

WHO SHOULD OWN THE LAND?

Analyses and Views on
Land Reform and the Land Question
in Namibia and Southern Africa

Edited by
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Namibia Institute for Democracy

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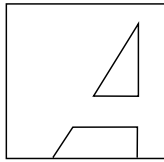
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Contributions

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Willem Moore
Dirk Mudge
Lloyd Mambo Sachikonye
Robin Sherbourne
Wolfgang Werner

Interviews

Alfred Angula
Jan de Wet
Hon. Marco Hausiku
Risto Kapenda
Hon. Hifikepunye Pohamba

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List of abbreviations

AEA	Agricultural Employers' Association (Namibia)
ANC	African National Congress (South Africa)
DRC	Democratic Republic of Congo
FCTZ	Farm Community Trust of Zimbabwe
LSU	large stock unit
NAFWU	Namibia Farmworkers Union
NAU	Namibia Agricultural Union
NGO	non-governmental organisation
SADC	Southern African Development Community
SSU	small stock unit
VIDCO	Village Development Committee (Zimbabwe)
ZANU-PF	Zimbabwe African National Union Patriotic Front

Who should own the land?

An introduction

Justine Hunter

(Namibia Institute for Democracy)

We have been fighting for the land, but we still have only pieces of it. Most of the land is still occupied by those who enjoyed a long period of prosperity by exploiting Namibians. These people become more prosperous while people such as us, who live in informal settlements, feel hopeless. The land must be divided equally.

(Reader's letter, *The Namibian*, 24 November 2000)

As an obvious projection area of potential social conflicts, the complex and emotional land question has the potential to create or even deepen racial mistrust and hatred. Some 13 years after Namibia achieved independence; the existing land distribution remains an obvious expression of expropriation, oppression and extermination of the African people by German and South African colonists, settlers and members of the occupation forces (Werner 2000:9). Unlike other settler colonies such as Zimbabwe and Kenya, the white settlers appropriated agricultural areas that, due to low and unpredictable annual rainfall, are almost exclusively utilisable for extensive stock farming. The central and southern regions, especially those inhabited by the Herero, the Nama and the Damara, were particularly affected by colonial land expulsion. This was mainly because, at the beginning of the 20th century, the German troops were not equipped with the military might to subjugate the influential northern kingdoms. Consequently, Namibia inherited an extremely asymmetrical distribution of land. At independence, 52% of the agricultural farmland was in the hands of the white commercial farmer community, who made up 6% of the Namibian population. The remaining 94% of the population had to put up with owning only 48% of the agricultural land.

Situated in the former “homelands”¹, due to the population density and the lack of resources, the agricultural productivity of communal farmland was very limited. The majority of Namibians, who populate the communal

¹ Separate development under the former South African apartheid regime dictated that various ethnic groups lived in designed regions – *homelands* – in Namibia.

areas, are subsistence farmers who live off and from the land without owning it.² The economically viable, so-called *commercial* farm sector is the biggest employer in Namibia: the number of farm workers and the members of their families amount to around 230,000 people (Werner 2001:260).

Though rather prominent, the land question is only one aspect of various inherited inequalities and the overall need for a redistribution of wealth. Namibia suffered under an extreme, protracted and differentiated colonial experience. Under German colonial rule, the extermination of the indigenous population and the expropriation of land began. After Namibia had fallen under South African's control, systematic racial discrimination culminated in the implementation of apartheid politics. As a result of a lengthy and bitter liberation struggle, the country gained its independence in 1990. When the established system was eventually overcome, it occurred not by way of a revolution or violent takeover, but by a controlled change of system and an internally and externally negotiated settlement. The constitutional principles adopted as a compromise in the early 1980s and which formed the foundation of the new national constitution guaranteed property rights after independence. Acknowledging their mutual dependency, the former opponents agreed that an apocalyptic disintegration of the territory had to be avoided, and both political and economic stability secured. Accordingly, the introduction of a policy of national reconciliation after independence expresses the postulated common interest and national fate as fundamental to nation-building, while Article 16 of the Constitution (RoN 1990) legally entitles landowners to their private property.

At a symposium organised by the German *Vereinte Evangelische Mission* (VEM) in May 2001, the participants identified specific certain stumbling blocks that hamper the solution of the Namibian land question (Motte 2002:10):

- ⇒ Differing land rights within the country
- ⇒ The use of commercial land almost exclusively for extensive stock-farming
- ⇒ The way possible beneficiaries of the land redistribution process are selected and qualified
- ⇒ The financing of land reform
- ⇒ The relatively minor implications of land reform within the private sector for the economic and social development of the nation as a whole, and
- ⇒ The political interest and opportunities available to the Government.

There seems to be a consensus among Namibian parliamentarians and civil society agents that comprehensive land reform is vital. Nevertheless, the practical realisation of a structured and transparent land reform process

² *Commercial* farmers are usually those who farm on freehold land, while *communal* farmers farm on communal (non-freehold) land

does not seem to be a top priority for the Namibian Government. The reasons for the obvious Governmental retention are multi-layered. Unlike South Africa and Zimbabwe, “only” approximately 10% of the Namibian population was directly affected by colonial land-grabbing. The areas affected by previous dispossession fell mainly outside the political base of the governing party (De Villiers 2003:35, 40; Grobler 2002:26; Werner 2000:11). The landless population, those whose land was expropriated, and farm workers are all insufficiently unionised. By way of contrast, the commercial farmers’ union is equipped with remarkable influence and well-established networks (Kössler & Melber 2001:150). Finally, the former liberation movement, the South West African People’s Organisation, SWAPO – now the ruling SWAPO Party of Namibia – does not urgently need the land campaign in order to convince its voter base.

During the 1990s, land reform in Namibia took three main forms: redistributive land reform, an Affirmative Action Loan Scheme, and the development of resettlement projects in communal areas (Werner 2002:57). Given the national reconciliation policy and the provisions of the Constitution, a consultative National Conference on Land Reform and the Land Question passed a consensus-based resolution in 1991. Of political significance was the Conference’s reaffirmation that the restoration of ancestral land rights was out of the question. Due to pre-colonial and colonial migration and the continued change in occupation and control of Namibian territories, complex and competing claims for land ownership could not be harmonised. In other words, land would not especially be distributed to those directly affected by colonial land-grabbing, but to all historically disadvantaged Namibians. Besides other resolutions, the Conference recommended that foreigners not be allowed to own freehold land, and that the land owned by foreign absentee landlords be expropriated.

In respect of the reform of commercial land ownership, the National Assembly adopted the Agricultural (Commercial) Land Reform Act, 1995 (No. 6 of 1995), which received both widespread support and criticism. The Act provides for the acquisition of commercial farmland on a “willing seller – willing buyer” basis. The Government reserves preferential rights in the purchase of land that comes onto the market.

In respect of communal land reform, although it is seen as significant in respect of poverty reduction (Sherbourne 2000a:20), land rights in the communal farming areas have received less attention than their commercial farmland counterparts. Werner (2000) states that redistributing communal farmland also means redistributing political influence. Thus, the consolidation of communal rights of ownership is linked to the consolidation of political control for the benefit of traditional leaders and politicians (ibid.:12). A decade after independence, the Communal Land Reform Bill was passed

by the National Assembly and referred to the National Council. The latter objected to some of its provisions and referred it back for amendment. In 2002, the Bill became law as the Communal Land Reform Act, 2002 (No. 5 of 2002).

The Namibian debate on land is determined by two different lines of argumentation: equality and justice on the one hand, and the productivity of the agricultural sector on the other. The implications of commercial land reform for the socio-economic development of Namibia as a whole are believed to be minor. According to Melber (1991:38), however, the economic considerations turn out to be irrelevant in comparison with the psychological dimensions. Primarily, land reform needs to be understood as the reclamation and restitution of identity and history. It needs to be clarified whether land reform should be part of a sustainable agrarian and developmental strategy, or if it is to be regarded as an isolated procedure.

Since the beginning of the Government-sponsored violent farm invasions in neighbouring Zimbabwe, the land question has refused to leave Namibia's headlines. According to the local economist, Robin Sherbourne, there appear to be three standpoints on the issue of Namibian land reform. The first sees Zimbabwean President Robert Mugabe as an African hero setting an example to others by fighting long-standing colonial injustices. The second sees land reform as an economic red herring with little to contribute towards economic growth and long-term poverty reduction. Adherents to the latter argument as well as those of the following one generally see the Zimbabwean farm invasion as little more than a cynically staged drama by Mugabe, who is faced with economic collapse and the emergence of a credible opposition party. The third standpoint sees land reform as a necessity that needs to be undertaken in an orderly and effective way within the rule of law. Thus, Sherbourne (2000b:2) states that, "While the heart may sympathise the head must reason that future prosperity cannot be jeopardised by a government-sponsored breakdown of law and order".

Although a Zimbabwean-style land invasion is not in the offing in Namibia, one is obliged to draw attention to the fact that Zimbabwe embarked on its radical land reform programme some 20 years after its independence. "The grass in Namibia is therefore still green", states De Villiers (2003:40), and forecasts that the success of land reform through market forces during the next few years will make an impact on the direction that the Namibian land issue is going to take. According to Werner (2002:52), due to the fact that poverty and unemployment prevail among the Namibian majority, land reform will remain on the political agenda. As the Nigerian Nobel laureate Wole Soyinka (2001) imparts, persistent socio-economic injustice is equipped with the potential to rock the foundations of an otherwise remarkable reconciliation process.

This volume aims to present a selection of analyses and views on land reform and the land issue from within Namibia and in the regional context. The purpose is to provide information on crucial issues and to stimulate constructive public debate. The document will be useful for the public, civil society agents, scholars and political decision-makers alike.

Robin Sherbourne's article, "A rich man's hobby", argues that commercial farming is becoming the preserve of the rich who see it as a lifestyle choice. The argument is that land is expensive compared with what can be produced from traditional livestock farming. Sherbourne concludes that new black commercial farmers will struggle to create profitable farms and this will cause problems in the future. **Wolfgang Werner's** contribution entitled "Promoting development among farm workers: Some options for Namibia" explores some models that attempt to integrate farm labourers into a wider development process. After a brief overview of the Namibian agricultural sector and agricultural workers' conditions of service, Werner discusses different models from the southern African region, particularly Zimbabwe and South Africa. The purpose of **Willie Breytenbach's** contribution entitled "Land reform in southern Africa" is to ask what lessons have been learnt in the southern African region, what *land reform* is, why it is important, and what the regional trends are. Finally, Breytenbach illustrates where and why mistakes have been made and what the Southern African Development Community's (SADC's) contribution should be. **Lloyd Mambo Sachikonye's** chapter, "Land reform in Namibia and Zimbabwe: A comparative perspective", provides a brief historical overview of the land question in southern Africa with particular reference to Namibia and Zimbabwe. After a short background to the political developments in these countries since 1980, the chapter examines the main elements of land reform and its social impact in both countries, highlighting issues of scope, policy approach and consequences from a comparative perspective. The last section of the study explores the response by Heads of State in southern Africa to the land issue in general, and to the "fast track" land reform process in Zimbabwe in particular.

Ben Fuller's opinion paper, "A Namibian path for land reform", stresses that Namibia will not be like another Zimbabwe. Fuller illustrates that, in spite of significant historical similarities, there are telling differences between those two countries: differences that make the probability of a unique Namibian path towards land reform much greater. **Oliver Horsthemke's** contribution, "Land reform in Namibia: Opportunity or opportunism?", explores potential socio-political and socio-economic development associated with land reform in Namibia. Simultaneously, Horsthemke discusses political and economic opportunism that has the potential to jeopardise those opportunities. The aim of **Uzuva Kaumbi's** paper entitled "The land is ours" is to demonstrate that land is the most important means of production; thus, any long-term

development planning that does not adequately address the land issue is a recipe for self-destruction. Kaumbi argues for an accelerated land acquisition programme to redress the racial imbalance in land ownership. **Willem Moore's** opinion piece, "The year 2003: Crisis or opportunity?", introduces a philosophical approach to the issues of poor rainfall, the concomitant low and varying land prices, and land reform – which created much uncertainty in the agricultural community in Namibia in 2003. This paper was originally presented as a speech at an Agra Information Day at the Omatjenne Research Station north of Otjiwarongo. **Dirk Mudge's** contribution entitled "Land reform in perspective" states that the Namibian liberation struggle was not just about the land, but also about the country's independence –with everything that it entails. In Mudge's conclusion, he maintains a perception exists among Namibians that, if they do not own the land, the surface, and the soil, the country does not belong to them. The purpose of **Colleen Muchinarwo Gwari's** paper, "The agrarian revolution in Zimbabwe and the plight of an ordinary man", is to highlight the effects of Zimbabwe's controversial fast-track land reform programme on ordinary people in both the rural and urban communities.

Justine Hunter also conducted a series of standardised interviews with (in alphabetical order) Alfred Angula (President of the Namibia Farmworkers Union); Jan de Wet (President of the Namibia Agricultural Union); Hon. Marco Hausiku (Minister of Labour); Risto Kapenda (President of the National Union of Namibian Workers), and Hon. Hifikepunye Pohamba (Minister of Lands, Resettlement and Rehabilitation). Conducted in October and November 2003, the interviews aim to highlight the various contemporary approaches to the land reform process in Namibia. Finally, **Wolfgang Werner** and **Robin Sherbourne** have compiled a chapter entitled "Bibliography on Land Reform in Namibia", which lists useful sources for anyone interested in exploring the subject further.

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A rich man's hobby¹

Robin Sherbourne

(Institute for Public Policy Research)²

This opinion piece argues that the price of commercial farmland in Namibia is high in relation to the profits that can be made from commercial livestock farming. As a result, farming is rapidly becoming the preserve of the urban rich who farm as a lifestyle choice and are prepared to subsidise their farms from their principal sources of income. Government policy is trying to encourage black Namibians into commercial farming through the Affirmative Action (AA) Loan Scheme. However, given the price of land, many of these farmers will struggle to create commercially viable farms. This is bound to cause frustration further down the road, and new farmers will start to demand more subsidies to purchase farms and diversify into other activities that will allow them to raise their incomes. Government will then have to decide whether to increase subsidies to encourage broader land ownership, or simply allow those who can afford to farm to benefit from land reform.

Is he rich because he farms or does he farm because he's rich?

If you saw a man driving an expensive new car and you knew he owned a farm, you might be tempted to put one and one together and conclude that the man is rich because he owns a farm. If it turned out, however, that the man was actually a lawyer in Windhoek who happened to own a farm, this conclusion would be incorrect. He is not rich because he owns a farm. He owns a farm because he is rich. Furthermore, the casual observer cannot see the man's personal balance sheet. It could equally be that he is highly indebted.

¹ This paper was produced as part of an Institute for Public Policy Research (IPPR) project on land reform funded by the Konrad-Adenauer-Stiftung. It is reprinted here with permission, with minor editorial amendments.

² Robin Sherbourne is the Director of Public Policy Analysis at the IPPR. He can be reached via robin@ippr.org.na.

In Namibia, the ownership of farmland is so inextricably connected in people's minds to a source of wealth that it is difficult to believe the initial conclusion is wrong. Traditional beliefs about land and livestock across races, combined with a long history of racial preferences for land and subsidies, make this a hard notion for economists to dispel. When dismal scientists apply their rational economic analysis to the question of land, they are generally viewed with even more suspicion than usual. Surely to claim that the ownership of farmland does not lead to untold riches is simply part of a white conspiracy aimed at keeping Namibian land in the hands of a privileged minority?

Commercial livestock farming is no pot of gold

Economics is about numbers. Whether a particular argument or theory is right or wrong depends on the measurement of the relevant economic numbers. It is worth trying to put some numbers on this question of commercial farming. Take someone who wants to become a commercial farmer. He takes out a 25-year bond at 11.75% a year (the prevailing Agricultural Bank of Namibia/Agribank rate of interest) to pay for a 5,000 ha farm which costs N\$300 per hectare, or a total of N\$1.5 million. He invests in a livestock herd of 400 cattle at N\$2,000 a head, improves the infrastructure of the farm for N\$50,000 and purchases a vehicle for N\$150,000 – giving a total investment of N\$2.5 million. In this case, just to pay back the bond on the total capital investment of N\$2.5 million, the farm will need to make N\$313,000 a year (see Table 1, p.10), leaving the farmer without any disposable income at all.

However, if the farmer stocks the farm with 400 head of cattle which cost N\$2,000 per head and achieves an annual off-take of 25%, the income will be approximately N\$280,000 if he fetches N\$2,800 per head. Individual farmers have little influence over the price of cattle. Moreover, the size and quality of the farm will limit the size of the herd the farmer can sustainably manage. This is far less than the repayment on the bond. The maths suggests that the profitability of such a typical commercial livestock farm is destined to remain but a distant dream. Clearly, the biggest cost to the investing farmer is the purchase of land. Thus, profitability is only possible if the farm is inherited and the land does not need to be purchased.

Using typical numbers like the ones presented in Table 1 suggests that livestock farming is not the pot of gold many believe it to be. Those farmers who have inherited farms (and who, therefore, do not have to pay the cost of buying the land) may be in a position to make a reasonable living from livestock farming. However, those who are paying for the land at prevailing market prices are unlikely to make a profit. New black commercial farmers have to buy their land and cannot rely on bequests from their families.

Table 1: EXAMPLE OF FARM ECONOMICS

Item	Example
Area of farm (ha)	5,000
Price per hectare (N\$)	300
Cost of land (N\$)	1,500,000
Head of cattle	400
Price per head (N\$)	2,000
Cost of cattle (N\$)	800,000
Infrastructure (N\$)	50,000
Vehicle (N\$)	150,000
Initial investment (N\$)	2,500,000
Annual interest rate (%)	11.75%
Repayment period (years)	25
Annual repayment (N\$)	313,000

So why are land prices so high?

If this is the case, the question facing the economist is this: Why are land prices in Namibia as high as they are, given the limited productive potential of livestock farming? If livestock farming is indeed the main source of income generation, economists would expect supply and demand – and, therefore, the price of land – to reflect the profitability of the activity.

In theory, if foreigners could buy commercial farmland in Namibia, this would add to demand and push prices up. However, although the Namibian Constitution allows foreigners to own businesses in Namibia, Part VI of the Agricultural (Commercial) Land Reform Act, 1995 (No. 6 of 1995) places heavy restrictions on foreign ownership of commercial farmland. Many believe that land prices were driven up in the more distant past by foreign demand boosted by a weak exchange rate and the Financial Rand. However, in theory at least, demand for commercial farmland should have fallen since the introduction of the 1995 Act.

Assuming that the market for land is functioning without significant distortions (that is to say, buyers and sellers cannot individually influence the market price of land), there may be several reasons why commercial farmland is as expensive as it is:

- ⇒ There may be subsidies available which boost profitability beyond what the market would yield if left to itself
- ⇒ There may be other activities that make farms more productive than the profitability from livestock farming would suggest, thus justifying the present price of land in economic terms

- ⇒ The tax system may encourage the purchase of farms, and
- ⇒ People may buy farms for reasons other than their productive potential.

The answer to the question of why the price of land is so high has profound implications for the Government's land reform programme.

Government no longer lavishly subsidises commercial farming

There is no single source of information on subsidies to commercial agriculture in Namibia. The national budget document provides, perhaps, the most comprehensive information on State transfers under Vote 20 for the Ministry of Agriculture, Water and Rural Development. An inspection of the 2003/04 budget shows that subsidies and other current transfers make up only a very small proportion of Government spending on agriculture. The most significant items are transfers under Main Division 07 to the National Agricultural Credit Programme (N\$9.5 million) and AA Loans (N\$13.2 million) out of budgeted spending of N\$523.2 million for the Ministry as a whole. Although this does not provide a complete picture of subsidies to commercial agriculture (for example, general water subsidies and State loan guarantees to farmers are excluded, as are protective measures through import tariffs), it would be difficult to argue that Namibia's commercial agriculture sector enjoys a high level of direct subsidies.

Farming incomes are diversifying away from livestock into other products and services

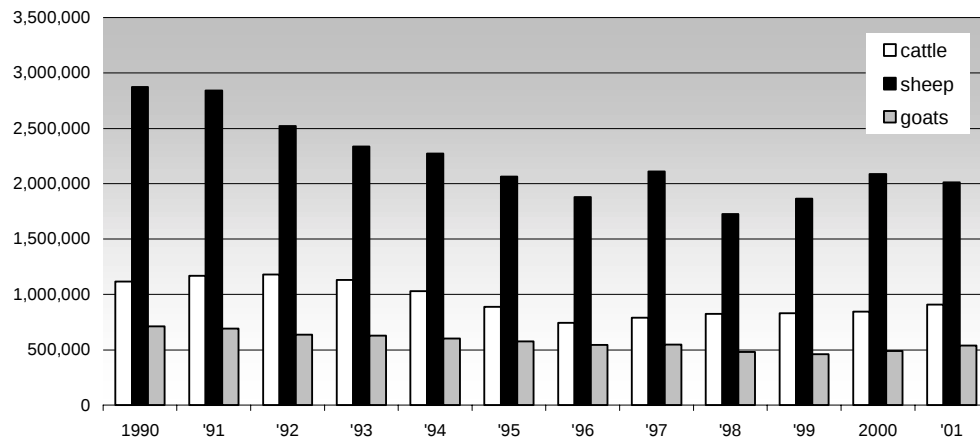
A casual drive through areas of commercial farmland in Namibia suggests farmers are now involved in much more than livestock production. Charts 1 and 2 (p.12) present data taken from the Ministry of Agriculture's Agricultural Statistics Bulletins.

Chart 1 shows that the national livestock herd (consisting of cattle, sheep and goats) in commercial farming areas has declined considerably since 1990. Chart 2 shows that the contribution to agricultural output from livestock has also declined since independence. Conversely, the output of other farm products including game, cotton, ostriches, and grapes has increased. Many farmers have probably diversified into a range of tourist activities including trophy hunting, game lodges, wildlife photography and adventure sports.

Estimates of how important these activities are for the commercial agriculture sector as a whole are hard to come by. One study carried out by the Directorate of Environmental Affairs (Humavindu 2002) estimated that trophy hunting in Namibia generated a direct income of N\$80 million in

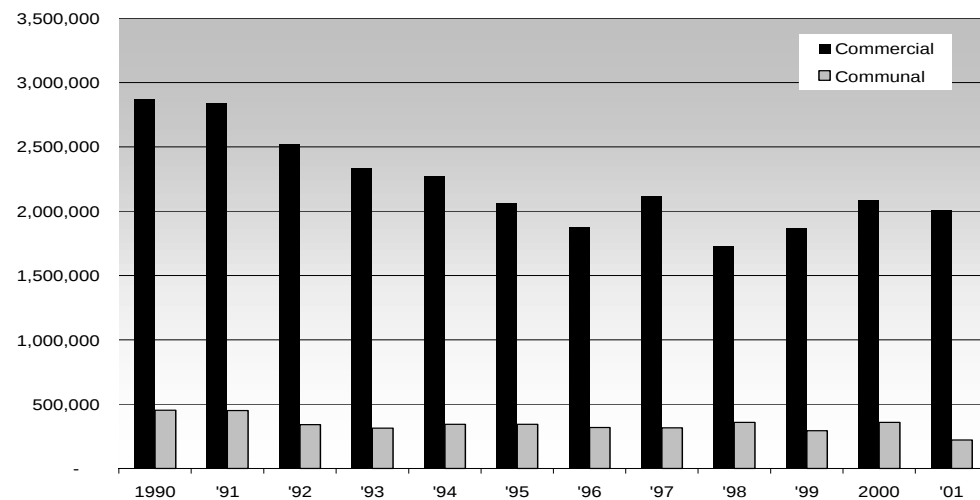
2000. Another study put the figure for the wildlife industry as a whole at N\$154 million (Erb 2003), and concluded that “in the last decade real growth measured in income at farm level averaged 17.7%” (ibid.:99). The same study states that registered hunting farms make up 20% of commercial farmland in north-western Namibia (ibid.:5).

Chart 1: NATIONAL COMMERCIAL LIVESTOCK CENSUS



Source: Agricultural Statistics Bulletin

Chart 2: NATIONAL SHEEP CENSUS

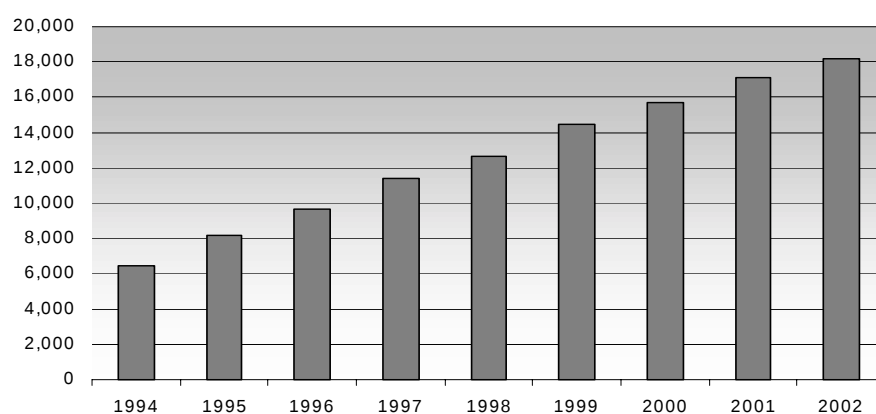


Source: Agricultural Statistics Bulletin

Chart 3 shows that the amount of trophy-hunted game per year has indeed increased dramatically since 1994. There is anecdotal evidence that this boom in game is now over as farmers discover that providing feed in difficult times is costly and the area of land required to maintain game of high quality is vast.

However, there is now clear evidence that activities other than livestock farming provide a significant boost to commercial farm incomes, adding to the productive potential of farmland and thereby raising the price of commercial farmland.

Chart 3: NUMBER OF TROPHY-HUNTED GAME PER YEAR (ALL SPECIES)



Source: Erb (2003)

No one invests in farming purely for tax reasons

There is speculation that people buy farms in order to reduce their tax liability from other business activities. Table 2 gives an example of how this might be achieved. Individually, Business X makes a profit while Farm X makes a loss. The owner, Mr X, pays N\$35,000 tax on the profits from the business, but pays no tax on the loss from the farm. However, by setting the loss from the farm against the profit from the business, Mr X's tax liability falls from N\$35,000 to N\$0. Nonetheless, while Mr X's disposable income would be N\$65,000 if he did not own Farm X, it is N\$0 if he also owns Farm X.

Table 2: HOW A FARM CAN REDUCE AN INDIVIDUAL'S TAX LIABILITY

	Business X	Farm X
Profit/(loss)	N\$100,000	(N\$100,000)
Separate tax liability	N\$35,000	(N\$0)
Combined profit	N\$0	N\$0
Tax on combined profit	N\$0	N\$0
Disposable income	N\$65,000*	N\$0**

* If Mr X owns only Business X

** If Mr X owns both Business X and Farm X

Namibian tax law allows farm losses to be set against business profits. Capital expenditure on the farm can be set against farm income, and any overall farm loss can be set against business profits. However, this would mean taxpayers would have to spend N\$1 for every 35c they could claim in tax. Thus, the effect of this provision reduces the cost of buying and running a farm, and thereby adds to demand. However, interviews with tax experts make it very clear that people do not buy farms in Namibia purely for tax reasons.

Government commissioned a comprehensive tax review in 2001, which was published by the Ministry of Finance in early 2003 (RoN 2003a). This tax review included a review of farming taxation, and concluded with just two relatively minor but specific recommendations on livestock values and on housing for farm workers. The most important recommendation, however, was the more general one that would see individual businesses ring-fenced for tax purposes. This would have the effect of raising the cost of farm ownership for part-time farmers with other businesses.

The number of hobby farmers has increased

The final reason for the high demand for Namibian commercial farmland is that rich Namibians may simply want to buy farms as a lifestyle choice rather than because they want to make a serious attempt to become full-time farmers. Urban lawyers, doctors, dentists, business people, politicians, senior Government officials and others may simply want to go to their farms at the weekends and during the holidays to enjoy a rural lifestyle in contrast to their urban lives. These people may employ farm workers and invest in infrastructure as a hobby for which they are willing to pay, without the expectation of financial return through greater output. Anecdotal evidence suggests many of these farmers lavish money on their farms – to a far greater extent than would be economically justified in terms of returns. Indeed, some sources suggest foreign owners have lavished more money on their farms than Namibian part-time farmers. Unfortunately, there is no quantifiable evidence to support these assertions, apart from the fact that over 40% of AA Loan recipients are officially part-time rather than full-time farmers.

Government policy encourages racially balanced land ownership

Since the introduction of AA Loans in 1992, Government has deliberately subsidised the purchase of commercial farmland for new formerly disadvantaged farmers that qualify. The policy has three fundamental rationales:

1. To promote the ownership of Namibian farmland by formerly disadvantaged Namibians
2. To encourage farmers with large numbers of livestock in the communal areas to move to commercial farmland, thereby freeing up land for smaller communal farmers, and
3. To encourage formerly disadvantaged Namibians to become fully-fledged commercial farmers, able to enter the export market, and thereby contribute to economic output and exports.

Table 3 provides details of the AA Loan Scheme. Loans are provided over a period of 25 years. The degree of subsidy depends on whether the farmer operates full-time or part-time, and on non-farming income if the farmer operates part-time. Full-time farmers enjoy a three-year grace period, after which interest payments gradually rise over a period of six years until they reach Agribank's normal lending rate (currently at 11.75%). No business plan is required since Agribank values the land extremely conservatively and uses the land as collateral for the loan. Resales of AA Loan-purchased farms are not allowed within the first ten years of the loan unless the interest rate subsidies have been repaid.

Table 3: AA LOANS – REPAYMENT SCHEDULES

Year/s	Full-time interest	Part-time interest				
		Non-farming income				
		<N\$100,000	>N\$100,000 <N\$200,000	>N\$200,000 <N\$300,000	>N\$300,001 <N\$400,000	>N\$400,000
1–3	0.00%	1.00%	2.00%	6.00%	10.00%	11.75%
4–6	2.00%	3.00%	4.00%	10.00%	11.75%	11.75%
7–8	4.00%	5.00%	6.00%	11.75%	11.75%	11.75%
9	8.00%	9.00%	10.00%	11.75%	11.75%	11.75%
10 +	11.75%	11.75%	11.75%	11.75%	11.75%	11.75%

Source: Adapted from Agribank's 2002 Annual Report

Table 4 shows the annual uptake of AA Loans since they were introduced in 1992. The very next year saw a massive number of loans being granted, probably partly due to the conversion of existing loans to AA Loans. Between 1992 and 2001, the amount of land transferred into the hands of black Namibians through the AA Loan Scheme has been more than three times as much as that transferred through the Government's resettlement programme (IPPR 2002).

Government transfers money from the national budget to Agribank to provide for the interest rate subsidies under the scheme. Table 4 also shows the magnitude of these transfers since the scheme was introduced.

Table 4: AA LOANS GRANTED

Year	Number of loans	Value (N\$)	Subsidy (N\$)*
1991/92	2	619,800	n/a
1992/93	66	24,861,600	n/a
1993/94	15	5,458,000	n/a
1994/95	14	6,462,400	n/a
1995/96	21	9,179,900	n/a
1996/97	12	5,897,300	n/a
1997/98	39	24,625,900	7,000,000
1998/99	50	37,767,700	8,162,000
1999/2000	46	33,410,300	21,059,210
2000/01	71	59,838,700	22,717,422
2001/02	35	29,420,200	15,000,000
2002/03	92	114,970,400	15,000,000
2003/04**	65	n/a	13,216,000
Total	528	352,512,200***	n/a

* AA Loan interest subsidies under Vote 20, Main Division 07, Item 043

** Year to October 2003

*** Excludes 2003/04

Source: Agribank [Various years] and main budget documents

From the beginning, AA Loans have deliberately been made available to both full-time and part-time farmers. According to Agribank, by October 2003, some 528 AA Loans had been made by Agribank, of which 218 (41%) were officially to part-time farmers. In reality, the number of part-time farmers is likely to be much greater since the classification is subject to interpretation, and loan recipients are often backed by other individuals who provide the cash to pay for the difference in the Agribank valuation and the market valuation of the land being purchased. In terms of land surface area, by October 2003, full-time farmers had purchased a total of 1,842,434 ha compared with a total of 1,279,261 ha for part-time farmers.

New black farmers are being subsidised by the State

A typical AA Loan will include a large element of subsidy. For example, an AA Loan of N\$500,000 to a full-time farmer will contain a subsidy of almost N\$400,000 over the life of the loan at a 11.75% rate of interest, compared with the equivalent loan to a non-AA farmer. However, data from the Deeds Office suggests that average prices paid by AA Loan recipients have been much higher than for other buyers of commercial farmland. It is not yet clear why this is so, but subsidies on the AA Loans may have contributed to the rise in land prices.

Commercial farming is becoming the preserve of the urban rich

There is still much about commercial farming that is not fully captured by official statistics. However, if one looks at Namibia's commercial farming sector, one is struck by the stagnant output and the increase in the number of hobby farmers. Real growth in commercial farming value added has been a mere 1% a year since 1994, less than half the rate for the overall economy (RoN 2003b). In the absence of generous State subsidies, traditional commercial livestock farming does not make money for the individual farmer. It is especially difficult to run a profitable farm if the land first has to be purchased rather than being inherited. Instead, commercial farming is becoming an expensive hobby that is increasingly the preserve of Namibia's urban rich.

Does this matter? There are several reasons why it might. Black Namibians are being encouraged to go into commercial farming on the premise that this is an inherently profitable activity. Given the economics of commercial livestock farming, it could be argued that these new farmers are being set up to fail. If profitability is unlikely, black farmers will struggle to repay loans and there will be pressure for more subsidies. Government may decide that this is justified since the political priority has to be to transfer greater areas of commercial farmland into the hands of black Namibians. Donors would have to decide whether to contribute towards this greater fiscal burden. The magnitude of that burden would depend upon Government's willingness and ability to allocate land to those best able to use it: the less capable the beneficiaries, the greater the number of failures and the greater the fiscal burden. It would not be easy to set up a system of land allocation that avoided using land as a tool of political patronage. Alternatively, the pressure may be more in favour of transferring land without compensation to the owners. But again, how would land be allocated if not on the basis of willingness and ability to pay?

Where does this leave Government's land reform programme? Up to now most efforts at land reform have been premised on the belief that farming is inherently profitable and that, therefore, the transfer of land will boost growth and reduce poverty. It would be difficult for Government to somehow reduce demand for commercial farmland by prohibiting its purchase by part-time and hobby farmers. Such a move would be likely to exclude many senior Government and ruling party figures as well as other wealthy urbanites. Paradoxically, the introduction of the Land Tax may accelerate the present trend. By raising the cost of farming further, only the even better off will be able to farm.

Would it be possible for Government to come clean on the issue and change policy in a way that recognises commercial farming is rather for the

rich? The single priority here would be the political one – of ensuring land ownership is racially balanced. If this means that wealthier blacks are the ones to benefit most from commercial land reform, then so be it. The wider economic success of such a policy would, however, depend on how successful hobby farmers were at commercially exploiting their farms.

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Promoting development among farm workers: Some options for Namibia

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Introduction

For decades, the issue of agricultural labour has been ignored in socio-political discourse. During most of the pre-independence period, commercial farmers took advantage of their access to political power and the State to enforce legislation that had their interests at heart rather than those of the workers. Successive commissions of inquiry into labour matters concerned themselves primarily with the possibility of increasing the supply of labour to agriculture, rather than the conditions of service and the rights of farm workers. The latter were of interest only to the extent that they influenced labour supplies (Werner 2001:3).¹

The post-independence period promised to bring about more favourable conditions for agricultural labour. New labour legislation was introduced that addressed the rights of workers generally and contained a few provisions specifically aimed at farm workers. The rights of agricultural labourers and their conditions of service were systematically addressed for the first time in 1997, when the Commission of Inquiry into Labour-related Matters affecting Agricultural and Domestic Employees was appointed. However, it took another three years for its Report (RoN 1997a) to be released to the public. To date no specific action has been taken on any of its recommendations.

New labour legislation and a new institutional framework of Labour Inspectors and Labour Courts created a framework for the gradual improvement of the rights and working conditions of farm workers. The extent to which this has happened cannot be accurately assessed. It is generally accepted, however, that there is considerable room for improvement in labour conditions in the freehold and non-freehold agricultural sectors.

Ironically, as the post-independence period introduced a legal and institutional framework for more human labour conditions, a new set of threats to the rights of farm workers in the freehold – or commercial farming

¹ The general background on agricultural labour is based primarily on Werner (2001a) unless otherwise indicated.

sector – arose. Under Namibia's redistributive land reform programme, the State is in the process of acquiring freehold farms on a “willing seller – willing buyer” basis for subdivision and redistribution to Namibian citizens in need of land. The explicit aim of the land redistribution programme is to bring about more equitable access to productive land and improved living conditions for those benefiting from redistribution.

However, land and resettlement policies are silent on the fate of workers on farms that have been acquired by the State for redistribution. No concept seems to exist on how to deal with these farm workers, and there is little information on what happens to them. One is obliged to assume that a substantial number are retrenched from these farms and allocated to small-scale farmers. The State does not have a programme in place to accommodate farm workers that are evicted from farms as a result of land redistribution. Instead, the responsibility for farm labourers resident on subdivided portions of freehold land is shifted to land reform beneficiaries. They have to decide whether to evict labourers from their allocations or retain them.

Moreover, if land redistribution is to be implemented in a controlled manner to ensure sustainability, it is possible that more people will lose their jobs on commercial or freehold farms than will benefit from land redistribution. A simple arithmetic example bears out this contention. In the freehold or commercial farming sector approximately 850 ha of freehold farmland currently supports one farm worker and his dependants.² In terms of resettlement guidelines laid down by the Land Reform Advisory Commission, settlers should be allocated at least 1,000 ha of grazing land in the central and northern cattle-ranching regions of the country, and not less than 3,000 ha in the more arid south. This suggests that fewer people will be settled on freehold farms than are currently employed as farm workers. If present tendencies are to continue, farm workers will lose out: the envisaged improvement of living standards of land redistribution beneficiaries will be achieved at the expense of farm labourers, who stand to lose access to jobs and, in some instances, land. At the end of the day, Government would be solving one problem by creating another, namely large numbers of unemployed farm workers (Werner 2001a:11).

If the White Paper on the National Resettlement Policy (RoN 2001b) that was introduced in the National Assembly in 2001 is anything to go by, the plight of farm workers has moved down a few notches on the priority list of targeted beneficiaries. The first National Resettlement Policy was approved in 1997 (RoN 1997b:2–4). It identified five main target groups for land redistribution, which included people expelled from farms as a special category. In the latest draft White Paper that was submitted to the National Assembly

² This calculation is based on 42,277 people having been employed in commercial farming in 1997, which covered approximately 36 million ha (see RoN 2001a:53–55).

in October 2001, farm workers are mentioned in a general section on “Displaced, Destitute and Landless Namibians” (RoN 2001b). The White Paper argues that some farm workers have been retrenched from farms “due to attitudinal constraints and a fragile economic base”, which “forces them to seek for a livelihood in the land” [sic] (ibid.:6).

This brief introduction serves to illustrate that the issue of farm workers – both in their current situation as wage earners and under a redistributive land reform programme – needs to be addressed urgently. Experiences in other parts of the subregion have demonstrated that redistributive land reform benefits only a small minority of farm workers. In addition, land reform can only play a limited role in farm-based development processes. In order to alleviate poverty among farm workers and their dependants and improve their standard of living, it is important to devise an integrated development process to improve their living and working conditions and opportunities for development (Grimm 1998:208; Husy & Samson 2001:33). Thus, improving working conditions and wages alone is not enough. The question of tenure is also important (FCTZ 2001a:2). While not all farm workers are likely to want to own their own farms, most would desire security of tenure for a residential plot and house and improved conditions of service (Grimm 1998:210).

This paper will explore some models that attempt to do integrate farm labourers into a wider development process. It will start with a brief overview of the Namibian agricultural sector and workers’ conditions of service within that sector. This will be followed by a brief discussion of different models taken from the southern African region, in particular Zimbabwe and South Africa.

The paper does not pretend to present original research. Instead, it seeks to present options to farmers and farm workers on how the latter’s plight could be improved. In doing so, the paper hopes to stimulate discussion and further exploration of ways and means to engage positively in the wider rural development process and, in so doing, contribute towards the realisation of greater equality.

Agriculture in Namibia

In terms of its direct contribution to Gross Domestic Product (GDP), the agricultural sector in Namibia is fairly insignificant. Between 1990 and 2000 its contribution averaged 10%, of which the commercial or freehold subsector contributed 6%. However, such aggregate figures only tell part of the story of the overall importance of the sector. In the first instance, a number of downstream economic activities depend on the sector. Agriculture depends on and supports a service sector, for example, which, amongst other things,

provides inputs as well as marketing and veterinary services. These inputs and services are a lifeline for many rural communities. In order to account for indirect economic contributions such as these from the agricultural sector, a multiplier factor of 1.8 is normally applied to arrive at the sector's true contribution to GDP.

Despite its limited direct contribution to GDP, the agricultural sector contributes significantly to exports. This contribution has ranged between 15% and 18% since independence. The export of beef and cattle on the hoof accounted for 70% of all agricultural exports on average (Werner 2001a:6).

Most of the livestock and beef are produced on approximately 4,200 farms in the so-called commercial farming sector. Strictly speaking, the latter is a misnomer insofar as commercial agriculture is also practised in the communal areas. A more fundamental difference between the two subsectors – commercial and communal – is that, in the former, land is held under freehold title. In the so-called communal areas, ownership of land under freehold title is not possible. In the latter areas, customary land tenure regimes govern access and rights to land.

While the agricultural sector is not the largest contributor to GDP, it is the largest employer in the country. *The Namibia labour force survey 1997* put the number of workers in the commercial or freehold farming areas at 42,277 in 1997 (RoN 2001a:53–55). Another 38,125 people were classified as unpaid family workers in the non-freehold areas (ibid.). At an average household size of 5.1 (ibid.:27), an estimated 211,000 people find employment and/or some kind of subsistence in the freehold farming sector. Before providing a brief discussion of working conditions in agriculture, a few observations need to be made with regard to the financial situation of freehold farmers.

In terms of popular perceptions, the freehold-farming sector is healthy and wealthy. While these perceptions may be correct in a number of individual cases, they obscure the fact that the subsector has increasingly been experiencing financial problems.³ Fundamental to these difficulties has been the historical trend that real producer prices decreased significantly while input costs rose (Grobler 1999). Over the past ten years, periodic droughts have led to a dramatic decrease of livestock numbers, the scrapping of agricultural subsidies, and rising interest rates, while bush encroachment further undermined production conditions. The weighted interest rate for the agricultural sector increased from 14% in 1994 to 20% in 1998 (ibid.).

As a result of these factors, the financial position of commercial farmers gradually deteriorated. Total agricultural debt per hectare during the 1990s more than doubled in nominal terms; at current prices it rose from N\$12.99

³ The following is based on Werner 2001a:6–7 and Werner 2001c.

to just over N\$30.00 per hectare, disrupting commercial farmers' cash flow. Total agricultural debt in 1999/2000 was expected to be just over N\$1 billion (ibid.). Cattle numbers decreased from a peak of 2.6 million in the late 1950s to about 1.2 million in the mid-1990s. Hot on the heels of this trend, the number of workers employed in freehold farming declined from 49,768 in 1970/71 to 42,277 in 1997 (Gebhardt 1978:149).

With increasing international competition and current farm sizes, the financial problems of freehold farming are not likely to improve significantly in the foreseeable future. Unless the macroeconomic conditions of commercial farming improve, agricultural labourers are not likely to witness significant improvements of their conditions of service. In a worst-case scenario, increasing numbers will lose their jobs. Labour accounts for 16–18% of total cost on an average commercial farm (Sobotta, pers. comm.), and farmers are likely to start cutting costs on the labour side. In developing strategies to improve farm labourers' living and working conditions, these concerns need to be kept in mind.

The situation of farm workers

The macroeconomic framework within which commercial farmers operate, as well as their cash flow position, undoubtedly set important parameters for what is possible in terms of development on farms. Equally important, however, is to recognise that a farm differs in some important respects from other business enterprises, in that it “is more than a geographical space” (Suzman 1995:12). Instead, it represents a social space in which certain rules apply that have been set by the owner of the farm.⁴ More specifically, (O’Conchuir 1997; quoted in Husy & Samson 2001:25) –

[F]arms are not simply places of work ... [T]hey are individual arenas in which power games of control and subjugation between worker and employer, and indeed between worker and worker, are the daily norms of life in an extremely complex setting.

At the pinnacle of this power hierarchy is the farm owner, who acts as “a father figure dispensing discipline and advice while ‘providing’ for his workers” (Suzman 1995:14). Owners derive their powers from the fact that their farms

⁴ The discussion that necessarily follows generalises the situation on freehold farms. It is recognised, however, that working conditions and interpersonal relations between farm workers and farm owners differ from farm to farm and cover the whole spectrum from very good to poor. On the other hand, working conditions in the non-freehold areas are very often more appalling than in the freehold subsector and need to be addressed as well.

are under freehold title.⁵ Amongst other things, freehold title provides an owner with the power to control access to his/her land as well as rights enjoyed on it.

These powers are enhanced by the fact that most farm workers are almost completely dependent on the farm for employment and residence. This not only refers to their monthly remuneration, but in all likelihood also includes any additional income they may have. While no accurate data exists on the overall composition of farm wages in Namibia, research in Zimbabwe suggests that any income additional to the monthly wage is also inextricably linked with the farm. Examples in this regard are small plots to grow food, overtime work, or additional piecework (FCTZ 2001a:9).

With regard to residence, the vast majority of farm labourers have to make their homes at their workplaces. The 1997 Commission of Inquiry into Labour-related Matters affecting Agricultural and Domestic Employees (RoN 1997a) found that farmers maintained the *de facto* right to determine who could visit or reside on their farms as dependants of their workers. While Section 38 of the Labour Act, 1992 (No. 6 of 1992) stipulates that workers' dependants should have the right to live on farms, the Commission felt that the notion *dependant* did not "accommodate broader notions of kinship and dependency or the possibility of several disparate dependants" (RoN 1997a:19–20). In addition, the Commission found that (*ibid.*:19) –

These workers lack any formal tenure rights and have no land capital, or easy means of acquiring land capital, in which to invest. They therefore lack any immediate means of escaping the cycle of dependency through autonomous economic activities, short of urban drift. For these employees, the question of land rights is paramount.

Where employees enjoyed rights to graze livestock on the farmer's land, such rights were frequently annulled during periods of drought. The Commission found that during such times, "employees were forced to find alternative grazing for their livestock. If they could not do so, they were told to find alternative employment" (*ibid.*:227). In addition, some farmers relocated retired agricultural employees either to towns or communal areas, sometimes against the latter's will (*ibid.*).

On a number of indicators agricultural employees are the most marginalised workers in the country. However, working conditions in agriculture are a contentious topic. Trade unions and politicians maintain that conditions are

⁵ Instances have been reported where freehold farmers regard their farms as little kingdoms outside the wider society. In one instance, labour inspectors were greeted with a signboard at the entrance gate to a farm which read, "Namibia ends here", suggesting that the farm lay outside Namibia and, hence, its legal and political framework (M Tjotoku, pers. comm. 26.10.2000).

generally appalling, while the Namibia Agricultural Union (NAU), representing mostly commercial or freehold farmers, is at pains to point out that conditions are not as bad as is often maintained. While the truth about the situation lies somewhere between all these assertions, the Commission (*ibid.*) found that working conditions in agriculture in general left much room for improvement. Moreover, their comments were not restricted to freehold or commercial farmers. Some employers in non-freehold or communal areas, for example, denied that they were employing wage labourers entitled to a decent wage and working conditions. Instead, where they had people working for them, such workers were classified as “family members”, thereby exonerating the employer from paying wages.

Amongst other things, the Commission (*ibid.*) found that farm workers received the lowest cash wages in the country.⁶ In the mid-1990s these ranged between N\$80 and N\$350 per month in the freehold subsector. In some instances wages were supplemented by rations, in others not. In many regions housing was inadequate, with many workers having to live in structures made of corrugated iron sheeting without toilets or showers.

Educational levels in agriculture are equally low. Although no specific data exists, the labour force survey in 1997 (RoN 2001a) found that 25% of rural workers had no education at all, while only 5% had educational qualifications beyond secondary level. Access to health services was also limited. For example, farm workers complained to the Commission (RoN 1997a) that they did not get time off work to seek medical treatment, while some had even been fired because they were suffering from long-term illnesses.

The evidence put before the Commission led its members to conclude that farm workers were “caught in a cycle of dependency and poverty”, and that “the Government’s land resettlement policy did not adequately address the land hunger of agricultural employees and their dependants” (*ibid.*:227).

Land redistribution is likely to benefit only a few farm workers. For the remaining majority, they will seek an improvement in their living and working conditions as well as opportunities for advancement and other job opportunities. For this reason it is important to identify opportunities and interventions that are necessary to promote overall development (Husy & Samson 2001:1). The brief discussion above on the macroeconomic and social context of freehold farming serves to indicate the complexity of the situation on farms in the country. Economic and power relations on farms ultimately set the framework for what will be possible. In the final analysis, an improvement in the conditions of farm workers will –

⁶ The following information is taken from Werner 2001a:8–9.

require an innovative approach which represents a combination of, and compromise between, the priorities for farmers and those of workers, and mechanisms which promote broad[-]based minimum standards as well as innovation and leverage for longer[-]term benefit (ibid.).

Experiences in South Africa suggest that it is important to establish a development agenda reflecting the respective development priorities of farmers and their employees before embarking on any interventions. Research in the Orange Free State (O’Conchuir; quoted in ibid:25–26), for example, suggests that farm workers do not “have unrealistically wild expectations of land reform ...”. Some 95% of those surveyed only required a small piece of land (not more than 2.5 ha) to secure their incomes and tenure. In the Western Cape and Kwazulu-Natal Provinces, a majority of farm workers interviewed in independent studies (ibid.:28) preferred job security to higher incomes. However, development priorities in South Africa not only differ from region to region, but also between enterprises and sectors as well as between source groups being questioned.

In Namibia, no integrated development agenda for farm workers exists. Individual farmers have taken the initiative to improve the living and working conditions of their workers. However, much needs to be done. Before looking briefly at some models for intervention, it may be instructive to summarise the recommendations for improvements provided by the Commission. These include the following (RoN 1997a:228):

- ⇒ That farm labourers be considered as primary beneficiaries of redistributive land reform in order to break the cycle of poverty and dependency from which generational employees, in particular, suffer
- ⇒ That Government allocate State-owned land to, or purchase freehold land for, individual or groups of agricultural employees and their families
- ⇒ That Government and agricultural banks consider granting loans to agricultural employees to buy into, and thereby jointly own, private land, on condition that employees obtain a minimum of 50% share of such property
- ⇒ That Government consider purchasing privately-owned land in selected areas to be used for the resettlement of currently employed or retired agricultural employees and their dependants, and to be managed on an individual or collective basis
- ⇒ That the Labour Act provide definitions of what constitutes a worker’s *dependant*
- ⇒ That *reasonable needs* relating to numbers of livestock and arable land as mentioned in Section 38 of the Act⁷ be defined, so as not to leave the interpretation of these provisions to the employer’s discretion

⁷ Section 38 stipulates that farmers have to provide workers who are required to live on the farm with housing. This includes sanitary and water facilities, as well as the right to

- ⇒ That generational workers and those who have worked on a farm for more than ten consecutive years be entitled to legally sanctioned tenure rights on farms, and that such rights be endorsed on the title deeds of the farms in question, and
- ⇒ That Section 37⁸ of the Labour Act be amended to grant inalienable rights to labourers to graze their livestock on freehold farms on which they are employed, provided that such an amendment provides a formula to determine the numbers of livestock to be kept or acreage to be ploughed in relation to the carrying capacity of the land in question, and subject to the provision that grazing rights not be less than 5% of the carrying capacity of the farm.

Models for cooperation

Labour tenancy

On many freehold or commercial farms, workers – and, more specifically, generational workers – enjoy the right to graze a limited number of livestock. Farm owners generally impose restrictions on the number of livestock their workers may keep on the farm, with the result that the average number kept is very low. In the Omaheke Region it was found that workers were permitted to keep an average of eight large stock units (LSU) and an unlimited number of goats on the farms where they worked. Goats were not limited as they are browsers and, thus, did not compete with cattle for grazing (Suzman 1995:54). These averages are slightly higher than Devereux et al. (1995:27, 50) found in their countrywide study of farm labour. They gave averages for cattle owned by farm labourers as 6.9 LSU in the northern and central regions, with 9.6 and 11.7 small stock units (SSU), respectively. In addition, an estimated 14% of farm worker households in the northern region and 26% in the central region owned cattle on farms, while another 9% and 26%, respectively, owned small stock (goats and sheep). Farm workers in the southern region did not own any cattle, but 26% owned some sheep and goats.

These figures serve to underline the fact that the ownership of livestock by farm workers on freehold farms is not very widespread and numbers are

keep livestock and cultivate some land. The standard of housing, the number of livestock and the area designated for cultivation are, however, not specified in the Act, but are obliged to satisfy the “reasonable requirements” and “reasonable needs” of employees.

⁸ Reference in the Commission’s Report (RoN 1997a) should have been to Section 38, as Section 37 deals with the prohibition of certain acts relating to payment of remuneration.

very low. Devereux et al. (ibid.:49) suggest, however, that the income from livestock kept on farms by workers was relatively important. In 1995, the income from livestock sales by workers who were allowed to keep livestock on cattle ranches amounted to N\$1,7749, compared with a total annual income (wages plus rations) of N\$5,167. Thus, income from livestock sales amounted to 34% of annual income.

This system has become known as *labour tenancy*. The South African Land Reform (Labour Tenants) Act, 1996 (No. 3 of 1996) defines a *labour tenant* as any person who –

- ⇒ resides or has had the right to reside on a farm
- ⇒ has or has had the right to use cropping or grazing land on the farm on which s/he resides or on any other of the owner's farms, and in consideration of such right provides or has provided labour to the owner or lessee of such farm, and
- ⇒ can prove that his/her parent(s) or grandparent(s) also lived or lives on a farm and also grazed animals and grew crops and provided labour to the owner or lessees of such farm in the same way as the labour tenant currently does.

Labour tenancy played an important role in attracting and retaining labour in the early phases of white commercial farming in Namibia (see Werner 1998:94–95, 144–147). During periods of cash flow problems, white farmers were unable to pay cash wages and, amongst other payments in kind, remunerated workers with livestock and the right to graze livestock on their farms instead. For many farm workers, labour tenancy was one way of gradually accumulating livestock in order to establish independent farming activities in the then “native reserves”.

Then as now, labour tenancy provides farm workers with access to freehold or commercial agricultural land and a way to improve their standard of living. It amounts to sharing the land but not quite to a redistribution of resources, insofar as the right to graze livestock on freehold farms depends solely on the goodwill of landowners (Suzman 1995:54). Despite Section 38 of the Labour Act, which stipulates that in cases where an employee is required to live on a farm, s/he should be permitted to keep some livestock and/or cultivate some land, the Commission found that generational workers in particular lacked any secure tenure rights to freehold land for grazing and cultivation (RoN 1997a:227).

Evidence submitted to the Commission suggests that commercial farmers are not contemplating any formalisation of tenure rights for workers on farms. A written submission to the Commission presented by the Agricultural

⁹ Devereux et al. (1995:49) do not state whether this is an annual income or not. It is assumed here that it is.

Employers' Association (AEA) in collaboration with the Namibia Agricultural Union (NAU) did not mention the issue of tenure rights to farms. The Namibia Farmworkers Union (NAFWU), on the other hand, presented concrete proposals on how the issue could be handled. Significantly, NAFWU did not support blanket rights of access to freehold farms, but recommended specific criteria for securing tenure rights. The Commission accepted NAFWU's recommendations (see the penultimate and last bullet points above, outlining the Commission's recommendations) (ibid.:206).

Options to provide more security of tenure for farm workers will have to be considered by freehold farmers as part of the wider land reform process. As with land rights in non-freehold areas, the rights of farm workers have not received much attention in policy debates in Namibia. Future options should build on what is already in existence. Experiences from elsewhere may provide useful pointers for regularising and improving the system of granting grazing rights to generational workers.

Grappling with similar tenure problems experienced by farm workers, the South African Government introduced the Land Reform (Labour Tenants) Act in 1996. The principal objectives of the Act are to protect labour tenants' existing land rights and to provide for their right to apply to become owners of the land (RSA n.d.). In a sense it combines elements of tenure reform (securing labour tenants' land rights and the conditions under which they may be evicted) with elements of redistribution (providing for labour tenants to obtain title to the land they have used under tenancy) (Turner & Ibsen 2000:26). The Act prescribes an eviction procedure designed to prevent arbitrary evictions. More specifically, a labour tenant can only be evicted where (ibid.) –

- ⇒ s/h breaks the agreement with the farmer by not providing labour
- ⇒ there is a complete breakdown of the relationship between the labour tenant and the farmer, which cannot be healed
- ⇒ there is a real danger of damage to the farmer or his/her property
- ⇒ the likely harm to the farmer is greater than the likely harm to the labour tenant, and
- ⇒ the farmer needs the land for developments which the Land Claims Court believes is more important than the rights of the labour tenant.

In any event, farmers are no longer permitted to instruct labour tenants to leave their farms. Instead, an application for an eviction order has to be addressed to the Land Claims Court.

The latter Act also provides for labour tenants to purchase the land they live on and use. Such applications have to be addressed to the Department of Land Affairs. Officials will then explain what has to be done and facilitate

agreement between the parties. The Act also provides for the appointment of an independent mediator where discussion fails to bring about agreement. As a final resort, i.e. where mediation does not produce the desired results, the matter will be referred to the Land Claims Court, which will either hear the case itself or appoint an arbitrator (ibid.).

The Act met with strong opposition from commercial farmers at first. However, it does seem to provide a model for a more equitable distribution of rights and access to land for generational farm workers that could be further explored and adapted to local conditions where necessary.

Securing tenure for farm workers

The findings of the Commission of Inquiry into Labour-related Matters affecting Agricultural and Domestic Employees suggest strongly that the provisions of Namibia's Labour Act to extend residential and agricultural rights to farm workers on commercial farms are not sufficient. Although no accurate figures are available, indications are that farm workers are still being evicted, frequently without adequate access and reference to legal procedures. While farm workers in South Africa faced similar problems, the South African Government has already passed legislation to address these (RSA 1997a:34).

South Africa's Extension of Security of Tenure Act, 1997 (No. 62 of 1997), also referred to as *ESTA*, aims to assist people facing unfair evictions from land and those who wish to strengthen their security of tenure (RSA n.d.:3). Although the Act specifically includes farm workers, it offers protection to all who live on State-owned land or land held under customary tenure, as well as to those who live on land with the owner's consent. The Act gives expression to an obligation contained in the South African Constitution for Government to correct any tenure insecurity experienced by persons or communities as a result of past discriminatory policies (ibid.:7). As such, the Act is regarded as a part of Government's land reform programme.

ESTA is regarded as protecting the rights of both owners and occupiers¹⁰ of land. It is seen as providing a framework for improved relations between the two parties by introducing fair and clear procedures for evictions. Occupiers, on the other hand, also have certain responsibilities under the Act.

ESTA provides a number of stipulations that enhance tenure security and improve occupiers' rights. These rights include the following (RSA n.d.:9–10; RSA 1997b:3–4):

¹⁰ *Occupiers* are defined as people who "live on land which does not belong to them, and they had the permission of the owner to be there" (RoN 1997b:5). Such permission can be by direct consent in writing or verbally or by "tacit consent", where the owner shows by his/her behaviour that the occupier is permitted to live on the land (ibid.).

- ⇒ A landowner cannot cancel occupiers' rights without their consent unless there is good reason for doing so, and until occupiers have had a chance to answer any allegations made against them or reply to a case that sets out the reasons for the cancellation or change.
- ⇒ A landowner is obliged to obtain a court order before evicting occupiers.
- ⇒ The court can only grant an order of eviction if –
 - ⇒ the occupier's right of residence has been fairly terminated
 - ⇒ the occupier has had time to leave the land but has not done so
 - ⇒ the owner or person in charge of the land has given the occupier at least two months' written notice that s/he intends taking the case to court
 - ⇒ the occupiers' interests have been taken into account, and
 - ⇒ in most cases, suitable alternative accommodation has been found.
- ⇒ If occupiers are evicted without following ESTA's provisions, landowners make themselves guilty of a criminal offence for which they can be jailed.
- ⇒ ESTA gives occupiers the right to receive visitors, the right to family life, and the right not to be deprived of water, health or education services.
- ⇒ ESTA gives special rights to long-term occupiers who are 60 years of age or older, and who have lived on the land for ten years or more. These rights are also given to people who were employed by the owner for ten years or more and who have become disabled, and
- ⇒ ESTA provides ways to resolve disputes over land rights through mediation, arbitration and courts.

ESTA also provides occupiers with opportunities to obtain higher levels of tenure security by applying for a State subsidy. Once approved, occupiers can use such a subsidy to develop the land they are living on, or develop another piece of land close to where they are living. The former option is referred to as *on-site development*, and rights associated with it may be registered against the title deed of the land, provided the owner of the land agrees. In *off-site developments*, as the latter option is known, occupiers may also register title deeds.

Two kinds of subsidies apply in South Africa:

- ⇒ a Settlement/Land Acquisition Grant; and
- ⇒ a Housing Subsidy.

The broad objective of the Settlement/Land Acquisition Grant “is to improve land tenure security and to extend property ownership and/or access to productive resources to the historically disadvantaged and the poor” (RSA 1997a:70). More specifically, the Grant is designed to assist those in need of land to acquire it, to enhance tenure rights, and to invest in infrastructure, home improvements and farm capital investments according to plans the

applicants have prepared. The Grant is set at a maximum of R15,000 per applicant (RSA 1997a:69). Farm workers as well as their families are included in the list of eligible applicants.

With regard to tenure security, the Grant is sufficiently flexible to allow a number of different land acquisition and tenure possibilities. These include the conversion of insecure tenure to a more secure form; participation in equity schemes (to be discussed below); and off-farm and on-farm settlement options for farm workers (ibid.:72).

ESTA also assigns certain duties and responsibilities to occupiers and owners. Both parties are entitled to – and have to observe – certain fundamental human rights, such as the right to privacy and dignity, the right to personal freedom and security, and the right to freedom of movement and association. In addition, owners are obliged to respect the rights extended to occupiers by ESTA. Occupiers, on the other hand, have the following duties and responsibilities (RSA 1997b:11):

- ⇒ Not to damage the owner's property
- ⇒ Not to harm other people living on the land
- ⇒ Not to threaten lawful occupiers
- ⇒ Not to help unauthorised people such as land invaders to set up new dwellings on the land
- ⇒ Not to damage the relationship between themselves and the owner to such an extent that it cannot be put right
- ⇒ To prevent visitors from causing damage and to ensure that visitors comply with the owner's reasonable conditions, and
- ⇒ To comply with the fair and material terms of any agreement with the owner.

ESTA provides for an elaborate eviction procedure. It follows three distinct stages, namely the fair and lawful termination of the occupier's right of residence, getting an eviction order from the court, and implementing the eviction order (RSA 1997b:12).

With regard to the first step, an employee's right of residence may be terminated upon his/her resignation or dismissal. The South African Labour Relations Act, 1995 (No. 66 of 1995) provides the legal framework for fair dismissals. The rights of residence of long-term occupiers are not allowed to be terminated unless a serious offence has been committed.

Upon termination of the right to reside, an owner may ask the court for an eviction order. This constitutes the second phase of the eviction procedure. Where an owner contemplates this course of action, s/he is obliged to give the occupier at least two months' written notice that such action is contemplated. ESTA sets out a number of points for consideration by courts in

deciding on whether to issue an eviction order or not. Included in the issues to be considered are (RSA 1997b:17) –

- ⇒ how long an occupier has lived on the land
- ⇒ whether the conditions in the agreement which the owner uses to ask for eviction are fair
- ⇒ whether suitable alternative accommodation is available for the occupier
- ⇒ the reason for eviction, and
- ⇒ whether the owner has a stronger interest in getting an eviction order, or whether the occupier has a stronger interest in staying on the land.

In the next phase of the procedure the eviction order is implemented. ESTA requires the owner of a piece of land to pay the occupier for any improvements or crops planted and not harvested, where this may be the case. Alternatively, the court may order an owner to allow occupiers to remove any structures and improvements they have made and to tend to and harvest any crops they may have planted. Employees are entitled to be paid all wages and other amounts that are due (*ibid.*).

The Social Discount Product

ESTA provides a legal and political framework to improve security of tenure for occupiers of land and, by implication, for farm workers. The Social Discount Product, on the other hand, “uses an existing loan-based mechanism to provide incentives to clients to undertake development projects” on freehold farms. After an initial pilot phase the product was to have been introduced to clients in 2002 (Husy & Samson 2001:24).

The main aim of the Social Discount Product “is to stimulate development projects in agriculture through the provision of incentives for Land Bank clients to implement social development projects on their farms and in agricultural enterprises” (*ibid.*:21). This represents a response to three interrelated needs in agriculture (*ibid.*):

- ⇒ To improve the average living and working conditions
- ⇒ To promote greater efficiency and productivity in agriculture through enhancing skills levels and motivation, and
- ⇒ To stabilise rural areas through improvement of living conditions.

In doing this, the Land Bank recognises that (*ibid.*) –

farmers are the key to development for farm worker communities and remain central to decision-making. Their commitment and participation are essential elements of the successful implementation of development on farms.

The Bank has set out a number of guiding principles for the introduction of the product (ibid.:22):

- ⇒ Human development
- ⇒ Mutual benefit and contribution: The farmer, the worker and the Land Bank need to benefit, which requires joint participation by all three parties, and
- ⇒ Economic and developmental sustainability: In order to achieve economic sustainability, it is important “that the viability of the farming enterprise is reasonably secure, and that the project proposal has a good potential for success”.

The name of the product is derived from a discount the Land Bank gives on new or existing loans in the form of an annual rebate that is linked to project progress. Discounts and rebates depend on whether specific objectives have been met and progress is being achieved (Land Bank 2001:6). In addition, discounts will be graduated according to project category. The Bank supports seven development categories. These, as well as discount rates, are summarised in Table 1 below.

Table 1: DEVELOPMENT PROJECTS SUPPORTED BY THE LAND BANK

No.	Development category	Projects supported	Incentive	
			Discount %	Duration
1.	Farm worker retirement planning	Projects making provision for income and residential security for farm workers upon and during retirement, including provident schemes	1.0	1 year
2.	Farm worker training	Projects establishing opportunities for skills training and participation in farm management for farm workers, including vocational and life skills programmes	1.0	1 year
3.	Farmer-to-farmer mentoring	Activities undertaken by a farmer to assist new farmers and farm worker communities with access to land, including advice and planning support, the loan and use of equipment, and agricultural management skills training	1.5	1 year
4.	Adult and children's education	Projects establishing increased educational opportunities for farm workers and their dependants, incorporating adult education programmes, and access to schooling projects for farm children	2.0	2 years

5.	Farm worker housing, service provision, and upgrading	Projects aiming to upgrade farm worker housing and services, including housing maintenance, and water and electricity installation	3.0	1 year
6.	Farm livelihood enhancement	Projects that aim to enhance the employment and incomes of farm-dweller households, through income-sharing schemes, land access and production projects, and enterprise development	2.5	2 years
7.	Farm worker ownership	Projects which aim to transfer ownership of assets to farm workers, including housing ownership projects, share equity projects, and land transfer initiatives	3.0	3 years

Source: Land Bank (2000:5); Husy & Samson (2001:23)

All Land Bank retail clients are eligible for the Social Discount Product, provided they are not in arrears with their loan payments by more than 60 days and they intend to undertake a development project that meets the criteria of the supported project categories. Those who do not have loans with the Land Bank may also qualify for the product, provided their application for a Land Bank loan is successful (ibid.:10).

The application criteria lay down that all applications require the following (Land Bank 2001:2):

- ⇒ The conducting of a pre-planning process in which the target beneficiaries – i.e. farm workers or their representatives – have participated; such beneficiaries are required to endorse any plans submitted to the Bank.
- ⇒ The provision of a project plan that has to include –
 - ⇒ a description of the target beneficiaries
 - ⇒ the objectives of the project
 - ⇒ a project implementation plan, including milestones and timeframes
 - ⇒ a budget, and
 - ⇒ a finance plan, and
- ⇒ Minimum standards to have been established on the farm.

The Social Discount Product presents an integrated framework of support for farm-based developments. Financial institutions in Namibia, particularly the Agricultural Bank of Namibia (Agribank), may wish to emulate this approach. To date, Agribank provides subsidised loans only for the construction of houses for workers. The extent to which farmers use this facility is not known. A broader programme should be worked out, together with incentives for its implementation.

Farm Village Development Committees

The Farm Community Trust of Zimbabwe (FCTZ) has been set up as a non-governmental organisation (NGO) focusing on the empowerment of farm workers to achieve a better life through collaboration with all relevant stakeholders. It seeks to implement an integrated development programme encompassing a variety of social components, while attempting to enable communities of farm workers to take control and ownership of such development programmes by introducing democratic structures on commercial farms. More specifically, the FCTZ assists communities of farm workers to identify practical initiatives to improve their quality of life on commercial farms, particularly in the areas of housing, health, and education. The FCTZ also liaises with different levels of Government, donor organisations, farmers, farm worker organisations and NGOs and lobbies them on behalf of farm workers in order to assist in and facilitate the implementation of various initiatives. The FCTZ also conducts research on the living and working conditions of farm workers, and raises policy issues with the relevant authorities (FCTZ 2001b:5).

The empowerment of farm workers is facilitated through the establishment of Farm Village Development Committees (Farm VIDCOs) (FCTZ n.d.). In the Zimbabwean context, Farm VIDCOs have the same objectives as a VIDCO in the communal areas, except that the former operates on a commercial farm. Farm VIDCOs provide fora for discussion and decision-making and represent all farm workers and organisations on the farm (women's groups, educational groups, etc.). A Farm VIDCO comprises both elected and non-elected members. The elected members fill the positions of Chairperson, Treasurer/Secretary, etc. Non-elected members include the farm owner and representatives/co-coordinators of development programmes such as health and education initiatives.

Farm VIDCOs are considered a necessary link between farm owners and workers. They improve communication and encourage all parties to identify community issues and develop solutions together. Most importantly, they provide workers with the opportunity to participate in planning and implementing social programmes that target housing, health and education. It is expected that farm workers will be able to elect their own councillors representing their interests on Rural District Councils (ibid.:2).

Several functions are spelled out for Farm VIDCOs. These include the following (ibid.:3):

- ⇒ To motivate people to articulate problem areas and to identify resources (financial, material and human)
- ⇒ To plan activities around solutions
- ⇒ To support and sustain developmental activities

- ⇒ To make policies for the Committee
- ⇒ To act as a link between farmers, NGOs, and ministries, working on farms and with farm communities
- ⇒ To recognise accountability to the farmer and community
- ⇒ To monitor and evaluate activities and achievements
- ⇒ To organise meetings and facilitate them, and
- ⇒ To help build a sense of belonging in the community through participatory activities such as map-building, and drafting seasonal charts and labour charts.

Farm VIDCOs are supported by short training programmes in areas that include development; leadership and communication skills; record-keeping and meeting procedures; planning, monitoring and evaluation; and the structure, role and responsibilities of Farm VIDCOs. Members are expected to meet regularly for different purposes and keep minutes of meetings. In addition members are expected to be able to do basic book keeping (ibid.5–9).

Equity share partnerships

Farm VIDCOs enable farm workers to become actively involved in the identification, planning and implementation of programmes designed to improve their standard of living. They are not designed to let farm workers participate in the management of an enterprise. Equity share partnerships, on the other hand, are designed to do just that.

Equity-sharing schemes seek “to increase the participation of workers in decision-making and to capture their capacity for innovation”. More specifically, they refer “to situations in which farm workers purchase or obtain ownership of part of the equity of the farm on which they work” (Eckert et al. 1996:694). These partnerships seek to (Grimm 1998:213) –

... empower farm labour through the transfer of rights with respect to land ownership, decision-making and profit[-]sharing. This can be achieved by making grant and loan capital available to the workers in order to take up equity in profitable agricultural concerns.

Equity share partnerships are suitable for conditions where farming units cannot easily be split up because of technical, managerial or other constraints. Instead of splitting up such enterprises, the ownership structure is changed in favour of farm workers. Typically, such enterprises depend on intensive inputs and require high levels of capital, fixed improvements, management and technical expertise (ibid.:213). Equity schemes could enhance the farm asset redistribution process by providing farm workers with access to the business.

This approach entails considerable savings “on a range of transaction costs such as infrastructure (to convert a large-scale commercial farm into small-holdings) mechanisation costs, etc.” (Van Rooyen & Njobe-Mbuli 1996:465). Production levels on farms can be maintained, whilst allowing workers to receive a share of land rents (Eckert et al. 1996:694).

Equity share schemes are considered as “commercial land reform projects”, in that participants acquire a financial interest in a commercial farming enterprise. The resources that landless people can muster – be they financial or access to land, water and credit – will determine their level of participation. In most cases it will be necessary to form a legal entity through which various stakeholders can pursue their interests. In designing an appropriate institutional framework for an equity share scheme, a number of issues and potential problems need to be addressed. These are outlined below.

Risk and reinvestment

The first issue to keep in mind in designing an equity-sharing scheme is that new entrants to a commercial land reform project “have a vastly different risk aversion profile to that of the established commercial partner”, i.e. the owner of the enterprise. These new entrants are likely to prefer low-risk investments. This can be linked to the likelihood that they have different short-term personal cash flow needs than an established commercial farmer. These divergent expectations may lead to differences on whether to reinvest income in the enterprise or make dividend payments (Hamman 2000:13).

Mechanisms need to be put in place to deal with such problems. These include the following (ibid.:13–14):

- ⇒ A formal dispute resolution procedure has to be built into the company’s constitution or articles of association to resolve possible disputes regarding reinvestment and dividend policy. The procedure should provide for mediation and arbitration. *Mediation* means that a mutually acceptable third person tries to resolve the disputes through consensus-building, while *arbitration* refers a process where a mutually acceptable third person hears the dispute and takes a binding decision (ibid.).
- ⇒ The mechanism of discretionary dividends in the case of companies can be introduced to treat shareholders according to their needs and requirements. The directors of the enterprise will decide whether dividends will be paid, and if so, to whom.
- ⇒ Payment of a bonus may be another way to pay a discretionary financial reward. Unlike a 13th cheque, a bonus is not considered a right.
- ⇒ Under a profit-sharing arrangement, a part of the profits are shared before dividends are considered. Once agreed upon, the portion to be

shared as profits before dividends are considered would become an enforceable right.

- ⇒ Finally, a theoretical possibility would be to allow worker participants to liquidate their capital growth. This would enable workers to value their percentage of the appreciation of the farm or landholding and have it paid out in the form of dividends.

Information

The articles of association of an equity share arrangement should provide for adequate representation of workers on the enterprise's Board of Directors to ensure their effective participation in managing the business. Effective communication channels need to be established to pass on information on day-to-day managerial decisions, regular financial reports of the enterprise and the workers' entity, market information, and the performance of each participant's investment (ibid.:14).

Shareholder vs. employee tension

In an equity share scheme, farm workers are both workers and shareholders, which may lead to conflicting roles. Demands for higher wages in an equity share scheme can lead to labour conflict. Conventional power-based bargaining mechanisms such as strikes or lockouts are not desirable within this context, as either the enterprise or the shareholders are likely to suffer losses. In the absence of trade unions, the principles and system of dispute resolution can be applied to the budgeting process, where wage levels will be determined and set for a period of time (ibid.:15).

Gender

The articles of association should provide for a minimum number of seats for women on the Board of Directors.

Entry and exit

Membership in share equity schemes is normally restricted to persons involved in the project, i.e. the former sole owner, the management and the workforce. *Worker membership* is defined as those persons (ibid.:16) –

- ⇒ who work on the farm
- ⇒ who have invested their capital in the farm, and
- ⇒ whose spouses and/or dependants live on the farm.

Participants in an equity share scheme will find it more difficult to exit the scheme, as they would like to be able to sell their investment at a reasonable price. This presupposes a market for their equity, which could consist of fellow participants, the workers' legal entity, the company, the former sole owner or an approved third party investor (*ibid.*).

The establishment of equity share schemes is dependent on workers having access to funding. Their own wages are too low, and financial institutions are not likely to extend credit to them as farm workers are perceived to be a high financial risk. In South Africa, land redistribution is facilitated through a market-assisted land reform programme. Instead of acting as the main land reform agent, the State makes "grants and services available to rural people in order for them to acquire land" (Hamman & Ewert 1999:449–50). In 1999 these grants were R16,000 per household earning less than R1,500 per month. The grants can be pooled and used in a variety of ways, "provided that the beneficiary acquires security of tenure" (*ibid.*).

Equity share schemes have the potential to provide benefits to both former sole owners and workers. As far as owners are concerned, the advantages of such a scheme include (Eckert et al. 1996:696) –

- ⇒ increased productivity owing to changed attitudes
- ⇒ decreased production costs because there is better care and maintenance, and less theft of farm equipment, supplies and property
- ⇒ decreased risk related to labour, and the spreading of risk to multiple owners
- ⇒ lower labour turnover, lower recruitment costs, and higher returns on human capital investments
- ⇒ capital infusion for investment in the farm itself or elsewhere, and
- ⇒ an infusion of new ideas and creativity into enterprise management.

From the workers' perspective, equity share schemes hold the potential of (*ibid.*) –

- ⇒ increased real incomes and wealth
- ⇒ participation in management and planning, and
- ⇒ gaining self-determination and control over their own welfare.

However, the establishment of equity share schemes is likely to present several problems, which may need support from outside institutions. In the first place, trust needs to be built between owners and workers where it does not exist, and strengthened where it does exist. This may prove to be a difficult task, given the structure of farms and the recent political past. Secondly, considerable time and effort may be required to build confidence

among workers and bring about attitudinal change. Farm workers are only used to being servants, and not to being partners in a business venture. Thirdly, equity share schemes may be difficult to understand. Concepts such as *shares*, *dividends* and *capital growth* may not be known among workers and employers. Finally, equity share schemes do not provide an instant solution to cash flow or other problems on the farm. Such schemes may take years to implement successfully, and all parties involved – management, workers, funding and facilitating institutions – need to make a long-term commitment to this process (Eckert et al. 1996:700).

Conclusion

Overall, farm workers continue to be ignored in the wider process of rural development in Namibia. Although their working conditions are reasonably well documented, attempts to improve these conditions are limited to the initiatives of a few farmers. Moreover, land reform and resettlement policies do not accord farm workers any priority as beneficiaries. It was argued that unless this changes, they stand to lose out in the land redistribution process.

It was also argued that redistributive land reform only ever benefits a small minority. In view of this, it is imperative that development programmes be launched to support farm workers. Farm owners undoubtedly have a central role to play in this process. They have to be prepared to take the interests of farm workers seriously and discuss possible solutions with them. The level of concrete interventions are determined and indeed often limited by the financial resources a farmer has at his/her disposal. In those cases where resources are available, farmers are not likely to make investments when their future is insecure and their confidence in the future of farming undermined (Magaramombe 2001:5).

The State can play an important role in contributing towards the improvement of workers' living conditions. Firstly, it has to put a policy and legal framework in place to protect farm workers from unreasonable eviction – be it as employees or as a result of land redistribution. Secondly, incentives may have to be put in place where they do not exist, and strengthened where they do, to encourage farmers to improve their workers' living conditions. Different forms of financial support should be considered where farmers invest in the well-being of their workers. The State may also want to consider sanctions in those cases where farm owners show no sign of improving the conditions of their workers, such as targeting the land of such farmers for acquisition and redistribution.

Civil society can also play an important role in supporting the process of rural development. The models mentioned above require considerable

support in terms of training, lobbying and advocacy work. This could be done by appropriate non-governmental organisations, of which the Farm Community Trust of Zimbabwe is perhaps the most prominent example.

Finally, farm owners need to realise that complacency is likely to create political tensions that will not only primarily harm their own interests as farmers, but will also have repercussions throughout the country. Farm owners will be required to make compromises between their own interests and priorities and those of their workers. Upon closer examination, the costs of such a development path are likely to be less in the medium- and long-term than complacency. The returns – both in financial and human terms – will also be more satisfying.

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Land reform in southern Africa

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Introduction

The recent land crisis in Zimbabwe captured worldwide attention. It focused on the land invasions of white commercial farms and highlighted one particular aspect of the land reform problems in southern Africa, namely forced restitution in a country where Africans had been dispossessed of land by colonial settlers. This made commercial farming land scarcer, despite the underutilisation of non-commercial land. This may indicate policy failures.

In a recent publication, the South African Human Sciences Research Council (HSRC 2003) comments that land reform policies in the region were applied inconsistently. Neither colonial policies nor contemporary practices were ever uniform. Initially, there was a strong commitment to land redistribution for political reasons (e.g. in Angola, Kenya, Mozambique and Swaziland), only to be followed by a switch to economic goals. De Villiers (2003:3) described this first approach as non-market-driven, characterised by State policy to either nationalise all land (Angola and Mozambique), or expropriate it for allocation to African claimants¹ or to the landless. It could also be called the equity approach. Ndebele (2001:31) says it is also the restoration of human rights.

The second approach is market-driven, which is not necessarily anti-equity, but there is market-related acquisition. This approach does not avoid the non-economic arguments, but regards the main purpose of land reform as being sustainable production and food supply. Thus, it implies payment to willing sellers.

Moyo (2003:59) claims that, in Zimbabwe, both approaches failed. In the latter country the sequence was different to the one described above. Market reforms were attempted from 1992 onwards but were inadequate, according to Moyo (ibid.). In 1997, the radical invasion approach was launched, which resulted in major conflicts. Both might have been too fast: Herbst (2000:184)

¹ In South Africa, the restitution process requires that dispossessed communities may claim land back lost since 1913.

assets the lesson is to move slowly. However, the question is whether the best features of the market and equity-driven approaches (that need not go as far as not paying for confiscated land) can be combined. However, southern Africa does not have too many examples of such combined approaches. One example is Swaziland. Here, land was recovered and repossessed, but by means of funds raised by taxes and with grants from the United Kingdom (HSRC 2003:23). Thereafter, resettlement projects for sustainable development were launched for the benefit of the communities concerned.

The other major issue in southern Africa is the failure to integrate land reform policies into land tenure reforms, resettlement programmes and meaningful land-use policies that cover all land, i.e. not just rural land, but urban land as well. Land reform policies should, therefore, cover all land, i.e. including non-agricultural land, because fertile land is simply too scarce a resource in many countries to be made available to everybody who wants to make a living on rural land. The scarcity of fertile land is indicated by the fact that only 7% of all land in Africa is arable. In southern Africa it is only 6%, with Malawi the highest at 18%, and Botswana the lowest at 0.5%. Two other countries where land reform debates take place fall in between: Zimbabwe at 8%, and Namibia at 1% (Esterhuysen & Le Roux 2002:12).

Ever since the Mau-Mau uprisings in Kenya (Adams 1995), land reforms have been contentious – but policies and responses to them always differed. It was in Kenya where the decolonisation struggle was first fought as a land restitution issue. The ethnic Kikuyu reclaimed the “White Highlands” that had been alienated during the colonisation period. Land was so prominent an issue that the insurgent wing of the Mau-Mau liberation movement was called *the Land and Freedom Army* (Freund 1984:206, 219). In Zimbabwe, the *Chimurenga* (“War of Liberation”) was also about land (Ranger 1986:386) and this issue is still not resolved. The Lancaster House Agreement of 1979 limited the scope for redistribution “because the last settler government could not have compromised unless its most important constituency, the white farmers, were at least to some extent reassured of their future” (Herbst 1990:18). The agreement at the time was that historical distortions had to be corrected through market liberalisation. By the late 1990s, however, constitutional and other legal amendments had been made (see below) which paved the way for legalised land invasions and for the expropriation of white-owned rural land (De Villiers 2003:17). Although most occupations took place after the referendum² in 2000, they had actually commenced

² This referendum was held to assess popular support for a range of constitutional amendments, including limitations to the President’s term of office, the abolition of the appointed Members of Parliament, and that the “willing seller – willing buyer” clause (funded by the British Government) be replaced by a land seizure clause. This particular clause was reintroduced into the Protection from Eviction Act of 2002.

much earlier (in 1997) and were not spontaneous (Moyo 2003:68). These occupations were organised by war veterans and instigated by Government. In Namibia, President Sam Nujoma threatened to allow the same, but in South Africa, the Government vowed that the Zimbabwean situation would not happen (Gunning 2002; Ntuli 2002).

This paper describes what *land reform* is, why it is important, what the regional trends are, where mistakes have been made and why, and what SADC's position is on these and other issues.

What is land reform?

Land reform is a complex and complicated process. It tends to focus either on equity (State-and/or claims-driven) or on production (market- and/or acquisition-driven). This, however, is too simplistic.

In southern Africa, the complex issue of land reform arose mainly in countries with white settler societies who dominated commercial agriculture. There is no standard land reform policy in the region today, as such policies were never coordinated in post-colonial times. Regional organisations such as the Southern African Development Community (SADC) have also never expressed an opinion on land reform, let alone tried to deal with it through an appropriate protocol. The tenure variations are great: for example, an overwhelming majority of land in the Democratic Republic of Congo (DRC) is held under customary tenure while communal land has been phased out in Botswana (Herbst 2000:188–193).

The closest the region has come to adopting standardised procedures was the consistency with which the British Government in former British colonies preferred applying the market- or production-driven process to solve land restoration problems. Their approach manifested itself in “willing seller” policies linked to British-funded land restoration policies in Kenya, Swaziland and Zimbabwe at the time of decolonisation and shortly thereafter. Zimbabwe is the only country that produced the land invasions and the new, more radical legislation.

Such developments may be newsworthy, but they miss the point about the full complexity of land reforms. Land reform is about much more than restitution processes. *Land reform* also refers to *land tenure reform* – where the contemporary trend is away from State ownership, leasehold and communal land tenure, to freehold land.

After restitution (when it takes place), resettlement schemes should commence. This creates the category of *resettled land*, and the issue of appropriate projects on such land. New challenges arise regarding, for example, what kind of tenure should apply: State, leasehold or private?

Who should pay the willing sellers: the new buyers or the State? This is not only about finance, but also about support services such as training, marketing, extension services and agribusiness, for which either grants or loans, or collateral are used.

Land reform is complex, therefore, and may fail for many reasons. For example, the absence of rural development strategies or simple cronyism may cause land reform to fail, rather than the errors of well-meaning bureaucrats. In Zimbabwe it is perhaps a mixture of the two.

The World Bank and Oxfam support the idea of productive small-scale farms on resettled land (HSRC 2003:6). State funding (grants or loans) linked with proper administration and extension services on these resettled lands are desirable. Botswana is often cited as a successful example. How this problem is dealt with in other countries with sizable resettlement programmes such as Zimbabwe (more than 9% of all land), Namibia (7.4% of land) and South Africa (4% already resettled, with about 5% in the pipeline) will be addressed later in this paper.

Dealing with rural land only is only half the picture, as land reform should be seen in the context of comprehensive land reform pertaining to all land, rural and urban. An appropriate urbanisation strategy, therefore, is an important requisite to land reform. In a place such as Africa, where only 7% of all land is arable land, there is a logical limit to the equity argument.

Tenure reforms

Land reform usually implies that restitution takes place in former settler colonies, or in countries where land rights were alienated from indigenous communities. Southern African countries with such problems are Angola, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe. Less problematic were Botswana, the DRC, Lesotho, Malawi, Tanzania and Zambia, which had far fewer colonial farmers. To be sure, despite about 60 years of Belgian colonialism in the DRC, 97% of the land remained communal (Herbst 2000:188).

Land in the possession of commercial farmers

The legacies of colonialism complicate the rather simplistic equity vs. production debates. This often translates into crude choices between equity for the (mostly black) poor and the goals of production for the (mostly white) commercial sector. In this way, the equity debate becomes racial and focuses on the reversal of racial legacies. It could be said that the production debate tends to justify the status quo on the grounds of the economic benefits of

large-scale commercial farming. In this way it is perceived to favour white farmers, but this argument misses the point about successful smaller-scale farming on appropriate soils such as those in the sugar-cane areas of Kwazulu-Natal.

In addition to commercial land that may be earmarked for restitution or resettlement, other categories of land are also available. Two come to mind, namely underutilised and unutilised land in the possession of traditional authorities, and non-productive State land. Namibia may be an example of both kinds (Kaura 2001).

Land in the possession of traditional authorities and the State

In Namibia, there are various kinds of communal lands:

- ⇒ Land south of the Red Line³ that historically belonged to the Herero, Damara and Nama, and which was lost to white settlers, and
- ⇒ Those north of the Red Line that historically belonged to the Owambo, the Kavango and the people of the Caprivi, where no land alienation took place.

Land north of the Red Line has always belonged to traditional authorities. Settlers did not establish commercial farms in this section of the country. African lands south of the Red line belong to the State, although they are also communal areas. The white commercial farms (about 6,200) exist south of the Red Line only. This is also where some of the best arable lands are found, excluding the land in the lush riverine north. In Namibia today, white commercial farmland is the only land earmarked for redistribution. Communal lands, whether underutilised or not, are not intended for resettlement – which looks like double standards.

Firstly, apart from white-owned farms which are usually earmarked for restoration, other categories of available land are often ignored. There is also the issue of *available* land, such as underutilised land in communal areas, underutilised State lands, and land belonging to absentee landlords. Underutilised communal lands are seldom put to more productive use. The question may also be asked about the availability of land in the communal areas that are State-owned. Malawi is an example of this. It was estimated

³ The Red Line separated the Police Zone – which consisted of southern and central Namibia to which white settlement was directed – from the territories north of the Line. While the latter were governed through a system of indirect rule, in the Police Zone the colonial Administration employed policies of direct control. It is in this region that “ancestral land” was lost to white colonial conquests, especially after the Herero and Nama revolts against Imperial Germany, 1904–1907.

in 1994 that 28% of all arable land in Malawi's communal areas was lying fallow (Hajat 2002:208–209). Commercial land, therefore, is not the only land that is necessarily available for restoration.

Secondly, in Zambia (as in Mozambique and Angola), all private land was nationalised after decolonisation. The *Zambian Land (Conversion of Titles) Act* of 1975 completed the land nationalisation programme by vesting all land in the President on behalf of the people of Zambia. Former private farms were converted into leasehold for 100 years and unutilised land was taken over by the State. Under donor pressure, the Zambian Government repealed this Act in 1995. Since then, the Zambian Government has been willing to receive expelled white farmers from Zimbabwe to farm on unutilised land (HSRC 2003:24), presumably on a freehold basis. However, uncertainty on this issue prevents white farmers from approaching banks for loans for which farms can be used as collateral. The Draft Land Policy announced in 2002 would have clarified many of the uncertainties that remain, but the point is that State land is being privatised.

Third, in Tanzania, under the British Land Ordinance of 1923 in colonial times, most of the land was Government-owned. This remained the case after independence in 1961. In 1972, President Julius Nyerere established *ujamaa* villages, which created communal tenure on State land. This tenure was subsequently passed on to the communities who made up the villages. In 1999 a new law was passed which recognised these communal tenures, but also introduced freehold for individuals who had the financial capacity to acquire land. Women were among those who gained access to land. In practice, however, most of the land (how much is uncertain) in Tanzania remains State-owned, which might indicate an absence of funding for prospective private owners.

Fourth, in South Africa, about 25% (roughly 32 million ha) of all land is State-owned. Recent land reform policies announced in South Africa by the Minister of Land Affairs indicate that this category will be fast-tracked for resettlement, in the fulfilment of the equity plans to have 30% of farming land in black ownership by 2009 – i.e. 15 years after the Restitution Act of 1994. This has to be seen against the backdrop of the “87/13” debate, that is, 87% of the population (blacks) were allowed 13% of the land during the apartheid years, on the basis of the Native Land Act of 1913.

The Ministry of Land Affairs also announced that about 669,000 ha State land (about 5% of all land) is to be transferred into resettlement land for black emergent farmers. The realisation of these plans will increase black occupied rural land from 13% to about 18%. Against this background, any percentage above 13% is progress towards the target of 30%. The 1994 target, therefore, suggests a shortfall of at least 12% on the 30% target and indicates that this process is far from finalised. Extra State land (20% will

still be available) can be redistributed, whereas private land, especially financially assisted land (e.g. insolvent farmers) could also be acquired through legal means (like Namibia, South Africa does not have too many underutilised farms belonging to absentee landlords).

Fifth, in Malawi, 18% of the total land (1.7 million ha) belongs to the State. Another 16% is estate land (sugar and tea), which is a form of leasehold. A further 16% of land outside sugar and tea estates constitutes leasehold land. This means 50% of all land is in effect State-owned. The rest is customary land (Hajat 2002:203). The Land Reform Commission of 1997 led to the adoption of a National Land Policy in 2002, which will clarify all those ownership issues. Meanwhile, the Government focuses on the resettlement of landless people on underutilised (mainly State-owned) land.

Finally, there are the cases of Zimbabwe and Namibia, where the restitution debates have been much publicised. Both have communal lands that are regarded as State land, but in both cases communal/State lands have not been targeted for resettlement. Targeted land is commercial, white-owned land. Unlike other countries in Africa where State land may be targeted (as in South Africa), Zimbabwe only has 1% State land available (Stoneman 2000:50–51), while in Namibia this percentage is nil (see Table 1).

Land in the possession of absentee landlords

The third type of land earmarked for resettlement is land that belongs to absentee landlords, which is presumably regarded as underutilised and, therefore, available. This is the case in Namibia, as will be explained below.

Table 1: PERCENTAGES OF STATE LAND OTHER THAN CUSTOMARY LAND AND NATIONAL PARKS

Country	% State land
Mozambique	100%
Zambia	100%
Tanzania	Most (% unknown)
South Africa	25%
Malawi	18%
Zimbabwe	1%
Namibia	0%

The absence of State land for resettlement explains why the Governments of Zimbabwe and Namibia have decided to focus on privately owned commercial farms as targets for redistribution. In Zimbabwe, resettlement land is placed under State control. In Namibia, the Agricultural (Commercial) Land Reform Act, 1995 (No. 6 of 1995) stipulates that resettled land be held

under freehold (in this manner, President Sam Nujoma acquired farms for himself). Other Acts provide for communal tenure in the areas under the control of traditional authorities, mainly in the northern parts of the country.

Restitution in Zimbabwe and Namibia

The catalyst for much of the present debate in the southern African region was the parliamentary and presidential elections in Zimbabwe in 2000 and 2002, respectively, where land was made the big issue. However, war veterans had already begun to invade commercial farms sporadically since 1997. With these events came the reminder that, in any country where settlers alienated land and the majority of the electorate was still rural, the lack of access to and ownership of land would remain important. Robert Mugabe and the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) took a calculated step, namely to play the land card at a time when former land policies had failed. For ZANU-PF and for Mugabe, the land invasion plan – especially in the highly populated areas of former Mashonaland – had the desired effect as the popular opposition was defeated during the elections. In Zimbabwe, restoration turned into forced restitution through the eviction of private owners and the subsequent confiscation of land without compensation.

In Zimbabwe, the initial legislative framework was provided by Section 57 of the Constitution of the Republic of Zimbabwe, negotiated at Lancaster House in the United Kingdom in 1979 (hereafter *the Lancaster House Constitution*) (RZ 1979) that provides for a “willing seller – willing buyer” arrangement as well as British funding (as in Kenya and Swaziland). It was part of the Lancaster House Constitution (ibid.) that the Constitution could only be amended after 1990. This was promptly done by way of the Constitution of Zimbabwe Amendment Act of 1990 and the Constitution of Zimbabwe Amendment Act of 1993. These two Acts allowed for land resettlement with “fair” (as opposed to “adequate”) compensation, as required in the Lancaster House Constitution. These Acts provided no definition of these two concepts, but *adequate* apparently meant “market value”, while *fair* compensation was to be paid only for improvements on the land and not for the land as such. These two Acts amended Section 16 of the Constitution, which, together with the Land Acquisition Act of 1992, paved the way for the expropriation of invaded land after 2002. Following the failed referendum in 2000, the War Veterans Association demanded more land and the invasions began in earnest, this time openly encouraged by Government. As mentioned previously, the invasions were not a spontaneous process. The Government supported the invaders’ right to occupy former commercial

farms. The Rural Land Occupiers (Protection from Eviction) Bill of 2001, when passed into law in February 2002, prevented the invaded commercial farmers from evicting the invaders.

In June 2001, the Government announced that 105,000 families (about 700,000 people) had been resettled since farm invasions had begun. In 2002, Mugabe ordered 2,910 white farmers to quit their farms without compensation (*Business Day*, 19 February 2002) leaving about 1,000 white farmers still on the land. Recent reports (*Die Burger*, 24 April 2003) indicate that a large proportion of land settled since 2000 has been abandoned as the invaders have either moved back to the communal areas or into the cities. This move has increased the rate of unemployment in Zimbabwe, which currently (2003) stands at about 70%, according to numerous newspaper reports. With farm production already having collapsed, more money will now have to be spent on food aid than land reform in Zimbabwe (HSRC 2003:25).

Before the invasions began, land redistribution in Zimbabwe had been highly unequal. In 1911, white farms constituted 20% of all land in former Rhodesia (Moyo 1995:81); by 1931, after the passing of the Land Appointment Act of 1931, European land constituted 50.8% of all land (Chiteyo 2000:7). These percentages declined gradually to 45% in 1965 (at the time of Rhodesia's Unilateral Declaration of Independence) and 39% in 1980 (Stoneman 2000:50–51), but still represented a large proportion of the best agricultural land (Herbst 2000:188). By 1997, when the first land invasions by war veterans occurred, the percentage was 28% (Stoneman *ibid.*). At that stage, communal lands represented 43% of all land, with another 9% for resettled land (which is former white commercial land restored to black communities), bringing the percentage of land in the possession of black Zimbabweans to at least 52%.

The legal framework under which resettlement⁴ took place was first based on the “willing seller – willing buyer” principle, with “adequate” and then “fair” compensation by law. Since the Land Acquisition Amendment Act of 2002, “eviction” without compensation has become legally enforced. Nowhere else in southern Africa has the intervention strategy been so radical. Aspects of this have resonated in the case of Namibia.

Compared with Zimbabwe, Namibia lost about the same percentage of indigenous land to white settlers. After German occupation and South African administration of the country (1883–1989), most of the “ancestral” lands in Namibia south of the Red Line became white-owned farms. The communities losing land were the Herero, Nama and Damara. About 50% of all land went to white – German and South African – farmers, with less

⁴ From large-scale commercial farmers, i.e. from white to black ownership since 1979

than 43% to black Namibians, although this latter percentage included most, if not all, of the fertile land in northern Namibia (De Villiers 2003:32–33), the rest being national parks. As described in more detail below, although the land reform debate commenced at the time of independence in 1990, it only began delivering after 1996. In 2002, land reform was suddenly elevated to becoming a political tool in Africa. Amupadhi (2002) writes: “The Namibian leaders’ rhetoric on land, colonialism and homosexuals is fuelling fears that Namibia is set to follow Zimbabwe’s descent into ruin and chaos”. The Namibian complaint is about the slow pace of reform, the farmers’ reluctance to make land available, and the inflated prices being asked by the farmers (Maletsky 2002).

Namibia is the only country where a national conference has ever taken place on land reform and the land question. This occurred in 1991 and was followed by the Namibian Non-governmental Organisations Forum (NANGOF) conference in Mariental in 1994. Ever since, the Namibian land reform process has been backed by law as well as by legal land transfers: about 567,041 ha (about 7.4% of the total land surface area of the country was purchased by Government between 1990 and 2000 for resettling 30,000 people (Maletsky 2002). The Namibia Agricultural Union as well as Agribank collaborated in this process. Part of the problem is that, although calls for land reform were raised within the first months of Namibia’s independence in 1990 (Werner 1997:2), the Government was slow to enact policies, and then made only N\$20 million available (compared to £44 million – or about 22 times more, that the British made available for Zimbabwe after 1979). Now the Namibians have increased the amount to N\$100 million, but this is still much less than the amount allocated to Zimbabwe. Werner (*ibid.*) comments that an important feature of colonial dispossession and conquest in Namibia is the fact that, in contrast to other settler colonies such as Kenya and Zimbabwe, settlers colonised the more marginal agricultural regions of the country below the Red Line and away from the fertile soils of the north, which were, as mentioned previously, largely left in the hands of indigenous communities.

After the Agricultural (Commercial) Land Reform Act was passed, a Land Reform Advisory Commission was set up in Namibia, but an integrated land reform policy was still lacking (Werner 1997:6). Thus, land ownership transfers have only been taking place – slowly – since 1996. In 1998, the National Land Policy was published to put the law into effect. The Act provided for the Government’s acquisition of large, underutilised foreign-owned farms for resettlement. Compensation was to be market-related (HSRC 2003:21). Government then earmarked another 192 farms, all belonging to absentee German and South African landlords, to be transferred to black farmers. All 192 farms were located below the Red Line and, hence, outside President

Nujoma's support base in northern Namibia. Nujoma himself acquired farms in the Otavi District, south of Owambo (Grobler 2002).

Unlike most land south of the Red Line, the 192 earmarked farms lie in arable land that falls in the Otavi–Tsumeb–Grootfontein “maize triangle”. Absentee-landlord farms (amounting to 2.9 million ha) outside this triangle are currently being targeted for land transfers – within the law, and on the “willing seller – willing buyer” basis – despite the fact that the ruling party passed a resolution that land could be expropriated without the required willingness by the seller. This resolution has not yet been enacted and is unlikely to be, since the land reform process is moving forward, however slowly. Another reason for the slow progress is the lack of a rural development strategy.

Land reform in South Africa

According to Lahiff and Rugege (2002:51), South Africa's 1996 Constitution provides for the protection of existing property rights as well as land reform. In the commercial farming areas in the country, there are about 40,000 full-time and about 20,000 part-time commercial farmers. Their capacities vary, with about 25% of all these farmers producing 80% of all output. In other words, 75% of all farmers make for only 20% of production. Then there are another 40,000 small-scale black farmers, the majority of whom are in the sugar industry in Kwazulu-Natal. With much better rainfall and soil, these farmers can farm viably on plots of 12–25 ha. In the dry Karoo areas, where one sheep needs 10 ha of land, commercial viability requires very large farms (Democrat Union of Africa 2001:103).

As previously mentioned, the State is the largest owner of land in South Africa, owning about 25% of all land (RSA 1997). This amounts to 24.3 million ha, excluding land held by parastatals such as Transnet. Unlike the situation in Zimbabwe, where the State possesses almost no land (except customary and park lands), this category of available but underutilised land can be redistributed. To be sure, the Minister of Land Affairs has indicated that this category of land is being fast-tracked for resettlement. It still means that even if all State land is transferred into black ownership (an unlikely scenario), it is doubtful the target of 30% will be reached by 2015. Whether all this land is suitable for resettlement, especially in the dry regions of the country, is a different matter altogether.

Conventional wisdom has it that only about one-quarter of total land in South Africa is suitable for cultivation. This increases the need for meaningful urbanisation and industrialisation strategies. In South Africa, for example, there are 25 different climatic zones, ranging from desert in the

west to tropical on the east coast. For every 100 km from east to west, rainfall decreases by 25 mm, with 88% of the land being dry and non-arable. This dry land is mainly used for extensive farming such as sheep farming and cattle grazing. In two-thirds of this area, rainfall is less than 400 mm per year (Democrat Union of Africa 2001). In these areas, such as in the Free State Province, demand is low. Moreover, migrants are moving to urban areas where informal settlements are mushrooming – and not to farms, however fertile they may be.

After 1994, the process of land transfers was slow and for the following reasons:

- ⇒ All claims had to be ratified by a Court
- ⇒ The Commission on Restitution of Land Rights and the Department of Land Affairs duplicated many of their functions, leading to bureaucratic inefficiencies
- ⇒ The investigative process was cumbersome, and
- ⇒ There were problematic clauses in the Labour Tenants Act and the Extension of Security and Tenure Act of 1997.

Section 25(5) of the Constitution (RSA 1996) allows for redistribution. However, this section has not yet been used for this purpose because Government utilises the provision of Land and Assistance Act of 1993 instead (Lahiff & Rugege 2002:58).

Contrary to the problems in Zimbabwe and Namibia, State funding went largely unspent as only about 55–60% of the budget for resettlement had actually been spent by 1999/2000. When the Bredell land invasions in Gauteng occurred in 1999, it was a wake-up call. Until mid-1999, only 41 claims had been settled; by March 2000 3,916 claims were settled; by March 2001, some 12,149 claims had been finalised; and by December 2002, the total had reached 36,279 (Mabuza 2003). Since 2001, 94% (or R1.82 billion) of the budget has been spent, and the money allocated to the Department of Land Affairs has been doubled to R600 million per annum – much more than the allocations made for land reform in either Namibia or Zimbabwe. The Department's land reform allocation is used to compensate willing sellers as well as fund resettlement costs, i.e. 60% towards compensation and 40% towards resettlement. Most of the money spent, therefore, was for redress and not for land reform. This implies that neither equity nor production have been major beneficiaries in the land reform process so far. The HSRC (2003:23) also thinks it is unlikely that the target of 30% will be met by 2015.

In South Africa, the institutional infrastructure to implement land reform exists in the form of Section 25 of the Constitution of 1996 (section not yet utilised, as mentioned previously), the Land Bank, the Department of Land

Affairs, the Land Claims Commissioner, the Settlement/Land Acquisition Grant (SLAG), and the Land Redistribution for Agricultural Development Sub-Programme (LRAD), which has effectively replaced SLAG (Commission on Restitution of Land Rights 2001; Lahiff & Rugege 2002:49). These institutions are supposed to implement the laws applying to land reform, which are the following:

- ⇒ Restitution of Land Rights Act of 1994
- ⇒ Informal Land Rights Act of 1996
- ⇒ Labour Tenancy Act of 1997
- ⇒ Extension of Security and Tenure Act of 1997, and
- ⇒ Communal Land Rights Bill, drafted in 2002.

The Communal Land Rights Bill allows for private ownership in addition to community ownership. Although this provision removes some of the traditional land rights of chiefs (as in Botswana), it fails to achieve consensus among the role-players. Thus, unlike the national housing policy, for example, land reform is not framed by a single piece of legislation (Lahiff & Rugege 2002:58). Furthermore, like in Zimbabwe and Namibia, there is also a lack of a comprehensive rural and urban development strategy (HSRC 2003:22). In the final analysis, land reform – apart from the transformation of the non-agricultural sectors of the modern economy, linked with black economic empowerment in civil society and the formal economy – is not a big priority for the African National Congress (ANC) Government (HSRC 2003:22).

Conclusion

The discourse about land reform in southern Africa illustrates the extent to which regional organisations have failed to develop common approaches to land reform, or to integrate land reform into wider development strategies (HSRC 2003). Also, the purpose of land reform has never been discussed in regional fora. The only semblance of commonality is to be found in British-imposed policies during the early days of decolonisation. When the period of validity of those policies expired, national policies took over. In Tanzania and Zambia (former British colonies) as well as in Angola and Mozambique (former Portuguese colonies), socialist policies dictated that the State nationalise all land. Since then, leasehold has allowed for market-related practices. Donors also insist on compliance with such policies. The trend, therefore, is towards freehold, which indicates the growth of similarities – thereby enhancing convergence. It remains imperative that integration schemes such as SADC deepen integration to a level where land reform policies converge in regional protocols. Until this happens, integration will remain unfinished.

Despite the lack of convergence on land policies, a few notable features and trends have emerged in the SADC region during the last decade. One of the features is that the Zimbabwean pattern of unlawful land invasions (later legalised by the Land Acquisition Amendment Act) had no precedents in southern Africa. During the first decade of Zimbabwe's independence, restoration processes followed the Kenyan and Swaziland examples of "willing seller – willing buyer", and the British-compensated restitution processes. The problems, however, were never solved. South African and Namibian restoration processes today are similarly acquisition-driven and within the parameters of the law, including compensation to sellers. In both Namibia and South Africa, however, these processes have been very slow. Namibia's President Nujoma has therefore threatened to encourage the landless in Namibia to do what the war veterans have done in Zimbabwe, if white farmers continue to be unwilling to put productive land on the market. However, his threat is unlikely to be carried out, since the land held by white farmers, with the exception of the maize triangle south of Owambo, are not arable; furthermore, the threat comes at a time when farmers are indeed cooperating in making farms available. The German Government has also pledged financial support for land reform (Maletsky 2003). What must be avoided are the failed resettlement projects that Zimbabwe produced. The Zimbabwean lesson is that resettlement projects without marketing, money and extension services are likely to fail. German aid is aimed at assisting farming, helping to avoid the Zimbabwean mistakes. Namibia also has a larger number of absentee landlords, whose farms may be more underutilised than some of the invaded Zimbabwean farms where productive farming forcibly ended. Such disruption in production can, therefore, be avoided.

A notable trend in the region is the shift away from State-owned land into some form of market-orientation practices. In Mozambique, Tanzania and Zambia, where State land was converted into leasehold, farmers are able to run their operations on business principles, albeit within a framework of leasehold where the State remains the owner. Occupation rights – and business practices – are, however, market-based.

A second notable feature is that communal land held under customary law has not changed significantly anywhere in the region. The only exception is Botswana, where tribal chiefs are no longer the custodians of land. This authority now vests in decentralised Land Boards, linked to a national Ministry of Local Government, Land and Housing (Herbst 2000:189). In Botswana, instead of converting customary land into freehold, just the opposite is happening: freehold farms acquired by the State are often integrated into adjacent tribal lands (HSRC 2003:16–17). This is a case of the resettlement of the landless into communal areas under State control. In the

rest of the southern African region, traditional tenure remains unchanged. If the landless (or the new occupiers) are resettled on former white farms, tenure remains titlehold. This is where Zimbabwe has the highest percentage of resettlements on private land (now nationalised State land), namely at least 9% (plus invasions), followed by Namibia with 7.4%, and South Africa with 4% (with another 5% in the pipeline).

A third striking feature is the provision of finances and support services to resettled farmers. The only countries where this takes place are Botswana and South Africa, and in Zimbabwe during the first ten years after independence. With the crises of late, there is just no money for diesel, fertiliser, or extension services of any kind. Farms without development projects are bound to fail. Equity then fails as well.

This touches on the question of resettlement projects. There is no point in resettling landless people on rural development projects without adequate agricultural support mechanisms such as providing for training, extension services, and marketing programmes. Private farmers (e.g. in Namibia) have access to collateral or commercial loans. Although farmers on non-private land may be afforded access to State grants, donor funds or subsidies, this option the danger of creating unsustainable and dependency-type entities. In Zimbabwe, mechanisms like these to assist resettled families are simply not available at a time of huge financial scarcity. Farms also go to people who are not necessarily qualified farmers, such as veterans from both the *Chimurenga* and the recent DRC war. Why former soldiers with unproven farming skills are resettled on scarce land is a question only politicians can answer.

The lesson throughout the region is that land restitution cannot solve the problems of land reform; and that land reform alone cannot solve the problems of poverty and inequality, or of equity and production. It requires not only comprehensive policies, but also appropriate political will, which includes the will to tackle the problems of communal tenure as well as integrated land-use policies, as in Botswana.

Although any proper land reform programme needs to include elements of tenure reform, resettlement and restitution, another meaningful addition is a complementary urbanisation policy, as there is just not enough land for all who aspire to farm. Therefore, urbanisation, industrialisation and service industries are necessary ingredients of any national development plan. These plans help to alleviate pressures on the land. Furthermore, there are different kinds of capacities on the land, irrespective of tenure type. For example, dry and arid lands require extensive use such as animal husbandry, grazing and ranching. Here, huge tracts of land are required. Then there is intensive crop, fruit, and sugar farming, which requires water, workers, fertiliser, modern equipment and marketing. Thus, arable land requires

much less but much more expensive land. In other words, land reforms cannot accommodate “one size fits all” prescriptions.

Although all Governments in the SADC region have land reform policies, their manifestations are different and uncoordinated. SADC also does not have a comprehensive land policy; nor is land reform integrated into a wider rural development strategy. Almost everything else is fragmented. If ever there was a need for a regional position⁵, then it is land reform. What is lacking is a common regional approach to land reform. For example, no two countries in the region have identical policies, although policy convergence does take place in terms of market-relatedness. This creates the potential for a regional protocol on land reform. A common regulatory framework on land reform would do much to enhance the predictability of policies that were harmed by the unpredictable events in Zimbabwe. If SADC managed to produce protocols on water resources, there is no reason why land reform cannot become part of the regional integration agenda in future.

South African farmers are not inspired by what was happening in Zimbabwe. A SADC protocol on “best land practice” might have prevented this debacle. Two issues are of particular concern in South Africa:

- ⇒ Although land invasions are illegal, illegal squatting takes place in the peri-urban areas in much of South Africa, which highlights the need for a meaningful urbanisation strategy in tandem with land reforms in the rural areas, and
- ⇒ Violent attacks on farmers (Seria 2002). This phenomenon has a higher prevalence in South Africa than anywhere else in the southern African region.

It remains uncertain whether illegal squatting and farm murders are political phenomena. It is unclear, therefore, whether the two phenomena are part of an early-eviction strategy, or manifestations of economic hardships that translate into unemployment, poverty and crime. The jury is still out on this score. However, the Government claims it has a proactive policy that is much better than the lawless – and moneyless – acquisition strategies in Zimbabwe.

What is the scenario? The fast growth of a black middle class in South Africa, linked to black empowerment policies which benefit South Africa’s new ruling classes, contrasts sharply with Zimbabwe, where there is an eroding black middle class and where concerted black economic empowerment policies never existed. Mugabe, therefore, is playing the only card left to him: land grabs – mainly in his power base, Mashonaland. This kind of strategy is inconceivable in South Africa. The ANC’s power base is no longer

⁵ The New Partnership for Africa’s Development (NEPAD) document also lacks direction on the issue

the rural Transkei as it may have been many years ago, but the urban areas of Gauteng and other Provinces. The black middle class also values secure property ownership. The property clause in the Constitution, therefore, is a safeguard for all property owners. Illegal squatting and the inability to stop it are worrying, however, as are farm murders. However, the latter may be the symptoms of poverty and unemployment as much as anything else. Although the South African Government's intentions are not being cast in doubt, they should be more resolute about dealing with both land reform, in all its manifestations, and the farm murders.

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Land reform in Namibia and Zimbabwe: A comparative perspective

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Namibia's ruling Swapo party stopped a planned invasion of 15 white-owned farms by the farm workers' union yesterday by threatening to use the security forces to get them off the land. A five-member Swapo delegation led by Vice-President Hifikepunye Pohamba met a delegation from the Namibian Farm Workers Union (Nafwu) and the National Union of Namibian Workers (NUNW) at the party headquarters in Windhoek and told them that any invasion would be met with force The government said it would not tolerate lawlessness and unilateral decisions that could unsettle and reverse progress made so far with land distribution However, the NUNW said the situation got out of hand because the country's leaders had turned a blind eye to the plight of farm workers.

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Introduction

The land question remains major unfinished business in contemporary southern Africa, particularly in former white-ruled countries. It is a widely bandied cliché that an important key to addressing poverty, especially rural poverty, is land reform. Although it is not itself a sufficient guarantee of economic development, land reform is a necessary condition for a more secure and balanced society (Adams 2003). Providing poor people with access to land and improving their ability to make effective use of the land that they occupy are central to reducing poverty and empowering them and their communities (World Bank 2003). In southern Africa, land reform takes on a special resonance because of the history of land expropriation and liberation struggles (Sachikonye 2003a, 2003b).

In particular, the form and pace of “fast track” land reform in Zimbabwe between 2000 and 2003 has rekindled a passionate debate about the land question in the southern African region. The specific form of land occupations – particularly the intimidation and violence that accompanied them – raised a spectre of similar developments in countries in the region. It was

against the background of growing land hunger amongst small-scale rural farmers and mounting poverty that such anxieties grew. This chapter assesses the manner in which land reform programmes have been implemented in the region, with specific reference to Namibia and Zimbabwe, and then considers their outcomes in terms of social impact. After sketching a brief political background of these two countries, the chapter examines their land reform programmes in terms of scope, policy framework, similarities and differences. The discussion then provides a provisional assessment of the programmes from a comparative perspective. The concluding section of the chapter explores the response of high-level political leadership, including that of Heads of State, to demands for redistribution and, especially, to the conduct and outcome of the Zimbabwe land reform process.

The land question in historical perspective

A distinguishing aspect of the colonisation process in southern Africa was the expropriation of land from the indigenous peoples. The expropriation was effected through war and conquest in territories such as those that now constitute modern Namibia, South Africa and Zimbabwe. Countries such as Lesotho and Swaziland also lost considerable amounts of their territory through expropriation. However, it was mainly in the white-ruled colonies that land expropriation culminated in a more or less permanent division of ownership along racial lines. In Namibia and Zimbabwe, occupation and land expropriation occurred almost simultaneously in the closing decade of the 19th century. This was followed by the consolidation of white commercial farming in the next 40 years, while indigenous small-scale farmers were confined to or allocated infertile and drier land with little or no infrastructure.

By the middle of the 20th century, the distinctive patterns of white commercial farming and communal farming were clear. Based on inequitable land ownership, white farmers in Namibia, for example, possessed about 50% of agricultural land while black farmers were confined to a meagre 25% of this type of land (Adams et al. 1990). In colonial Zimbabwe, the Land Apportionment Act of 1930 allocated a greater proportion of the better land to white farmers and made provision for evicting indigenous farmers to drier and infertile agro-ecological regions. The Act set aside 51% of land to a few thousand white farmers (who then comprised 5% of the population) and prohibited Africans from owning or occupying lands in designated white areas. The most far-reaching expropriation of land in terms of scale, however, occurred in South Africa. Under the Native Land Act of 1913, some 87% of land transferred to white ownership, while the remainder was allocated to blacks, who constituted the majority of the population.

In white-settler colonies, including Namibia and Zimbabwe, the labour supply system and wage structure depended critically upon this system of land division and ownership. Since access to land determined the supply and cost of African labour in the colonial economy, the large-scale dispossession of black Namibians and Zimbabweans was as much intended to provide white settlers with land and cheap labour as it was to deny the indigenous peoples with access to good arable land – thereby denying them access to commercial production and forcing them into wage labour (ibid.).

Table 1: LAND TENURE AND REDISTRIBUTION IN SOUTHERN AFRICA, 2000

Country	Total land area ('000 km ²)	Private freehold and leasehold land (%)	Communal/customary land (%)	Land acquired for small-scale farmers (ha)
South Africa	1,221	72	14	821,134
Namibia	824	44	43	500,000
Zimbabwe	391	41	42	3,600,000

Source: Adams & Howell (2001)

At independence in 1980 and 1990, respectively, land ownership in both Zimbabwe and Namibia remained deeply inequitable. In Zimbabwe in 1980, about 4,500 white commercial farmers owned 15.5 million ha of land while the majority of the indigenous population of about 700,000 households subsisted on 16.4 million ha, i.e. less than 50% of the total land. As it was observed (UNDP 2002), –

... while 35 per cent of large-scale commercial farming land was unutilized or underutilized, indigenous populations were trans-located to marginal lands in predominantly low-potential agricultural zones. The independence war was mainly for majority rule and the land issue, and the rural people were the main force behind the war, because of their strong historical attachment to the land ...

In Namibia in 1991, there were an estimated 4,205 farm businesses with an average size of 8,500 ha. These were mainly white-owned, fenced ranges on freehold, constituting 44% of the total available farmland. Another 43% of the country consisted of communal land lying mainly in northern Namibia. About 160,000 black rural households occupied most of the communal land, which was not surveyed or fenced.

The political symbolism of land in the liberation struggles in Zimbabwe and Namibia was strong, owing to the painful memories of its loss under

colonialism. Land, therefore, featured prominently in negotiations for independence.

We now turn to the political context in which both countries sought to address the land question.

The political context

A number of similarities can be discerned in the manner in which the transition to independence occurred in Namibia and Zimbabwe. First, the liberation struggles culminated in negotiations, leading to a settlement that paved the way to independence. The principal liberation movements (the South West African People's Party/SWAPO, in Namibia and the Zimbabwe African National Union Patriotic Front/ZANU-PF, in Zimbabwe) constituted the first post-independence Governments.

Promising to respect and observe the post-independence Constitutions of their respective countries, the new Governments pledged themselves to reconciliation and the rule of law. Assurances were given to investors that their interests would not be tampered with. The two countries' Constitutions themselves contained provisions that protected private property, including the ownership of freehold land, and insisted on fair compensation where Government sought to acquire such land. As proof of this commitment, for example, no wholesale changes to Zimbabwe's Lancaster House Constitution (RZ 1979) were allowed until ten years had expired.

The political atmosphere in the first decade of independence was one in which Governments sought to address a "crisis of high expectations" on the part of the majority for basic needs such as education, health, roads and land. This explains why the two new Governments made considerable investments on these basic social services and focused their early efforts on acquiring land for the resettlement of poorer communal farmers.

The search for internal stability, peace and prosperity met with mixed fortunes in the two countries. No sooner had the Zimbabwe Government begun to consolidate its independence than there was an outbreak of civil war in the western Matabeleland provinces, and threats of destabilisation from an aggressive apartheid regime in South Africa. Between 15,000 and 20,000 people were killed in that conflict, while many were wounded and displaced. The associated destruction of infrastructure and property undermined development prospects. The severe repression of political dissent in these provinces sowed the seeds of an authoritarianism and intolerance that would re-emerge with a vengeance in 2000. In Namibia, the conditions for consolidation of independence were more propitious in the 1990s. In addition, the regional situation improved with progress towards a democratic settlement in South Africa. With the exception of an incipient uprising

(quickly brought down) in the Caprivi Strip, Namibia has enjoyed considerable stability and peace.

Although both countries subscribe to the multi-party political system, there were noticeable signs of growing authoritarianism, particularly in the late 1990s, and very clearly after 2000. There was a pronounced tendency of centralising power in the hands of the president, also known as the “Founding Father” of the independent nation. Both Sam Nujoma in Namibia and Robert Mugabe in Zimbabwe wielded extensive power, and began to behave more and more as autocrats as the new century opened. They increasingly deployed the symbols and myths of nationalism to buttress the legitimisation of their rule. Memories of the liberation struggle were used as a source of political capital to underpin continued legitimisation of their rule (Melber 2003). On the part of Mugabe, narrow nationalism found expression in anti-Western sentiments, particularly against Britain; he received ample support from Sam Nujoma at the memorable United Nations World Summit on Sustainable Development held in Johannesburg in 2002. The land issue had become a very volatile issue by then, much more so than at any other time since Zimbabwe’s independence.

However, although there were significant similarities between the two countries, there were also major differences. With a population of less than 2 million people, Namibia experienced a less acute land hunger compared with Zimbabwe’s 12 million people on a smaller land surface area. While the situation would change, especially after 2000, the scale of Namibia’s land question was more manageable than Zimbabwe’s. A profound difference between the two is their economic fortunes in the past decade. Overall, Namibia has experienced steady economic growth, while Zimbabwe’s economy has declined significantly in the past four years. It has been estimated that Zimbabwe’s economy has actually shrunk by about 30% since 2000. The economic crisis had its antecedents in financial mismanagement such as massive pay-offs to war veterans in 1997, sparking a significant devaluation of the Zimbabwe dollar. The widespread increase in poverty levels against a background of shrinking incomes provided the fuel for discontent and the spur for “land invasions” in 2000. Notably, the possibility that the newly formed opposition movement, the Movement for Democratic Change (MDC), could win a majority of parliamentary seats in the 2000 election galvanised the ruling ZANU-PF to sponsor the “land invasions” and cripple the opposition’s rural campaign.

By 2003, Zimbabwe was in the midst of a political crisis compounded by a fast-declining economy. There were, for example, endemic shortages of fuel, electricity, food, banknotes and foreign exchange. These economic dire straits provoked many industrial strikes and demonstrations. Development aid was not forthcoming. “Smart” sanctions, also termed *targeted*

sanctions, were applied against the ruling party and Government leadership for their role in allegedly rigging the 2002 election and their abuse of human rights during this time. Increasingly, the only viable option left appeared to be negotiations for a settlement between the ruling ZANU-PF party and the MDC. In Namibia, no similar crisis has been experienced although there is worry about Sam Nujoma's growing authoritarian tendencies – symbolised by his accession to a third term in office through a constitutional amendment.

In sum, while fast-track land reform in Zimbabwe was a calculated response to worsening land hunger, it was also a cynical act of political expediency on the part of the ZANU-PF Government, particularly the initiation of "land invasions" some four months before the 2000 election. Given SWAPO's comfortable majority in the Namibian case, there was no similar compelling political pressure to use the "land card" in the same cynical manner. Even so, developments in 2003 pointed to increasing militancy over the land issue, especially on the part of the SWAPO Youth League and the labour movement.

Phases in land reform

Let us now explore how the two countries designed and implemented their land reform programmes. Initially, both countries sought to take a pragmatic approach within the framework of their Constitutions – with all the constraints that these imposed on their freedom of manoeuvre. At the beginning, there were both measures of success and structural hurdles. At the same time, the levels of political will to address the land question rose and declined according to the political season: the rhetoric on land redistribution tended to become heated during election campaigns, only to subside once more after the leaders were re-elected.

Land reform in Zimbabwe

Following independence in 1980, land reform focused on settling selected people on land acquired on a "willing seller – willing buyer" basis from white commercial farmers. The cost of the land was relatively expensive, however. The independence Constitution tied the Zimbabwe Government's hands by entrenching property rights, meaning that only underutilised land could be compulsorily sold (Cliffe 1988). Nevertheless, this was the structural context in which the Government embarked on a programme whose centrepiece was the resettlement of the poor and landless. The programme had the overall objective of resettling 162,000 households on 9 million ha of land. If this had been carried out, it would have meant the transfer of 23%

of families from the congested communal lands onto new land. However, this was not to be. Due to resource constraints and limited political will, only about 48,000 households had been resettled by 1989.

Nonetheless, what distinguished this phase of gradual land redistribution from the later “fast track” phase was its peaceful and orderly character. The process of selecting settlers for resettlement was, by and large, transparent. According to Kinsey et al. (2000), the resettlement process itself –

... was carried out under an intensive programme of limited scope which made use of detailed planning, a systematic procedure of settler selection, large amounts of specialist inputs, and provision of a wide range of infrastructure and supporting services to assist the new communities. Families selected for resettlement were assigned arable land and residential plots on a random basis, utilizing primarily the areas made available from amalgamating former commercial farms ...

One aid mission concluded that this resettlement programme in the 1980s made “impressive strides towards meeting its principal objectives”, with the majority of settled families having benefited considerably through provision of increased opportunities for income generation, and access to services such as health and education (ODA 1996). This conclusion was confirmed by academic research (Kinsey et al. 2000), which observed that resettled households had indeed increased their productivity and household income.

However, the momentum for land reform lost steam in the 1990s. Overall, there was curiously less urgency attached to resolving the land question during that decade. This was perplexing in view of the earlier momentum and the expiry of the relevant restrictive clauses of the Lancaster House Constitution in 1990 (Adams 2003; Palmer 1990). Less than 20,000 new settlers received land between 1990 and 1997, signifying a significant slowdown in land reform. Nevertheless, by 1997, the total number of resettled households amounted to 71,000 on 3.6 million ha. This was a far cry from the original target of 162,000 households.

Notably, by the mid-1990s, about 500 black commercial farmers had graduated into fully-fledged commercial farmers. While about 80% of them had bought farms with their own resources, the remainder rented leasehold farms from the Government. The official explanation for the slowdown in reform in the 1990s was that land acquired through the “willing seller – willing buyer” approach had become more expensive for Government to purchase. Although the 1992 Amendment to the Constitution Act of 1992 and the Land Acquisition Act of 1992 aimed to strengthen the Government’s hand in acquiring large-scale farms, the administrative resources needed for implementation, including a reliable land information system and resources to contest legal challenges from landowners, were not made available (Adams

Table 2: LAND OWNERSHIP IN ZIMBABWE, 1980–2003

Land category	1980 (million ha)	1997 (million ha)	2003 (million ha)
Large-scale commercial farming areas (white-owned)	15.5	12.1	2.6
Large-scale commercial farming areas (A2 model)	---	---	2.2
Communal areas	16.4	16.4	16.4
Small-scale commercial farming areas	1.4	1.4	1.4
Resettlement areas	---	3.6	7.9
National parks	6.0	6.0	6.0
State farms	0.8	0.8	0.8
Other	---	---	2.8

Source: RZ (1998, 2003)

& Howell 2001). An additional factor to the impasse in land reform was a deadlock between the Zimbabwe Government and the British Labour Government that assumed power in 1997. The latter was not keen to fund the programme unless it was undertaken in what it termed “a transparent manner” because it took the position that the programme was being run in “an inefficient and corrupt manner”. This was strongly denied by the Zimbabwe Government. On the whole, as Adams (2003) observed, –

the problem seems to have been a general lack of direction on both sides. To this must be added the increasing distrust and skepticism about each other’s real intention ...

By the late 1990s, there was clearly intensified pressure on land in most communal areas. There were instances of spontaneous peasant “land occupations” in 1998 and 1999, although these turned out to be short-lived once the ZANU-PF leadership persuaded the occupiers to leave. As will be seen below, by 2000 this would change.

Land reform in Namibia

The land reform process in Namibia commenced soon after independence in 1990, ten years after Zimbabwe’s independence. Although Namibia also had around 4,500 large-scale commercial farmers like Zimbabwe, the amount of land the Namibian farmers owned (about 36 million ha) was far greater because of the drier agro-ecological conditions that applied to Namibia’s agricultural sector. Although the SWAPO Government was committed to land redistribution right from the beginning, it was also bound to a

Constitution that stipulated just compensation for any private land acquired. Important milestones on the road to land reform included the 1991 National Conference on Land Reform and the Land Question, and the coming into effect of the Agricultural (Commercial) Land Reform Act, 1995 (No. 6 of 1995).

Land reform took the shape of resettling small-scale farmers and the establishment of a scheme for emergent black farmers to acquire large-scale farms. The passing of the 1995 legislation accelerated Government's acquisition of commercial ranches for resettlement, meaning that, by 1997, some 39 farms had been purchased for this purpose. Meanwhile, the Government's target was to have 14,000 households resettled on 150,000 ha by 2000. Although the process of land acquisition and resettlement was slow and, like in Zimbabwe, the target would be missed, this did not discourage the former Namibian Prime Minister, Hage Geingob, from pledging in 2000 to acquire and redistribute 9.5 million ha over a five-year period. Adams (2003) is among some analysts who have remarked on the slow process of land reform in Namibia:

[T]he resettlement of small-scale farms on farms acquired by the state has been much less successful. Namibia is generally drier than Zimbabwe and mostly unsuitable for arable cropping. The settlement of small stockowners from over-crowded communal areas on commercial farmland raises a number of difficult practical problems. Neither the subdivision of ranches into family livestock farms, nor group or cooperative ranching is proving viable ...

Furthermore, the cost of settling families with small herds and flocks on individual farms with reasonable standards of social and economic infrastructure is high, and the economic return negative. Small herds and flocks are difficult to manage as commercial units on small, fenced farms. It would appear that Namibia has been unable to devise technical solutions to land-use problems arising from the high costs of resettling small-scale farmers in a sparsely populated, semi-arid, pastoral environment (ibid.). Nonetheless, by the end of 2002, the Government had purchased 118 farms totalling 710,000 ha.

Table 3: BASIC STATISTICS ON NAMIBIA'S LAND REFORM

Amount of land owned by commercial farmers	36.2 million ha
Amount of land owned by communal farmers	33.5 million ha
Number of households resettled since 1990	6,661
Number of emergent farmers who have purchased since 1990	300

Source: Adams (2003); Werner (2003)

The other plank in Namibia's land reform process consists of the Affirmative Action (AA) Loan Scheme administered by the Agricultural Bank of Namibia (Agribank). Introduced in 1992, this Scheme sought to provide full-time black farmers with subsidised loans of between N\$400,000 and N\$500,000, repayable over 25 years, with an initial three-year grace period. More than 300 such loans had been granted to black farmers by the end of 2000. Supporters of the Scheme argued that it contributed to the rectifying the skewed racial ownership of land and encouraged the emergence of African entrepreneurs (ibid.). Although the number of beneficiaries is not very large, Namibia committed itself to an AA Scheme to an extent that Zimbabwe did not. This is a major difference in approach to land reform as it relates to large-scale black farmers.

Social impact of land reform

Social impact in Namibia

In order to determine what the social impact the land reform process in Namibia has had, one needs to take into account that the pace of the reform process has, at best, been gradual and cautious. By November 2003, an estimated 6,600 families consisting of about 37,000 people had been resettled (*Business Day*, 7 November 2003). In general, the pace of reform is bound to continue being slow owing to limited financial resources as well as meagre political will. However, while less than 20 freehold farms had been purchased for redistribution by the mid-1990s, under the First and Second National Development Plans of 1995–2000 and 2001–2005, respectively, some N\$20 million per year would have been committed to purchasing land for resettlement. However, while these financial commitments accelerated the acquisition of farms, the pace of reform still appeared “too slow for many Namibians” (Werner 2003).

Several problems have beset the resettlement schemes. For instance, it was observed that the success of cooperative resettlement schemes has been compromised by a lack of criteria for settler selection (ibid.):

[I]n most cases, beneficiaries were not selected according to specific criteria, but joined resettlement schemes after having been evicted from commercial farms. One key defining character of several such projects[,] thus[,] is that they have been used as a means of attempting to deal with a number of special needs caseloads resulting from serious social problems of a national nature. Such special needs caseloads have included: landless returnees, unemployed landless farm workers and the San ...

The social background of these various groups made the resettlement process more difficult than it would have been had more selective criteria been used to choose potential settlers. The schemes tended towards becoming social welfare operations, providing free accommodation, food and other transfers, without transforming them into viable economic entities. Furthermore, low levels of literacy and education amongst the beneficiaries as well as disparity in skills affected productivity and, therefore, the viability of the schemes.

Another problem encountered in the schemes related to the sustainability of water supplies. In some instances where the Department of Water Affairs of the Ministry of Agriculture, Water and Rural Development had carried out groundwater investigations on resettled land, the rates of abstraction were evaluated as being unsustainable (ibid.). Furthermore, there is a concern that very few resettlement schemes have a grazing management system in place; and where such systems exist, resettlement beneficiaries have not been trained in how to apply them.

Like in Zimbabwe, farm workers in Namibia appear to have been more adversely affected than other groups targeted by the land reform process. Very few farm workers were chosen to be amongst the beneficiaries in resettlement schemes. They have often been evicted from farms allocated to other resettlement target groups, and the Government does not appear to have ensured that they have access to alternative sustainable livelihoods. Thus, where farm workers encounter such eviction, Government would be solving one problem by creating another, namely that of unemployed farm workers (ibid.). This problem reached a head in November 2003, when the Namibia Farmworkers Union (NAFWU) threatened to “invade” 15 white-owned farms to make a point about having been marginalised in the land reform process. The Government quickly intervened and a potential disaster was averted. However, NAFWU had vowed their plans are merely on hold, ready to be reinstated if there continues to be a lack of progress to benefit their members.

It is significant that Namibia’s land reform is not an integral party of the Poverty Reduction Strategy for Namibia approved by Cabinet in 1998 (RoN 1998). Neither this Strategy nor the National Poverty Reduction Action Programme 2001–2005 link land reform to poverty reduction efforts. In other words, the Namibian Government does not view land redistribution as one of the major instruments in reducing poverty. In fact, there is an inexplicably pessimistic view expressed in the Poverty Reduction Strategy, namely that the agricultural base was too weak to offer a sustainable basis for prosperity. The gap between land reform and poverty reduction objectives should be urgently addressed, therefore.

Finally, like in Zimbabwe, the land rights of small-scale settlers are tenuous in Namibia. They have no secure tenure rights to the land and, without

such collateral, they have difficulty in obtaining credit and other resources for purposes of production. In the case of Namibia (Adams 2003), –

the land rights of households in the settlement projects are very weak ...
The title remains with the state. Settlers may have a right to use and occupy land, but not to transact (e.g. to mortgage, rent, bequeath) areas of exclusive use, or to exclude others.

The insecurity felt by small-scale farmers in this regard could be compared with the security of approximately 300 black commercial farmers who were granted credit amount of about N\$190 million to purchase freehold land under the AA Loan Scheme.

Social impact in Zimbabwe

The social impact of land reform can conveniently be assessed in phases: first, the period of gradual and orderly reform between 1980 and 1999, and second, that of chaotic and hurried reform between 2000 and 2003. The chapter has already observed that, during the first phase of reform, considerable economic and social progress was made in resettlement schemes. This was largely due to systematic planning and the timely provision of key infrastructure and services for settlers who had undergone selection under transparent criteria.

The second phase of reform was marked by land occupations, which were accompanied by significant levels of intimidation, violence and lawlessness. This phase began in earnest in February 2000, following the defeat of the ruling ZANU-PF in a referendum on a new Constitution. In the first week of March 2000, about 400 farms were seized by way of these occupations, known as *jambanja*. Some of the “invaders” caused disruption in production operations while others were more aggressive: they threatened to unleash or indeed unleashed violence, slaughtered cattle and broke into farmhouses (Meredith 2002). A number of farm workers and farm owners were killed and wounded in the course of the land invasions. Nearly 1,500 farms had been invaded in this way by June 2000, with the three Mashonaland provinces witnessing a relatively higher level of coercion and violence. Not coincidentally, these were also the most intensely farmed provinces, and resistance by farmers and farm workers alike was initially stiff. War veterans, under a mercurial leader known as Chenjerai Hunzvi played a high profile role in the occupations, as did members of the ZANU-PF Youth League. However, the occupations were clearly not limited to war veterans and party youths; local land-hungry communities were also mobilised in the process. As has been observed elsewhere, *jambanja* was carried out with

a cocktail mixture of coercion and violence that was orchestrated from the top down, combined with spontaneous grass-roots initiatives (Sachikonye 2003a). Not surprisingly, the overall picture relayed by the occupations was one that showed a degeneration into lawlessness, intimidation and violence. This led to the numerous calls by the judiciary, commercial farmers, human rights groups and the international community that the rule of law be followed.

In the short term, the social impact overall of the disorderly second phase of land reform has been negative. The absence of any systematic planning and budgeting of this “fast track” programme ensured that little attention was paid to providing infrastructure such as roads, wells, clinics and dipping tanks, and key services such as surveying, credit, extension and education facilities for settlers’ children. This haphazard approach to reform was greatly motivated by political expediency on the part of ZANU-PF in its quest to win the 2000 parliamentary election and, later, the 2002 presidential election. The short-term economic and social consequences would, however, prove to be painful to the country. The disruptions caused by the occupations directly contributed to significant losses in food and commercial crop production between 2000 and 2003. For instance, national cereal production in 2002–2003 was 40% of the five-year average, with the 2002–2003 cereal harvest being 45% lower than it had been in 2000–2001 (FAO & WFP 2003). Maize production by large-scale farmers fell from 810,000 tonnes in 2000 to about 80,000 tonnes in 2003. Tobacco, the main foreign-exchange earner, fell from 230 million kg before 2000 to 80 million kg in 2003 (CFU 2003). The far-reaching consequence of the massive decline in food production on the back of the “fast track” reform programme has been dependence on imports and food aid. The drought in 2001–2002 worsened an already difficult situation. There are genuine worries that Zimbabwe will be a food-deficit country in the short and medium term due to the effects of its land reform programme. In 2003–2004, for instance, about 6 million people (half the population) will be dependent on food aid.

To a far greater extent than in Namibia, the impact of Zimbabwe’s land reform on farm workers and their dependants has been profound. By and large, farm workers have been excluded from the land reform process. Compared with communal farmers, emergent black commercial farmers and the ruling elite, farm workers have emerged from the reform programme worse off than before. How did this come about? First, among the immediate consequences of land reform were substantial employment losses and job insecurity, leading to an exacerbation of poverty amongst farm workers. Prior to the “fast track” programme, there were about 320,000 farm workers (about ten times more than the number in Namibia) in commercial agriculture, supporting a farming population of approximately 2 million. While farm

workers constituted about 25% of the country's formal sector labour force before the programme, the number that had lost jobs by 2003 was estimated to be 200,000 (CFU 2003).

Second, while farm workers' incomes had amounted to about Z\$15 billion a year at 1999 prices, they had declined precipitously to Z\$2 billion a year by 2003.¹ In addition, more than 75% of the workers who lost their jobs due to the closure of white-owned commercial farms have not yet received severance packages. This is partly due to the fact that most of the evicted farmers themselves have not yet been awarded compensation. The effects of these massive job losses and regular wage income have predictably been severe. Most farm workers who continue staying on the farms have lost their permanent worker status to become "seasonal" or "casual" itinerant workers who survive mainly on doing piecework of one sort or another. Neither the emergent commercial farmers nor new small-scale settlers have provided employment opportunities on a significant scale. What the Zimbabwean experience suggests is that a land reform process that does not incorporate addressing the livelihoods and needs of farm workers does not satisfy the criteria of equity and poverty reduction.

Third, the interests of women have been sidelined in Zimbabwe's land reform. Their demand of access to at least 20% of the land expropriated from white farmers was ignored, while that of war veterans for the same allocation was awarded. In an allocation process that was far from transparent, women experienced discrimination in access to land and key basic resources. Amongst the farm workers still living on farms, females constituted about 55% of casual workers and encountered higher levels of job insecurity (Sachikonye 2003a). In a survey conducted in 2002, about 19% of farm-worker households sampled were female-headed (*ibid.*). Given the structural bias against women in access to employment, land and other economic opportunities, this put women in a disadvantaged and vulnerable position.

Fourth, the wider impact of reform was the closure of most farm schools, crèches and clinics following the eviction of white farmers. These basic social services are now out of reach of most farm-worker households. Where they still exist, the distances to reach them vary anywhere between 5 and 40 km, thus deterring school attendance and visits to the clinic. For their part, young adults and children in these households are in a difficult environment because of the uncertainty and insecurity generated by land reform. With limited education and skills, there are very few opportunities, if any, for employment or self-employment.

¹ In December 2003, US\$1 bought Z\$824, compared with US\$1 fetching 6.7 in South African Rand and in Namibia Dollars

Finally, an account of the social impact of reform would be incomplete without taking into consideration the new patterns of ownership that are emerging. The country's Minister of Agriculture originally put the number of small-scale farmers resettled under "fast track" reform in Zimbabwe at 300,000. However, the figure turned out to be a gross exaggeration when investigations by a Parliamentary Portfolio Committee and a Presidential Review Committee in 2003 concurred that only about 127,000 households had actually been resettled. The number of emergent black commercial farmers who received land were 7,200 well short of the much-trumpeted figure of 54,000. However, the investigations by these Committees did not reveal how much land was allocated to members of the ruling elite, ranging from Ministers and senior ruling party officials to bureaucrats, army officers and judges. One leaked report pointed to ownership of multiple farms on prime land by well-connected members of this elite (*Africa Confidential*, 27 February 2003). This elite certainly benefited more from this predatory approach to land reform through the "grabbing" of farmhouses, irrigation and other farm equipment without making any financial outlay. Even so, it remains to be seen what proportion of this elite would choose to be full-time farmers rather than "weekend" or "cell phone" farmers, more interested in the gains to be derived from land speculation.

Political responses to land reform

There have been a variety of responses to the land reform process in southern Africa, particularly while it unfolded in Zimbabwe between 2000 and 2003. One response has been to view the process as an infringement of the property rights of white commercial farmers who had painstakingly developed a successful commercial agriculture, seen as an important asset to the economies in the southern African region. In this view of events, the land occupations are seen as a chaotic and lawless approach to land reform: one that is punitive to white farmers who have been dispossessed of their land. Some of the media have simplified the process as a struggle between a State in contempt of the rule of law and a persecuted group of white farmers. In this perspective of events, the historical dimension of the land question as it unfolded in the region is often absent. One aspect of this response has been to censure a State – in this case Zimbabwe – that has abetted the land occupations and cut off development aid to it. This has been the response of most Western bilateral donors and international agencies.

The second response has been one of sympathy with the Governments in the region facing the dilemma and challenge of attempting to redress the historically inequitable distribution of land in conditions of deepening rural

poverty. When the Zimbabwean leader, Robert Mugabe, blamed Britain for reneging on an undertaking to fund his country's land reform, he received support and understanding from leaders in the region and in other parts of the developing world. Thus, the case for redress of an historical injustice over land initially evoked sympathy. For instance, President Thabo Mbeki of South Africa took the position that the wider crisis in Zimbabwe was the result of a failure to redistribute land, and the Secretary-General of the African National Congress, Kgalema Motlante, was quoted as describing "land invasions" as "protest action" against the failure of land reform (Lahiff & Cousins 2001). At several summit meetings of Heads of State in 2000 and 2001, leaders expressed support for Zimbabwe's land reform programme. To them, the case for land reform was self-evident. In individual countries, particularly in Namibia and South Africa, the Zimbabwe experience of land invasions was used to send a warning to large-scale landowners. For example, at the summit of the UN World Summit on Sustainable Development in 2002, President Sam Nujoma (2002; as quoted in Adams 2003) warned that "the landless majority of our citizens are growing impatient by the day ... while the 'willing seller – willing buyer' policy [is] too slow, cumbersome and very costly ...". Threats were made to take over land owned by absentee landlords, and to take other legal means to acquire land. In South Africa, the Agriculture Minister, Thoko Didiza, also expressed frustration with the slow pace of market-based land reform based on the "willing seller – willing buyer" principle.

However, although Heads of State and Ministers in the region expressed some understanding of the motivation or imperative behind Zimbabwe's land reform, they were not uncritical of the manner in which it was implemented. Albeit only privately, they expressed misgivings about the violent and chaotic methods employed in the land occupations. There was a great deal of unease about such occupations occurring in countries like Namibia and South Africa. The latter countries sought to distance themselves from the economic consequences of these land occupations, i.e. consequences that included a negative impact on investment and stability. It was not surprising, therefore, that while the neighbouring countries supported Zimbabwe's land reform in principle, they also distanced themselves from its mode of implementation.

Indeed, the adverse effects of the "fast track" reform were widely felt. These ranged from a significant contraction of the economy to high unemployment and emigration, which reflected an economic fallout in the region. The effects were immediately felt in Botswana and South Africa as the number of Zimbabwean economic migrants increased considerably. Other concerns to countries in the region included the vulnerable fate of migrant farm workers who were descendants of earlier migrants from

Malawi, Mozambique and Zambia. As observed above, farm workers' access to land for resettlement was largely restricted and those evicted from farms had nowhere else to go. The majority stranded in this way were migrant workers. Countries such as Malawi and Mozambique were understandably concerned about the conditions of these workers, and the concerns were conveyed to the Zimbabwean authorities.

The crisis provoked by Zimbabwe's land reform also provided an opportunity to neighbouring countries to invite the evicted farmers to settle and undertake crop production in their new homes. Mozambique and Zambia in particular, and to some extent Angola, encouraged farmers to commence farming by allocating some land to them. Several hundred white farmers have taken up these offers. This demonstrates that there has been an ambiguity in these countries' response to Zimbabwe's land reform debacle: they showed solidarity on the one hand and self-interest on the other. More generally, because land reform Zimbabwe-style has thrown up many problematic aspects and repercussions, it is viewed as a model to be avoided.

Conclusion

This chapter has examined the land reform experiences of Namibia and Zimbabwe from a comparative and contrastive perspective. Beginning by observing that these countries shared a historical legacy of colonial land expropriation that would later define the contours of their "land question", the chapter explores the similarities and differences in approach to the issue in the post-independence period. While one similarity related to inequitable land-ownership patterns that both countries inherited, there were clear differences in the scale of such inheritance, especially the amount of land and the numbers of settlers involved. In Namibia, the amount of land held by commercial farmers was comparatively larger than in Zimbabwe because of the semi-arid character of the land; in Zimbabwe, the numbers of land-hungry small farmers was much higher than in Namibia. However, the pace of land reform in both countries was painfully slow in the first decade of independence, due partly to financial and constitutional constraints and partly to weak political will.

The chapter then explored the substance of the various phases of land reform in the two countries, noting that a major difference was the greater intensity of pressure for reform in Zimbabwe towards the end of its second decade of independence. Against the background of a shrinking economy and diminishing political fortunes, the Zimbabwe Government launched a highly politicised "fast track" reform programme that was over-ambitious and chaotic. The unorthodox approach to reform involved the mobilisation of war veterans, the ruling party's Youth League and small farmers under

the ruling party's tutelage. This approach was the key factor differentiating Zimbabwe from Namibia, where a more cautious and orderly approach was adopted. Namibian authorities were not under as great a pressure, politically or socially, to launch a similarly ambitious and politically opportunistic programme.

One similar tendency in their programmes, however, was the relative exclusion of farm workers from the benefit of access to land. In both countries the vulnerability of these workers has increased since the reforms were undertaken. In Zimbabwe, the loss of jobs and incomes has pushed most former farm workers into destitution; in Namibia, the farm workers' labour union has become increasingly militant in its demands for land rights because their members continue to be sidelined in the reform process.

In sum, however, there is a sense in which Zimbabwe has been "exceptional" in the manner in which it executed land reform between 2000 and 2003. A combination of nationalist xenophobia and vindictiveness towards white commercial farmers and towards the political opposition, together with a calculated use of coercion and violence, distinguished the fast-track programme from previous phases of reform – and from the land reform experiences in Namibia and South Africa. In the aftermath of substantial food shortages that began in 2002, the Zimbabwean Shona idiom, *kumhanya hakusi kusvika* (idiomatically, "more haste, less speed"; literally "rushing is not arriving"), takes on special resonance. It will take many years before Zimbabwe's "fast track" land reform bears fruit.

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A Namibian path for land reform

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The similarities between Namibia, South Africa and Zimbabwe on the issue of land are obvious. Each country has seen a bloody, racially-based expropriation of land from indigenous peoples to settlers of European descent. Each has seen a successful national liberation struggle fuelled by the desire to reacquire that land. Each is now involved in post-colonial processes of land redistribution and reform. These days, a question that weaves its way through any discussion of the land issue in Namibia, is “Will Namibia be like Zimbabwe?” In this short piece, I believe that the ultimate answer to this question is “No”. Namibia, while it shares some significant historical patterns with Zimbabwe, is still a very different place – and these differences make the probability of a unique Namibian path toward land reform much greater. In the brief space allowed, the factors I touch on below are continuity and stability, our standing in the world economy, our size, and our population distribution.

Close observers of the Namibian Government note that the land issue, as with other issues, the pattern of Government policy and action is relatively conservative and geared to ensuring stability and investor confidence. The National Land Conference in 1991, staged during the heady days of Namibia’s recent independence, considered the issue of land redistribution and reform. The newly elected Government announced that the principle of “willing seller – willing buyer” would form the basis of land acquisition for redistribution, and that no ancestral land claims would be allowed.

Over the past 13 years these principles have been repeated regularly from the highest levels of Government. Despite recent calls from within SWAPO for farms to be expropriated, particularly those with absentee owners, the Government has proceeded cautiously. The Namibian Constitution (RoN 1990) prohibits expropriation without due legal process and just compensation, and the Government appears to be hesitant to move on this matter without the proper procedures having been established.

Namibia’s stability on the land front has recently been challenged by the Namibia Farmworkers Union (NAFWU). The Union announced that it was planning to move evicted farm workers back onto commercial farms.

The reaction by the Government and the ruling party, SWAPO, was decisive. The Government condemned the plan and vowed to use the Police and other security forces to prevent such actions. SWAPO held meetings with NAFWU and its supporters, and according to local news reports,¹ told NAFWU in no uncertain terms that any illegal action on resettling farms would not be tolerated.

Commitment to a smooth process of land reform is evident in the interaction between affected parties. While not widely known, the commercial farmers' union (the Namibia Agricultural Union, NAU) and NAFWU have had regular consultative meetings over the years under the *Namibia Agricultural Labour Forum*. Together, the NAU and NAFWU hammered out an agreement on a minimum wage for farm workers. In the days after NAFWU's recent announcement on moving evicted farm workers back onto farms, there have been further talks between NAFWU and the NAU – talks that centred on the status of evicted and/or retrenched farm workers. In addition, the Government has been moving forward to develop a policy on farm workers' rights of residence on commercial farms. The formulation of this policy, from its earliest drafts, has included both NAFWU and the NAU. This commitment to dialogue in the face of confrontation shows the desire by all parties to ensure that land reform and redistribution is a smooth process.

Another factor promoting stability is the current Government's political position. Since 1990 the ruling party, SWAPO, has seen its electoral plurality increase. Currently, SWAPO holds over 75% of the seats in the National Assembly. In recent by-elections the party has made inroads into areas that were previously considered safe opposition constituencies. This strength makes it highly unlikely that SWAPO – or any other political party, for that matter – might use the land issue in an election. A key indicator for future developments, however, will be the upcoming SWAPO Congress, which will discuss and prepare for the next round of national elections. This situation is very different from Zimbabwe's, where a major political challenge to the ruling party was under way when the land issue came to prominence.

Anyone who writes a comprehensive analysis of why Zimbabwe took the path it did will have to consider that, in the 1990s, Zimbabwe had International Monetary Fund (IMF) and World Bank loans, and was under structural adjustment. The Harare Government was severely pressured: not only by external institutions, but also by a nascent internal opposition. Opposition groups gained strength as popular dissatisfaction rose due to policy and spending decisions forced upon the Harare Government by the structural

¹ See "Union to Occupy 15 Farms," *The Namibian*, 5 November 2003; "Union Sticks to Guns on Farms," *The Namibian*, 6 November 2003; and "SWAPO Halts Farm Invasion," *The Namibian*, 7 November 2003

adjustment programme. A widely held belief is that ZANU-PF chose land reform as part of its strategy to stay in power. Namibia, on the other hand, has avoided international borrowing and, thus, the complications that can be applied when loans are not repaid in time. This factor cannot be ignored as Namibia takes on the land issue: Namibia's Government is in a very strong position with regard to policy implementation.

As regards Namibia's size and population distribution, these also affect the land issue. One of Namibia's charms is its enormity – over 800,000 km². Indeed, we Namibians like our space and often feel cramped when we travel elsewhere. That space and the vistas it offers are a major attraction for the hundreds of thousands of tourists who arrive every year. Contrasting with our large geographical space is our small population, namely 1.8 million in the latest (2001) census (NPC 2002).

As with many other social problems, Namibia has what I often call *reverse economies of scale*. Our small population makes certain social issues more manageable. This may be the case with land redistribution as well, where resettling a few thousand people a year is enough to meet the demand for land. In 2002, the Government committed to a target of N\$100 million annually to purchase farms for redistribution. A subsequent analysis of the land market (Fuller & Eiseb 2002) showed that this amount would make the Namibian Government a major player in the commercial farm market, giving it an equal share with other major players. Obviously, this target, if met, would go a long way toward solving the issue of land hunger.

It is not only the small population, but also where it resides that affects the land issue. The northern edge of Namibia's commercial farming area is defined by the infamous Red Line², a veterinary cordon fence that cuts off the northern third of the country. Above this fence, approximately 65–70% of Namibia's people reside. Rainfall tends to be more reliable and higher in this northern section of Namibia, thus allowing a mixed mode of crop and livestock farming. Should many of those who live in the north actually be resettled on the current commercial farms, they would have to abandon some or part of their traditional farming system. This choice may not be acceptable to many people, particularly if it means moving hundreds of kilometres away from their families and communities.

The land reform issue actually has two sides. The first involves the illegal expropriation of land from indigenous people during the colonial period. This land was largely handed over to European settlers, and afforded heavy

² The Red Line separated the Police Zone – which consisted of southern and central Namibia to which white settlement was directed – from the territories north of the Line. While the latter were governed through a system of indirect rule, in the Police Zone the colonial Administration employed policies of direct control. In the past, the fence has had the effect of excluding black Namibian farmers from participation in agricultural markets.

investments of infrastructure and support by colonial governments. The second concerns the blatant refusal by successive colonial regimes to develop Namibia's communal areas, the land on which the black majority of Namibians were forced to live. This refusal covered many sectors, including agriculture. Given that some of the land north of the Red Line is among the potentially most productive in Namibia, one could argue that the challenges to bring security of tenure, security of investment, equitable infrastructure and market participation to Namibia's communal areas is just as important to the land issue in Namibia as acquiring and redistributing commercial farmland that was expropriated during the colonial period.

In these few paragraphs I have tried to point to some of the differences between Namibia and Zimbabwe, and why I do not feel that we will follow Harare's lead in the land issue. Obviously, this topic requires further debate and analysis, particularly as Namibia enters a round of national elections in 2004.

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Land reform in Namibia: Opportunity or opportunism?

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Introduction

As in most former settler colonies, the land sector in Namibia was and is characterised by a highly skewed land distribution pattern along racial lines. This inequality of land distribution fuelled much of the drive to end colonialism in Namibia (Adams & Werner 1990:1). Independence in 1990 provided an opportunity to Namibia and its people to engage in the socially just and long overdue development of all Namibians. The inequities, like skewed land distribution, caused by decades of apartheid (separate development along racial lines) could finally be addressed.

In its purest form, land reform is expected to correct specific distortions, compensate for local informational asymmetries, and improve the opportunities for target groups to engage in economically sustainable productive activities. However, the land question in Namibia (as elsewhere) can be described as highly emotive and, hence, resembles a political labyrinth (Adams & Werner 1990:1). This complex trait makes an easy solution hard to find, although it simultaneously opens the door for opportunists to take advantage of expectations or circumstances in their own self-interest.

This short narrative seeks to comment on the presence of opportunities and opportunism within the Namibian land reform process. The purpose is to create awareness of the fact that, if advantage is not taken of the opportunities that exist (i.e. through inaction or ignorance), then opportunistic behaviour can threaten the very foundation of our independence, namely peace and stability.

Owing to the brevity of this commentary, the paper is organised to give a brief definition of the concepts of *opportunity* and *opportunism*. This will set the scene for discussing their relevance to the land reform process in Namibia and how to deal with them.

¹ The views expressed in this commentary are those of the author. They may not represent the views of the institution with whom the author is affiliated.

Definitions of opportunity and opportunism

The *Concise Oxford English dictionary* (2002:1000) defines *opportunity* as a favourable time or set of circumstances for doing something. This implies a chance for progress or advancement, i.e. the implication is positive. In contrast, *opportunism* is derived from *opportunist*, which describes a person who takes advantage of opportunities as and when they arise, regardless of planning or principle. In other words, *opportunism* means taking advantage of opportunities without regard for the consequences or for others, i.e. acting in self-interest. This implies a negative connotation with a short-term horizon.

Land reform: Opportunity vs. opportunism

As land reform entails a process of change and a process of redistribution, some opportunism is likely to occur. This results from the uncertainty, expectations and circumstances that accompany any change or redistribution process. Opportunism can be found in various levels, spheres or strata of civil society. Political, economic and, hence, social opportunism are among the types that are found in the land reform process.

Political opportunity vs. political opportunism

The political opportunity of land reform lay and still lies with the chance to allow the disparate views on and interests in land, its distribution and use to converge, which may ultimately bring peace and stability. Attempts at convergence began with the Land Conference in 1991, and the consensus reached there. Since then, legislation and policies have been put in place to lead the way. However, the lack of appropriate implementation capacity and will are contributing to the slow pace of reform. For example, the absence of sound criteria for beneficiary selection means that there are few checks and balances against opportunists and “free-riders”: the “free” land offered under the resettlement scheme presents ample rent-seeking opportunities (i.e. using political influence to obtain individual economic benefit from Government) to both the rural poor and to the well-off. The political nature of land reform (distribution) offers opportunities for favouritism or political benefits such as votes. This has created and continues to create frustration amongst those who are still waiting, replacing hope and enthusiasm with disillusionment. This, in turn, has prepared fertile breeding grounds for short-term political opportunism. According to Melber (2002:5), these circumstances make the land issue a social factor that can easily be manipulated by those

competing for political power and popular support. In other words, the circumstances offer those with a hidden agenda the chance to exploit the existing disillusionment among the landless and unemployed rural poor for their own purposes.² In Namibia, this trend towards opportunism seems to have taken hold: radical rhetoric all too often receives considerable support in the country (Melber 2002:6).

It is impossible to avoid the political dimension of land reform and policy-making in general. Land itself is inherently vulnerable to politicisation. Land and power have been inseparable since the beginning of time. Thus, future land reform interventions should incorporate a clear understanding of land/power relations and should work with rather than against them. In this regard, deliberate efforts are needed from Government in particular to work towards an amicable, peaceful solution to the land issue, else it will remain a variable to be exploited as the need arises. A clear strategy that will move land reform forward at an acceptable rate should be developed, whilst also including civil society more intensively in open debate. Seen in this light, the establishment of the Permanent Technical Team on Land Reform presents a solid opportunity to accelerate the process.

Market opportunity vs. market opportunism

In Namibia, the “willing seller – willing buyer” approach is followed, which is essentially market-driven. Theoretically and in economic terms, the market offers the best solution to facilitate efficient resource allocation, including land. However, distortions in the market may slow down the attainment of land reform goals. For example, continuing market distortions that drive land prices above the capitalised value of agricultural profits often increase the costs of land reform. These distortions, like wide information asymmetry, make the reform sector susceptible to market opportunism such as price speculation from non-reform sector³, thereby fostering greater rather than less land concentration and challenging the overall sustainability of land reform (FAO 1999:17). In Namibia, buyers often face a shortage of basic information on land, its uses and its potential. Consequently, a landowner/seller is able to derive direct individual advantage from privately held information (in a context of wide information asymmetry) at the buyer’s expense.

Market reform, i.e. the abolition of distortions, including credit and factor distortions, presents an opportunity to make markets more efficient and, hence, let them play their ideal role of efficiently allocating resources. However, quality information systems are key to making appropriate policy

² The Zimbabwe experience is a telling example of this opportunism at work.

³ Anti-reformists or opportunists

decisions and to levelling the field amongst market-players (i.e. buyers and sellers). In this regard, numerous opportunities exist for role-players like the Agricultural Bank of Namibia; the Ministry of Land, Resettlement and Rehabilitation; the Ministry of Agriculture, Water and Rural Development, the Ministry of Environment and Tourism, and non-State agents like the Namibia Agricultural Union and the Namibia National Farmers' Union.

Conclusion

Land reform in Namibia presents an opportunity in both a positive and a negative sense. Successful land reform can provide future peace and stability, albeit not sufficient to substantially reduce poverty. Although the costs of land reform often raise questions about its viability, the correct question would be to ask what the real and opportunity costs⁴ would be of not implementing land reform. The developments in Zimbabwe have shown that ignorance of the problem makes the land issue a social factor that can be exploited by opportunistic behaviour. In order to ensure that the land reform process is not derailed by such opportunistic behaviour, policy-makers and (small- and large-scale) farmers alike need to show strong commitment and patience. As Palmer (2000:286) suggests, there are no final solutions to the land problems in Africa: "[W]e are dealing here with long-term processes of social and economic change, with open and hidden struggles, and with much contestation". He (ibid.:288) argues instead that long-term answers for the future of the people in countries such as those in southern Africa lie outside the land issue: further impoverishment would result if no substantial and sustainable alternatives to a dependency on land are established. However, as long as the possession of land is associated with wealth – even if this general assumption is wrong – land reform remains a substantial threat to social stability. There is always a factual side to an existing perception, as wrong or misleading as such a perception or prejudgement might be.

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⁴ *Opportunity cost* is defined as the cost of using resources for a certain purpose, measured by the benefit given up by not putting them to the best alternative use.

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The land is ours

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The smouldering land question in Namibia will explode into an inferno unless answers are provided to the satisfaction of the indigenous people who are historically the real owners of land in Namibia. Land is the most important means of production, and without an equitable restoration to its real owners, independence will remain a paper tiger.

Simple questions demand simple (not simplistic) answers. For this reason, one needs to return to the basics. The question is, how do we reverse the anomaly where less than 10% of the people own more than 80% of the commercial farmland as a result of colonial theft?

A quantitative example will illustrate the effects of congestion in communal areas. The Otjohorongo communal area in the Daures constituency of the Erongo Region was created as a “homeland” for some of the *OvaHerero*¹ when the colonial authorities purchased 55 farms of 5,000 ha each (total area to approximately 275,000 ha) from white families. Today, this area is inhabited by close to 10,000 people.² Thus, the land on which 55 white families once lived (with 4 children each, i.e. 220 people in total), must now sustain 10,000 people. In other words, the number of people has increased 44 times on the same piece of land! Needless to say, this has had a tremendously negative impact on the natural environment.

In terms of livestock, the 2002 livestock census (MAWRD 2003) found that there were 11,769 head of cattle, 58,201 goats and sheep, and 2,420 horses and donkeys in Otjohorongo. Using a conversion of five SSUs for one LSU, this communal area is currently found to sustain the equivalent of 25,829 cattle. Assuming an average carrying capacity of 20 ha per head of cattle, then the sustainable size for this communal area should be at least 515,584 ha. This implies the doubling of the communal area by purchasing approximately 48 farms averaging 5,000 ha each in size, at an approximate total cost of N\$73 million (assuming a price of N\$300 per hectare). This type of calculation can be applied to other parts of the country, and the results will be equally mind-boggling.

¹ The Herero (people)

² Own estimates, based on information obtained via the Zeraua Traditional Authority, 2003

Applying a similar analysis, a case for redistribution in Namibia as a whole can also be quantified. The total commercial farmland amounts to approximately 36.3 million ha (Karuuombe 2003). Since 1990, Government has acquired 717,975 ha (0.72 million ha) (MLRR 2003) for resettlement, and the Agricultural Bank of Namibia (Agribank) has facilitated the purchase of 530 farms (approximately 2.65 million ha) through the Affirmative Action (AA) Loan Scheme. Assuming black Namibians have obtained another 1 million ha through other means, then it is safe to say they possess about 4.5 million ha in total. This represents approximately 12% of the total commercial farmland. Surely this is not acceptable!

To redress this imbalance, there needs to be a policy decision to have at least 60% of the remaining 31.8 million ha currently in white hands returned to black Namibians within the next ten years. In other words, 19.1 million ha needs to be redistributed within ten years, or 1.9 million ha per annum. Assuming an average farm size of 5,000 ha, this translates to 382 farms per annum. If Agribank can be engaged to assist with the purchase of 70% of these farms (267 farms), then it will have to spend a conservative minimum of N\$401 million per annum for the next ten years (assuming an average purchase price of N\$300 per hectare). For its part, the Government will have to spend N\$172 million per annum to buy 115 farms every year for the next ten years. This implies that the current annual Government allocation of N\$50 million for the purchase of resettlement farms will have to be increased almost fourfold for the next ten years.

These examples are intended to illustrate the fact that it is possible to objectively determine the magnitude of the land needed for land reform within a specific, realistic time frame of, say, ten years. With accurate information, it should be relatively easy to put a price tag to the land reform package.

The impediment in determining the value of the land is the “willing seller – willing buyer” principle, because white farmers abuse this principle to set their asking price beyond affordable levels. Interestingly, the Namibian Constitution does not mention anything about “willing seller – willing buyer”. The only constitutional provision in this respect is Article 16(2), which talks about the “payment of just compensation” in cases of expropriation.

One way to legally and amicably overcome this “willing seller – willing buyer” obstacle is to commission a statutory valuation roll every two years to determine realistic market values in accordance with generally accepted valuation practices. To be fair, realistic deviations from the official valuation can be fixed (around, say, 10%) to allow for price movement within an acceptable and predictable envelope of variations.

The quantitative analysis, similar to the one presented earlier in this paper, can be translated into a matrix analysis to determine the interplay of all the other factors, such as productivity, agro-ecology, and surveying and

conveyancing costs, in order to ensure the sustainability of the redistribution process within the general framework of the quantitative analysis. This will allow a realistic costing exercise to be carried out to determine the final price tag of the total land reform package. Using this price tag, the national and international stakeholders can then be approached for assistance in cash and/or kind. Those who want a peaceful solution to the problem should be willing to pay, and peace and stability ain't cheap!

It is true that the results presented above make the land reform process look quite expensive, but the reality is that someone needs to pay for all this, sooner or later, in cash or in blood. During colonialism, the price was paid in blood; to avoid a repetition of this cruel fate, it is hoped that, in the interests of peace, the price will now be paid in hard cash. In a sense, this is like a deferred repayment by those who unlawfully took the land in the first place. Some people will argue that it is like the sins of the forefathers being visited on their sons.

In view of the centenary commemoration of the 1904–1907 German extermination order against the OvaHerero, it is only fair to appeal to the conscience of the current German Government and its former colonial partners-in-crime to lead by example and produce the cash needed for a peaceful resolution of the land question. Speaking as an indigenous Namibian, I invite my white compatriots and their sympathisers to understand that the insurance policy for peace and stability is expensive. There are various options to choose from. Sacrifices must be made. The choice is theirs. The land is ours!

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The year 2003: Crisis or opportunity?¹

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The year 2003 will be remembered as one with a generally low rainfall and accompanying low and fluctuating prices, as well as the year in which the issue of land reform was formally brought to the table to members of the Namibia Agricultural Union (NAU). These issues created a feeling of helplessness amongst Namibians during the year, as their handling lay beyond our control. They also prompted the question of how adequate the approach towards these matters is. This paper introduces a possible answer in focusing on an approach that is neither political nor economic.

It has to be said from the outset that there are no quick fixes or short cuts in solving the above-mentioned issues. However, a way out of confines like these has been suggested by, amongst others, the great German philosopher, Immanuel Kant. Kant not only excelled in the field of philosophy, but also had a lively interest in the natural sciences, astronomy and geography (Kant 1971). In approaching issues like the ones in focus here, he stressed the need for moral conduct that (a) emerges from “good will”, (b) is guided by principles, and (c) boils down to performing your duty as a human being and as a citizen of your country.

Kant commences his thoughts on morality by analysing the notion of *good will* as he believed it to be the touchstone of moral goodness. To him, only an action performed with good will is intrinsically good. No other quality is good in this absolute sense: even a courageous action may still be malicious and, therefore, evil. Only a man of good will can be described as good; in a man who lacks good will, all virtues such as courage, temperance and self-control only turn into liabilities. Without good will, all useful natural

¹ This opinion paper was originally delivered as a motivational talk on 11 June 2003 on the occasion of an Agra Information Day at the Omatjenne Research Station near Otjiwarongo. The request from Agra (Co-op) Ltd's management was to encourage the regional farming community in the light of the general low rainfall of the past season, the accompanying low and fluctuating prices, and the looming land reform issue. The paper draws on various lectures presented on the topic at the Department of Religion and Theology, University of Namibia, during 2003.

endowments such as intelligence and good looks, health and the power of concentration will only make the man a more dangerous villain.

While, for Kant, the goodness of everything depends on good will, the goodness of that will does not depend on extraneous circumstances. The success or failure of an action is morally irrelevant: dire results may come from well-intentioned action, and a malicious act may accidentally lead to beneficial results. This, however, does not affect the moral quality of the act, as acting with good will does not only mean having good intentions. It means doing one's best according to one's capacities and opportunities. If, through lack of ability, unavoidable ignorance or an unforeseen quirk of circumstance, a man acting for the best achieves the worst, this is deplorable; but it does not affect the virtue of his action.

Following from this, Kant states that true moral judgements have three characteristics. The first of these is universality. This is what distinguishes moral judgements from other kinds of valuations. For example, I can believe that beer is the best kind of drink, or that modern furniture is more attractive than antique furniture, but with perfect consistency I have to accept that somebody else might prefer fruit juice, or rave about carved sideboards. Tastes differ and we should admit it, but moral views do not. When I say that cruelty is wrong, I emphatically do not mean just for me but for everybody. Thus, I am "laying down a law" that dictates moral behaviour, and with which I expect others will willingly abide.

In addition to being universal, moral judgements are also considered to embody absolute certainty. This means that a statement like *Killing may conceivably be wrong* could, therefore, never be a moral judgement because it contains uncertainty.

The third characteristic of moral judgements is that they are unconditional. The moment we make a principle conditional, it ceases to be a moral principle. Therefore, *Be honest* or *Honesty is good* are moral principles; but *Honesty is the best policy*, meaning "Be honest if you want to be successful in your business", could never be such a principle.

For Kant, such universal, absolutely certain and unconditional statements can never derive from experience, as experience only yields generalisations. Instead, moral judgements are the products of our power of reason. Human reason has the capacity not only to formulate rules like these, but also to act accordingly. Indeed, there have been thinkers who believed that our reason is merely our equipment for survival and happiness. What strength is to the elephant and flight to the swallow, so reason is to humankind, they would say. However, Kant thought that if that were the case, reason would be ill served, as reasonable people do not seem to be happier or more successful than their less-reasonable fellow men. On the contrary, reason often appears to be a spoilsport, and rational men may even envy those who,

unburdened by reflection, follow their impulses, or envy animals, who are so securely guided by their instincts.

Thus, if the value of reason is to be salvaged, we have to assume that its rule is of intrinsic importance, irrespective of its practical consequences: this is the option Kant puts before us. If humankind is determined simply by circumstances and prompted by instincts, of which reason is only the slave, then we are merely pieces of furniture in the world. If we are to claim some dignity for humankind, however, we must look at our capacity to determine our actions by reason, which is to be free and self-guided. The reality of morality is the reality of reason that can, by itself, guide our actions. There are no rewards for virtue; no certain, beneficial social consequences; no increased prosperity or even guaranteed happiness. All there is, is the dignity of being human.

Thus, we are prompted by our instincts and desires, but we also hear the voice of reason. A purely rational creature would follow its own rational laws automatically and without impediment. A non-rational being follows the laws of nature; the stone falls in accordance with gravity and the bird migrates according to its instinct. If humans are creatures of duality – simultaneously rational beings and instinctive animals – our reason and our instincts may come into conflict. Then the commands of reason will be experienced as duty imposed on our instinctive nature.

Good will is acting **from** duty, that is, doing something **because** it is a duty, in contrast to acting **in accordance with** duty, which means doing **what** is one's duty, but not doing it **because** it is one's duty. Someone who tells the truth because he is afraid of the Police or hopes for more business merely acts in accordance with duty. From Kant's perspective, his behaviour may be socially useful, but it does not have any moral significance. Only if that person tells the truth because he regards it as his duty to do so will he be showing good will and achieving moral worth.

In our actions, therefore, we should be guided by the principle to act only on a maxim that can at the same time become a universal law. This principle does not, and is not intended to, tell us what we should do, but only acts as a guideline. Furthermore, even our children are perfectly familiar with this principle of *What is good for the goose, is good for the gander*. It is also evident in the Biblical principle, *Do unto others as you would like them to do unto you*, as well as in the Afrikaans idiom, *Alles sal regkom sa elkeen sy plig doen*.² It is a principle of impartiality, insisting that we should not make an exception of ourselves: to do so would be not only unreasonable, but also the essence of immorality.

Thus, if instead of acting impulsively and egocentrically, we act by universal, absolutely certain and unconditional principles, the reason within us

² All will be resolved if everyone does his/her duty

will serve as our legislator. Insofar as we are creatures of instinct, we are subject to the moral law; but as rational beings, we are the legislator – and in this autonomy and sovereignty lies the dignity of the individual. Our maxims, therefore, should be conceived in a way that allows us to fit in with an ideal commonwealth of rational beings. Although such a commonwealth does not exist, we must nonetheless act as if, by our actions, we could bring it about.

Perhaps the most interesting formulation of this principle is to be found in Kant's notion to treat humanity always as an end and never as a means to an end. According to this notion, respect for one's fellow beings is the essence of morality; to degrade them to mere tools is the essence of immorality. Thus, if the value of morality lies in the realisation of good will, that is, in action springing from rational principles and not in the achievement of any particular result, then any maxim that denies a rational agent the opportunity of rational self-guidance must contradict the moral law.

In reflection, these principles can also be applied to issues such as this year's general low rainfall and the accompanying low and fluctuating prices, and to that of land reform in Namibia. It was stated from the outset that the handling of issues like these actually lies beyond our control and, therefore, that we need a different approach to them. This alternative approach could be likened to the character of the true gentleman, who uses a butter knife even when dining alone. Although it may not be a quick-fix solution to approach the issues we face by acting according to universal, absolutely certain and unconditional principles, and by never making an exception of oneself, it nonetheless has the potential of gradually creating a sustainable world to live in. In this "new world", harmonious living boils down not only to doing unto others as you would have them do unto you, and being well informed about the latest trends in one's particular field of interest, but also to applying these principles to the management of your own piece of soil. Eventually, it means performing your duty as a human being and as a citizen of your country, even though there might be nobody to check on you.

The alternative moral lifestyle Kant speaks of is also reflected in Proverbs, Chapter 27 verses 23–27:

Be sure you know the condition of your flocks, give careful attention to your herds; for riches do not endure forever, and a crown is not secure for all generations. When the hay is removed and new growth appears and the grass from the hills is gathered in, the lambs will provide you with clothing, and the goats with the price of a field. You will have plenty of goats' milk to feed you and your family and to nourish your servant girls.

As a final thought, CJ Langenhoven warns us about looking at quick fixes to a problem (Scannel 1988): *Pas op vir 'n na-paadjie. Daar moet 'n rede voor wees dat die hoofweg nie daarlangs gaan nie.*

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Land reform in perspective

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Land reform can never be considered in isolation: it is an inherent part of the policy of Affirmative Action provided for in the *Constitution of the Republic of Namibia*. The intention of those who wrote the Constitution was to promote the interests of all previously disadvantaged citizens of our country, to alleviate poverty, and to create a more equitable society by means of different policies and programmes – land reform being one of them.

Why has land reform become such an emotional issue, more than any other area of Affirmative Action? Although Government leaders have often stated that the struggle was all about land, the struggle was in fact about the independence of Namibia – with everything that entails. Why has Affirmative Action not raise the same emotions in other fields? While there are many other industries and business undertakings making more money than commercial farmers, who are often struggling, everybody is crying for land. Even trade unions representing workers employed in other sectors of the economy who will never benefit from land reform are putting pressure on the Government to speed up the land reform process. Is this because land reform is believed to be the only solution to the problem of poverty?

I have concluded that the following perception exists: if Namibians do not own the land, the surface, the soil itself, the country does not belong to them. Thus, because commercial farmers own a substantial part of the country's land surface area, the country is still perceived as belonging to the "colonialists". Even if this does not make economic sense it will have to be accepted as an inherited political dilemma. Many Namibians also wrongly believe that farming is a very profitable undertaking and a wonderful way of life, while others insist that to own livestock is an inherent part of their culture and that farming is the one thing they can and want to do. Even if it is difficult for economically-minded people to understand this, we should at least try to understand and have sympathy with the sentiments of our compatriots.

The Constitution identified different areas in which previously disadvantaged persons should be advanced. Government has made progress on this front by creating opportunities for previously disadvantaged members of our

society, e.g. by restructuring the civil service, creating Affirmative Action programmes for private companies and black empowerment groups, granting fishing licences, and opening up educational opportunities for all. Progress has also been made in the field of land reform as a result of the Affirmative Action (AA) Loan Scheme run by the Agricultural Bank of Namibia (Agribank). However, the land issue remains a prerequisite for peace and stability in spite of the fact that land reform, as presently implemented, has not benefited the poor and the needy.

In our efforts to promote a more equitable dispensation we should not only focus on a redistribution of wealth and the equitable utilisation of natural resources, but also consider how all the citizens of Namibia can benefit from and share in the process of Affirmative Action. Should only a small number of persons benefit, sometimes at the expense of others, while thousands have not benefited at all, the objectives envisaged by the Constitution will not have been achieved. In the case of a fast-growing population such as ours, wealth has to be created. Slicing up the existing “cake” into ever-thinner pieces will not make a meaningful difference.

The economy of any country depends on the availability and the productive utilisation of natural and human resources in order to create wealth that can then be enjoyed by all its citizens. In the case of Namibia, we are mainly dependent on minerals, fish, tourist attractions and agricultural land. Our human resources are, however, not yet adequately developed and should receive serious attention.

Agricultural land is a valuable but limited and non-renewable natural resource. Large areas of agricultural land fall within low rainfall zones with limited agricultural potential. Agricultural land should be used wisely and productively to create opportunities for all Namibian citizens, whether they be landowners, farm labourers, business people, employees in other sectors, or the poor and unemployed. Land reform should not bring about decreased production and economic decline, resulting in serious negative consequences for those for whom the policy of Affirmative Action was intended.

How can political sustainability be achieved without ignoring economic principles? Let us first look at Agribank’s AA Loan Scheme. Apparently, these buyers do not have serious problems finding willing sellers and they willingly pay market-related prices. In fact, many buyers are pushing up the price of farms because they do not rely on income from their farms. In many cases they do not even occupy their farms, do not produce optimally and, therefore, do not make any significant contribution towards economic growth and the creation of wealth that could be shared by the rest of the population. These farm owners often do not employ farm workers at all; in fact, in most cases existing staff are retrenched. This is clearly the negative side of land reform and should receive serious attention.

Farmers who are dependent upon agriculture as their sole source of income and who occupy their farms are in many cases hampered by a lack of stock and operating capital. The initial outlay by the Agribank supported by a Government guarantee might be used up within a few years. Would it not be wiser to select potential buyers more carefully and to assist deserving farmers with additional operating capital? Not only will doing so safeguard Agribank loans, but those Namibians indirectly dependent on agriculture will also benefit if farms should be utilised productively.

The Ministry of Lands, Resettlement and Rehabilitation's land reform programme needs to be revisited and revised. Although this scheme has been on the agenda for several years and in spite of tireless efforts by the Namibia Agricultural Union (NAU), no final solution has yet been found. The Minister blames commercial farmers for not offering farms for sale to the Ministry, while Agribank does not appear to have the same problem. It is maintained that the farms offered for sale to the Ministry are not suitable for resettlement. Many of these farms are later bought by Agribank buyers. What farms is the Ministry looking for, then? Does the Ministry want the best-developed and most productive farms to be used to settle farmers with no hope of success and destined for life-long poverty?

A better solution may be to use these farms to develop and train deserving emergent farmers, ultimately enabling them to become individual farm owners. A technical assistant could reside in the farmhouse and be assigned the responsibility of training farmers who will occupy the land, arranging for marketing, ensuring improvements are maintained, etc. Some form of security of tenure should be given to these occupants to enable them to sell their share once they have outgrown this interim stage and are able to purchase their own farms.

Melber (2002) of the Nordiska Afrikainstitutet (Nordic Africa Institute) maintained that, unless land reform was carried out for reasons of moral or political ideology alone, what was generally crucial was that it address not only issues of equity but also productivity. From the point of view of economic rationality, other ways and means of redistribution might be a more efficient alternative. In his view (*ibid.*), many citizens might be more interested in wage employment and other forms of secure income than in access to land. He concludes (*ibid.*) that "popular pseudo-recipes might ease the pressure on Government for a short while but could just as well create more frustrations when new realities do not meet expectations". He feels (*ibid.*) that good governance means having the courage to admit there are no easy ways out of the "inherited dilemma".

At present more than 200,000 persons are accommodated on commercial farms in Namibia. Agriculture is our largest employer. What will happen to farm workers presently employed on commercial farms if the Ministry or

Agribank customers buy them? How will the rest of the population who are indirectly dependent on agriculture be affected? These are the questions that need to be answered.

My contribution is not intended to oppose or obstruct the implementation of the policy of Affirmative Action, but rather to express concern about shortcomings in its implementation. The Government needs our support. Let us, in spite of political differences, make ourselves available in a spirit of reconciliatory goodwill. If political leaders could succeed in drafting our Constitution after having been engaged in an armed struggle, it should be possible to do the same in the case of land reform in peacetime – instead of exploiting the issue for political gain.

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The agrarian revolution in Zimbabwe and the plight of an ordinary man

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While much has been talked about as regards the broader political, economic and social consequences of Zimbabwe's controversial fast-track land reform adopted by the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) Government in 2000, little effort has been made to highlight its effects on the individual in both the rural and urban communities around the country. Thus, this document seeks to afford the world an opportunity to learn as much as possible about the plight of the poor as the wrangle between commercial farmers (mostly whites) and the Government ran its course. Special attention has also been paid in this paper to the life of the former farm workers before and after the farm invasions. While the Government officially announced that the programme had been successfully concluded, average Zimbabweans grappled with the harsh economic hostilities that analysts noted chiefly emanated from the hurried resettlement exercise.

A rural perspective

Tonderai Chikwezvero¹, a 35-year-old man from rural Chivhu about 200 km from the capital city, Harare, in his narration constantly referred to the violent nature of the fast-track land reform exercise and how it impacted negatively on the lives of the poor. In an exclusive interview, he said:

I am lucky to be alive. One would not even know how it came to be that, despite all the fighting, deaths and destruction of property, life goes on. Probably we have to thank our almighty God and our ancestral spirits at the Nharira Hills.

Chikwezvero said although he could not remember the exact day when the farm occupations all started, he still recollected vividly how sometime

¹ Not his real name

between March and April 2000 his community joined the entire nation in a voting exercise for a new Constitution, the results of which were announced on radio a day after the polling.

It emerged that the Government-sponsored Constitutional Commission had lost to the National Constitutional Assembly (NCA). The NCA was a civic group in the contest that had brought together an individual and organisation-based membership, which included students' bodies, trade unions and churches. Chikwezvero related how most Zimbabweans had sincerely appreciated how the President, Cde Robert Gabriel Mugabe, had addressed the nation on radio and television, accepting defeat and acknowledging that Zimbabwe was a democracy. Chikwezvero said:

He, the President, was on radio, and I remember him saying Zimbabwe was an independent country and the people had expressed their views; hence, the Government would not act otherwise.

All hell broke loose a few days later, however. Men and women, some of them armed, chanted revolutionary songs and came to the villages, ordering everyone to join them, as they marched onto a nearby farm. Upon arrival there, they ordered a white man and his family off the land. Despite resistance from the man's farm workers, he eventually left the property and his hard life's work, accompanied by his wife and two children. He related the following:

Thereafter, we sat on the farm and were allocated pieces of land each and told to put up temporary shelters until such time when Government would decide on our fate. One of our leaders took over the farmhouse and got access to irrigation equipment, a planter, a combine harvester and some 20 ha of wheat.

As time proceeded, Chikwezvero chronicled how they were later moved from the farm and how it came about that one of the army captains became its new owner under the Model A2 Resettlement Scheme. The pain and horror he had gone through, as well as the sudden changes were all too much for him and Chikwezvero sneaked away from the group to return to his village. He recounted the following:

Much to my surprise, life suddenly changed as almost everything was turned upside down. We were hit by severe food shortages and, still now, we do not have enough to eat. The three buses that used to serve us pulled out due to fuel shortages, while most teachers and nurses left.

A few of the qualified teachers who were at Wazvaremhaka Primary and Secondary School had decided to call it quits while others left for the cities

and towns. The lucky ones crossed the borders to countries such as Botswana, Mozambique and South Africa. School drop-outs increased considerably as most pupils could no longer cope with walking long distances on empty stomachs. In his narration, Chikwezvero chronicled a painful incident where a pregnant woman gave birth at a service centre where she had spent two days trying to catch a bus to hospital. He said:

Such is the order of the day nowadays: no transport, food, and more often than not we are forced to sleep for a number of days[,] drinking water with salt. When and how it will end, no one knows.

Each day that passes brings him no closer to getting the next meal for his wife and three children. The nearby Chivhu Hospital, which used to serve the district well, was now more of a deathbed as qualified staff left in search of greener pastures in other countries. Chikwezvero said he had resorted to eating wild fruits in order to supplement the little food he received from erratic donations. He noted:

On rare occasions I travel to the service centre to try and buy one or two foodstuffs; but because the prices have gone up to such exorbitant levels, we can hardly afford groceries. In most cases the shelves are empty.

Although Government had desperately tried to control prices, the strategy could not work as it resulted in acute shortages.

Like some of his colleagues on the farms, Chikwezvero said he had no seed to plant the next season. Fertiliser prices had more than doubled to well over Z\$100,000 for 50 kg. To many in the villages, life had become increasingly difficult – with most youths now spending much of their time literally scavenging for food in the bush and at shopping centres.

The once beautiful wild bush and huge forests were disappearing, slowly but surely. Once the rains came, gullies and floods would cause extensive damage to the village. Chikwezvero could not hide his feelings when he said:

Now we watch hopelessly: everything is going down the drain. The once wonderful land is being turned into a desert as some of us are going round the country cutting down trees indiscriminately.

However, Chikwezvero could not stop wondering where some men from the city who frequented the rural areas during weekends and at special gatherings were getting their money. They had suddenly become very rich: they were driving huge cars and owned several farms, while the majority of their brothers and sisters were starving. He noted:

Every once in a while we are surprised when we see our colleagues from the city who come here at special occasions. They drive big cars and have pot bellies, suggesting they are living pretty. They told us that the land was now in the hands of the black majority and as such the economy would eventually perform better.

The plight of John Dondo, a former farm worker

John Dondo (30), born and bred at the Green Land Farm² in Beatrice, Mashonaland East Province, could not come to terms with the reality that one day he would find himself in the streets of Harare. As he narrated the events, Dondo said he remembered waking up one day only to find hoards of people with sticks and spears, singing revolutionary songs and allocating themselves pieces of land. He said:

They came here while it was raining, and after a few days declared themselves new owners of the farm. When Mr Albert Smith³ tried to ask what was going on, all hell broke loose as they suddenly became irate and told him to immediately pack all his belongings and leave. We tried to resist but to no avail until ... we were eventually escorted off the farm. ... Although Mr Smith felt strongly about my plight, with nowhere else to go he at last left and is probably in Australia today.

Married with two children, Dondo was stranded. For weeks they slept in the bush, until he finally made his way into Harare, some 100 km from the farm. Not all was well in the city either, according to Dondo, where he saw the lifestyle had changed dramatically. After months of staying along Mbuya Nehanda Street, Dondo packed his bags and headed for Epworth, a squatter camp just outside Harare. Dondo said:

In Epworth I managed to put up a plastic shack that has grown to become my own property. The four of us stay in the shack and, just like everybody else here, we are having a rough time. Since I am not working, life is very hard for the family. We primarily depend on food handouts from well-wishers and donors, but when things are tight we just go around the bins grabbing what little we can.

Efforts for Dondo to get a job were proving extremely difficult, as he was not among the few educated or lucky ones. Each morning, he wakes up early and walks about 30 km to town, where he spends the whole day look-

² Not its real name

³ Not his real name

ing for manual jobs. On a lucky day Dondo finds some work for the week or the month that earns him some money for food. However, owing to the ever-increasing prices of basic commodities, Dondo always finds himself in serious difficulties and ends up in the streets begging for food. Running battles with the police have become the order of the day, while people rushing to and from work shout at him in irritation and insult him. As each day comes and passes, Dondo cannot stop wondering where he will find a decent meal and accommodation. He often prays that one day God will come his way and life will be better. Memories of life at the farm mostly leave him in tears. A better future is all he craves: one with peace, where food is available and affordable.

Interviews on land reform in Namibia

Justine Hunter

(Namibia Institute for Democracy)

On the topic of land reform in Namibia, the author interviewed the following persons, in alphabetical order:

- ⇒ Alfred Angula (AA), General Secretary of the Namibian Farmworkers Union (NAFWU)¹
- ⇒ Jan de Wet (JdW), President of the Namibia Agricultural Union (NAU)²
- ⇒ Hon. Marco Hausiku (MH), Minister of Labour³
- ⇒ Risto Kapenda (RK), President of the National Union of Namibian Workers (NUNW)⁴, and
- ⇒ Hon. Hifikepunye Pohamba (HP)⁵, Minister of Lands, Resettlement and Rehabilitation.

How successful has commercial and communal land reform been in Namibia so far?

AA From afar, I cannot see any successes. A properly implemented resettlement programme means to me that everybody should have a piece of land and utilise it in a productive and sustainable way. We do not need resettlement just for the purpose of resettlement. In the absence of sustainability, this programme will destroy the environment. Overgrazing is already taking place. And what do we mean by *national reconciliation*? Does it mean that only the “haves” should have and the “have nots” should remain not having? There have been some sentiments by the Deputy Minister of Agriculture [Paul Smit] who wanted to apologise [in the name of the white community for their contribution to apartheid and colonialism]. But for me, an apology should go beyond the word. The people who “have” should acknowl-

¹ 13 October 2003

² 21 October 2003; updated 13 November 2003

³ 22 October 2003

⁴ 23 October 2003

⁵ 3 November 2003

edge the history of their forefathers and must be prepared to share. When a farm worker is on a farm for more than ten years he should been given a piece of land and be introduced to training in how to work productively. In that sense, we can reconcile with the aim of nation-building. Instead of paying for land, the Government should put the millions into training to assist and empower the individuals who have been relocated.

- JdW We have to take into consideration that the struggle, according to SWAPO, was about political power and land: the land issue is a priority with Government. After independence, we succeeded in addressing the land issue in a mature way. We took into account that this issue is very sensitive and very emotional. The way land reform is going to be implemented is going to determine stability in Namibia. To answer the question, I think that we succeeded at least in addressing the sensitivity [of the issue], and I think realism has struck home from the commercial farmer's side. We have succeeded in conveying to the Government that property is important in a democratic, capitalistic system. In handling the land issue, Government has honoured property rights; but we must also appreciate that there is political pressure on Government to acquire land for redistribution.
- MH It has been successful regarding the provisions of the legal framework, policies and procedures. In the case of commercial land reform, people do not understand that it takes time for the process to produce concrete results. Yes, we have been successful in terms of land acquisition. Of course, the number of farms acquired until now is not enough. Again, it is important to repeat that this is a long-term programme and the fact that we have a legal framework and procedures in place will enable this nation to avoid unnecessary conflicts. Starting from the first Land Conference, the continuous concern by Government and programmes on land reform have changed the situation from what it was at independence.
- RK The land issue is a very emotional issue. We fought the liberation struggle for African land. We fought to free our people from oppression. After the introduction of the policy of national reconciliation, Namibian politicians expected this policy to work. We needed to unify the nation and to approach the land issue with sensitivity. But we all know that this policy is one-way traffic. The settlers got the opportunity to manipulate and to take advantage of the policy of national reconciliation. They only offer useless land for resettlement purposes. This is not the land that the nation needs. The most insulting

part is that the settlers are given the opportunity to decide which land they are willing to sell to the Government.

HP Concerning commercial land reform, it is very difficult to say if we have been successful. The Ministry has always been a “willing buyer”, but it can only buy if there is a “willing seller”. In the absence of the willing seller, it does not matter how much money the Government can make available: its hands are tied. We have been talking to the leadership of the Namibia Agricultural Union. To a certain extent, they have been very understanding; but still, they cannot force those who have got the land to sell it. Again, most of the land that has been offered to the Government is either rocky or desert landscape, but our programme calls for resettlement on good land. Ever since the programme started, we could only manage to buy 124 farms. Also, it is not fair to say that we have not been successful: the farms that we bought were distributed to the landless, but the list of people who are in need of land is very long. In the communal areas we have been successful in obtaining the land because the land in the communal areas belongs to the State. The Government as a representative of the State has engaged in discussions with Traditional Authorities who administer the communal land in behalf of the State. We have resettled a number of people, particularly people who came from exile. And you also have the San, whom I refer to as the most disadvantaged people of the Namibian nation. We were able to resettle them at different places in the communal areas. So, we resettled people, both in the commercial and the communal areas. Unfortunately, we could not give the people any capital to start cultivation or buy livestock, but there are also those who already possess some stock. These people are doing very well. Then there are people living in the communal areas who possess many head of cattle. The Government has made arrangements for these people to get a loan from Agribank [the Agricultural Bank of Namibia] to buy their own farms in the commercial areas.

Can the sustainability of the “willing seller – willing buyer” principle be estimated?

AA No, it cannot. The “willing seller” determines a high price that will put the “willing buyer” in jeopardy. Probably, the land question is not as important as we estimate. We never did any proper survey on how many people really want to work in the agricultural sector. If you talk to youngsters, they will probably say, “No; town life is OK.” It is a

different case with the farm workers. All that they know is life on the farm. The farm workers are becoming an issue because they were being dumped after a farm was sold. We are faced with a dilemma that needs to be addressed.

- JdW We know that the political pressure is there. Many regard land reform as not fast enough and demand that expropriation should be executed. But until now, Government has continued to maintain that their policy is “willing seller – willing buyer”. If this is going to be changed, it will disturb stability and it will have a negative impact on the image of Namibia as a democratic country. From the commercial farmer’s side, we would like to assist Government in sustaining the policy, but the fact that Government regards many farms as not suitable for resettlement is a very sensitive point. Farmers must also be prepared to be resettled in areas where the challenge is bigger.
- MH The process can be sustained. Of course, it will need some additional financial support. The process could be speeded up by donations – especially from those that own land – and extra funding by those countries that are interested in the stability of the country. Also, the process could be supplemented by Government providing more money. If the process is not complemented by the required resources that I am talking about, it will be very slow; and if the process is left alone, it cannot be sustained and will cause us some problems. But there is goodwill and mutual understanding that the policy we adopted is based on our Constitution and the reality of our situation.
- RK The NUNW’s policy is clear: We have been saying it right from the start: “willing seller – willing buyer” is not going to work. The politicians have asked us to be patient, but we are ready to take the land that belonged to our forefathers, even if we have to go to war. We cannot allow Europeans to occupy our land. In this country, everybody who is found with stolen property or who has bought stolen goods will be prosecuted. Now, Government is buying the most valuable good of the Namibian nation from thieves. Of course, the NUNW thinks autonomously, but we are consulting with Government. That is why we have not occupied any farms yet. Land reform should be a process of restoring people’s dignity, their integrity and their sense of belonging. We are not saying that the Germans and the Afrikaners should not have any land at all; what we are saying is that the settlers have too much land. If it was up to me, every “adopted” Namibian should have only one farm and the rest they must give to

the Government for resettlement purposes. Before it is too late, the settlers should act legally, procedurally and proactively. They should not wait until things get out of hand.

- HP The Land Conference of 1991 passed resolutions that clearly stated that the Government must expropriate land. The SWAPO Congress of 2002 passed a resolution that calls on the Government to expropriate land, particularly those farms owned by foreigners. Trade unions and some Members of Parliament have also been calling for the expropriation. Government had to propose amendments to allow a smooth way of expropriation. Also, expropriation is allowed according to the Constitution of the Republic of Namibia and the Agricultural (Commercial) Land Reform Act of 1995 [No. 6 of 1995]. But by implementing this resolution, which was passed by different organs, Government discovered some loopholes that should be closed. In closing those loopholes, we must apply legal mechanisms. We had to amend the provisions of the law under which the expropriations should take place.

The discussion on land is determined by two different lines of argumentation: On the one hand equality and justice, on the other the productivity of the agricultural sector. Is commercial land reform a panacea in the struggle against poverty?

- AA Why poverty? Why do people suffer? We have thousands of hectares of land that is not used productively. Instead of contributing to nation-building and the reduction of poverty, we are implementing and promoting poverty, unemployment and crime. People who own land should also learn to share with those who do not have anything. Then we can talk about poverty reduction. We are still operating within the framework of the old days. The mindset of the commercial farmers – and the farm workers – must change. Without a proper programme and a national strategy, we might end up with land that is not utilised.
- JdW You can only address poverty by creating work opportunities, income and wealth. So, agricultural land must be used in a political and economically sustainable way. Also, we cannot exploit or overutilise our natural resources. The attitude must be “Don’t steal from your children.”
- MH It is an issue that needs to be looked at in terms of the sensitivity of equality. Regarding the land issue, talking about equality means talking about equal access. Land must be affordable for those individuals who would like to enter the commercial and communal farming

sector. Productivity is very, very important. But unless you have given people access, equal opportunities and the necessary knowledge as well as tools, you cannot judge whether they could be productive farmers or not. We would like to maintain land productivity as a principle. But, at the same time, productivity can only be determined by the work of an individual farmer, and the issue of being a black or a white farmer is immaterial. The fear of the commercial farmers that land will become unproductive is not grounded. Of course, it is a perception that is inherited from the past.

RK The Europeans selected the most fertile land for occupation. But the people in the north did not accept any invasion and fought the Europeans right from the start until Namibia became independent. If commercial land would be given to the peasantry, those subsistence farmers would survive naturally and instinctively by working hard with their hands.

HP Yes, it is a struggle against poverty. Equality between women and men is one of the main pillars of the legislation. We look at women as a disadvantaged group. As far as possible, we imply a zebra-style land distribution. Distributed land must be utilised in order to contribute to the agricultural development of the country. In the commercial areas, white and black farmers must march together. Unfortunately, the hands of those who are not provided with the means of production are tied. Government has given the land to the resettled farmers for 99 years. On those grounds, a person can enter into an agreement with a bank institution in order to get a loan. But there are also technical problems that prevent people from getting loans because the land that was given to the people must be surveyed and a certificate must be issued. The lack of surveyors in the country is one of the problems the Ministry is facing.

Is enough importance attached to communal land reform and its relevance for poverty reduction?

AA When you talk about communal land, you have to take into account where the specific land is situated, i.e. the history of the rainfall and the availability of water.

JdW The total focus is on commercial land, the development thereof and its equal distribution. But there lies a great possibility and future in communal land. We have two types of communal utilisation: the one

is over-exploitation, where you have a high concentration of people and where the natural resources are being over-exploited. In the second, there exists unoccupied land that is not being utilised because of the lack of water and infrastructure. If we address agricultural development, we must also take into account the problems in the communal areas. Research and donations must go into the development of the communal areas.

MH At independence, the first activities Government carried out centred on the change of land administration and utilisation in the communal areas. In order to implement those changes, we needed new structures. We studied the procedures on land use in neighbouring countries like Zambia, Zimbabwe and others, to learn from their experience in promoting communal farmers. Coming back, we had to campaign in order to convince the traditional leadership that the traditional land system needed to be reformed. Now, the Ministry has created Land Boards in order to change land administration, allocation and utilisation. All these mechanisms that were provided by the Ministry will definitely assist the farmers in becoming more productive.

RK The communal land is exhausted and overused. So, there is no way of having communal land reform. It would be very expensive to bring the land up to standard again.

HP We will apply the mentioned lease for 99 years in the communal areas, too. A study that was commissioned by this Ministry has already been done throughout the country and the recommendations have been accepted by the Government. Small-scale farms should be developed in the communal areas. We have not yet started it, but all the machinery is in place.

Is there a policy that gives farm workers and their families preference to be resettled on the land that they have been working on?

AA There is no clear policy and no guidance existing on what happens to the farm workers when Government takes over a farm for resettlement purposes. What is actually happening now is that, when the owner sells his farm, he informs his workers that they have to leave. Unfortunately, NAFWU⁶ is not provided with further information

⁶ The Namibia Farmworkers Union

about what happened to those farm workers and their families after they left the farms.

JdW There is no policy, but there is a trend that farm workers who have been working on a specific farm for a lifetime must be given the usage of a piece of land or a piece of land directly. That trend is against property rights, because how can I give a portion of my property to the farm workers? Where does it end? Does it stop with the death of the elderly or is the land going to be inherited by their families? From the commercial farmer's side, we are in favour of a voluntary/compulsory pension scheme for our farm workers.

MH At the moment we do not have a policy, but we have realised the need to look into the issue of farm workers who are expelled after the end of their service. Cabinet decided to establish a committee that is chaired by my Ministry. Firstly, we want to find the reasons for the evictions of long-serving farm workers. Secondly, we want to find out more about the fears of the farm owners. Of course, we want to formulate a policy to provide procedures for resettlement. Once the committee has reported and the findings have been studied by Cabinet, we will definitely adopt that policy.

RK Both to the settlers and to the Government, we have been saying that the farmers must give land to the farm workers. Allow them to have their own animals on that farm. Technically, there is no policy, but it is really a necessity. If we would ever occupy farms we will definitely give the land to the farm workers.

HP When the Government purchases land, the farm workers are always asked if they want to stay on the farm. In most cases, they want to stay. Those who express their willingness are considered for land distribution.

Can the land issue be seen as a political red herring and a useful election campaign topic?

AA Land is not yet a political issue. It is not a top priority for the Government. The ruling party is strong: SWAPO does not need the land campaign to convince people to vote for them. If the elections took place tomorrow, SWAPO will win – no doubt about that. Maybe the land issue is not a top priority because every Minister has already got his farm. They can postpone this issue ... until there is strong pressure

from the poor. Of course, the poor first have to get organised. Their patience may run out. Action may come, if we like it or not. It is just a question of time. It is all about the capacity of the political leadership to control certain explosive issues.

- JdW If the land issue is not handled very carefully and with common sense, it might end up as a political situation. But I think that the Government is mature enough to realise that land reform should not be a political issue because politicising it could be very, very dangerous. Government has to experience the white farmers not as political opponents, but as partners in achieving a national policy and maintaining stability.
- MH Mature politicians will not misuse the land reform programmes for an election campaign. Of course, we will talk about the land issue continuously, but we will not talk about it in terms of getting votes because the land issue should be looked at in its correct perspective.
- RK In 2004, I do not even know what the politicians are going to report to the masses, because “willing seller – willing buyer” did not work. There was a liberation struggle in this country. Especially in the north, there is no family that did not lose a son or a daughter. All over Namibia and Angola, there are unmarked graves. People died for their fatherland. Therefore, it is just a question of the second revolution.
- HP Politicians can use every topic that will touch the electorate, especially those who are planning to snatch the power from the ruling party. But the ruling party has enough weapons to reply to those politicians who are attacking the Government, because the SWAPO Party Government has something to show to the people.

To what extent does the emotional land issue have the potential to create social conflict and to stir racial hatred?

- AA Well, the hatred is already there. How many white commercial farmers have been killed since independence, and why? The hatred between white and black remains because, regarding the official policy of national reconciliation, there are no guidelines and no proper debates exist. We need to understand the dignity of a person and the importance attached to it. That is particularly necessary with regard to the farm workers that are neglected and in many cases not perceived as human beings. It is a question about the extent to which people

are willing to understand their own history and how we impart our experience to the younger generations.

JdW The land question does not only stand between white and black. With the whites on one side, the Herero-speaking people and the Owambo-speaking people play a major role in determining what kind of situation is going to transpire. The Herero people put pressure on both the Government and the previous German colonialists. The Owambo people, who regard the South Africans as the previous colonialists, have a different approach. Today, South Africa also has a black majority Government. The Government of the day represents the majority of the Owambo-speaking people. The Herero people still feel the pain of having been deprived of their ancestral land. This is not the case with the Owambo people. At the Land Conference in 1991, it was decided that there should be no claims for ancestral land rights. Of course, the Bushmen were the first to occupy Namibia; and, if there are no ancestral rights, the current owners of the property must be acknowledged. To a large extent, the black/white situation is not so severe anymore. Still, there is a lot to be done, but we are moving in the right direction of accepting each other as fellow Namibians.

MH The land issue is an emotional issue. At the same time, it is real to everyone. The issue needs mature political consideration and an approach that will create close, mutual understanding of each other's needs.

RK The hatred is already there. What counts here, is just patience.

HP The claim for ancestral land can definitely cause problems, but, at the Land Conference of 1991, we reached a consensus that land which is lawfully occupied by those who are there now must be considered as their property. The claims for ancestral land cannot be accommodated. If we want to follow the path of reconciliation, which is a national policy, and the spirit of the Land conference, those who want to stir up emotions among the people must stop it and accept the resolutions which have been passed. Even when one cannot satisfy everybody, I still believe that the SWAPO Government is following the right course, based on the policy of national reconciliation and the Land Conference of 1991.

**What is your position regarding the land invasion in Zimbabwe?
What are your recommendations to ensure that the same is not
going to happen in Namibia?**

- AA There are two ways of giving land to the poor: either by force or by purchase. Now, when I do not have any money to buy land, what should I do? It is true that the land-grabbing in Zimbabwe resulted in economic hardship, but to me the land invasion was necessary. The economic hardship that Zimbabwe is experiencing now is created by international influence. It is not about Mugabe. His policy decisions fell on fertile ground. The Zimbabwean poor had already decided.
- JdW Mugabe had given the commercial white farmers ten years to position themselves, but when the election came, the vast majority of the commercial farmers joined the opposition. So, when Mugabe again won the elections, his sympathy for the white farmers was gone. Did the farmers regard themselves as a political or an economic factor? In Namibia, the commercial farmers' union decided to withdraw from politics. We want to avoid a Zimbabwean situation, destabilisation and increased poverty.
- MH It should be a lesson for everybody, especially in southern Africa. During the years that come, we must recognise the importance of and willingness to address the land issue. That is important in terms of access to land, the improvement of the conditions of farm workers, and in terms of avoiding politicising that issue. Like I said, complementary activities and assistance are needed. Also, people must understand that, sometimes, situations get out of hand. I would say, let the Zimbabwean situation be a lesson to many of us.
- RK The Government, the NUNW and the NAU are interacting. I told Jan de Wet that if he wants Namibia not to go the Zimbabwean way, then the white farmers must come to their senses. Finally, they must recognise that they are living in Africa. Free of charge, each settler must give parts of his farm either to the Government or to their farm workers.
- HP I do not want to make comments on what is happening in other countries. Therefore, I do not like to comment on what is happening in Zimbabwe. However, people who are invading land are doing this unlawfully. Any act of unlawfulness has to be dealt with by the law enforcement agencies of the State. As a Government, we have to protect the security of Namibians and their property.

Do you think that many black Namibians feel an underlying sense of sympathy for the Zimbabwean land invasions as a brave fight against long-standing colonial injustice?

AA In the southern African region, every average farm worker I have met said, “Yes, Mugabe made a good decision,” despite the hardship the Zimbabwean population is going through now. It was not an easy decision and it came with a price to pay.

JdW In my personal view, we can never expect our President to make any public announcement against Mugabe. Even if I differ from my father, if an outsider would ask me, “Was your father a kind man?”, I am not going to reply. Why do we want to [press] this issue? The Government wants Namibia to be seen as a stable, investor-friendly and democratic country. After the promises that were made, the farm workers expect that they will get land. With so many landless, the perception is still alive that their land was stolen. On the other hand, many of these people have realised that they will remain landless. With our climate and the limitations of production, one must realise that not every Namibian can own farmland; but I think everybody is entitled to a piece of residential land. In conclusion, I would like to say that communication instead of confrontation is needed because, in Namibia, incidents between the privileged and the underprivileged will always take place – especially concerning the land issue and labour relations. The only sustainable way to handle those incidents is communication between the Government, the NAU and NAFWU. We must agree on the following issues: We do not want a Zimbabwean situation and we want to maintain stability and an investor- and donor-friendly climate. Therefore, incidents must be addressed immediately, comprehensively and in a manner that a win-win situation can be negotiated.

MH Namibians learned through hardship that everybody who wants to promote an African is seen as an obstacle by Europeans. This is our perception. Honestly, I must say that the landless have that sympathy. That feeling can be fostered and strengthened by negative treatment by the landowners; but the responsibility of leaders is to abide by the laws and continue to advise our people to deal with the land issue within the laws of the country.

RK Mugabe is the most popular leader in southern Africa. Mugabe is convinced that he is not doing anything wrong because Zimbabwe

belongs to the Zimbabweans. Because of Western media propaganda, many Zimbabweans are becoming confused; but the problem is not Mugabe. The problem is Britain. Europe does not want to leave Africa alone. Europeans do not recognise that we have a mind of our own. In Zimbabwe, we are expecting prosperity. People are hard-working.

HP As I read the reader's letters in the newspapers, I must conclude that they do. The majority of the black Namibians do not support the "willing seller – willing buyer" principle alone. They feel that the Government must complete the policy through additional provisions of expropriation.

Land reform in Namibia: A bibliography¹

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APPENDIX 1

Researchers on land reform in Namibia

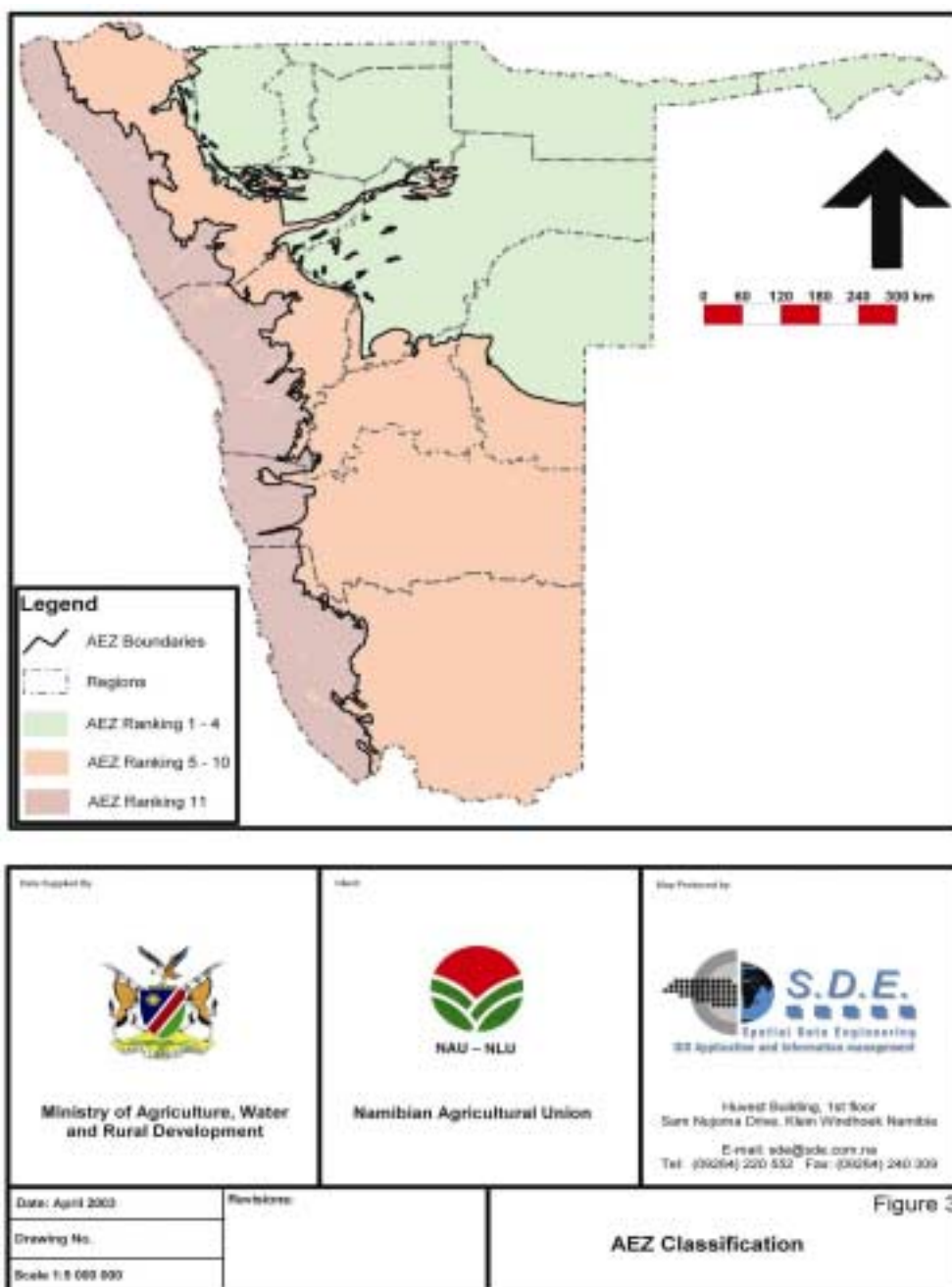
Namibian organisations that have published research on land reform

Robin Sherbourne
(Institute for Public Policy Research)

Name of organisation	Abbreviated name	Street address (Windhoek)	Postal address (Windhoek)	Telephone # Fax # (+264-61)	E-mail	Website
Desert Research Foundation of Namibia	DRFN	7 Rossini St	PO Box 20232	229855 230172	drfn@drfn.org.na	www.drfn.org.na
Directorate of Environmental Affairs, Ministry of Environment and Tourism	DEA	Capital Centre Levinson Arcade, Independence Ave	Private Bag 13306	249015 240339	contact@dea.met.gov.na	www.dea.met.gov.na
Institute for Public Policy Research	IPPR	14 Nachtigal St, Ausspännplatz	PO Box 86058	240514 240515	info@ippr.org.na	www.ippr.org.na
Labour Resource and Research Institute	LaRRI	Mungunda St	PO Box 62423, Katutura	212044 217967	info@larri.com.na	www.larri.com.na
Legal Assistance Centre	LAC	4 Kömer St	4 Kömer Street	223356 234953	info@lac.org.na	www.lac.org.na
Multi-disciplinary Research and Consultancy Centre, University of Namibia	MRC	Mandume Ndemufayo Rd	Private Bag 13301	206 3051/2 206 3050	hmuashekele@unam.na	www.unam.org
Namibia Agricultural Union	NAU	114 Robert Mugabe Ave	Private Bag 13255	237838 220193	nau@agnamibia.com.na	www.agnamibia.com.na
Namibia National Farmers Union	NNFU	4 Axali Doeseb St	PO Box 3117	271117 271155	nnfuq@mweb.com.na	n/a
Namibian Economic Policy Research Unit	NEPRU	59 Bahnhof St	PO Box 40710	277500 277501	nepru@nepru.org.na	www.nepru.org.na

APPENDIX 2

Geographical maps



AEZ = Land Redistribution and Agricultural Potential

