

Colonialism, Land, Ethnicity, and Class: Namibia after the Second National Land Conference

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Abstract

Since independence in March 1990, the unequal distribution and ownership of land as a leftover of colonial-era dispossession and appropriation has been a major issue of sociopolitical contestation in Namibia. This article summarises the structural colonial legacy and the efforts made towards land reform. Reference points are the country's first national land reform conference in 1991 and the second national land reform conference in October 2018. The analysis points to the contradictory factors at play, seeking to contextualise land reform in between the colonial legacy of racial discrepancies and ethnicity as well as class, as more contemporary influencing factors.

Keywords

Namibia, colonialism, land, ethnicity, class

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Thirty years of German settler colonialism in South West Africa (1884–1914) paved the way for continued white minority rule under South African control. As summarised among others by Werner (1993), Melber (2000), and Wallace and Kinahan (2011: chapters 5–7), German colonialism created the infamous structures of an apartheid society, in which the forced removal of the colonised people from their land in substantial parts of the country and its subsequent occupation by white settlers became an

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enduring and essential component of a past that remains alive in the present. The primary resistance against the foreign invasion triggered the first genocide of the twentieth century among the Ovaherero, Nama, and other groups as the main occupants of the eastern, central, and southern regions of the country, where they were forced from their land into so-called native reserves. The current negotiations between the German and Namibian governments to address the consequences of the crimes committed in that era testify to the long shadow of colonialism (cf. Melber, 2017).

After Germany had to surrender control over the territory during World War 1, land (dis)possession continued. The South African apartheid regime's administration provided Afrikaans-speaking poor whites with a new existence as farmers in the occupied so-called fifth province. Land appropriations and resettlements took place until the 1960s. They were further systematised as part of the so-called Bantustan Policy. It consolidated the territorial entities (reserves) for each ethnic group under varying degrees of limited self-administrative structures, within a policy euphemistically called "Separate Development." Published in 1963, the *Report of the Commission of Enquiry into South West African Affairs* – commonly known by the name of its chairman as the "Odendaal Plan" – implemented a final physical segregation of groups based on ethnic classifications by means of further forced resettlements into "homelands" (Wallace and Kinahan, 2011: 261–267).

Ever since then, the skewed distribution of land has remained largely untouched and a reminder that this chapter of more than a century of foreign colonial rule between 1884 and 1990 has not yet been closed. It has left not only scars but festering wounds (cf. Haring and Odendaal, 2002; Hunter, 2004; Von Wietersheim, 2008). This article critically analyses the politics of land, offering a summary overview based on previous analyses and current media reports (most prominently *The Namibian*, *Namibian Sun*, *New Era*, and *Windhoek Observer*).¹ It recapitulates the first national land conference of 1991 and documents the subsequent half-hearted policy (see also, Kaapama, 2007; Werner, 2001, 2005). A second national land conference followed in November 2018. The matter of land remains highly contested and far from being resolved. However, as will be shown, the dividing lines have slightly shifted: they are not any longer exclusively determined by the category of race but increasingly so by ethnicity and class (Gargallo, 2010).

Land and the Limits to Liberation

Land remains a backbone of the country's economy. As the government states on its website (<https://gov.na/the-land>): "Although arable land accounts for only 1% of Namibia, nearly half of the population (currently approaching 2.5 million people) is employed in agriculture." Employment is, however, a very broadly defined category. It includes people who work only very limited hours in the informal or subsistence sectors to earn a living. The northern and north-eastern communal areas benefit from a higher – but, according to the effects of climate change, increasingly unreliable – level of rainfall.

The negotiated transition towards independence in 1990 did not bring any decisive changes to the skewed patterns of colonial land distribution. Essential clauses in the Namibian Constitution² were drafted already in the early 1980s as an integral part of and

precondition for that by a Western contact group initiating a negotiated decolonisation (Melber and Saunders, 2007). Articles 5 to 25 in chapter 3 (“Fundamental Human Rights and Freedoms”)³ cannot be changed. As stated in Article 25(1):

Parliament or any subordinate legislative authority shall not make any law, and the Executive and the agencies of Government shall not take any action, which abolishes or abridges the fundamental rights and freedoms conferred by this chapter.

Next to civil and political rights, Article 16 includes the freedom and protection of property:

1. All persons shall have the right in any part on Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may be legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.
2. The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation, in accordance with requirements and procedures to be determined by Act of Parliament.

As a consequence, existing socio-economic inequalities were officially entrenched. Privately owned freehold land, amounting to 48 per cent of the territory, remained in the hands of less than 5,000 mainly white farmers, while over 70 per cent of the population remained directly or indirectly dependent upon the 35 per cent of the available communal land (the remaining 17 per cent is state-owned and largely nature reserves). “The pattern of land distribution and ownership reflects class inequality and perpetuates racial inequalities” (Lenggenhager and Nghitevelekwa 2018).

The First National Land Reform Conference – Promises Undelivered

Signifying the centrality of the land issue, already in 1991, a major National Land Reform Conference took place that adopted a far-reaching consensus document. It recommended among other things:

- redistribution of commercial farmland, mainly on the basis of willing seller–willing buyer, with the government having preferential rights to purchase farmland for resettlement purposes;
- introduction of a land tax;
- reallocation of underutilised land;
- limits to the size and number of farms made up of privately owned land;
- elimination of foreign-owned land and absentee landlordism;
- in the communal areas (the former reserves), situated mainly in the northern regions and offering minimal rainfall for cultivating the land, disadvantaged communities (in particular the San) “should receive special protection of their land rights” (Office of the Prime Minister, 1991: 29).

As analysed by Schade (1992), expectations were confronted with some sobering realities. The conference clearly stated: “Given the complexities in redressing ancestral land claims, restitution in full is impossible” (Office of the Prime Minister, 1991: 24). But restitution was not implemented at all. Meanwhile, another process of rural transformation unfolded in the communal areas. Local headmen and chiefs privileged members of the new political and administrative elite from their regions by transferring exclusive individual rights over land and resources to them. This often included state-financed infrastructure built as relief measures during drought emergencies. By illegally fencing in the allocated land, the beneficiaries de facto privatised it as a form of “elite land grabbing” (Odendaal, 2011). Between 2012 and 2015, close to 300 cases of illegal fencing of land in communal areas were recorded in five of the country’s fourteen regions (Tjitemisa, 2018a).

Despite the institutionalisation of a Ministry of Lands, Resettlement and Rehabilitation (nowadays the Ministry for Land Reform), the purchasing of farms was slow and inefficient. The ministry did not even spend the annual budgetary allocations for the purchase of land (cf. Werner, 2005, 2015). Due to growing pressure from the public, the Namibian Statistics Agency released data at a national land statistics symposium in September 2018: 70 per cent of a total of 12,380 commercial farms were still owned by whites, while 250 of these were under foreign (mainly German, followed by South African) ownership. Until 2018, the government had purchased 496 farms for resettlement – allocating them to over 5,000 beneficiaries (Iikela, 2018a). The figures indicate that a total of 8.2 million hectares (20.6 per cent of the farmland in private hands) had been offered to the state since 1992, of which only about 37 per cent (slightly more than three million hectares) were bought (Allgemeine Zeitung, 2018). Classified as “previously disadvantaged,” many members of the political and bureaucratic elite received preferential treatment. Subsidised by taxpayers’ money, they became weekend or hobby farmers (Sherbourne, 2003).

Where farms were used for resettlement purposes, beneficiaries were often not able to utilise the land efficiently due to a lack of capital and know-how. A few prominent cases illustrate the waste of resources ensuing from failed policy implementation:

- The farm Ongombo West near Windhoek had successfully specialised in cut flowers for the European market. It was expropriated after a long legal battle, triggered by a conflict between the owners and some workers. Handed over to landless people, production collapsed and the infrastructure deteriorated. Occupants are unable to make a living, as televised in a news clip of the Namibian Broadcasting Company (NBC, 2018b). On a recent state visit to Kenya, in a sad and ironical twist, President Hage Geingob praised the cut-flower industry there as a good example of economic development (Nakale, 2018b).
- In southern Namibia, the adjacent farms Neue Haribes and Baumgartsbrunn were once the country’s biggest private farming units – with a combined size of some 80,000 hectares. The carrying capacity of 12,000 karakul sheep indicated the limits of what was possible in a dry climate. The enterprise, owned then by a locally operating subsidiary of a German fur company (Thorer & Hollender), in

the 1960s, provided a meagre income for close to 100 farm workers and their families and maintained a school. When demands for Persian lamb furs faltered, the farms were sold. In 2010, the state purchased the 50,000 hectares of Haribes from Swedish absentee landlords. By 2012, the resettled residents were dependent on food aid (Sasman, 2012).

- In the central Namibian Otjozondjupa region, the Land Reform Ministry bought in 2014 the 3,900-hectare farm Hartebeesteich-Süd for NAD 17 million. The farm had an upmarket lodge and was specialised in cultivating 6,000 olive trees with a country-wide marketing and supply system. The ministry handed the farm to the Namibia Central Intelligence Services, who never utilised it. In the meantime, the olive trees have all died (Van Wyk, 2019).

Such examples testify to a failed policy beset by incompetence. After all, there have been many hitherto largely ignored recommendations on how best to provide resettled farmers with meaningful opportunities to make a living (Odendaal and Werner, 2010; Rothauge, 2007). In addition, the allocation of land for the resettlement of members of communities from other regions than those where colonial expropriation took place became a growing bone of contention. Beneficiaries were often historically from the northern parts of the country. The land in their home regions was never seized under colonialism. New mobility since independence has provided access to land in other parts of Namibia too.

The first national land conference had stated that “All Namibian citizens have the right to live wherever they choose within the national territory” (Office of the Prime Minister, 1991: 28). But those being supported by the state authorities to settle on land taken from other groups fuelled interethnic animosities. Those among the local communities whose ancestors were robbed of their land by German and South African colonialism felt that they remained on the margins, while others closer to the government were given preferential treatment. They considered such redistribution as just another means of discrimination.

In 2016/2017, a fall out between the deputy minister for land reform, Bernardus Swartbooi, and his minister, Utoni Nujoma (son of Namibia’s first president, Sam Nujoma), led to the former’s dismissal first from office and later from Parliament and the ruling SWAPO party too (Immanuel, 2017). A Landless People’s Movement was subsequently founded by Swartbooi, who was previously the regional governor in the southern Iikaras region. The movement submitted its registration as a political party in mid-2018. At a SWAPO Central Committee meeting at the end of August 2018, President Geingob denounced those mobilising around the issue of land as “failed politicians” merely seeking personal gain. He accused those critical of resettlement practices and demanding restitution of being guilty of tribalism, playing with people’s emotions, and warned that they might even instigate a civil war (NBC, 2018a).

Trying to investigate the mounting complaints, Namibia’s ombudsman had demanded in May 2018 access to the list of resettlement farms and their beneficiaries. The ministry finally handed it over in October – only after the ombudsman had threatened to take legal action. By then, the second land conference was over (Iikela, 2018d). Since then, the

ombudsman has requested a clarification of resettlement criteria (Iikela, 2018e), while members of the political opposition have questioned the list's authenticity and demanded a proper forensic land audit. Revealingly, a list compiled from legally required announcements in various print media between 2011 and early 2018 had several top government officials and high-ranking civil servants as beneficiaries, resettled courtesy of the state on ninety-nine-year leaseholds throughout the country (Iikela, 2018b).

The Second National Land Conference – More Promises

After several postponements, and announced with much fanfare, the second land conference came and went during the first week of October 2018. The Namibian government invited more than 800 participants and allocated NAD 15 million (USD 1 million) to the five-day event. Given the overwhelming dominance of state authorities and other official institutions, as well as indications that SWAPO already upfront tried to hijack the agenda, civil society organisations threatened to boycott this conference (Iikela, 2018c). In the end, most of them participated however – if only to make use of the opportunity to voice their long-standing frustrations. President Geingob stressed in his opening speech that:

As the head of this Namibian House, I am committed to ensuring that the basic needs of all inhabitants are met. I believe that each and every Namibian should live a dignified life. I feel the pain of the landless. I feel the pain of the dispossessed. I feel the pain of the hungry and impoverished. (Republic of Namibia, 2018a: 32)

The Ministry for Land Reform provided access to most of the documents submitted,⁴ including those of the first land conference. Compared with the 24 resolutions adopted but barely implemented first time around, many of the over 160 resolutions now adopted – under altogether 40 different “identified topical issues”⁵ – were modified follow-ups to these (*The Namibian*, 2018). A significant new addition was the issue of urban land and informal settlements (Lühl and Delgado, 2018; Remmert and Ndhlovu, 2018). It recognised the demands for affordable housing of urban squatters, estimated at almost one million people – 40 per cent of Namibia's total population (Nakale, 2018a).

The capital Windhoek is a tale of two cities (Mendelsohn, 2018). Access to scarce and costly urban land has emerged in combination with highly dubious and speculative property deals as a much-contested issue, one pushed by activists from the SWAPO Youth League. Their formation as the alternative repositioning movement with regard to the provision of affordable urban plots in 2015 has since become another highly relevant political factor (Becker, 2016).

Notably, the issues of communal and of ancestral land also received more prominence during this second land conference. This included a resolution stressing the need for the protection of tenure rights, mainly in the interest of the poorest as victims of illegal land occupations, and the condemnation of the ongoing privatisation of communal land by members of the new elite. Significantly, it was recommended that a Presidential Commission of Inquiry on Ancestral Land should be tasked to offer further advice as regards

restitution. This was in contrast to the rebuke of such demands by President Geingob at the SWAPO Central Committee meeting only a few weeks earlier.⁶

Land Grab 2.0 – Class Matters

Overall, local responses to the conference document adopted were cautious. “The proof of the pudding is in the eating” concluded a columnist in the state-owned newspaper (Matundu-Tjiparuro, 2018). “Placing one or two plasters on the stump of an amputated leg, is not a cure” remarked an editorial in a weekly paper, meanwhile (*Windhoek Observer*, 2018b). And, if the government did not already have enough problems in terms of public perception, ten days after the second land conference news leaked that a Russian oligarch, in possession of three farms since 2013, had added another four to his Namibian empire in a questionable transaction (Immanuel, 2018a).⁷ The shady deal with the Ministry for Land Reform was sealed a week before the second land conference. With the “billionaire’s playground” (Smit, 2018) getting the green light, it seems that foreigners are at greater liberty to benefit from exceptions decided on at the political level. The government justified the deal as a major investment in development. The oligarch donated the purchased farms to the state in exchange for a ninety-nine-year lease. The lawyer tasked with the transaction for “the King of Dordabis” (*The Patriot*, 2018) – the area in one of the country’s best farming locations situated about an hour’s drive from both Windhoek and its international airport – also frequently acts on behalf of the government and SWAPO. Not surprisingly, the public outcry was massive. In response, the prime minister vowed to defend the deal in court. As she declared:

All requirements of all the laws of the state have been followed. We made use of the legal expertise within government to make sure that it has been done. (Immanuel, 2018b)

The contrast could have hardly been bigger with President Geingob’s closing speech at the second land conference. He had then urged that:

We need to ensure that we are living in a just and fair society, a society in which the mantra of “no Namibian must feel left out” permeates every facet of our coexistence. (Republic of Namibia, 2018b: 4)

Despite such solemn declarations, some 1,200 landless people stuck in a small corridor on the margins of the new empire created in Dordabis (Tjitemisa, 2018b) do indeed feel left out and betrayed. Their frustration is documented in a video published on the website of the state-owned newspaper (Lunyangwe, 2018). Their experiences contrast starkly with the elite pact. As one commentator put it:

The saga of the four Russian farms seems to be the tip of the iceberg. [...] We must call upon the Namibian government to institute a forensic audit into the management of land. (*New Era*, 2018)

By diagnosing that the inaccurate characterisation of the land issue “is a smokescreen to cover-up continued elite control over not just the land, but all income-generating

natural resources in Namibia,” an editorial in a local weekly newspaper managed to put the battles for land in the overall current context:

If an accurate look at who is receiving the resettlement farms, EPLs, fishing quotas, affirmative action farm loans and other natural resource allocations is ever possible, we are convinced it will reveal not necessarily one ethnic group reaping all benefits but one socio-economic class gathering wealth. (*Windhoek Observer*, 2018a)

Land and Decolonisation – Any Solution?

Land is, far beyond economic considerations, ultimately a matter of identity – for those who own it as much as it is for those who feel it should be theirs. Colonialism in the territory of then South West Africa resorted to brutal crimes, culminating in genocidal practices to force people off their land. Today’s commercial agrarian sector in Namibia remains heavily associated with that violent land theft. Therefore, the current distribution of privately owned land is a constant reminder that colonialism did not end with independence. It continues as long as restorative justice is not infused into the land debate (Nakuta, 2018).

As legitimate as claims are, the restitution of land is, however, confronted with a core dilemma: going back far enough, legitimate land claims would rest solely with the descendants of the San (Bushmen) or Khoisan as the only indigenous people roaming Southern Africa. The structural legacies created under apartheid and the long-term demographic impact of genocide have left irreversible marks on Namibian society. But the forced removal from land on record since the early times of white settler encroachment, coming to a halt only in the 1960s, could constitute a widely accepted point of reference in restitution.

If this became the agreed point of departure for restorative justice, some steps towards a solution could then be taken. The second land conference stated in a resolution under topical issue 38 (“ancestral land rights and claims”) that “measures to restore social justice and ensure economic empowerment of the affected communities” should be identified. The next resolution then suggests to “use the reparations from the former colonial powers for such purpose.” This might offer a way out of the current stagnation in the negotiations between the Namibian and German governments over how to deal with their intertwined history (Kössler, 2015; Kössler and Melber, 2017).

While the Namibian Constitution prohibits expropriation without just compensation, this does not turn it into a roadblock preventing land redistribution based on certain forms of expropriation. As a human rights lawyer opined:

The constitution is not the problem – the problem is lack of creativity, innovation and work ethic on the part of those who must implement land reform, and the sheer greediness of many of the existing land owners who seem not to understand the terrible urgency for the need for proper land reform. (Smith, 2018)

Already in 2008, a High Court judgement in “Kessl versus the Ministry of Lands and Resettlement” (Glinz, 2009), while dismissing the government’s efforts to expropriate

four farms of German owners, outlined clear guidelines on how to implement expropriation according to the rule of law (Harring and Odendaal, 2008).

Operating within these legal parameters, and as part of the long-overdue necessity to satisfactorily compensate for the historical injustices that have laid the foundations for the current tense land situation, Germany could provide the necessary funds for a just (in the sense of fair) expropriation of commercial farmers. Their land was before utilised by the indigenous communities, and their ancestors are buried there. But the transfer of such land would only constitute a first step. The German state should then also finance the necessary investments – both in terms of infrastructure and in terms of know-how – empowering local communities to fully benefit from resettlement and to gain access to land under the condition of climate change adaptation. The Namibian government, on the other hand, would have to accept that resettlement considers the main beneficiaries hereof to be the descendants of those robbed of their land, and should not privilege those whose land was never taken. This would be a wise investment by both governments in an act of reconciliation building a common future for all people who want to continue living in Namibia. After all, as a local commentator observed, “the land issue is the most divisive of all that Namibia has experienced since independence” (Kamwanyah, 2018).

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Notes

1. This article constitutes a considerably revised and enlarged version of originally a blog posting (Melber, 2018). For some of my own previous analyses, see Melber (2005, 2014: Chapter 5). I am grateful for constructive feedback by Julia Grauvogel, helping to further improve the text.
2. Effective since Independence Day, 21 March 1990, and amended again in 1998, 2010, and 2014. For a current version, see: https://laws.parliament.na/cms_documents/namibian-constitution-e77d13246a.pdf.
3. See: <https://www.un.int/namibia/namibia/chapter-3-fundamental-human-rights-and-freedoms>.
4. Accessible online at: <http://www.mlr.gov.na/land-conference1>.
5. Accessible online at: <http://www.mlr.gov.na/documents/20541/638917/Second+National+Land+Conference+Resolutions+2018.pdf/15b498fd-fdc6-4898-aeda-91fecbc74319>.
6. The fifteen-member commission was finally appointed on 21 February 2019, see: <https://www.nbc.na/news/president-geingob-appoints-ancestral-land-rights-commission.20761>.
7. Rashid Sardarov is an oil tycoon who owns the South Ural Industrial Company, implicated also in the Panama Papers. He made headlines, among other times, when marrying off his daughter in a ceremony that cost an estimated USD 10 million: https://rusletter.com/articles/rashid_sardarov_married_off_his_daughter_victoria_for_10_million_in_prague.

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