

A map of Namibia and its neighboring countries: Botswana to the east and South Africa to the south. The map shows the Atlantic Ocean to the west, the Orange River forming a border with South Africa, and the Kalahari Desert in the interior. Major cities like Swakopmund, Otjiwarongo, Gobabis, Luderitz, Keetmanshoop, and Oranjemund are marked. The Tropic of Capricorn is also shown. The text '©Oxford Cartographers' is visible in the bottom right of the map area.

Land Administration in Namibia for Sustainable Economic Development

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A small, semi-transparent globe showing the continent of Africa, positioned in the bottom right corner of the slide.

Land Administration System in Namibia

- Namibia's present system of land surveying, registration, and development covers only part of the country due to the colonial population policy of confirming the majority people to former "homelands" (now Communal Areas) and bearing them from owning land and securing tenure
- In many municipalities, towns, villages and settlements there is frustration about inability to plan, survey and register land rights and the difficulty of accessing credit for investment and development
- In the rapidly expanding urban areas, many poor people from rural areas in search of work opportunities have no official right to own or even reside on the land on which they have resettled

Land Administration System in Namibia Cont.

- Others are uncertain about their long standing traditional right to land on the edges of growing towns in communal areas, and do not know how their rights will be effected by the expansion of urban boundaries and the establishment of municipalities.
- Uncertainties surrounding land holding in communal land have arisen due to the inability of legally recognized authorities to act in terms of their mandates.
- Gov. in its determination to address these concerns and remove uncertainty about land issue, designated NLP and CLRA and most importantly grants men and women equal rights when applying for rights to communal lands

Land Administration System in Namibia Cont.

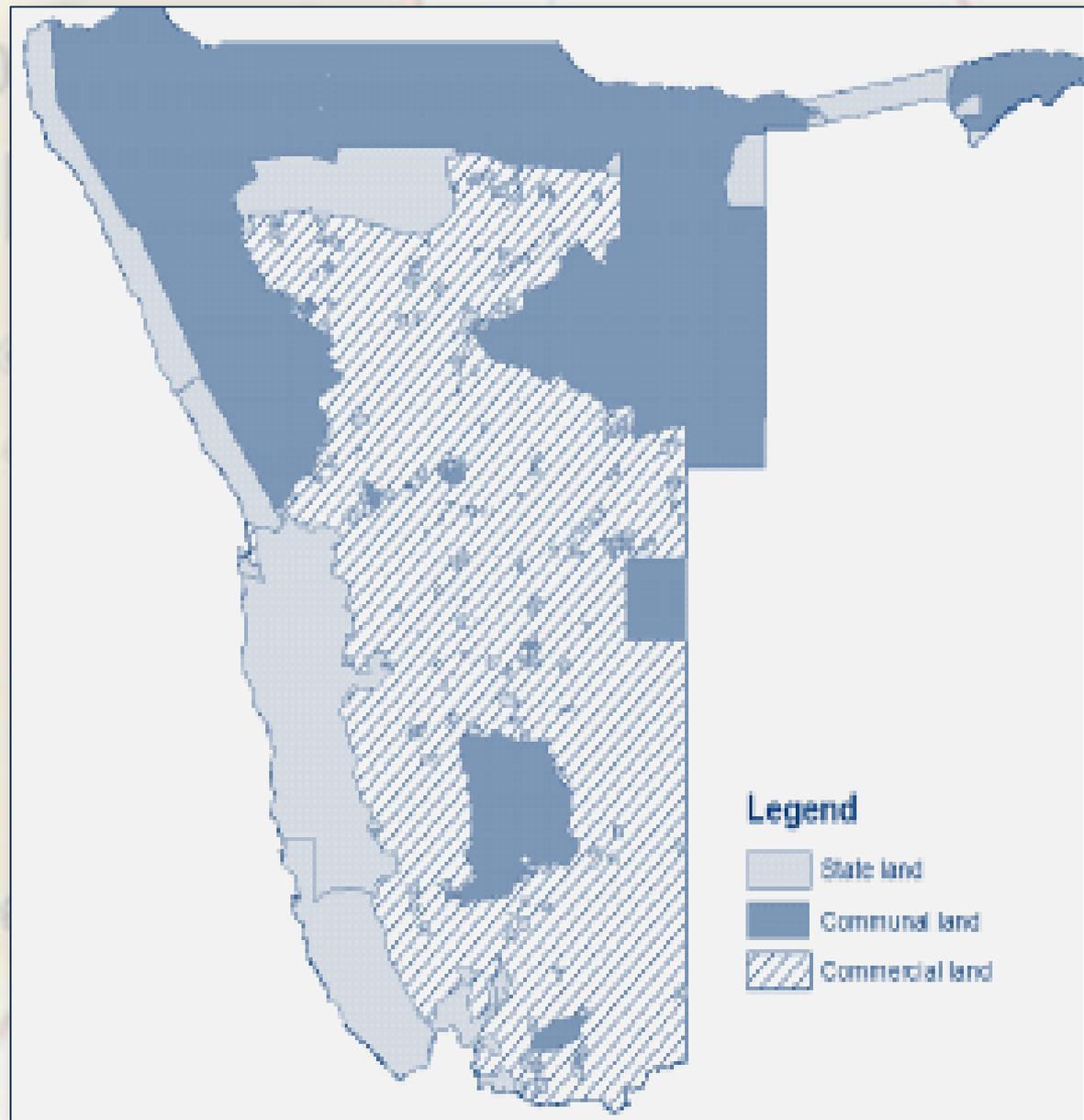
- Flexible land tenure system was implemented to address the land imbalances affecting the majority of Namibia's urban poor by creating alternative forms of land title that are simpler and cheaper to administer and provide security of title for people with low-income housing and informal settlers.
- Before the endorsement of CLRA in 2002, TA used to allocate communal land rights on verbal basis without any documentary proof.
- This type of tenure system was characterized by unfairness, biasness and unequal land distribution.
- Land related disputes such as double allocations, boundary disputes, unauthorized extensions and illegal fencing were also very common.
- In the process widows, orphans, minority groups and vulnerable people suffered the most

Land Administration System in Namibia Cont.

- Now that the CLRA is in force, everybody who held communal land rights before the enactment of the act on march 2003 is required to apply for the recognition and registration of such rights.
- Similarly everybody who did not have any land rights before the enactment is by law also required to apply for the allocation and registration of such rights.
- Applications for all communal land rights should be recommended by the TA and should be approved by the CLB to be considered valid and lawful.
- The MLR established CLB in all regions of the country to facilitate the recognition and registration of land rights that existed before enactment and the allocation of new land rights.

Land Ownership in Namibia

- Land in Namibia is classified for administrative purposes as **state land**, **communal land** or **commercial land**.
- Each category bestows certain rights and responsibilities on the people who are using the land.
- Both urban and rural land may fall within any of these categories.
- Figure 1 shows the distribution of different categories.



Land Ownership in Namibia

- **State land** – include urban and mining areas and national parks (15% of total area)
 - The state can decide what to do with the land, whether to convert it to communal land or to sell it so that it become commercial land
 - The state can decide to allow people to reside on a particular piece of land, or permit them to rent it out, whilst still remaining the owner of the land.

Land Ownership in Namibia

- At present 50% of Namibia's population live in communal areas where they do not have individual land titles.
- However their customary land rights (to residential land and farming land) are being registered in the ongoing process of communal land registration according to the CLRA of 2002.
- The customary land rights are being approved by TA and verified and ratified by CLB
- The CLRA also foresees the possibility to lease land in designated areas for commercial purposes.
- 79% of Namibia's freehold farms are owned by previously advantage Namibians or foreigners.
- Based on the CLRA of 1995, land has been continuously re-distributed to previously disadvantage Namibian through resettlement and affirmative action loan schemes during the past years.

SOUTH AFRICA

Land Tenure Rights in Namibia

- Customary land rights
 - Right to farming unit
 - Right to residential unit
 - Right to any other form of customary tenure as recognized by the minister
 - Can be transferred, inherited or held jointly
- Rights of Leaseholds can be obtained for:
 - Lodges, Shops, Fishing ponds, etc
 - Small scale commercial farms
 - May be granted in communal areas subjected to conditions as may be determined by the minister, upon advice by Communal Land Boards.

Land Tenure Rights in Namibia

- Flexible land tenure
 - makes provision of two tenure types:
 - Starter title
 - ✓ has the right to hold land perpetually to use, transfer and dispose of the land and exclude others from the land.
 - Land hold title
 - ✓ Provide all common-law rights of ownership and can be mortgaged.
 - FLT is a complementary system to the current formal one of freehold tenure, which is cumbersome, expensive and beyond the reach of the poor.
 - There are 230 informal settlements/slums across the country inhabitat by 134 000 families, amounting to 540 000 people.

Conclusions

■ Acquisition of Land

- In the 2011/2012 financial year, the MLR in its efforts to ensure equitable distribution and access to land acquired **64 110 6043 ha** of land (13 farms at the cost of **N\$72,329,686**
- The MLR had targeted to acquire 280 000 ha of land.

■ Resettlement of Acquired Land

- Last year 2011, a total of **99 families** were targeted for resettlement , the MLR has so far resettled **71 families**.
- A total of **3 farms** (in the Kunene Region) were handed over for sustainable economic development and upliftment of the Hai//om community.
- The MET is planning the 3 farms for various community tourism venture and game farming

Conclusions Cont.

■ Registration of Existing Communal Land Rights

- The issue of secure tenure is a concern with most of stakeholders and it is in cognizance of this that the MLR in close technical collaboration with Dev. Partners have been promoting the registration of existing customary land rights in all Regions of Namibia.

- Although there are challenges with the process, the MLR is working with various partners focusing on large unregistered land holdings.
- Various campaigns in the print, radio and television media are underway in effort to highlight the importance of land registration.
- **50 139** land rights have been verified and mapped in 11 regions so far.

Conclusions Cont.

- **Land Tax**
- Since the inception of land tax (2002) over **N\$ 150 million** has been generated.
- Computer Assisted Mass Appraisal System to be used for the valuation of commercial agricultural land for land tax purposes is currently being tested, hoped to be commissioned this year.
- Development of the land tax payment administration system has been finalized and is due for presentation and commissioned this year.



Conclusions Cont.

■ Legal Issues

- The process of reviewing and amending the Agricultural Commercial land Reform Act No. 6 of 1995 and the Communal Land Reform Act No. 5 of 2002 into one Land Act, which started in 2007, has been finalized and is now under scrutiny by appointed legal drafters.
- Flexible land Tenure was introduced and passed by parliament in November last year.
- The Valuers Professional Bill and the Deeds Registry Bill have gone through the paces and its expected to be discussed during this year (2012) Parliament seating.

THANK YOU

