

SPECIAL INITIATIVE „ONE WORLD – NO HUNGER“

Strengthening women's land ownership and land use rights in
NAMIBIA

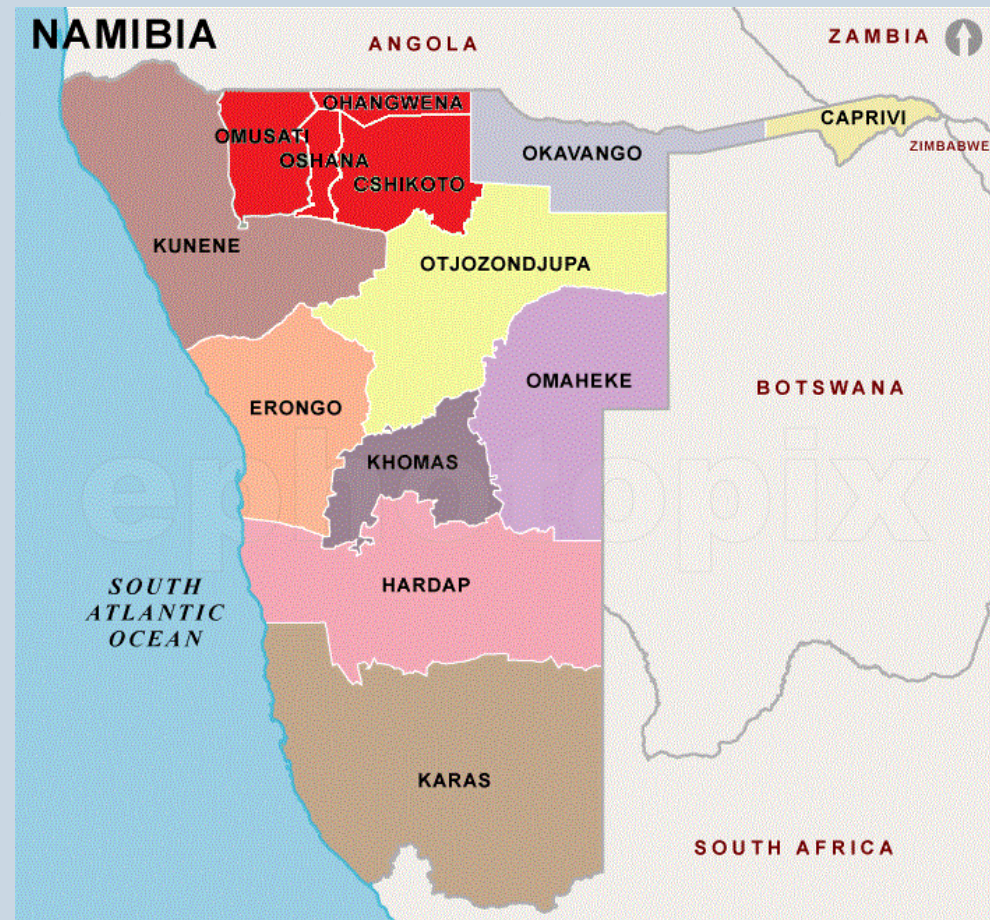
Implemented by:



Konrad
Adenauer
Stiftung

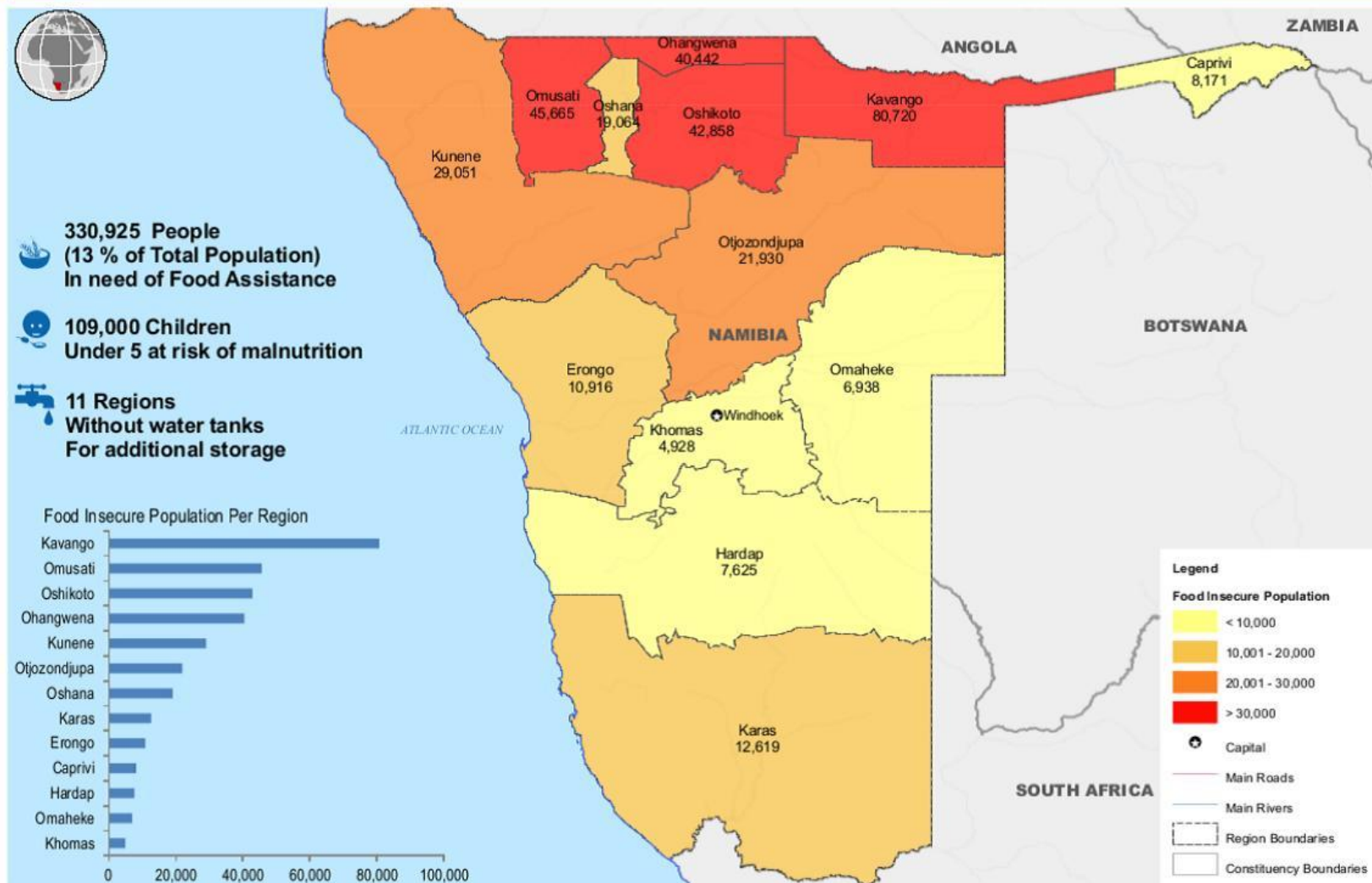
BASIC PROJECT INFORMATION

- Overall objective: To improve the secure and just access to resources and land and land use rights for women**
- Regions: Omusati-, Oshana-, Ohangwena- and Oshikoto
- Funding period: 2016 – December 2019
- Women's Action for Development (WAD):** WAD was created by the Konrad Adenauer Foundation as a self-initiated measure in 1994. WAD aims at enabling the women of Namibia to improve their living conditions through self-help activities and to assert their rights in society.



NAMIBIA

Food Insecure Population Per Region



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

BASELINE STUDY - FINDINGS

- Challenges: conflict between the two systems: statutory land tenure regimes and customary land tenure regimes
- Injustices against women (customs, society)
- 70% of the women indicated that they inherited the land (either from their late husbands or their parents). Only 15% obtained their land through application from the TA which indicates the disaggregated percentages.
- Only 20% of the respondents confirmed knowing the CLRA.

Access to land use and land rights	# of respondents	Percentage
Women and men are equal in terms of access to land	117	23.1
All women regardless their marital status can apply for land and be regarded as right holders	63	12.4
A woman is no longer dependent on male relatives to access land	63	12.4
Women have the right to control (make decision over) the land that has been allocated to them	60	11.8
Women get a certificate of registration that shows that the land belongs to them for as long as they live	105	20.7
Women transfer part of their land to their son or daughters	32	6.3
Other	55	10.8
Don't know	10	2
No benefits	2	0.4
Total	507	100

Women's opinion on the benefits of the CLRA

LEGAL SITUATION IN NAMIBIA

- **Positive legal existing framework on protecting land rights of women:**
 - **Namibian Constitution**, Art. 10 *„(1) All persons shall be equal before the law. (2) No person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.“*
 - **Traditional Authorities Act** 25 of 2000: Traditional Authorities must *„promote affirmative action amongst the members of that community“,* particularly *„promoting gender equality with regard to positions of leadership‘.*
 - **Communal Land Reform Act** 5 of 2002: Art. 26(2) *Upon the death of the holder of a right referred to in subsection (1) such right reverts to the Chief or Traditional Authority for re-allocation forthwith -
(a) to the surviving spouse of the deceased person, if such spouse consents to such allocation; or“ (...)*

Legal framework, that disadvantages women in Namibia

OUTDATED LAW TO BE REPEALED

'Red Line' marriages to change

JEMIMA BEUKES

Under a law dating back to 1928, all marriages contracted in the northern communal areas of Namibia are out of community of property – a situation that the Law Reform Development Commission aims to change.

The Law Reform Development Commission has declared its intention to replace the infamous 'Red Line law', or Native Administration Proclamation 15 of 1928, with a new matrimonial regime.

This will make the default system of marriage in community of property apply to everyone in Namibia.

During a courtesy visit to President Hage Geingob LRDC chairperson Yvonne Dausab said Red Line marriages were a critical concern raised by Namibians during the president's recent town hall meetings.

According to her this law must be amended quickly to address the concerns of Namibians.

"We have taken it seriously; it is now at the desk of the minister of justice. We also hope that in the coming weeks we will look at aspects of divorce. There are very specific requests to relook the current grounds of divorce," she said.

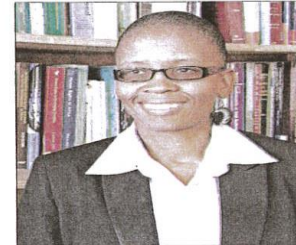
In terms of the Native Administra-

tion Proclamation of 1928, marriages contracted north of the veterinary cordon fence, or Red Line, are automatically out of community of property. This system effectively creates a default marital regime for persons married north of the Red Line, different from the rest of the country which is in community of property.

Commenting on this change, Swapo politician Pendukeni Iivula-Ithana said this law has disadvantaged many women in the northern parts of the country who were left with nothing after the death of their husbands.

"It is important. There are people married beyond the Red Line who want their properties combined. The people, especially the females, who got married out of community of property were disadvantaged because the law does not protect them," she said.

Once the law is changed people who got married before the coun-



BUSY: LRDC chairperson Yvonne Dausab says the commission is planning to amend the law governing the so-called 'Red Line marriages'. PHOTO: FILE

try gained independence will have an opportunity to change their matrimonial status to the regime they prefer.

Historic evidence suggests that the reasoning behind this law was a concern that "native" men who entered into civil marriages in these areas were likely to be parties to a customary union at the same time, so if the civil marriage was out of community of property, this kept the husband's property separate so that some of it could go to the customary wife or wives. According to the coordinator of the Legal Assistance Centre's Gender Research & Advocacy Project, Diane Hubbard, the proposed bill also has an "amnesty period" for couples affected by the Native Administration Proclamation, with the dates for this period to be announced by the Ministry of Justice.

"During this amnesty period, spouses may jointly approach a magistrate to change or clarify their marital property regime. The magistrate can issue a new marriage certificate which indicates the marital property system the couple wants. This opportunity to change the marital property regime after the marriage has taken place will apply only to people who were affected by the Native Administration Proclamation," she said.

WHAT HAS HAPPENED IN 2017

- „One World – No Hunger“ Conference in Windhoek



WHAT HAS HAPPENED IN 2017

- **Project Goal 1:** Women in the project regions are informed about their rights, the contexts of traditional and codified law and the possible means of legal redress and begin to demand these rights
→ 4 Workshops only for women – 198 Participants



WHAT HAS HAPPENED IN 2017

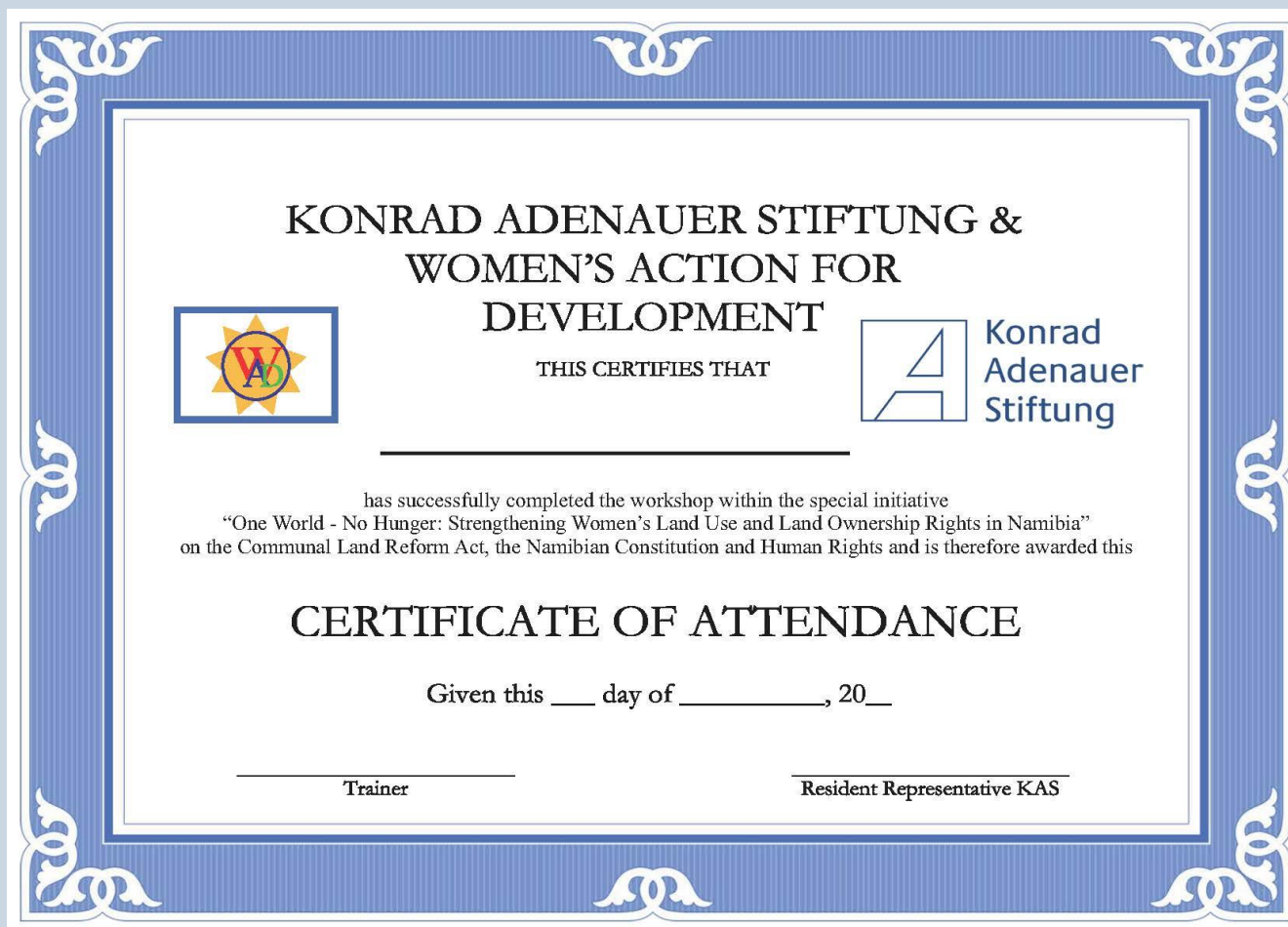
- **Project Goal 2:** Traditional authorities increasingly take codified law into consideration in arbitrating land questions and strengthen the position of women in questions of land use and land ownership.
→ 4 Workshops for TA's – 295 participants



WORKSHOPS IN NAMIBIA

Workshop for women only	Workshop for TA's
2 days	4 days
Workshop Materials: Comic Fact Sheet Constitution Communal Land Reform Act	Workshop Materials: Comic Fact Sheet Constitution Communal Land Reform Act
Content: Human Rights and the Namibian Constitution Family Law (Gender and Culture, Law of Succession) My rights as a woman in the CLRA	Content: The role and Power of TA Vulnerable Groups Human Rights and the Namibian Constitution Gender, Culture and Customary Law Communal Land Reform Act Strategies ensuring land rights of women are protected

WORKSHOPS IN NAMIBIA



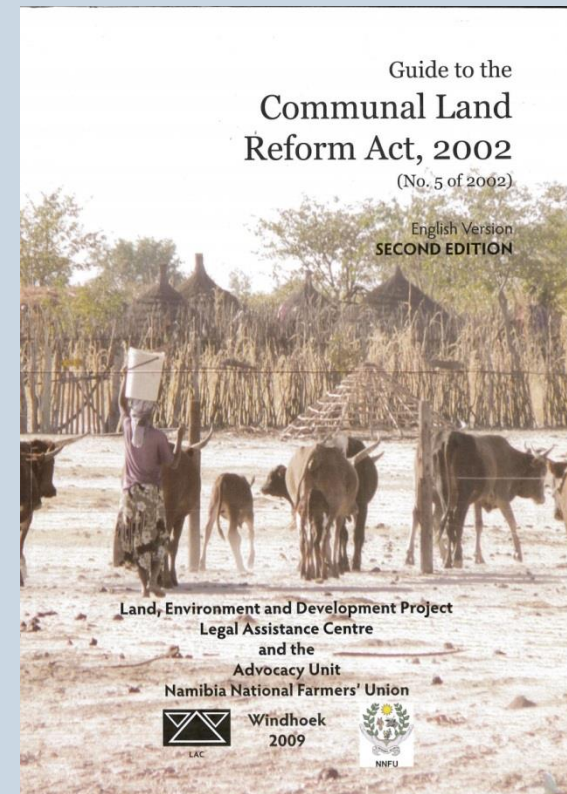
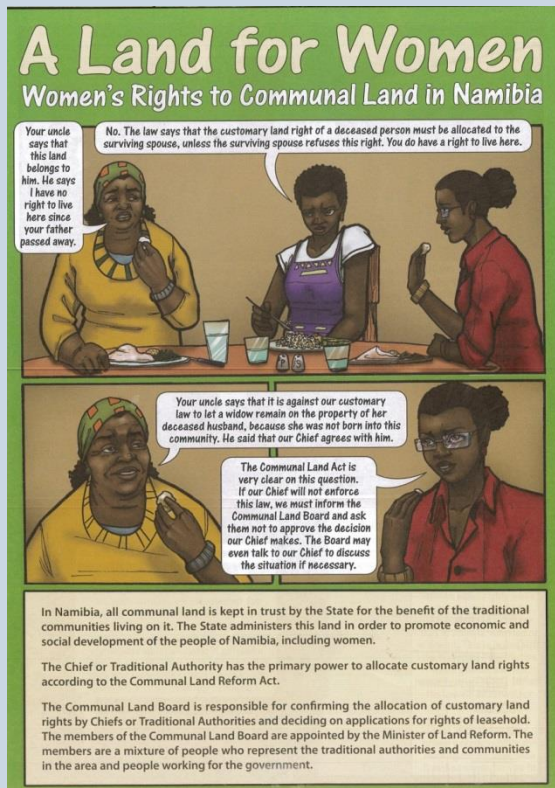
WHAT HAS HAPPENED IN 2017

- **Project Goal 3:** Political decision-makers consider the basic interests and need of women in land reform initiatives and the associated legislation. Goal 1 + 2
→ Theatre drama during the Ongwediva Trade Fair – visitors trade fair:
170.000



WHAT HAS HAPPENED IN 2017

- Live Radio Programme (Goal 1,2)
- Reprinting of workshop material: Guide to the Communal Land Reform Act in English and Oshiwambo), Comics (Goal 1,2,3)



MONITORING - ACHIEVEMENTS

- Monitoring meetings/follow ups with TA's and women
 - **Ombadja TA, Okalongo:**
 - After workshop, meetings were called at the villages and the traditional councilors held meetings with headmen/women
 - Community has been warned about land-grabbing -> improvement for widows, numbers of land grabbings went down
 - Act is well understood now
 - Positive attitude towards women empowering
 - Challenges: Some leaders are resistant in accepting gender equality
 - **Women Workshop, Onambutu Village 2018:**
 - „life changing“
 - Confident about their rights and equality

MONITORING



PRE-EVALUATION FOR THE WORKSHOP)

Dear Participants,

Thank you for participating in our course, about communal land use and ownership rights.

Before we start the course we gently ask you to answer the following questions and we ensure that all answers will be treated confidentially and anonymously.

Age	Gender	Marital Status	Organization	Position	Community
	Male / Female				

Please circle the most correct answer.

"NB": Abbreviations

PP = Political Party

TA = Traditional Authority

	Questions	Answers			
		Personal interest	Representing a TA	Representing a PP	Other
1	Why did you decide to come to the workshop?	Personal interest	Representing a TA	Representing a PP	Other
2	How did you get to know about the workshop?	Family/Friend	Traditional Authority	Headman Invitation	Media Others
3	I know about the Communal Land Reform Act	Yes	No	Little bit	
4	I know the process of land allocation by Headman/Headwoman.	Yes	No	Little bit	
5	I feel secure in explaining Communal Land rights to others	Yes	No	Little bit	
6	I prepared myself for the workshop	Yes	No	Little bit	
7	I know and understand Gender Equality	Yes	No	Little bit	
8	I know and understand Human Rights	Yes	No	Little bit	
9	I own a communal land right for:	Residential unit	Farm unit	Grazing	



POST-EVALUATION FOR THE WORKSHOP)

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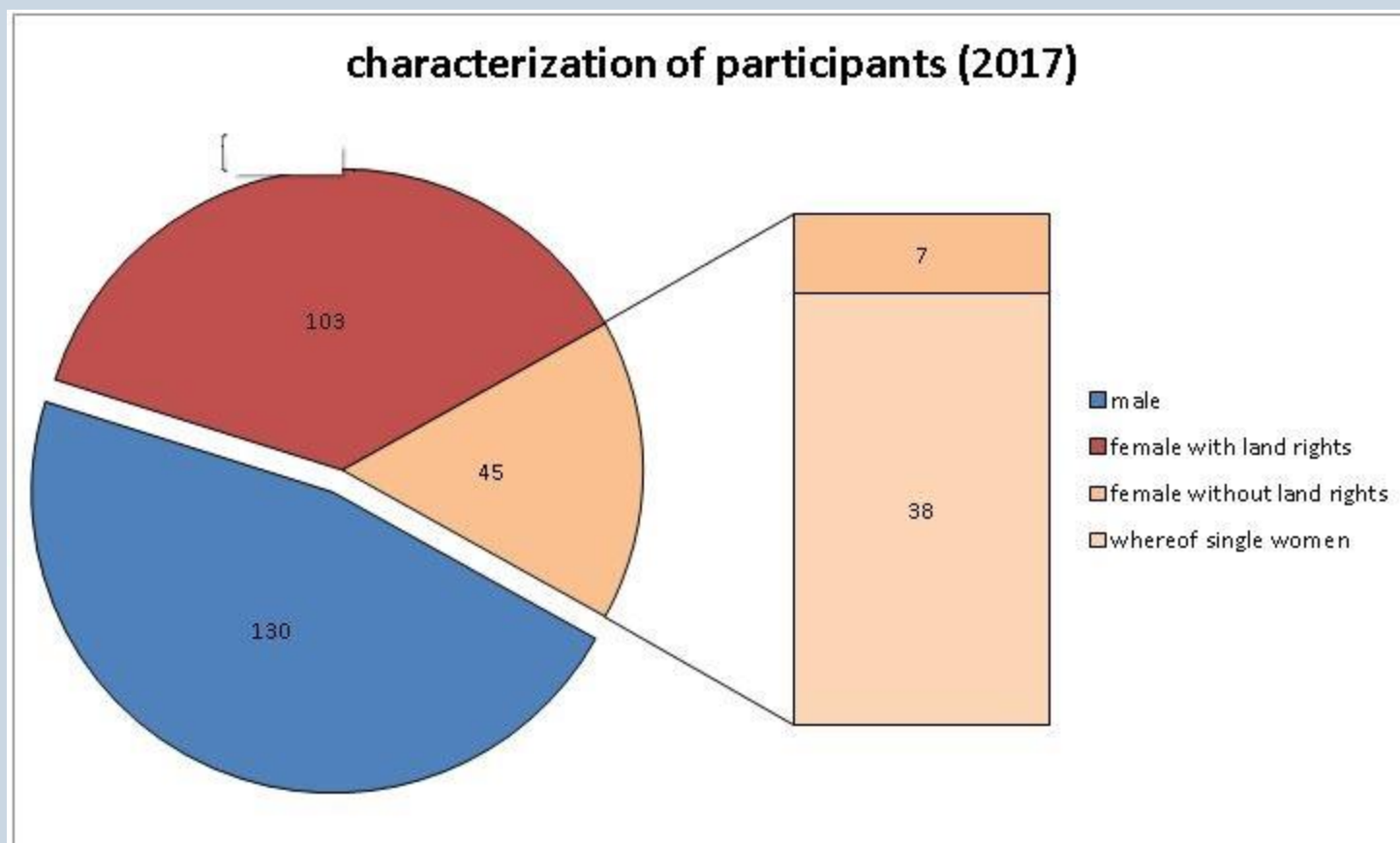
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MONITORING

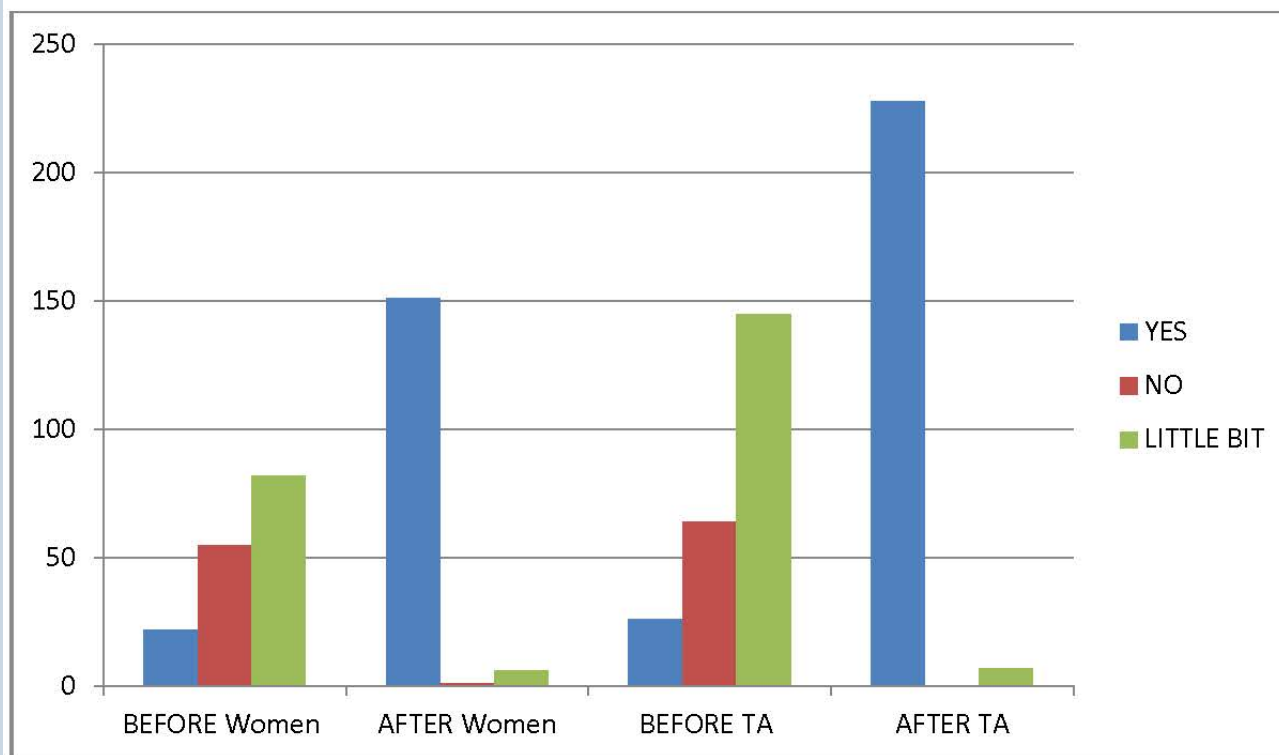


Based on the filled out forms

MONITORING - ACHIEVEMENTS

Knowledge about the Communal Land Reform Act BEFORE/AFTER the Workshop

2017



Based on the filled out forms

PLANNING 2018

- Continuing live Radio Programme in Oshiwambo
- New Structure for Workshops (Visualization, short films)
- 8 Workshops for Traditional Authorities and Communal Land Board Members
- 8 Community Workshop for women (widows, single mothers,...)
- Awareness Raising Community meetings x 10 including theater drama
- Reprinting of existing material
- Movie vor NBC - TV

IMPRESSIONS 2018



Filming short
films



Thank you
Vielen Dank
Dankie
Tangi