaining area. Ten per cent mentioned the difficulty fences created when moving livestock to water. Nine per cent believed the introduction of fences would require trek routes to be moved. Various other difficulties which would be caused by fences were raised, but 14 per cent believed that fencing would benefit farmers, most saying that it conserved grazing. In line with this, 56 per cent of the respondents said that the Communal Areas should be divided for the private use of the people now using them. This contrasts with an average of only 32 per cent in the northern Communal Areas who thought that the land should be enclosed. However, when asked whether this might lead to problems, a quarter said there would be conflicts over the boundaries and another quarter were worried that some people

would receive very small areas. Fifty three per cent wanted to continue to farm in the Communal Areas, markedly lower than the average of 75 per cent in the north...

8.14 When asked who should go without land in the Communal Areas, most responses were typical of the northern Communal Areas, except that 15 per cent considered that people from other ethnic groups should not be permitted access to the land, twice the average for the Communal Areas. Half would not allow those who had other incomes; 14 per cent considered that Government officials should not get land, and 12 per cent thought that those with no farming ability should be denied land.

8.15 In contrast with the northern Communal Areas, where the range is under less pressure, less than half the people thought that those with high incomes should be allowed to keep livestock in the five Communal Areas. Similarly only 52 per cent thought that people in urban households should be allowed to plough in Communal Areas, against an average of 73 per cent in the north. Three quarters of the people thought that large herds should be forced to leave the Communal Areas, in contrast to 60 per cent in the north. These responses show a greater desire to limit access to land in the drier pastoral districts. This is no doubt based on a greater awareness of the scarcity of land resources. On the other hand when asked what government should do for those who could not get land, even after a land reform, a quarter did not accept the premise that not enough land was available. Of the rest, 42 per cent suggested that employment off the land should be increased and 22 per cent suggested that education must be improved.

8.16 Four fifths of the sample wanted more land for ploughing and grazing and three quarters said that they would take land in preference to a high paying job. Sixty five per cent considered that government should allocate the new land, rather than the tribal authorities.

8.17 For themselves, seven out of ten people wanted new land in their home area, one out of ten wanted new land elsewhere, and the rest would go anywhere. Sixty two per cent said that if offered land far away, they would take it. Three quarters wanted more land even if they got a job elsewhere. A half said they would give up their land rights in their home area if offered new land somewhere else. Ninety seven per cent wanted to own land, so that it could be inherited by their children, rather than just have usufructuary rights.

8.18 In general people in the five Communal Areas were more likely to be willing than the people from the north to pay for new land. Sixty two per cent said they would be willing to buy land; 54 per cent said that they would be willing to pay rent. Sixty per cent would be willing to give up a third of their annual production for new land. Seventy eight per cent would be willing to purchase land with a government subsidy on easy terms.

Who should get land?

8.19 Not surprisingly, twenty two per cent of the people interviewed believed that land should go to "the people who had land stolen." A common factor among the farmers of the five Communal Areas is their unsettled account with the White settlers. In the northern Communal Areas where farmers generally did not lose land, the comparable figure was 7 per cent. Eighteen per cent wanted land to go to the landless or those with very small holdings and no job; 15 per cent supported options stressing equality of access; 10 per cent said that land should go to returnees.

8.20 Within these totals, people from the different regions emphasised markedly different options. The men from Hereroland and Kaokoland usually selected the option of "people who had land stolen." (Women were more varied in their response, but often emphasised equality of access.) People from Namaland stressed options calling for equality of access. People from Damaraland selected the landless and then returnees. San selected the people chosen by the tribal authorities.

8.21 People who supported the return of land to the historically dispossessed gave clear political reasons for choice:

"As people the land is free but the very white people who stole the land still have it. I think that with independence these whites don't even feel that they've lost anything because they still own the land." (Man aged 55)

"Our land was stolen and we must get it back. From long ago the land belonged to black people then it was taken by force." (Man aged 64)

"The people who had stolen the land only worked with the people, they did not develop them. That's why the people are now very poor." (Man aged 40)

8.22 Those who were concerned that land should go to the landless emphasised economic survival and self-reliance, as well as suggesting that production would be improved this way. The following were typical:

"They are the people who are really in need of land. If they receive land they will plant crops and receive production from it. They can also begin farming with livestock from the money they receive from crop production." (Man aged 38)

"Provide them with land first so they can produce enough food to sell to get cash." (Woman aged 42)

8.23 Finally, some comments by those who stressed equality and human rights:

"Every Namibian must have the opportunity to have some land. Reconciliation has come and we must work together." (Woman aged 59)

"Everyone must be treated equally, not like in the past. All people will be satisfied if they can use land." (Woman aged 46)

NOTES:

1. Evans, P. (1990) *Review of Water Supply Situation and Associated Issues in Herero Region, Namibia*, 18-21 September 1990, UNICEF, Namibia.
2. Herero Administration and FNDC (no date).
3. Page 4, *Report on Okavango Region*, by the Commissioner, January 1991.
4. page 5, *Shaken Roots; the Bushmen of Namibia*, by Megan Bieseke, EDA Publications, 1990, Marshalltown, South Africa.
5. The Bushman Development Foundation and Integrated Rural Development and Nature Conservation.
6. So far, 148 nlores have been mapped in Eastern Bushmanland at a scale 1:250 000 by the Nyae Nyae Farmers Cooperative with the help of the Bushman Development Foundation. The mapping process of actual nlores is still in progress.
7. Unpublished paper *The Agricultural Situation in Rehoboth 1990*, author and date unknown.
8. Adams, F. and Werner, W. (1990) *The Land Issue in Namibia: An Inquiry*.

9. See The Constitution of the Republic of Namibia, Article 16, Property.
10. Reginald Herbold Green, *The Land Question: Restitution, Reconciliation and Livelihood - some political economic and agro economic issues*. AGRECONA, Piggs Peak, Windhoek and Lewes, December 1990.
11. This is the simple average of incomes in Ovambo Cuvelai, Ovambo Non-Cuvelai, Kavango and Caprivi.