



Ministry of Lands and Resettlement



Road Map - “Support to Land Reform and Infrastructure Development in Communal Areas” Programme

Windhoek

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Preface

Claus KfW stuff

Abbreviations

AM	Accompanying Measure
CLRA	Communal Land reform Act, 2002
CLS	Communal Land Support (programme)
EDF	European Development Fund
FIPC	Free and informed prior consent
GIZ	Gesellschaft für Internationale Zusammenarbeit
ha	hectare
IDC	International Development Consultants
IRLUP	Integrated regional land use planning
KfW	Kreditanstalt für Wiederaufbau
LRIDCA	Land Reform and Infrastructure Development in Communal Areas
LSU	Large stock unit
LUPA	Division of Land Use Planning and Allocation
MAWF	Ministry of Agriculture, Water and Rural development
MCA	Millennium Challenge Account
MLR	Ministry of Lands and Resettlement
SSCF	Small-scale Commercial Farms
TA	Traditional Authority
TIPEEG	Targeted Intervention Program for Employment and Economic Growth

1 Relevant background information

1.1 Land reform context

Since the early 1990's, the Namibian Government has been implementing an ambitious land reform programme. The main aim of the programme is to bring about more equitable land distribution and access to land, to promote economic growth, to lower income inequalities and to reduce poverty. One component of the land reform programme concentrates on communal land, with the following key objectives:

- Development of under-utilised or virgin land for agricultural purposes (i.e. establishment of small-scale commercial farms (SSCFs));
- Improving tenure security and granting of long-term leaseholds in communal areas; and
- Accelerate the production of Integrated Regional Land Use Plans with active participation of major stakeholders covering all communal areas.

1.2 Small Scale Commercial Farms in Namibia

In 1997 Cabinet approved the Small Scale Commercial Farms Development Programme on the basis of 'virgin' land having been identified in various regions. Consultants appointed by the MLR estimated that 5.2 million hectares of land were un- or underutilised in the 4 north-central regions, Kavango, Caprivi and Otjozondjupa/Omaheke in 2000. They proposed that this land be surveyed and developed into small-scale commercial farms of approximately 2,500 ha to be leased to farmers for purposes of commercial farming, primarily with livestock. Amongst other things, this would broaden access to land and make communal land more productive. The Ministry of Lands and Resettlement (MLR) commenced in 2003 with the development of small scale farms in some of the identified areas. The first surveyed farms in Caprivi, Kavango and Ohangwena were gazetted in 2007. In the absence of a concerted plan and concept for SSCF development, progress has been limited to the provision of boreholes in a few select locations and the granting of long-term leases to several hundred large farms previously allocated by traditional authorities to individuals in Kavango.

Table 1 below summarises the regional distribution of land identified by IDC in 2000 for the potential development of SSCFs in Namibia.

1.3 Donor support

The MLR receives financial and technical support through the Namibian-German Co-operation under the broad heading of "Support to Land Reform and Infrastructure Development in Communal Areas" to help implement the above mentioned components of its land reform programme focussing on communal areas. The Kreditanstalt für Wiederaufbau (KfW) entered into a separate agreement with the Ministry of Lands and Resettlement to provide funding for this purpose in the form of a Basket Fund which is administered by MLR. Currently additional European Development Fund (EDF) co-funding is being sought.

1.4 Basket Fund objectives

The objective of the Basket Fund is the development of Namibia's communal areas to achieve improved land productivity, more secure tenure rights and contributing to the alleviation of land hunger. The programme aims to make a contribution to Namibia's land reform process to right past colonial wrongs, and to achieve social and economic equity for all its citizens.

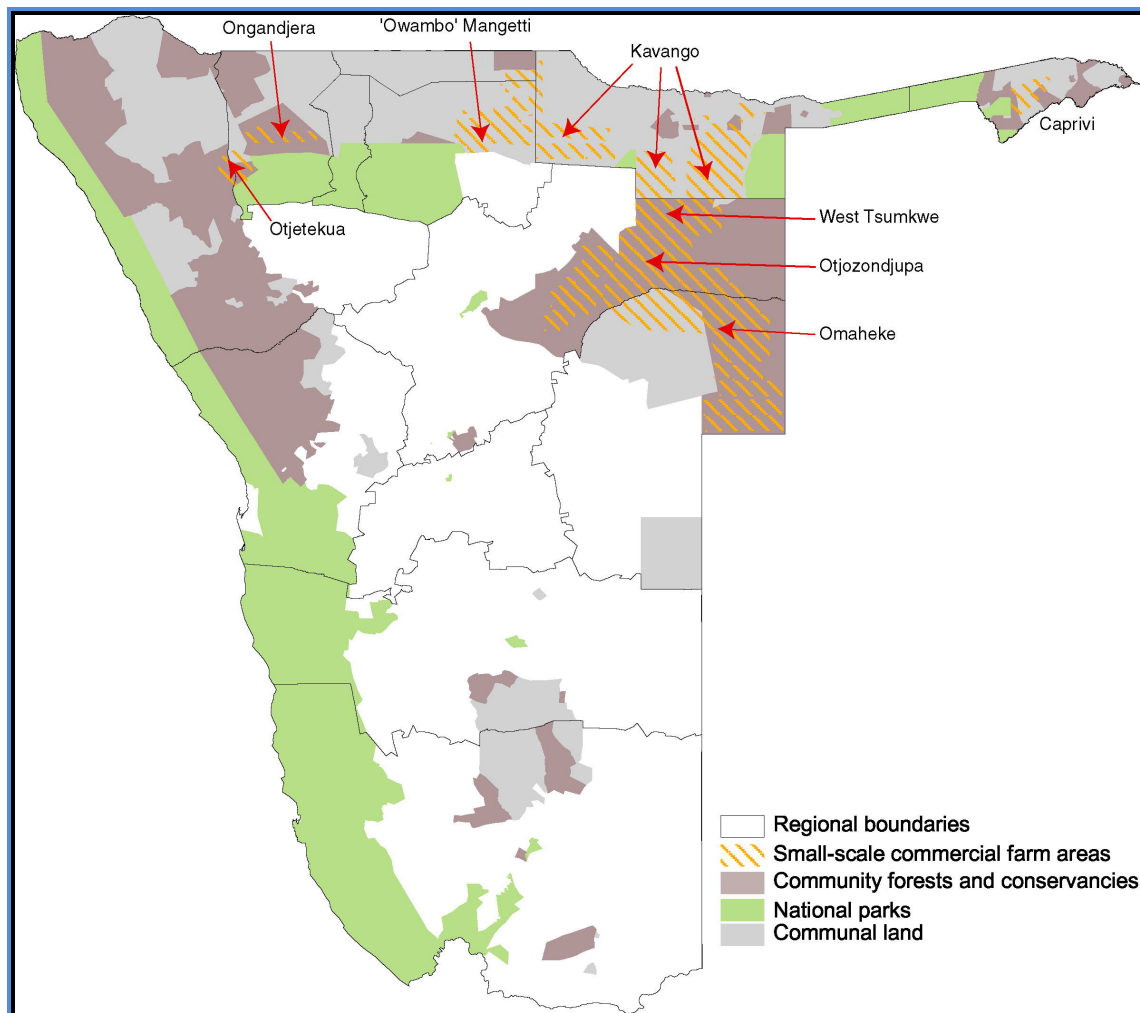
Table 1: Project Areas as identified in 2000

Region	Nr of SSCF units envisaged	Hectares in the region for SSCF
Kavango*	513	1,076,000
Otjozondjupa/Omaheke	600	2,400,000
Ohangwena*	24	62,100
Omusati	113	450,000
Oshikoto	205	820,000
TOTAL	1,537	4,918,100

Note: The asterisk indicates gazetted farming areas

The following map depicts the locations of the areas to be included in the project.

Map 1: Areas targeted for SSCF development



2 A review of current realities

The situation on which IDC based its findings and recommendations in the year 2000 has since changed dramatically.

- Whilst certain target areas retain small areas to accommodate the original model of individually owned SSCFs, this option no longer presents itself in most target areas as a result of expanding settlement and increasing population.
- Many areas have since been privately appropriated as large farms, which amounts to private SSCF development without GRN intervention. The financial and political costs removing these farms to establish new SSCFs areas would be very high.
- Farming systems, and their respective requirements in terms of land area, vary widely between intervention sites.
- Equally, the levels of investment required for commercial production vary greatly, for instance between securing tenure, erecting marketing infrastructure, or providing water or access roads.

The current situation in the 8 target areas of the SSCF project can be summarised as follows:

Ohangwena:

An area of 58,613 ha was gazetted in 2007 and 24 farms averaging 2,500ha in size surveyed. The area was already occupied by 52 households and cattle posts before designation. Since then the number of households increased to over 100. Fifteen new boreholes were drilled with KfW funding in 2008. In addition, government had drilled 5 other boreholes previously and private individuals had drilled 11 boreholes. A significant part of the area has been fenced by individual households. It would be difficult to develop the 2,500 ha farms without relocating most resident households.

West Tsumkwe:

Although about 100 SSCF were planned in West Tsumkwe, the area has not been designated. The target area falls within N#-a-Jaqa conservancy, which covers some 912,000 ha and is inhabited mostly by San people. Residents are divided in their support for the SSCF project, with the conservancy and its members opposing the idea, fearing large scale losses of commonage resources. This would lead to the further marginalisation of the San population which will generate significant political costs, both locally and internationally. The presence of poisonous plants, predators and difficulties of finding groundwater led previous consultants to advise against developing SSCF in the area.

Otjetjekua:

The area targeted for SSCF development is approximately 47,660 ha and has not been designated. It covers about one third of the Ehirovipuka conservancy. In 2007 the MLR recorded 46 resident households in 9 settlements. The target area already carried more livestock than the recommended stocking rate in 2007. Support for the SSCF is divided, and it is clear that each resident household cannot be allocated an individual SSCF. Alternatives could be explored through participatory planning to consider the provision of other investments for the wider community, as alluded to in Chapter 3 and 5 respectively.

Ongandjera:

The area targeted for SSCF in Ongandjera is 137,736 ha and has not been designated. It falls within the Sheya Shushona conservancy. A total of 140 resident families were counted in the area in 2011, principally in the villages of Uutsathima and Olumpelengwa which had 40 and 32 households respectively in 2007. In addition

there are many cattle posts serving an estimated 140 cattle owners, most of whom live elsewhere. According to MLR data, the target area supported 9,147 large stock units in 2007, which corresponded roughly to the carrying capacity of the area at 15ha/LSU. Support for individual SSCF is divided, with some senior traditional leader and the conservancy leadership opposing individual farms. There is perhaps potential for the establishment of farms to be shared by a number of cattle post owners.

Caprivi:

An area of 148,084 ha was designated in 2007 and 81 farming units surveyed and gazetted. An estimated 65 to 70 cattle posts are in the target area which supports about 30,000 cattle. The SSCF area overlaps with 3 conservancies and a community forest. Fifteen surveyed farms have been allocated to a private company, Namibia Agriculture & Renewables. It was said that many households moved onto surveyed land parcels after the designation, but this could not be verified. Approximately 35 surveyed farms could be allocated amongst the 180 applications received for private farms, but measures would be needed to relocate people and cattle that now occupy the 35 farms. The Mafwe, Mayeyi and Mashi traditional authorities have very different opinions on who should benefit from the SSCF project.

Kavango:

A total of 516 SSCFs were surveyed in Kavango, 32 boreholes drilled of which 12 were equipped, and about 300 privately allocated farms were given long-term leaseholds which are in the process of being registered in the Deeds Office. Although most farms were allocated by traditional authorities, many units still do not have water supplies. While it is generally assumed that no local residents will be dispossessed of access to land by the establishment of these farms, several small groups of San and other people have been 'fenced' in without their consent.

Otjozondjupa / Omaheke:

The western and southern areas of the communal areas in these two regions are relatively densely populated by humans and livestock. The central and eastern parts of the communal area are sparsely populated and much of this land has been appropriated into large farms by private individuals. An estimated 20,000 km of fences have been erected around the large farms and perhaps thousands of smaller farms ranging between 20 and 100 ha. Farms surveyed in the 1970s and 1980s exist at Okamatapati (56 farms) and Rietfontein (91), but none have secure, legal tenure and 16 of the farms in the Rietfontein area have no water. Small pockets of land are completely unutilised on account of the absence of water. Providing secure tenure for the privately appropriated farms as well as those established in 1970s and 1980s is a priority.

The summary above conveys the complexity of the current situation in the original SSCF target areas and some important regional differences. In several areas local communities are divided in their support for the SSCF project in its original form. In two communities the proposal was made not to develop small-scale farms for individual use, but instead to fence off larger areas to be shared by people already sharing access to existing water and grazing. People across all target areas agreed that the primary beneficiaries of the SSCF project should be local residents.

The changed situation necessitated the formulation of a number of principles to guide future interventions to be funded by the Basket Fund.

3 Principles guiding the implementation of the programme

3.1 Principle 1: The inclusion of all originally targeted SSCF areas in the project

The 8 identified intervention areas in Map 1 have been associated with the project since 2000, and varying degrees of expectation have been created in all the areas. The MLR has therefore decided to provide support to the 8 areas. Chapter 2 demonstrated that several target areas no longer permit the development of individual SSCF without relocating a substantial number of local households (see Principle 4 below). As support is to be rendered to different socio-economic target groups a mix of potential interventions is presented in Chapter 5 which makes provision for different ownership, management and land use options to suit prevailing social practices and preferences by local residents. In doing so, a balance between the overall objective of the project – a higher level of commercial production on communal land – and the alleviation of poverty by providing support to poorer rural people who do not benefit from individual small-scale farms, can be found. Chapter's 7 and 8 respectively present recommended intervention areas and propose provisional budgetary allocations for each.

3.2 Principle 2: The development of commercial agriculture in communal areas.

In the light of the original goals of the SSCF project and the use of investment funds provided by KfW funds, the majority of Basket Fund support should be allocated to the development of commercial farms. Initially priority should be given to supporting the fundamental conditions required for commercial production, namely supplies of water and secure, long-term tenure. While much of the focus of this support will be on three target areas where the majority of SSCFs have already been established by private initiative, support will also be provided to alternative intervention models such as shared farms.

3.3 Principle 3: Co-financing or co-contribution by beneficiaries is required

There is strong conviction by all stakeholders that the allocation of fully developed individual farms free of charge should not be entertained. The principle of cost sharing is thus regarded as central to the implementation of the project. This will not only distribute the benefits of available resources more widely, but will instil a stronger sense of ownership among beneficiaries. Moreover, this principle is likely to 'weed out' applicants who are not serious about commercial production and thus reduce the risk of land hoarding, i.e. obtaining land for its own sake or to profit by speculatively selling land rights.

It is proposed that co-financing options for the main interventions for water supplies and the securing of long-term tenure be developed. These should be as simple as possible to ensure that obligations are clear and that the administration of these arrangements can be kept to a minimum. For example, beneficiaries of water may be required to pay for the drilling or the fitted pumps, tanks etc., or vice versa. Similarly, the Basket Fund might be used to pay the survey costs of farms, while their occupants could be required to pay the legal fees for the registration of title in the Deeds Office.

3.4 Principle 4: Local residents are primary beneficiaries, and the uprooting and relocation of people is to be avoided

Across all areas targeted for the SSCF project, people expressed the opinion that local people should be the primary beneficiaries of SSCF investments. They were also adamant

that resident households should not be relocated to release land for individual small-scale farms. The latter course of action would increase financial costs to the SSCF project as a result of compensation payments, and would also incur socio-political costs. In the event that relocation is unavoidable, participatory compensation procedures should be followed with compensation paid in terms of Cabinet guidelines.

3.5 Principle 5: Integrated approach

Chapter 4 provides the details on the integration of land right registration, land use planning and infrastructure development, which outlines implementation of approaches to ensure technically and socially sound investments. Reference is further made to other 'Principles' in this chapter - and throughout the report - to ensure transparency in decision-making and local ownership of project outputs.

3.6 Principle 6: Local approaches to securing land rights

In selecting large farms to be registered with secure, long-term tenure, the project will ensure that areas covered by each farm are agreed by local residents. This will be achieved using a 'focal area' approach which entails the mapping and registration of all properties within one area, and the subsequent public display of maps showing the boundaries of all properties. Once local residents agree that the boundaries are acceptable and that no commonage resources have been unduly appropriated, the project will support the registration of the large farms that have commercial potential. During this process, agreement will also be obtained from relevant traditional and other authorities on the maximum sizes of farms in each area.

3.7 Principle 7: Regularising existing enclosures and providing tenure security

Considerable unease on how to deal with the private appropriation of large farms in communal areas has prevailed since promulgation of the Communal Land Reform Act in 2002.¹ Most of the farms – often called illegal fences – are in Oshikoto, Kavango and the communal area in Otjozondjupa and Omaheke. Given the responsibility of the MLR to deal with this situation, it was agreed during preparation of the RM to regularise the enclosures in terms of the CLRA. As reflected by Principle 6, the process should respect local norms and customs to reduce possible tensions and avoid the possibility of new areas being added to existing farms during surveying.

By regularising these farms, all beneficiaries of the SSCF project should have secure, long term tenure over their land. This will encourage investments on the land and provide future options to secure investment loans using the lease rights as collateral.

3.8 Principle 8: Post-settlement support

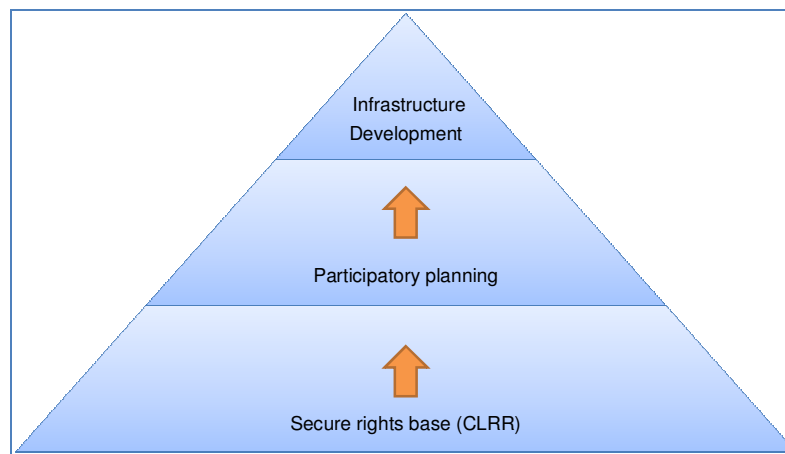
It is acknowledged that water supplies and long-term land rights are necessary conditions for successful farming, but they are not sufficient. Hence, continued technical and marketing support to SSCF beneficiaries after settlement is crucial to ensure that they become successful commercial farmers. The MLR should encourage the Ministry of Agriculture, Water and Forestry (MAWF) to provide this support as a priority.

¹ An exception is Kavango where the MLR decided to survey and ratify hundreds of farms that had been privately acquired with the approval of traditional authorities. Farms acquired in similar fashion elsewhere have not enjoyed the same recognition.

4 Implementation approach and key result areas

Implementation of the project requires providing support to and integrating three components: land rights registration, participatory integrated land use planning and infrastructure investments. These components follow each other sequentially as illustrated in Figure 1 below.

Figure 1: Implementation approach



4.1 Result 1: Land rights in intervention areas are formally registered and secured in the Namibia Communal Land Administration System (NCLAS)

Support for the registration of both customary land rights and leaseholds in communal areas is an important step in providing the tenure security enshrined in the National Land Policy. In the project context, it creates agreement on existing land use rights within target areas. This will be important to engage communities in a process to discuss and agree to local land uses. In addition, the result area provides the basis for an improved land inventory and hence improved administration. Secure and transparent tenure is also a necessary condition for increased private investments in the land, and – in the longer run – for providing farmers with the option to use their land as collateral to secure loans. Secure property rights will generate and sustain a genuine interest and motivation to participate in the envisaged participatory planning processes (Result 2) and will allow local people to do so with much more authority.

4.2 Result 2: Participatory planning guides local infrastructure investments and land uses at intervention sites, and are aligned to integrated regional land use plans (IRLUPs)

Result 2 will manifest itself on 2 levels: regional and sub-regional, or local level planning at intervention sites.

On the regional level the development of Integrated Regional Land Use Plans will provide information and a platform to identify development initiatives, trends and possibilities in different sectors. IRLUPs will serve as the basis for future planning in regions. However, they take considerable time to develop, while the project is under time pressure to implement. In addition, in the absence of a policy and legislative framework IRLUPs cannot be enforced.

For this reason local level participatory planning will be carried out in certain SSSF target areas.

Local level planning will build on Result 1 – the securing of land rights. It will involve community members, traditional authorities and communal land boards to address and resolve land use conflicts resulting from overlapping land uses as well as competing interests. This will result in the broad zonation of target areas and facilitate agreement on investments by the Basket Fund. Based on this, local level planning will facilitate the development of rules for accessing and managing existing shared resources as well as new infrastructure developed with the support of the Basket Fund.

Free and informed prior consent (FIPC) is central to successful participatory planning and subsequent resource and infrastructure governance. FIPC refers to *informed consent* by all affected parties to land use proposals, infrastructure developments and other decisions made, which directly and indirectly affect local residents in intervention sites. This consent should be based on *sufficient information – readily accessible - prior* to any final decisions being made on access rights, obligations or related matters.

Alignment and compatibility of local level plans with IRLUP guidelines of the MLR will be strived for. The investment in IRLUPs and local level planning will assist a range of public institutions to improve their planning base.

4.3 Result 3: Infrastructure investments contribute to commercial agriculture and other possible production methods

To operate optimally, livestock farming enterprises in semi-arid environments require a few necessities: access to reliable water, fodder and husbandry infrastructure. In view of this, the Basket Fund is likely to provide support for boreholes and associated infrastructure (tanks, troughs, pipes) as a priority; and perhaps for fences where justified and needed for improved rangeland management practices; access roads to very remote areas and marketing and husbandry infrastructure where considered of strategic importance by local residents. Intervention modalities for infrastructure include different ownership, management and land use options to suit prevailing social practices and preferences by local residents. These will be developed by following the methodology outlined in Result 2.

The provision of publicly funded infrastructure will be premised on transparent beneficiary selection criteria and procedures and agreed cost sharing principles. It is equally important to ensure that investments funded by the Basket Fund produce the expected benefits and are managed sustainably. The rules governing access to, and obligations associated with, infrastructure for public use will be based, as much as possible, on existing management systems which have been successfully implemented in rural areas across Namibia (such as water point committees and their associated structures and regulations).

4.4 Result 4: The MLR has strengthened the management capacity to implement the project, resulting in institutional strengthening at the central and regional levels

The design, coordination and continued responsiveness to a participatory process requires time and dedication, and also a good understanding of the complexities of the process at hand. Equally, the administrative and management capacity for such an endeavour, including sub-contracted components, needs to be assured. As the MLR has started the roll-out of its decentralisation process in April 2012, the Ministry's capacity both at the central and regional level will need to be strengthened and capacities developed during the project's lifespan.

5 Intervention areas / models

5.1 Infrastructure development

5.1.1 Rationale

The establishment of small-scale commercial farms on un- or underutilised land has been a key objective of the wider land reform programme in communal areas. For this programme to be successful, infrastructure needs to be developed to enable people to make use of the land. It is recommended that the Basket Fund focus on the provision of water to SSCFs as a fundamental commodity that is needed before any commercial livestock production can be developed. Other infrastructure for SSCFs can be considered if deemed to be of strategic importance to achieve the aspirations local resident's and programme objectives.

5.1.2 Actions

It is recommended that water be supplied to the many farms in Kavango and 16 farms in the Rietfontein Block in Omaheke. Two options of support present themselves:

- Basket Fund to carry the full costs of siting, drilling and equipping boreholes. The costs of this option are estimated to be about N\$ 670,000 per water point.
- A second, more economical option would be for the Basket Fund to contribute only 50% of the development costs of a fully equipped borehole, the other 50% being a contribution from the farmer.

Other cost-sharing equations with different percentage contributions might be considered, depending on the specific circumstances. Section 4.4 in Appendix 1 provides more detailed options.

The erection of perimeter or internal fences should be regarded as a suitable cost-sharing responsibility of individual farmers and can be made a condition of lease agreements. The provision of water will have the greatest impact in enabling the maximum number of people to begin farming commercially.

Various options present themselves if support for fencing is to be pursued. The first is to provide support to individual farmers to erect boundary and internal fences. This is an expensive option. Secondly, funds could be provided only for boundary fences, individual farmers then being required to erect internal fences, possibly as a cost-sharing measure. Thirdly, perimeter fences could be provided for blocks of farms, thus leaving it to individual farmers to erect their own boundary and internal fences. This cheapest option will provide participating farmers with some form of control over their livestock and grazing. However, it is dependent on neighbouring farmers agreeing to share their pooled farm land until such time as they themselves have fenced off their individual farms.

5.1.3 Outcomes

Several hundred farms should be equipped with water, thus providing a substantial number of farm owners with a requisite asset to begin farming commercially.

Individual small-scale farming units will be developed primarily in Kavango Region, and in Caprivi Region where the prevailing situation allows. In addition, all regularised farming units conform to this model. Selection criteria will not be required in Kavango and areas where existing enclosures are regularised, as land parcels have been allocated and are being utilised by individual farmers already. In Caprivi, the allocation of available farming units will have to be done according to approved selection criteria. This will also apply to farms that may be developed in parts of Omaheke and Otjozondjupa that are currently unoccupied.

Compensation issues will have to be addressed in Kavango Region, where small groups of people appear to have been ‘fenced in’ without their consent. The extent of this is not clear established. A survey currently being carried out by the LAC may provide the necessary information. Compensation needs to be negotiated following the procedures recommended in the RM.

Criteria and procedures to select specific individuals for Basket Fund support are required as not all farmers can be helped at the same time. This should be done in close consultation with Traditional Authorities, using the generic criteria presented in chapter 5.6 of Appendix 1.

5.2 Secure land tenure – Individual farms

5.2.1 Rationale

The overriding objective of the SSCF project is to increase the commercial utilisation of land in communal areas on farming units. Fundamental for the achievement of these objectives is that beneficiaries have secure registered land rights. The duration of rights needs to be long enough to provide incentives to invest in their farms, thus providing prospects to reap the benefits of labour and capital invested. Additionally, the greater the number of rights associated with a parcel of land, the higher its economic value. Such rights include rights of use and transfer.

The regularisation of existing, privately acquired enclosures will bring a very substantial number of farms within the SSCF fold where support can be offered for their development as commercial units. Once regularised, farmers on such farms should be availed the same tenure rights as farmers on SSCF farms in designated areas.

To ensure the integrity of leaseholds, a leasehold management system needs to be developed to provide a billing and collection system for rentals. The system should also be used to review rentals based on regular valuations of the farms.

Proposals to regularise rights over farms that have often been regarded as illegal will be met with criticism. However, precedents to regularise such farms have been set for the several hundred farms in Kavango that have been surveyed and given long-term leaseholds. Criticism should be placated by the public provision of a declaration that all farms acquired by private appropriation after a set date without MLR approval will be declared illegal. The MLR would therefore pardon and recognise existing farms in return for a commitment that no more farms be acquired illegally.

5.2.2 Actions

Ambiguity prevails in some sections of the Communal Land Reform Act, 2002 (CLRA) with regard to lease agreements, rentals and specific rights conferred to lessees. For example, no lease agreement for agricultural purposes inside designated areas is provided in the Regulations, and leases for shared farms are not covered in the CLRA. As a solution, the Basket Fund should engage an appropriately experienced lawyer to review provisions and make recommendations on lease agreements. These recommendations should spell out specific obligations of lessees, and satisfy the requirements of the Deeds Registries Act of 1937 and needs for commercial development.

Rights of lessees to offer their leaseholds as security for loans may not receive support at this stage for fear that land rights may be lost in cases of default. These concerns need to be addressed if commercial agriculture is to be developed and to fulfil intentions of the National Land Policy of 1998 to provide people with long term leases ‘which are secure, registrable, transferable, inheritable, renewable and mortgageable’ and that ‘persons, families, groups and communities with forms of land rights other than customary land rights are entitled to use these rights as collateral when applying for credit from lending institutions’. The MLR should be supported to facilitate debate on this issue.

In view of the fact that leaseholds will continue to require the consent of the landlord before land leased from the state can be transacted or changed to other land uses, the Basket Fund will support an investigation on how the procedures for these requirements can be changed to promote commercial production.

Before starting the process of regularising enclosures, maximum land sizes for specific areas must be established. This needs to be done in consultation with TAs, some of whom have laid down criteria in this regard already. Taking those as points of departure will reduce the risks of implementing land ceilings that are not supported locally.

The regularisation of existing farms should follow provisions of the CLRA to provide affected communities with the opportunity to express themselves on the legitimacy of enclosures. Section 35 of the CLRA provides options for farmers to apply for the recognition of existing fences, while Section 37 provides for a Land Board to set up an investigating committee if a claimed right is contested. It also sets out procedures for investigations into the legitimacy of fences or any other claimed rights. In instances where enclosed farms exceed the agreed land ceiling, or where a farmer has more than one farm, they should be encouraged to reduce sizes and/or numbers of holdings through a process of negotiation.

It is not clear whether the CLRA requires the MLR to designate regularised farms before granting rights of leasehold for agricultural purposes. The reason for making this statement is that Section 30 of CLRA states that rights of leasehold for agricultural purposes may only be granted in designated areas, while also giving the Minister power to grant leasehold rights outside a designated area. This provision might be applied to regularised farms. The legal expert referred to at the beginning of this section should advise the MLR on the correct course of action in this regard.

The Directorate of Valuation and Estate Management may be assisted in obtaining the services of a technical expert to advise on the requirements of a leasehold management system and to investigate different options for such a system.

Enclosures that have been regularised must be surveyed and mapped, and it is recommended that the Basket Fund carry the costs of surveying. The Basket Fund should also support processes within the MLR to approve and issue leasehold certificates, and to have these registered in the Deeds Office.

5.2.3 Outcomes

Beneficiaries of the SSCF project – whether as individual farmers or farmers on shared farms or as farmers on regularised farms – will have rights that are registered in the Deeds Office and which provide them with sufficient incentives and security to make long-term investments on their land. Regularising land rights to enclosures in the Owambo Mangetti, Kavango and Omaheke/Otjozondjupa regions will bring an estimated 1,000 so-called illegally fenced farms into the mainstream economy as commercial agriculture production units.

5.3 Shared farms

5.3.1 Rationale

Over the past 30 to 40 years many of the farms that were originally allocated to individuals in the Okamatapati, Rietfontein, Owambo and Kavango Mangetti areas, and various 'Odendaal' farm blocks have come to be shared by more than one farmer. Shared farming is thus a long established practice in certain areas where farmers have chosen to collaborate. It is recommended that Basket Fund support for the development of more shared farms be considered, in particular in areas where individual cattle posts are shared by several cattle owners. Shared farms might develop in one of two ways:

Model 1

Individual farms are not recommended in Ongandjera, Otjetjekua, Ohangwena and Caprivi where land targeted for the development of individual SSCF units is now fully or largely occupied by residents and livestock. However, farmers have requested the SSCF project to provide support to fence off land areas used by groups of people and invest in infrastructure that would support improved farming practices. Such requests were received from owners of cattle posts who have shared water and pastures around cattle posts for long periods of time, but also from larger groups of small-scale farmers, who would share a fenced farming unit. Infrastructure support to shared farms would enhance commercial livestock production by measures that would protect their livestock and make their tenure more secure. Under this model, it may be desirable for members of shared farms to own undivided shares in the land.

Model 2

A second model may be used where individual farming units have already been registered as leaseholds, in particular in Kavango. Support could begin by erecting boundary fences around blocks of four or more farm units for which individuals have secure rights. A central water point may be provided for the use of the four or more farmers.

This model reduces the costs of providing fencing and water infrastructure. It also provides farmers with wider options to rotate grazing and thus to manage pasture more effectively, and also to pursue alternative land uses which require larger areas, such as wildlife and tourism. In due course, farmers involved in Model 2 may also elect to exchange their individual land holdings for shares in a joint holding.

5.3.2 Actions

Tenure

Implementation of Model 1 will require that boundaries between commonages used by local residents and cattle post owners be clarified and negotiated. This will be done by mapping of existing rights during participatory planning processes (see Section 5.5).

The Basket Fund will support various measures to obtain secure tenure rights over shared farms. Legal opinion will be obtained on the *pros and cons* of different legal entities which include companies, Close Corporations, Communal Property Associations and trusts will be investigated and appropriate recommendations made for Model 1 and 2. The boundaries of agreed farm areas to be shared by cattle post owners will be surveyed, and assistance may be provided to register the land rights as leaseholds in the Deeds Office.

Fencing

Once shared rights for these farmers have been registered, the Basket Fund may support the provision of fencing and other infrastructure. With regard to fencing, options for cost-sharing include the possibility of the Basket Fund funding wire and steel poles and farmers supplying labour and wooden droppers.

Governance

Support will be provided to members of shared farms to develop structures to manage resources and physical infrastructure on the farms. This will require agreement on the rights and obligations of individual participants.

5.3.3 Outcomes

Shared farm Model 1 will provide cattle farmers with secure rights and improved control over their rangeland and livestock, both being conditions for increased commercial productivity. While Model 2 may compromise levels of individual control over pastures, water and animal husbandry, this will be a temporary drawback lasting for as long as it takes individual farmers to fence their own units and drill their own water. The latter investments will be regarded as

the contribution of individual farmers towards the development of their farms. Model 2 also introduces options for improved rangeland management and the commercial use of other natural resources.

As part of the participatory planning process (see Section 5.5) that leads to the establishment of agreed boundaries of Model 1 farms around cattle posts, the security of grazing and commonage rights of local residents should be enhanced. There should be then less reason for grazing areas to be contested, and local village residents will be in a more secure, informed position to plan stocking rates and land uses.

No selection procedures will be required for the selection of beneficiaries of this Model 1, as affected people are residents of those areas already. Similarly, compensation issues are avoided, as this model does not require the relocation of households. However, given that the Basket Fund lacks sufficient funds to support all interested groups from receiving infrastructure support, criteria and procedures are required to select specific groups for Basket Fund support. The selection of such groups should be done during the local level planning stage, as this will provide a platform for affected communities to discuss, for example, how much land they are prepared to see fenced for individual use and how much land should be retained for communal grazing. Senior Traditional Councillors will have to be involved in this process, particularly where cattle posts are concerned, as they do not fall under the jurisdiction of village headmen.

5.4 Integrated regional land use planning

5.4.1 Rationale

Integrated Regional Land Use Plans (IRLUP) set a framework for regional development. They represent an integration of sectoral development plans and are based on the involvement of civil society by employing participatory tools. The information obtained from existing sectoral plans helps to identify development initiatives, trends and possibilities, including land that can be used more productively and sustainably. Overlapping and conflicting land uses can potentially be resolved by IRLUPs, and land use zoning may be broadly agreed by all stakeholders.

To be effective, IRLUPs require a policy and legal framework to ensure implementation of their recommendations. Until such a framework is promulgated, the MLR should urge all line ministries and sectors to use IRLUPs approved by Cabinet as guidelines for development.

5.4.2 Actions

GIZ is providing technical aid to the MLR in the development of IRLUPs and the required policy and legal framework. It is recommended that the Basket Fund should also help the creation of this framework before supporting the development of an IRLUP in Kavango and perhaps two other regions. Later areas of Basket Fund support will be identified in consultation with MLR and GIZ, including the potential recruitment of additional staff to the Division of Land Use Planning and Allocation (LUPA).

5.4.3 Outcomes

The Basket Fund support to MLR should ensure that legal procedures for the implementation of land use plans are promulgated, and it will also allow for the subsequent completion of more IRLUPs.

5.5 Participatory planning

5.5.1 Rationale

While IRLUPs are developed for a whole region, participatory sub-regional planning for Basket Fund interventions is needed in target areas where there is no potential for SSCF, for example where proposed SSCF areas overlap other land uses such as local residences, crop fields and conservancies. Such planning will be used to obtain agreement what other interventions the Basket Fund should support in these target areas.

Local planning can also be used to identify and solve conflicts over land uses, as will be required in several target areas which are characterised by overlapping uses and conflicting expectations.

5.5.2 Actions

Participatory planning should only begin in a target area once firm principle decisions have been made by the MLR to commit financial support to that area (See chapter 8). This is needed to avoid raising expectations which may not be met. Many communities have become cynical, indeed angry, about promises that are not fulfilled. It is thus recommended that the MLR makes clear commitments on the amount of funding that can be provided to an area before local consultations start.

An additional prior step is for the MLR to register and map all customary land rights in the target areas as well as village borders, boundaries of cattle post grazing areas and traditional authorities, in so far as these can be determined (see Section 5.6).

Once these land rights have been confirmed, local communities should be encouraged to discuss existing land uses in order to agree on broad land use zonation. This will help obtain agreement on whether or not land is available for individual or shared farms, or whether alternative project interventions should be pursued, such as access roads, water points for public use, and infrastructure for marketing etc. The discussions should also serve to reach agreement on governance structures to improve the management of infrastructure provided by the Basket Fund. For instance, rules need to be developed governing access to and rights over infrastructure such as new water points.

At a sub-regional level, the point of entry for planning will be the Senior Traditional and Regional Councillors within whose area of jurisdiction the target area falls. The Basket Fund should support the recruitment of facilitators with extensive local knowledge as well as experience in participatory planning or research to facilitate the process.

5.5.3 Outcomes

Plans for Basket Fund investments will be based on identified land rights, commonages, areas of jurisdiction of village residents and traditional leaders, and intended land use zones. The plans will reflect an overview of longer-term community ambitions as well as proposals for Basket Fund interventions that have been agreed by local residents.

Rules on governance and management of local level resources and new infrastructure will be introduced to ensure that investments produce the intended benefits and are managed transparently.

Potential investments using Basket Funds include access roads, water supplies, and marketing infrastructure. In addition, the planning process may lead to support for the establishment of shared farms around existing cattle posts (see Section 5.3).

5.6 Communal Land Rights Registration

5.6.1 Rationale

The Communal Land Reform Act of 2002 requires properties in communal areas to be registered as customary or leasehold rights. The MLR has made considerable progress in registering tens of thousands of small parcels used for residential and cropping purposes. However, registration has been limited to the small parcels that enclose domestic dwellings and their immediate surrounds in areas where most land is used cattle farming. As a result, no tenure has been secured over the grazing areas which are central to livelihoods, irrespective of whether the grazing areas are privately owned or not.

To remedy this problem, the MCA Communal Land Support (CLS) project has developed a focal area approach where all the properties in and around a particular village of defined area are mapped and then depicted on large sheets of paper. This provides property owners with the opportunity to view all the parcels simultaneously and to make recommendations for changes before the parcel applications are submitted for further processing and registration. The large maps also provide the opportunity for local planning. For example, the map sheets make it easy for residents to identify zones where new land allocations can be made and where commonage should be protected for communal use in the future.

For purposes of regularizing and giving long-term tenure to large SSCF farms (section 5.2), it is recommended that the focal approach is used to ensure that the boundaries of SSCF farms and those of small, neighbouring parcels are agreed.

5.6.2 Actions

The MCA-funded CLS project is using the focal area approach in sparsely populated areas of Oshikoto and Omusati where there are also significant numbers of existing SSCFs. To complement this work, it is recommended that the Basket Fund concentrates its mapping and registration support to those areas of Otjozondjupa / Omaheke regions where villages and SSCFs are in close proximity. All other targeted intervention areas where the mapping of customary land rights has not taken place will require the same process.

In view of the Basket Fund's primary focus on sparsely populated areas where SSCFs have or are being proposed, it is recommended that some funds also be used to acquire high resolution images of certain areas. These should be in places where existing SSCFs lie close to villages of local residents whose land rights need to be protected.

5.6.3 Outcomes

Overall the CLRR process establishes the inventory of persons legitimately residing in an area, and identifies possible conflicts in tenure or management regimes. As such, this process establishes the foundation for empowered participation in local level planning exercises.

As such, the boundaries of SSCF farms for which long-term, secure tenure will be obtained will be ratified through consultation with local residents before they are surveyed. Since the boundaries of the large farms will be mapped at the same time as all other parcels, the mapping data can then also be used to support the application for registration of the smaller parcels. The mapped information may be further used for local planning and the development of mechanisms to secure local land rights over commonage.

6 Communication strategy

The introduction of the SSCF project in communal areas has been hampered by inadequate communication. Several sources revealed that individuals and communities in SSCF target areas were ill-informed about the objectives and impacts of the project. It is therefore recommended that an information dissemination campaign be launched to address key questions and issues. These should concern the SSCF project and related provisions of the CLRA. Questions to be answered include the following:

- what will the SSCF project establish?
- who will benefit from SSCFs?
- will people living in the area be displaced and others brought in from outside, or are farms meant for local residents?
- if the farms are to be allocated to individuals, what is going to happen to poor farmers, and where will they graze their livestock?
- how will access to existing communal resources, such as grazing, water, salt pans, wildlife and tourism, be affected by SSCF?
- what will happen to existing cattle posts?
- what will happen to privately owned wells?
- will SSCF replace the existing private farms?
- will leasehold be allocated to individuals only?
- what is the length of a right of leasehold? and
- what rights do leaseholds confer?

Apart from a need to provide information to potential beneficiaries and affected communities, institutions such as banks should be informed about rights that can be registered under the Communal Land Reform Act of 2002. Conversely, banks would do well to inform SSCF beneficiaries about their products. Basket Fund support should be used to engage a practitioner to build communication between potential sources of credit and beneficiaries.

A specialised input should be sourced via the Basket fund to strengthen existing MLR measures across the three technical legs for a comprehensive, coherent and targeted communication strategy and campaign. Continuity in terms of communication messages may be achieved by institutionalising a knowledge management system.

7 Recommended interventions in each area

The Road Map has identified a number of interventions for each target area. These are presented below in no particular order of priority. Prioritising interventions, both in terms of regional spread and specific intervention models, will be determined by the kind of impact the MLR would like to have with the SSCF project in specific regions. Chapter 8.3 provides a brief discussion of 4 main impact areas. The MLR will have to take a decision on the weighting of each of these impact areas. Chapter 8.3.1 presents a useful tool to assist the decision making process in this regard.

Ohangwena

1. The development of SSCFs in the area would require large scale relocations of households with high financial and socio-political costs and hence no longer appears feasible. Alternative intervention options have been identified as follows:
2. The 15 boreholes drilled with Basket Fund support should be fitted with pumps and tanks so that water from these holes is made available to local residents.
3. All properties should be mapped and residents encouraged to apply for land rights. This should be done before making any announcement that pumps and tanks will be added to the 15 boreholes so as to prevent any 'land grab' by people attempting to fence off the water points for themselves.

West Tsumkwe

1. The social and political costs of developing small-scale commercial farms in Tsumkwe West are likely to be very high, particularly since it will be perceived as marginalising the resident San population even further. Implementation of the original SSCF model thus no longer appears feasible and other interventions should be considered which could lead to commercial development in the area.
2. The identification of these interventions should be done during consultative meetings with local residents, but only when there is firm commitment to implement the interventions.
3. Support should be provided to map all land uses, customary land rights, services and infrastructure and natural resources. The availability and use of maps showing these features will be vital for discussions with local residents on the possibility of other kinds of interventions being funded by KfW.

Otjozondjupa and Omaheke

1. Large farms, including those fenced by private individuals and those surveyed and established previously in the Okamatapati and Rietfontein areas, should be regularised and registered as SSCFs.
2. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas.
3. People with excessively large farms should be required to reduce their sizes to approved limits. Those who refuse to decrease their landholdings should not benefit from the regularization process.
4. Basket Funds should be used to commission a water supply and management plan to provide water, especially in areas where no water is currently available.
5. If water can be supplied to areas that have not been appropriated, the MLR should proceed with investigations to potentially establish SSCFs in these areas.
6. Geo-hydrologists should be appointed to site potential boreholes in the 16 Rietfontein farms, and the boreholes should then be drilled and fitted with pumps.

Caprivi

1. Development of SSCFs in the current target area should continue on the estimated 35 farms that were not occupied in early 2012.
2. In addition, the MLR should investigate the advisability and possibility of developing all or part of the present 'State Forest' area into SSCFs.
3. The Basket Fund should provide support for the rehabilitation and/or development of boreholes drilled by government in the target area.

Ongandjera

1. The proposed development of individual SSCFs in Ongandjera would require the relocation of large numbers of livestock currently utilising grazing around cattle posts. Moreover, the area targeted for SSCF development overlaps with a conservancy and support for individual SSCF development is divided. Implementation of the original SSCF model thus no longer appears feasible.
2. Other interventions should be considered which could lead to commercial development in the area, including possible shared farms around existing cattle posts.
2. The identification of these interventions should be done during consultative meetings with local residents, but only when there is firm commitment to implement the interventions.

Otjetjekua

1. The proposed development of individual SSCFs in Otjetjekua would require the relocation of many households and their livestock as the area targeted for SSCF development is not large enough to provide all current residents with a SSCF. Relocation would not only incur high financial costs in terms of compensation, but also have severe socio-political impacts. Implementation of the original SSCF model thus no longer appears feasible.
2. Once firm decisions have been made to commit Basket Funds to the area, a consultative meeting of local residents and leaders should be held to decide on investments to improve commercial production in the area.

Kavango

1. As many farms as possible should be supplied with water.
2. The development of shared farm units (farm clusters) should be further investigated. Appropriate support, perhaps in the form of fencing and provision of water, should be considered for shared farms that appear viable.

Owambo Mangetti

1. Large farms should be regularised and registered with secure, long-term tenure and become part of the SSCF programme.
2. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas.
3. People with excessively large farms should be required to reduce their sizes to approved limits. Those who refuse to decrease their landholdings should not benefit from the regularization process.

8 Costs, cost considerations and indicative roll-out

Any *a priori* project costing and roll-out for the Land Reform and Infrastructure Development in Communal Areas (LRIDCA) programme has to be, in light of the adopted Principle 3 (see chapter 3.3) and its emphasis on participatory planning at the local level, flexible and – at this stage – merely indicative. However, in order to comply with the principle of FIPC (as discussed in Section 4.2) and to have meaningful local level participatory planning outputs, potential beneficiaries will need to know the level of funding available to their area.

The MLR should thus make a decision on indicative budget ceilings for each intervention area, and these should be included in the road map.

This chapter provides a brief conceptual discussion on the need, and the options, to reduce infrastructure investment costs. It presents the variables which may be considered in deriving a decision to allow the pursuit of an equitable allocation – across some core variables – of project resources. The AM has prepared a modelling tool which may assist in the decision-making process; a static output of the model is presented for illustration purposes in Section 8.3.1 below.

8.1 Single farms – the TIPEEG pilot models

In 2011 the MLR used TIPEEG funds to pilot the development of fully equipped single-owner model farming units. The fencing costs alone came to about NAD 2.5 million per farm. Considering that the development of water infrastructure further increases these costs², MLR has made it clear that more cost-effective models need to be pursued in order to reach more beneficiaries.

8.2 Economies of scale³

Beneficiaries themselves, as reported in earlier sections, have indicated that various forms of shared farms, or cluster farms, would be acceptable alternatives to individual farms. Shared farms would allow them to farm more productively, without having to uproot and relocate existing residents. Developing adjacent plots of land not only result in a more orderly implementation modality for the Basket Fund, but more importantly shared/ cluster farms hold significant economies of scale.

Three models of 2,500 ha farms are compared:

- a) A **single** non-adjacent farm providing perimeter fences and developing 4 equally big camps (this is similar to the TIPEEG pilot referred to above)
- b) Adjacent **cluster** farms (in geometric blocks) providing perimeter fences and each developed with 4 equally big camps
- c) Adjacent **shared** farms (in geometric blocks) providing perimeter fences without providing the internal fences for each farm (this is similar to Model 2 referred to in Section 5.3.1)

² The exact figure is not known at present.

³ Please note that this section is intended to illustrate the effect of economies of scale. The details of the implementation models finally adopted in the project may differ.

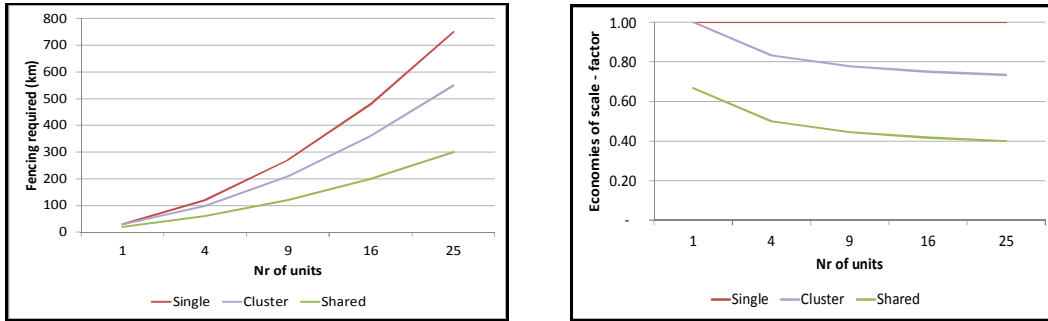


Figure 2: Comparison of fencing requirements between single, cluster and shared model farms, and resulting economies of scale

The following can be observed from Figure 2 above: it requires 480km of fencing to develop 16 **single** farms (as described in a) above) whilst a mere 200km of fencing would suffice to individually fence of 16 **shared** farms. This would present a potential saving in infrastructure investment of 58%. Sections 8.2.1 and 8.2.2 below provide further details.

8.2.1 Cluster farm model

Single				Cluster				Factor
Nr of farms	Perimeter	Internal	Total	Nr of farms	Perimeter	Internal	Total	
1	20	10	30	1	20	10	30	1.00
4	80	40	120	4	60	40	100	0.83
9	180	90	270	9	120	90	210	0.78
16	320	160	480	16	200	160	360	0.75
25	500	250	750	25	300	250	550	0.73

Increasing economies of scale – savings in this case – can be observed as the size of cluster farms increases, as some perimeter fences are shared amongst farms (refer to the Factor column which compares the investment levels between Single and Cluster farms). In the current model the subdivision *inside a single farming unit* into quarters keeps internal fencing costs as a constant and reduces the savings effect, as can be seen from the Factor column which, compared to the column in Section 8.2.2 below, only yields slowly declining investment levels.

8.2.2 Shared farm model

Single				Shared				Factor
Nr of farms	Perimeter	Internal	Total	Nr of farms	Perimeter	Internal	Total	
1	20	10	30	1	20	0	20	0.67
4	80	40	120	4	60	0	60	0.50
9	180	90	270	9	120	0	120	0.44
16	320	160	480	16	200	0	200	0.42
25	500	250	750	25	300	0	300	0.40

Increasing economies of scale – savings/declining investment levels required in this case – can be observed as the size of the block of shared farms increases (refer to the Factor column which compares the investment levels between Single and Shared farms), as some

perimeters are shared amongst farms. In the current model no subdivision *inside a single farming unit* takes place, leading to a much-improved savings effect (reference again made to the Factor column).

Similarly, the effect of economies of scale will be observed in the provision of water infrastructure, whether for single owners or across multiple beneficiaries. This is not modelled here.

8.3 Equity considerations and roll-out budget

The MLR is encouraged to make in-principle allocations to the 8 target intervention areas. These indicative amounts – to be revised as the project progresses, and lessons and recommendations from the field work allow for improved decision making – will be important for stakeholders in the respective areas to make informed and realistic allocations from amongst their priority needs, as discussed in the introduction to this Chapter.

The MLR decision to support all 8 intervention areas, from an equity position, may consider achieving a relative

- **regional balance** in terms of funds allocated
- optimisation in terms of **hectares developed**
- optimisation in terms of **beneficiary numbers**
- **mix in terms of type of intervention models** supported

8.3.1 Allocation tool

A simple tool has been developed which considers a range of recommended intervention models, the possibility of each per region (indicative), and its effect on the above-mentioned indicators. The spread sheet presents an opportunity to observe the virtual effect of allocations across intervention models, and yields as scenario summary as follows:

Regional analysis						
	Regularised SSCF	New SSCF	Shared farms	Nr of Beneficiaries	ha of land developed	Investment level
Kavango	58	29	-	86	358,123	27,509,250
Caprivi	-	-	35	139	76,253	17,325,000
Otjozondjupa/ Omaheke	96	17	-	113	714,074	18,348,750
Ohangwena	-	-	23	92	50,835	11,550,000
Ongandjera	-	-	39	154	84,726	19,250,000
Otjetjekua	-	-	19	77	42,363	9,625,000
Oshikoto Mangetti	96	9	-	105	118,439	11,130,000
Tsumkwe West	-	-	-	-	-	-
Total	250	55	116	767	1,444,812	114,738,000

Figure 3: Example output of the simple investment level tool

The effects of the modelled decisions can be visually presented as follows:

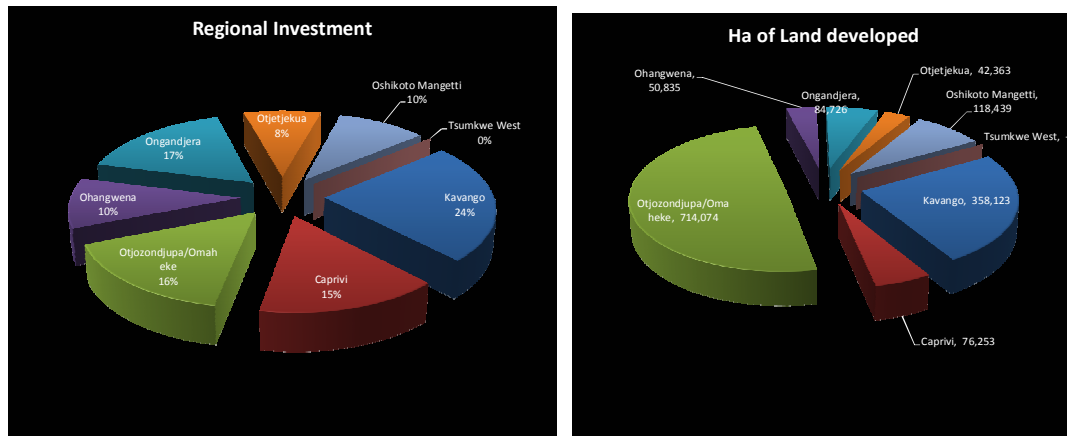


Figure 4: Example visual outputs of modeling tool

The AM would be pleased to facilitate a session with MLR decision-makers to demonstrate this tool, and to agree on the first indicative allocation across regions for inclusion in the final MLR RM document.

9 Summary of target areas and intervention models

9.1 Caprivi

Constituencies	Sibbinda; Linyanti
TAs	Mashi, Mafwe; Mayuni
Total area (ha)	148,084
Designated	Yes (GG No. 3878, 16.7.2007)
Surveyed	81 farms
SSCF acceptance by stakeholders	Acceptance divided: wealthy non-residents in support and some TAs; residents and members of conservancies / community forests opposed.
Current population	About 60 households, and hundreds of households on the outskirts who graze inside SSCF area
Current Livestock	30,000 – 35,000 cattle
Current land uses	Cattle grazing, hunting and gathering, wildlife and tourism. Planned irrigation farm of 15,000 ha
Infrastructure	65-70 cattle posts, 32 boreholes drilled by government and private owners.
Constraints	Whole area either occupied by cattle farmers and/or allocated to irrigation, conservancies and community forests, disagreements among 3 TAs with regard to jurisdiction and potential beneficiaries.
Planning and potential investments	<ol style="list-style-type: none"> 1. MLR to investigate the possibility of developing all or part of the present 'State Forest' area into SSCFs. 2. The Basket Fund to support for the rehabilitation and/or development of boreholes drilled by government in the target area.

9.2 Ongandjera, Omusati

Constituency	Okahao
TAs	Ongandjera
Total area (ha)	137,736
Designated	No
Surveyed	No
SSCF acceptance by stakeholders	Divided: some TA councillors and non-resident cattle owners in favour, local residents and conservancy leaders are not.
Current population	140 households (2011)
Current Livestock	9,200 LSU (2007)
Current land uses	Designated area lies within Sheya Shushona conservancy; 28 cattle posts belonging to 140 owners (2007), local residents have crops and livestock and use veld products.
Infrastructure	20 boreholes and 28 cattle posts. Water quality poor. Major villages of Uutsathima and Olumpelengwa.
Constraints	The development of individual small-scale farms is not feasible in view of the fact that the targeted area is fully utilised. The option to develop shared farms around cattle posts for example should be supported instead
Planning and potential investments	Local level participatory planning is needed to reach agreement on development interventions. Once firm decisions have been made to commit Basket Funds to the area, a consultative meeting of local residents and leaders should be held to decide on investments to improve commercial production in the area.

9.3 Otjetjekua, Omusati

Constituency	Okahao
TAs	Vita Royal House
Total area (ha)	47,660
Designated	No
Surveyed	No
SSCF acceptance by stakeholders	Acceptance divided: wealthy farmers in support of project; no agreement on how SSCF can co-exist with conservancy
Current population	46 resident households recorded in 2007
Current Livestock	3,945 LSU recorded in 2007
Current land uses	Cattle grazing, target area overlaps with Ehirovipuka conservancy; 9 settlements around water points; livestock farming
Infrastructure	9 boreholes and 6 villages
Constraints	Development of private commercial farms does not appear feasible in view of high population relative to land area.
Planning and potential investments	Alternative intervention models need to be developed with the community. Once firm decisions have been made to commit Basket Funds to the area, a consultative meeting of local residents and leaders should be held to decide on investments to improve commercial production in the area.

9.4 Ohangwena

Constituency	Okongo
TAs	Kwanyama
Total area (ha)	58,613
Designated	Yes (GG No. 3878, 16.7.2007)
Surveyed	Yes – 24 farms
SSCF acceptance by stakeholders	Kwanyama TA agreed to surveying of land in 2008, but local residents fear dispossession and loss of commonage grazing.
Current population	100 households
Current Livestock	Unknown
Current land uses	Cultivation and cattle husbandry
Infrastructure	15 boreholes drilled with KfW funding in 2008, 5 boreholes drilled by government and an additional 11 by private individuals
Constraints	Part of the designated area has been fenced and appropriated. Developing individual farming units would require large scale relocation of households at high financial and socio-political cost. Alternative investment options must be developed with resident households.
Planning and potential investments	<p>1. The 15 boreholes drilled with Basket Fund support should be fitted with pumps and tanks so that water from these holes is made available to local residents.</p> <p>2. All properties should be mapped and residents encouraged to apply for land rights. This should be done before making any announcement that pumps and tanks will be added to the 15 boreholes to prevent any 'land grab' by people attempting to fence off the water points for themselves.</p>

9.5 Kavango

Constituencies	Ndiyona; Mashari; Rundu Rural; Kapakao
TAs	Sambyu; Gciriku; Ukwangali; Mbunza; Mbukushu
Total area (ha)	About 945,000
Designated	Yes (GG No. 3479; 9.8.2005; GG No 3620, 18.4.2006; GG 3878, 16.7.2007)
Surveyed	Yes – 516 farms
SSCF acceptance by stakeholders	There appears to be general acceptance. However, small groups of people have been fenced in and are not likely to be in support of the project
Current population	Unknown, but at least 300 resident households inside 270 Gciriku and Shambyu SSCF areas
Current Livestock	Unknown, but substantial
Current land uses	Cattle farms, crop fields, hunting and gathering and trophy hunting. Individual farms have been allocated by TAs and rights of leasehold granted.
Infrastructure	32 boreholes drilled and 12 equipped. Many private boreholes and many farms have been privately fenced. Four farms fenced with TIPEEG funds.
Constraints	Some residents are dispossessed by the establishment of the farms. Most farms cannot be developed because of a lack of water. Road access and the absence of fencing are significant constraints for many farms.
Planning and potential investments	<ol style="list-style-type: none"> 1. As many farms as possible should be supplied with water. 2. The development of shared farm units (farm clusters) should be investigated. Appropriate support, perhaps in the form of fencing and provision of water, should be considered for shared farms that appear viable.

9.6 Tsumkwe West, Otjozondjupa

Constituency	Tsumkwe
TAs	!Kung
Total area (ha)	91,200
Designated	No
Surveyed	No
SSCF acceptance by stakeholders	TA Chief, a few supporters and non-resident cattle owners favour SSCF, but majority of local residents and conservancy leadership do not.
Current population	c. 1,000
Current Livestock	Unknown
Current land uses	SSCF target area within N#á Jaqna conservancy. Limited cultivation and livestock husbandry. Hunting and gathering and some tourism
Infrastructure	Several boreholes, some fenced farms and one community campsite
Constraints	<p>5 villages in target area which is in a conservancy. Development of private farms will further marginalise the local San population and thus incur high political controversy, locally and internationally. Area already used by local residents, difficulties of finding water, dispossessing of San people and consequent protest and controversy. 5 villages appear to fall into the area targeted for the SSCF. Cattle farming constrained by <i>gifblaar</i> and predators as well as shortages of water.</p> <p>Development of private commercial farms does not appear feasible.</p>
Planning and potential investments	<p>Develop alternative interventions in co-operation with local population and conservancy.</p> <p>Support mapping of existing land uses, customary land rights, services, infrastructure and natural resources. Maps will be vital for planning other kinds of Basket Fund interventions.</p>

9.7 Omaheke / Otjozondjupa

Constituency	Okakarara; Otjinene; Otjombinde
TAs	Several – no defined areas of jurisdiction
Total area (ha)	About 2.5 million
Designated	No
Surveyed	No, but large areas privately appropriated and 58 farms were surveyed and around Okamatapati and another 91 in Rietfontein area
SSCF acceptance by stakeholders	There appears to be general support for the development of SSCFs. SSCF model developed and practiced by hundreds of farmers who developed land at their own expense
Current population	Unknown, but substantial
Current Livestock	150,000 – 200,000 cattle
Current land uses	Extensive livestock farming.
Infrastructure	Thousands of kilometres of fences and many government and private boreholes, auction pens and one quarantine farm.
Constraints	Some open areas west of Gam and the 16 Rietfontein farms not occupied due to lack of water. Lack of registered tenure for the hundreds of private farms.
Planning and potential investments	<ol style="list-style-type: none"> 1. Large farms, including those fenced by private individuals and those previously surveyed and established should be regularised and registered as SSCFs. 2. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. 3. People with excessive farm areas be required to reduce their sizes to approved limits. Those who refuse to decrease their landholdings should not benefit from the regularization process. 4. Basket Funds should be used to commission a water supply and management plan to provide water, especially in areas where no water is currently available. 5. If water can be supplied to areas that have not been appropriated, the MLR should proceed with investigations to potentially establish SSCFs in these areas. 6. Geo-hydrologists should be appointed to site potential boreholes in the 16 Rietfontein farms, and the boreholes should then be drilled and fitted with pumps.

9.8 Owambo Mangetti, Oshikoto

Constituency	Guinas
TAs	Ndonga
Total area (ha)	About 425,000
Designated	No
Surveyed	No, but privately appropriated
SSCF acceptance by stakeholders	Stakeholders have developed SSCF with their own resources, and many SSCFs approved by TAs
Current population	Unknown
Current Livestock	Unknown, but substantial
Current land uses	Cattle and some small crops
Infrastructure	Privately drilled and equipped boreholes
Constraints	Lack of registered tenure for the hundreds of private farms, and rights of farmers to the farms sometimes contested.
Planning and potential investments	<ol style="list-style-type: none"> 1. Large farms should be regularised and registered with secure, long-term tenure and become part of the SSCF programme. 2. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. 3. Agreement on maximum farm sizes must be negotiated with TAs. People with excessively large farms should be required to reduce their sizes to approved limits. Those who refuse to decrease their landholdings should not benefit from the regularization process.

10 Appendix 1: A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas



Ministry of Lands and Resettlement



Land Reform and Infrastructure Development in Communal Areas

Appendix 1

A review of issues and
recommendations for the development
of a Road Map on Land Reform in
Communal Areas

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List of Abbreviations

AALS	Affirmative Action Loan Scheme
ADP	Area Development Plan
AM	Accompanying Measure
CAMA	Computer Assisted Mass Appraisal
CLS	Communal Land Support Programme
CSIP	Communication Strategy and Implementation Plan
CLB	Communal Land Board
CLRA	Communal Land Reform Act, 2002
GIZ	Gesellschaft für Internationale Zusammenarbeit
ha	hectare
IDC	International Development Consultants
IRLUP	Integrated Regional Land Use Planning
KfW	Kreditanstalt für Wiederaufbau
LAC	Legal Assistance Centre
LSU	Large stock unit
MCA	Millennium Challenge Account
MLR	Ministry of Lands and Resettlement
MLRR	Ministry of Lands, Resettlement and Rehabilitation
NAR	Namibia Agriculture and Renewables
NDC	Namibia Development Corporation
NRP	National Resettlement Programme
PIU	Project Implementation Unit
PTO	Permission to Occupy
PTT	Permanent Technical Team
RM	Road Map
RCDC	Rural Community Development Committee
RoN	Republic of Namibia
RPRP	Rural Poverty Reduction Programme
SSCF	Small-scale Commercial Farming Project
SSU	Small stock unit
TA	Traditional Authority

1 Summary of recommendations and support from AM

Land Reform and Infrastructure Development in Communal Areas is a component of land reform in Namibia. The project is implemented by the MLR with financial support from the Kreditanstalt für Wiederaufbau. The Accompanying Measure (AM) will assist the MLR over a three year period to accelerate the implementation of the programme. One part of the AM was to develop a Road Map (RM) to guide the implementation of land reform in communal areas. The RM addressed selected important issues related to the development of communal areas and makes the following recommendations:

1. Review of land areas proposed for SSCF development

Ohangwena

1. Plans to establish SSCFs in the area should be discontinued since there is little or no un-utilised land available, and the social, political and financial costs of relocating and compensating local residents will be very high.
2. The 15 boreholes should be fitted with pumps and tanks so that water from these holes is made available to local residents.
3. All properties be mapped and residents be encouraged to apply for customary land or leasehold rights. This should be done *before* making any announcement that pumps and tanks will be added to the 15 boreholes so as to prevent any 'land grab' by people attempting to fence off the water points for themselves.

West Tsumkwe

1. Due to the many constraints identified in Tsumkwe West, the MLR and KfW should not go ahead with the development of SSCFs.
2. Instead, KfW should consider supporting other interventions which could lead to commercial development in the area, such as public boreholes, tourism facilities and increasing the number of livestock and wildlife.
3. The identification of appropriate interventions should be done during consultative meetings with local residents but only when KfW is firmly committed to implementing the interventions. Other consultations which may create expectations and confusions must be avoided at all costs.
4. Efforts by the MLR and others to map existing private land parcels, big and small, should be supported so that all parties have access to the same accurate information on private properties.
5. Support should be provided to a project to map other land uses, customary land rights, services and infrastructure and natural resources. The availability and use of maps showing these features will be vital for discussions with local residents on the possibility of other kinds of interventions being funded by KfW.

Otjozondjupa and Omaheke

1. The ownership and status of large farms, including those fenced by private individuals and those surveyed and established previously in the Okamatapati and Rietfontein areas, should be regularised by allowing the owners to apply for long-term leaseholds which can be registered in the Deeds Office.
2. Where enclosures exceeded a maximum size, measures need to be developed to reduce the size of such farms.

3. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. The enforcement of this should be done in conjunction and with the support of traditional authorities, constituency development committees and local farmers' associations.
4. The KfW Basket Funds should be used to commission the compilation of a water supply and management plan to provide water throughout former Hereroland, but especially in areas where no water is currently available. The plan should draw upon a thorough investigation of potential ground water supplies, including the possible piping of water from the high yielding aquifers around Coblenz and in the Eiseb Graben.
5. Once the results of the water supply plan are available, and assuming that water can be supplied to areas that have not yet been appropriated, the MLR should conduct a Social and Environmental Impact Assessment to assess the consequences of establishing SSCFs in those areas.
6. Assuming that this assessment indicates that SSCFs can be established in the 'vacant' areas, the MLR should proceed with the surveying and allocation of SSCFs in accordance with procedures recommended elsewhere in this Road Map.
7. Due to the fact that there are several traditional authorities which claim the same areas of jurisdiction, allocations should be done under the auspices of constituency development committees.
8. Geo-hydrologists should be appointed to site potential boreholes in 16 Rietfontein farms. Where feasible, boreholes should be drilled and fitted with pumps. The 16 farms should then be allocated by the Otjombinde Constituency Development Committee.
9. Large farms to the east of the Okamatapati block and in other areas far from existing villages should be regularised through negotiations between the MLR and their owners, once maximum farm sizes have been agreed.
10. Elsewhere in the more densely populated areas of Hereroland, the recognition, surveying of boundaries and registration of large farms must be done in conjunction with mapping and land registration activities for all residents. The process to be used should follow the so-called focal area approach now being developed in the northern communal areas by the CLS project.

Caprivi

1. In view of the immense problems that beset the allocations it is recommended that further development of SSCFs in this area of Caprivi be stopped.
2. As an alternative, the MLR should investigate the advisability and possibility of developing all or part of the present 'State Forest' area into SSCFs. The 'State Forest' is not a declared or gazetted forest, and is therefore as much communal as the rest of communal land. As a first step, principle agreement would have to be obtained from the Ministry of Agriculture, Water & Forestry as the de facto custodian of the 'State Forest'. Secondly, methods of supplying water would have to be investigated and a social and environmental impact assessment should be required.

Ongandjera

1. In view of the large number of people and cattle who already use the designated area and the costs of having to relocate people and livestock should the SSCF project go ahead, it is recommended that further development of SSCFs for allocation to single owners be stopped.
2. However, once the KfW Basket Fund and MLR is ready to commit funding, a consultative meeting should be held to discuss and solicit ideas investments that

could be made to improve commercial production in the area.

Otjetjekua

1. Proposals to develop individual SSCFs in the area should not be pursued as the area is heavily populated by people and livestock.
2. Once firm decisions have been made by KfW and MLR to commit Basket Funds to the area, a consultative meeting of local residents and leaders should be held to discuss and solicit ideas investments that could be made to improve commercial production in the area. Some likely possibilities are to drill additional boreholes to increase the supply and distribution of water for livestock and wildlife, and to establish auction pens and stock loading facilities to stimulate cattle sales.

Kavango

1. As many farms as possible should have boreholes drilled at the cost of the KfW Basket Fund. All or some of the farms might also have pumps and water-tanks provided by the Fund.

Owambo Mangetti

1. Against the background of the long history of these farms, many of which were established with explicit sanction of the Ndonga TA, and the fact that these farms cannot be removed, the KfW Basket Fund should support their regularization by surveying their boundaries and assisting their owners to obtain long-term, bankable leaseholds lodged and registered in the Deeds Office.
2. Similar recommendations were made with respect to large farms in former Hereroland, and similar procedures and controls should be implemented during the regularization process. Thus the MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. The enforcement of this should be done in conjunction and with the support of traditional authorities, constituency development committees and the Mangetti Farmers' Association.
3. People with excessively large farms should be required to reduce their sizes to the 3,600 ha limit established previously. Those who refuse to decrease their landholdings should not benefit from the regularization process.
4. Where farms are close to villages or other local residents, the recognition, surveying of boundaries and registration of large farms must be done in conjunction with mapping and land registration activities for all residents. The process to be used should follow the focal area approach now being developed in the northern communal areas by the CLS project.

2. Types of intervention and investments

1. In supporting SSCFs, it is strongly recommended that the great majority of funding be spent on two fundamental needs for the development of commercial production: the provision of (a) water and (b) secure bankable tenure for the farms.
2. It is recommended that Basket Funds be spent to survey farms, support their registration as long-term leaseholds, and have the leaseholds lodged in the Deeds Office in terms of the Deeds Registries Act of 1937.
3. It is recommended that the Basket Funds be used to provide secure bankable tenure to as many private farms as possible of a size and nature that hold promise for commercial development.
4. The Basket Fund should provide infrastructure support only to farms that are large enough to be commercially viable.

5. The legal feasibility of demanding a single lease fee when the lease agreement is signed should be investigated.
6. The MLR and all other arms of government should make it clear that no further land appropriations will be allowed or recognised after a given moratorium date.
7. It should also be made clear that local residents will have *de jure* land rights over all remaining commonage land, as recommended by the CLS policy review and accepted by the MLR.
8. The MLR should establish mechanisms to adjudicate all applications for recognised, secure long-term tenure to large farms. This process should be guided by the provisions of the CLRA, in particular Section 37, which provides CLB with the powers to set up investigating committees and sets out the procedures for preliminary investigations of claims to existing rights.
9. All applications for tenure over large farms should be considered in conjunction and simultaneously with the mapping of all other neighbouring properties. This should ensure that new land is not appropriated beyond the given moratorium date, either in the form of new farms or expansions of existing properties. Additional benefits of this approach are discussed below.
10. It is recommended that the Basket Fund and MLR make use of tender and contracting procedures implemented by the Ministry of Agriculture, Water & Forestry.

Support from AM

1. It is recommended that the Basket Funds provide as many farms as possible with water. In doing so, a programme to phase support to different areas over the life of the Basket Fund will need to be developed.
2. The Basket Fund should support the appointment of a water expert to investigate the availability of water and recommends a water supply and management plan. On the basis of these findings and recommendations new SSCFs should be established where possible in parts of former Hereroland.
3. It is recommended that Basket Funds be spent on focal area land registration in areas where the CLS is not presently working and where there is a mix of large farms (which require long-term tenure security) and commonages (which require protection for local residents).
4. It is recommended that other interventions in addition to individual small-scale farms be developed in collaboration with local residents. This process should only be started once the Basket Fund managers have taken a firm decision that support can and will be offered.

3. Selection criteria

1. It is recommended that applicants need to fulfil the following criteria to obtain a small-scale commercial farm:
 - be a previously disadvantaged person in possession of Namibian citizenship
 - be between 18 and 55 years of age
 - be physically fit to farm
 - be able to enhance management skills through reading and writing
 - show an interest and commitment to farm commercially as an individual farmer
 - have obtained a basic knowledge and experience in agricultural production, either by way of previous employment or through a family operated farming unit
 - have sufficient assets to utilise their farms optimally
 - have their own stock registers and brand numbers
 - have a basic understanding of the principles and responsibilities of operating a farming unit independently

- have a basic understanding about the commercial environment and general business practices
 - relinquish any other rights to large land areas
2. Women with the required skills and assets should receive preference.
 3. Marital status should not be a relevant factor in selecting beneficiaries.
 4. Applicants who want to farm full-time should be preferred over weekend farmers.
 5. Existing allocations of rights to farming units in designated areas in Kavango should be upheld, subject to mutually accepted land ceilings per beneficiary.
 6. A reduction of land sizes allocated should be done by negotiating land ceilings with TAs and beneficiaries concerned.
 7. If beneficiaries use their leaseholds as collateral for bank loans, and financial institutions need to attach the land of loan defaulters, the resale of attached leases should be guided by the proposed selection criteria to ensure the continued integrity of the SSCF project, also in Kavango.
 8. It is recommended that once selection criteria have been finalised, the issue of prioritising local residents should be negotiated with traditional and community leaders in each locality.
 9. Although it is the prerogative of the Minister of Lands and Resettlement to make allocations in designated areas, it is strongly recommended that allocations are made in close consultation with TAs to ensure that allocations enjoy local support.
 10. It is recommended that new institutions are identified in the Omaheke and Otjozondjupa regions for allocating land in new SSCF areas. Unlike the north-central and north-eastern communal areas, TAs in the eastern communal areas do not have defined areas of jurisdiction. Constituency Development Committees or the Regional Councils could be used to select beneficiaries.

Support from AM

1. Facilitate agreement on basic principles on selection criteria within the MLR.
2. Support the appointment of a consultant to draft more detailed selection criteria, taking into consideration the selection criteria presented in the Draft Resettlement Manual.
3. Support a process of regional and sub-regional consultation to obtain general agreement on selection criteria and selection procedures. Consultations on selection criteria should be done concurrently with consultations on new compensation criteria (see next section).

4. Review current compensation criteria

The following generic criteria are recommended to guide future compensation guidelines:

1. Involuntary relocation of people should be avoided at all costs.
2. Where this is unavoidable, the expected impacts of relocation should be explained to affected people individually, as well as their rights and options in order to enable them to take informed decisions.
3. Based on this, the consent of affected people should be sought through negotiation and consultation.
4. For affected parties whose livelihoods are land-based, compensation should include the mandatory allocation of land for cultivation and residential purposes as well as rights of access to communal resources such as grazing, timber, firewood, land and animal foods, water and other natural resources such as fruits, plants, tubers and game.
5. Affected parties should be permitted to participate in the selection of alternative land to ensure that the productive potential and location is at least equivalent to the land taken. This should include rights to all resources on the commonage, including access to water for livestock and people.

6. Every effort should be made to assist displaced people at least to restore their previous standard of living, or even to improve previous livelihoods levels.
7. Relocation should not take place before overall agreement has been reached on a comprehensive compensation package.
8. Compensation at full replacement cost for loss of assets and use rights should be prompt. A time frame for payments needs to be laid down in the guidelines.
9. Assistance during relocation should be provided.
10. 'Post-settlement' support should be provided to relocated people during a transition period to enable them to rebuild their livelihoods.
11. Monetary compensation for loss of access to communal grazing areas should be paid where affected parties chose not to continue with farming.

Support from AM

1. Facilitate agreement on generic criteria for compensation within the MLR.
2. Support the appointment of a consultant to review current Cabinet guidelines on compensation against the background of proposed generic criteria and draft new compensation criteria.
3. Review Land Bill with a view to possible amendments on compensation.
4. Support a process of regional and sub-regional consultation to obtain general agreement on selection criteria and selection procedures. Consultations on new compensation criteria should be done concurrently with consultations on selection criteria.

5. Local level planning for development interventions

Assuming that the MLR and KfW will commit themselves to provide infrastructure support to areas not recommended for immediate project action, the following priority areas for local land use planning are proposed in order of priority:

1. Otjetjekua: Before any Basket Funds can be committed to Otjetjekua agreement is needed on what kind of infrastructure support the community wants.
2. Ongandjera: The development of individual small-scale farms is impossible without major relocations. The earmarked area falls within the Sheya Shushona conservancy and conservancy members are generally opposed to the development of small-scale commercial farms in the conservancy. In addition, several individuals have fenced off communal land for private use, one such farm falling within the core area of the conservancy.
3. Tsumkwe West: Tsumkwe West is a registered conservancy and has developed a land use zonation plan, which provides for areas of mixed farming. People in the area are sharply divided in their support for the SSCF project. The next step for the SSCF project should be to engage with the conservancy committee to develop acceptable intervention models that would assist the community to derive more commercial benefits from their land.
4. Ohangwena: In the designated area close to Omauni, 24 farms have been surveyed with the intention of allocating them to individual farmers. However, there are in excess of 100 households living on the land, close to 80% of whom have moved in after the area was designated for SCCF development.
5. Caprivi: The development of 75 small-scale commercial farms is proposed and approximately 180 applications have been received for those farms. Many surveyed units overlap conservancies. Since designation, many households have moved onto the surveyed land and are not likely to be moved off. In addition, 3 TAs are competing for jurisdiction over parts of the designated land. The possibility of developing the state forest north of the main Kongola-Katima Mulilo road for small-scale farm development needs to be investigated.

6. Hereroland: Once water has been found, a Social and Environmental Impact Assessment to assess the consequences of establishing SSCFs in those areas should be conducted.
7. Kavango: An IRLUP for Kavango Region will start in 2012.

Support from AM

1. It is recommended that the AM adopts the focus area approach to land registration piloted by the CLS project in Omusati Region during the implementation phase of the project.
2. Simultaneously, the AM should consider supporting the land use planning sub-division by providing funding for the outsourcing of a second and third IRLUP. This would require, however, that the MLR also obtains the services of professional land use planners to guide and supervise the production of such IRLUPs. These land use planners could also serve as mentors for local staff.
3. The AM could also recruit and pay for the services of professional land use planners to carry out local level planning for infrastructure support. Supervision of the production of local level development plans could be carried by GOPA as proposed in the technical proposal.
4. The AM should consider supporting possible follow-up consultations and meetings of the Forum which will determine the way forward in terms of a land use planning.

Should the Forum on land use planning policy decide that it is necessary to develop an appropriate policy and legal framework, the Basket Fund could support the MLR in the following ways:

1. Provide resources to recruit a suitably experienced consultant to review all existing planning documents and policies as well as the results and findings of the 'Modelling Integrated Regional Land Use Planning' project with a view to draft a policy and land use planning guidelines. It is imperative that this process is carried out in close consultation with all role players to ensure that existing sectoral planning mandates are integrated. This will require support for consultative meetings and workshops in all regions.
2. Based on the land use planning policy, the Basket Fund should support the preparation of land use planning legislation.
3. Assist the MLR to create awareness about the importance of integrated land use plans.
4. Provide support to strengthen capacity at regional level to implement, monitor and update integrated regional land use plans.

6. Communal land right registration

1. In view of the Basket Fund's primary focus on sparsely populated areas where SSCFs have or are being proposed, it is recommended that some funds be used to acquire more high resolution images of certain areas.
2. It is recommended that the Basket Fund concentrates its mapping and registration support to those areas in former Hereroland where villages and SSCFs are in close proximity.

7. Communication strategy

1. It is recommended that the AM builds its communication strategy on the methodology and experiences of the CLS project. Clearly, the content or strategic issues in the SSCF project differ from the CLS project. However, since both projects are guided by the CLRA, close co-operation and consultation with the CLS project is recommended in developing a communication strategy aimed at the SSCF project.

2. It is recommended that once the Road Map has been studied and clear guidelines developed on issues such as beneficiary selection, compensation and leaseholds, a SWOT analysis be considered to obtain a better understanding of awareness levels about the SSCF project in rural areas. This should involve meetings with key stakeholders such as CLBs, TAs and MLR staff in affected regions. However, previous consultancies and internal MLR fact finding missions have produced a comprehensive catalogue of questions that a communication strategy needs to address.

8. Leaseholds

1. Long term leaseholds should be guided by the policy principles set out in the National Land Policy which provide for long term leases 'which are secure, registrable, transferable, inheritable, renewable and mortgageable'. It also states that 'persons, families, groups or communities with forms of land rights other than customary land rights are entitled to use these rights as collateral when applying for credit from lending institutions'.
2. It is recommended that the principles and recommendations made by the MCA project be adopted in drafting bankable lease agreements. The AM should support continuing support for the policy review process.
3. The right to transfer and cede a deed of leasehold is necessary to enable beneficiaries to offer their land as collateral for loans to finance immovable property or the acquisition of other assets, should the need arise.

More specific recommendations include:

1. Duration of lease: Lease agreements should be valid 99 years with the option of renewal to enable beneficiaries to reap the benefits of their investments on the land.
2. Rentals: Rentals should be negotiated between lessor and lessee, subject to a minimum rental amount. The feasibility of a once-off rental payment should be investigated.
3. The unpredictable environment farmers are faced with requires that they should be able to change land use without any bureaucratic interference, subject to legislation on sustainable land use.
4. Specific rights should include the right to transfer, cede or assign any rights or obligations in terms of a leasehold agreement without prior consent from any authority.
5. Leasehold agreements in respect of land in designated areas should also enable beneficiaries to sub-lease their land without outside consent.
6. The claimed rights to fences need to be regularised according to the provisions of Sections 35 and 37 of the CLRA which provide local residents with a right to object to claims of such rights and subject to land ceilings. Once regularised, beneficiaries of existing enclosures should enjoy the same rights of leasehold as beneficiaries in designated areas.
7. In view of government's objective to increase the commercial utilisation of communal land, it is recommended that the proposed rights of leasehold should not be restricted to designated areas but include all regularised land parcels.
8. It is recommended that rights granted under a lease agreement over any state land (inside and outside designated areas and on redistributed freehold land) should be the same. These recommendations should be included into the Land Bill.
9. In addition, the Deeds Registries Act of 1937 requires that a long term lease agreement (more than 10 years) can only be registered in the Deeds Office with the consent of the legal owner of the land in question, which is the Minister of Lands and Resettlement, acting on behalf of the state as formal owner. It is recommended that the Minister delegates this function to expedite the process.

10. Options should be provided for small groups of people sharing one farm to obtain the same rights of leasehold as individuals. The pros and cons of registering shared rights in different legal entities such as community trusts, section 21 companies or communal property associations should be investigated.
11. Lessees of SSCF units must be prepared to make an own contribution towards the full development of the unit leased. The nature and extent of this contribution will become part of the conditions of lease and will be subject to monitoring.
12. Lessees must be willing to participate in training and / or mentoring programmes designed to assist them in their farming practices.

Support from AM

1. Support the appointment of a lawyer with specialised knowledge about lease agreements to review the recommended principles focusing on their legal implications.
2. Because the requirements of a lease management system are so different from those of a land tax billing and collection system, it is recommend that a technical expert be appointed to advise on whether to develop a new, dedicated leasehold management system or whether new modules should be added to the Land Tax Payment and Reconciliation System.
3. The AM should provide support to the Directorate of Valuation and Estate Management to assess the feasibility of different leasehold management options and to develop an appropriate system. Such a system should also cover long term leaseholds in the NRP sector.

2 Introduction

2.1 Background

Increasing the productivity of communal land has a two-fold objective: on an economic level it is expected that by making communal land more productive the incidence and severity of poverty will be reduced. On a political level, access to small-scale commercial farms in communal areas will become an attractive option for previously disadvantaged people looking for their own farms, thus decreasing pressures on redistributing land in the freehold sector. This will contribute towards the continued stability of the country.

The notion of bringing about development in communal areas through individually held farms has a long history in Namibia. The first comprehensive formulation of this can be found in the report of the Odendaal Commission which was tabled in the mid-1960s. Agriculture in the communal areas was to be modernised by improving animal husbandry and in particular improving animal health and the quality of breeding stock. Economic development was to be brought about by a broad programme of capital expenditure (Werner 2011: 29-30). Over the next two decades the government of the day surveyed and mapped 56 farming units at Okamatapati, 98 in the Owambo Mangetti and 44 in Kavango Region.

In addition to these officially sanctioned and surveyed farms, many people started to fence off their own private farms in communal areas. This process started in the 1970s but accelerated after Independence and continues until today (Cox et al 1998: 10). In some instances enclosures were authorised by Traditional Authorities such as the Ondonga TA for example.¹ In many other cases individuals fenced off land with no authorisation. In Kavango Region, TAs set aside large tracts of land for small-scale commercial development and allocated rights to individual units in the early 1990s. This was done on the advice of Land and Farming Committees, which were established for this purpose by the TAs. It should be pointed out that the designation of land for agricultural purposes in Kavango Region formalised this zoning of communal land for commercial farming and the subsequent allocation of rights to individuals by local TAs. This observation will be of relevance when discussing how to deal with unauthorised enclosures in communal areas.

In the former Herero communal areas – now Otjozondjupa and Omaheke regions – the former administration authorised the fencing of so-called bull camps. These were intended to enable enterprising farmers to improve beef production by purchasing quality bulls and be able to control them. Apart from legal bull camps, many people fenced off private farms of various sizes, using the official Okamatapati farms as model. The result is that large parts of the communal area are currently fenced or claimed by individuals hoping to find water and develop the land (see Figure 3). Before Independence the former Administration for Hereroland was under considerable pressure from certain sections of the community to carve up the entire Herero communal land into individual farming units.

In a very real sense, land reform in the communal areas had begun long before Independence, largely initiated by wealthy people. As a result it had many hallmarks of an uncoordinated process with little planning and/or policy guidance. The majority of people who fenced off communal land for their own use developed infrastructure on that land by making substantial investments on the land without government assistance. These include fencing and the siting, drilling and installation of boreholes.

¹ In 1996 the Ondonga TA had records of over 100 approved enclosures on its files (Werner 1998: 39).

Since Independence the development of under- or unused communal land has become a component of Namibia's land reform programme. The wider aims of land reform are to bring about more equitable land distribution and access to land, to promote sustainable economic growth, to lower income inequalities and to reduce poverty. The key objectives of the development of communal land are as follows:

- Developing under-utilised or virgin land for agricultural purposes (i.e. establishing small-scale commercial farms);
- Improving tenure security and granting long-term leaseholds in communal areas; and
- Accelerating the production of Integrated Regional Land Use Plans with active participation of major stakeholders covering all communal areas.

In 1997 Cabinet approved the Small Scale Commercial Farms Development Project based on developing 'virgin' land. Consultants were appointed to assess the availability of under- and unutilised land in communal areas. They presented their findings in 2000 (IDC 2000a). Apart from providing estimates on the areas of communal land that were either under- or unutilised, IDC also proposed a development model which was identical to the small-scale farms which were developed before Independence in Okamatapati and the Owambo and Kavango Mangetti. In terms of the IDC model, individuals were to be allocated farming units of 3,600 ha to 4,000 ha.

In 2002 the Kreditanstalt für Wiederaufbau (KfW) commissioned a screening mission for infrastructure support for land reform in Namibia (GFA 2003). A *Memorandum of Understanding between the Government of the Republic of Namibia Ministry of Lands, Resettlement and Rehabilitation (MLRR) and Kreditanstalt für Wiederaufbau (KfW) on Infrastructure Support Programme for Land Reform in the Communal Lands* followed in September 2004. The German side proposed technical support to Land Reform and the elaboration of an action plan (MLR/PTT 2005a), as well as financial support for the provision of infrastructure required to turn land reform into sustainable development. During the Inter-Governmental (Namibian-German) Consultations held on 7 June 2004 in Windhoek, the two parties agreed that priority should be given to land reform in communal areas with specific focus on the development of small-scale commercial farms. Despite this specific focus, it was also agreed that poverty alleviation and sustainability should become an integral part of MLRR's strategy towards land reform in the communal areas.

A comprehensive assessment of the possible infrastructure development support was commissioned by KfW in 2004 (Thomi et al 2005). The report, which was submitted in 2005, covered social, economic, environmental and institutional aspects in two priority areas at the time, Otjetjekua and Tsumkwe West.

In 2003 the Ministry of Lands and Resettlement (MLR) commenced with the development of small scale farms. The concept was to demarcate and survey land parcels of 2,500ha to be leased to farmers for purposes of small scale commercial farming, primarily with livestock. Amongst other objectives this would broaden access to land and make communal land more productive. The first surveyed farms in Caprivi (Linyanti/Sibbinda), Kavango (Shambyu) and Ohangwena were gazetted in 2007. After 33 boreholes were drilled the project came to a temporary end due to budget constraints and a number of issues that needed to be addressed.

The *Strategic Options and Action Plan for Land Reform in Namibia* (MLR/PTT 2005a: 35) which was supported by German technical cooperation, recommended that the establishment of small scale commercial farming units in under- utilised and unutilised, unpopulated parts of the north-central, north-western and north-eastern communal areas be accelerated by providing financing, surveying and mapping of areas to be developed as well as fencing, water supply and access roads and

extension services. In other words, the expectation was that fully developed farms would be made available.

Despite the fact that the proposed support to the Namibian government was regarded as an important intervention to maintain political stability in the country, a number of important issues were identified as posing risks to the programme. Concerns were raised in respect of the potential beneficiaries of the SSCF programme. More specifically, fears existed and continue to exist that the programme might impact negatively on access of small scale farmers and marginalised groups to commonages for grazing and the harvesting of natural products. The ecological sustainability of the programme and in particular the danger of over utilizing grazing and water resources was identified as a possible threat to the sustainability of the programme. The more or less uniform sizes proposed for new individual farming units across different agro-ecological regions also raised concerns about whether these sizes were environmentally and financially viable.

The MLR with the support of KfW appointed consultants in 2009 to carry out a socio-economic and environmental situation analysis to address these issues (Kavei et al 2010). The findings of the consultants suggested strongly that the implementation of the SSCF project could no longer proceed along its original lines – individual fenced farming units – in all regions. A more differentiated approach was necessary which takes into account the complex socio-economic and environmental factors in each region.

2.2 Accompanying Measure and Road Map

Implementation of the SSCF project was slow, despite the availability of financial support supported by KfW. In order to increase the efficiency and speed of the Support to Land Reform and Infrastructure Development in Communal Areas Programme and advise on an appropriate concept for the development of communal land, an Accompanying Measure (AM) consisting of consulting services support was agreed upon between MLR and Kreditanstalt für Wiederaufbau (KfW). The consortium GOPA-AMBERO was awarded the corresponding contract. The consulting services aim at assisting the MLR in programme implementation and management and basket fund management. The AM encompasses the following elements:

- i. Assistance in the elaboration of a road map for the implementation of the Support to Land Reform in Communal Areas programme;
- ii. Field implementation / assignment of implementation consultants;
- iii. Support to an adequate organisational set-up and programme management; and
- iv. Definition of and support to the basket fund/financial management.

The consultants were asked to develop a Road Map (RM) to guide the implementation of land reform in communal areas. It is expected to provide visions and strategic planning for acceleration of the implementation of the project and to provide concise and practical recommendations and guidance for accelerating the implementation of the MLR's communal land reform programme and particularly for the financial cooperation support linked to it. Within the framework of the three areas of intervention, the RM will address selected important issues related to the development of communal areas. The TOR for the RM are provided in Appendix 2.

2.3 Main activities

The Road Map kicked off with a workshop held in Windhoek in October 2011. The aim of the workshop was to take stock of current actions and challenges pertaining to SSCFs, communal land rights registration and land use planning as well as to identify strategic issues for a RM for communal land reform. Participants were limited to MLR staff and advisers to the MLR. Presentations by key MLR staff involved in the SSCF project, land registration and land use planning as well as a consultant of the RM served to arrive at a common understanding on what the RM should do and what the priority issues were. The summarised proceedings of the workshop served as important guideline for the drafting of the final TOR for the RM.

A substantial amount of documentation was developed since the inception of the SSCF. The RM process started with a review of available literature on the project. An obvious starting point of this process was a review of the reports submitted by the IDC to the MLR. These laid the foundations for the SSCF, both in terms of recommendations on the availability of so-called virgin land for the project and recommendations on a project for the development of small-scale commercial farming in communal areas. In addition two major studies funded by KfW (Thomi et al 2005 and Kavei et al 2010) yielded important information and data. The review also included official documents of the MLR on local and regional consultations and policy issues. A comprehensive report on the output of this activity can be found in Appendix 6. A comprehensive bibliography on the SSCF and related topics is provided in Appendix 7.

Simultaneously, existing maps on areas designated or earmarked for the implementation of the SSCF were updated. This process was necessary as the situation in all regions had changed dramatically since the IDC assessments were done in 2000. Up to date maps were regarded as important tools to visualise the extent of settlement in areas earmarked for the SSCF project, and by implication, areas that were not likely to be utilised. This information can be used for further local level planning of project interventions.

Reconnaissance field visits to all regions targeted for the SSCF programme were done in early 2012. The two main RM consultants spent altogether 29 days in the field. SSCF areas in Ongandjera, Otjetjekua, Ohangwena, Kavango and Caprivi as well as Tsumkwe West, Otjozondjupa and Omaheke regions were visited. With the exception of Omaheke all field trips were done by the full team, i.e. the RM consultants, the Senior Implementation Consultant and the Project Management Consultant.

After the first field trips it was decided that an agricultural expert should be hired on a short term basis to advise on agricultural matters. After his appointment, he accompanied the team on field visits to Tsumkwe West, Otjozondjupa and Omaheke and the final trip to Ongandjera and Mangetti. His inputs proved to be very important.

The field visits provided important opportunities for the team to acquaint itself with local conditions in different regions. Interviews in all localities with key informants provided useful information on local level conditions. Key stakeholders included traditional leaders, regional government officials, communal land board members and communal farmers who benefited from their own fenced farming units. A list of people spoken to can be found in Appendix 1.

At the end of January an interim report was presented to the Project Implementation Unit (PIU) in the MLR as well as to KfW. As the title of the report suggests, the Interim Report presented some preliminary findings and thinking of the RM team on possible project interventions. This was an important opportunity for the RM team to draw attention to the fact that the situation on the ground required a rethink on what

the project should support. More specifically, the finding that the development of small-scale commercial farms was only possible in some designated or earmarked areas could be discussed. In most of the earmarked areas the situation did not allow for the implementation of individual farms without large scale social costs. An acknowledgement of this by invited stakeholders helped to broaden the initial focus of the project.

Due to the sensitive nature of developing SSCF units in Tsumkwe West, it was decided to have a short workshop with stakeholders in the conservancy and community forest sectors in Windhoek. The purpose of the workshop was to communicate to those stakeholders what the current thinking of the RM team was on the SSCF. Participants of the workshop expressed their appreciation for this initiative, stating that it was the first time that they were invited to such open and frank discussions of a sensitive topic. Underlining the importance of local level participation in the implementation of the SSCF project, they expressed the wish that such consultation should continue in future.

The meetings and field trips were followed by drafting various inputs to the RM and its final compilation.

3 Review of land areas proposed for SSCF development

Reports in 2000, 2001 and 2002 by IDC (2000a, 2001, 2002a) described areas which appeared suitable for the development of SSCFs. The identification of those areas was largely based on the assumption that they were mostly under- or un-utilised. This chapter provides updated information on the same areas and also presents observations on the potential use of KfW Basket Funds for the development of SSCFs and other interventions in each area.

The chapter also reviews the status of other SSCFs established previously in the eastern and northern communal areas, notably the 91 Rietfontein farms allocated by the Odendaal Commission in the 1960s in Omaheke Region, the 96 Owambo and 44 Kavango Mangetti farms in the 1970s, and the 65 Okamatapati farms in 1979. More recently, between 800 and 900 SSCFs have been established by private appropriation, usually with some level of approval by traditional authorities in Kavango, Oshikoto, Omusati, Otjozondjupa and Omaheke.

All the target areas in which SSCFs have been developed or are proposed share similar features. They are all sparsely populated, generally lack water of good quality and/or quantity, and are suitable in the minds of many people only for cattle farming. Soils in these are either of poor or mediocre quality in terms of fertility and moisture content. Detailed information on rainfall, soils, vegetation types and carrying capacity in the target areas is provided in Appendix 3.

The present and potential rangeland condition in terms of carrying capacity for the different target areas is summarized in Table 1.

Table 1: Present and potential carrying capacity of different target areas

Target area	Present estimated carrying capacity: ha/LSU (Kg live body mass /ha))	Potential estimated carrying capacity (Ha/LSU)
Otjetjekua/Ongandjera	40 (9 kg/ha)	15 - 18 (24 - 20 kg/ha)
Mangetti/Oshikoto	30 (12 kg/ha)	12 (30 kg/ha)
Eenhana	30 (12 kg/ha)	15 (24 kg/ha)
Kavango	15 (24 kg/ha)	10 (36 kg/ha)
Caprivi	15 (24 kg/ha)	8 – 10 (45 - 36 kg/ha)
Tsumkwe west	25 (14.5 kg/ha)	10 – 15 (36 - 24 kg/ha)
Otjozondjupa/Omaheke	30 (12 kg/ha)	10 – 12 (36 - 30 kg/ha)

Most of the SSCFS areas overlap conservancies and/or community forests which have been registered and gazetted over the past 10 years. And since this is communal land, most SSCFs lack secure, bankable tenure which inhibits investment and access to capital. One exception are the surveyed SSCFs in Kavango which are in the process of having their leaseholds lodged with the Deeds Office.

Perspectives of different people were also similar between the target areas. With few exceptions, senior traditional leaders, civil servants and wealthy, influential business leaders and personalities favoured the privatisation of commonage land into SSCFs. By complete contrast, local community members and their representatives oppose the development of SSCFs because they fear losing their rights to use commonage resources. These different opinions simply mirror the different perspectives of the rich and the poor in Namibia, particularly with respect the land and resource grabbing that prevails in communal areas.

The following sections provide brief summaries of the findings of the RM team in respect the suitability of each area targeted for the development of SSCF units. This is followed by recommendations on how the AM should proceed in each area.

3.1 Ohangwena

The Ohangwena SSCF area lies immediately south of the main road between Okongo and Mpungu Vlei, and west of the border cut-line between Kavango and Ohangwena. Twenty-four farms were surveyed and demarcated by the MLR in the area of 58,613 ha that was gazetted as a designated agricultural area in 2007. Each planned farm was to cover about 2,500 hectares. None of the farms has since been fenced or allocated.

Shilongo-Mwahafa & Haufiku (2010) reported there to be about 100 resident households, a figure that corresponds closely to an estimate of 94 households counted off aerial photographs taken in 2007 (personal observations). In addition, there were about 35 cattle posts in 2007 in the area, largely belonging to people living elsewhere. There is one public school (Omana Primary), but no public health facilities or commercial centres in the area.

It has been claimed that some people moved into the area after hearing that it was planned for SSCFs with the purpose of being able to benefit from development of the farms. However, the accuracy of these claims has not been confirmed even though they have been used to conclude that the surveyed land is occupied by 'illegal' occupiers (MLR n.d. [2011]: 2). For example, about 52 households and cattle posts were already present within the area in 1998. Many people were thus using the area long before the designation of the area for SSCFs.²

Fifteen new boreholes were drilled on the farms in 2008 using KfW Basket funds. Five other boreholes had been drilled previously by the government, as well as 11 by private owners. Groundwater is available in moderate quantities in most places³, usually at depths of 150-160 metres. These yields combined with the generally good chemical quality of the water indicate that water can readily be provided for human and livestock use.

Households and cattle owners (at cattle posts) use un-fenced commonage in areas surrounding the homes and posts for grazing, hunting and collecting wild fruit. The map in Figure 1 provides an approximation of these areas, showing that little of the SSCF area is remote from existing residents and users. In addition, significant areas have been fenced into private farms of several hundred hectares. While these have not been mapped, their existence further demonstrates that very little of the overall SSCF area is under- or un-utilised. Figure 1 shows areas 2.5 kilometres from existing homes and cattle posts (grey shading) and other features.

The presence of so many residents, cattle posts and fenced areas has led to considerable discussion over the years about how new individual, fenced SSCFs could be created, who would be allocated the farms and what compensation would be offered to those who would lose their homes and *de facto* rights to the use of commonage resources. A summary of these discussions is provided in Appendix 6.

² Unpublished counts by JM Mendelsohn of households and cattle posts visible in aerial photographs taken in 1998.

³ 2-11 cubic metres/hour for 5 holes for which measurements are available in the Geohydrology database of MAWF.

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

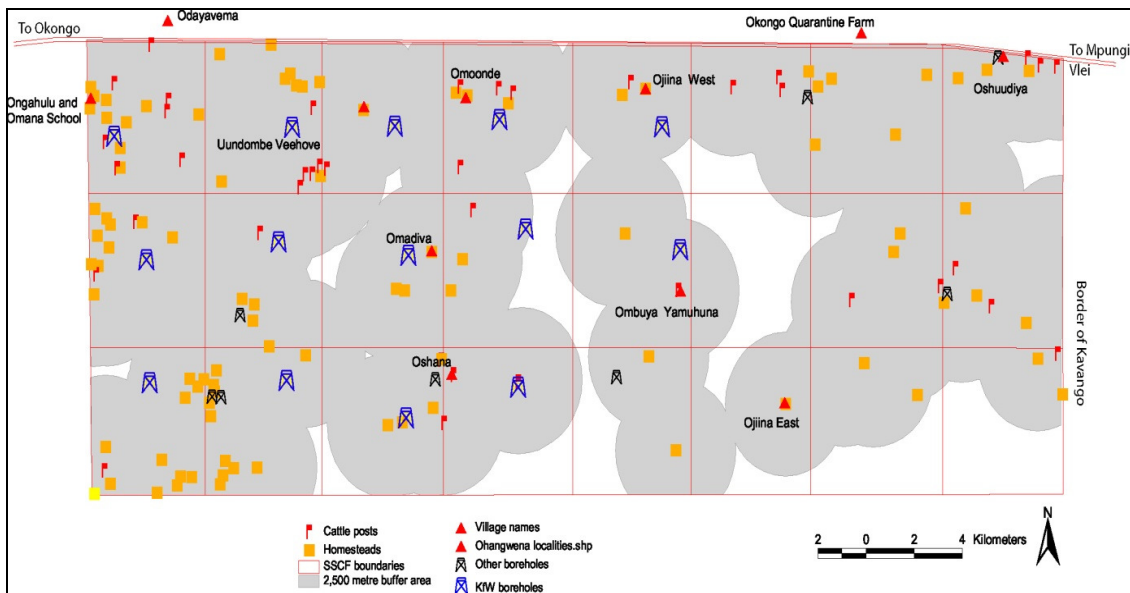


Figure 1: Designated SSCF area in Ohangwena

Recommendations

1. Plans to establish SSCFs in the area should be discontinued since there is little or no un-utilised land is available, and the social, political and financial costs of relocating and compensating local residents will be very high.
2. The 15 boreholes should be fitted with pumps and tanks so that water from these holes is made available to local residents.
3. All properties be mapped and residents be encouraged to apply for customary land or leasehold rights. This should be done *before* making any announcement that pumps and tanks will be added to the 15 boreholes so as to prevent any 'land grab' by people attempting to fence off the water points for themselves.

3.2 West Tsumkwe

The West Tsumkwe area – formerly known as western Bushmanland and now covering the same area as N#á Jaqna Conservancy – covers some 912,000 ha. Most local residents are San people (of the !Kung group) who were settled there by the MLR after independence and now live largely in Mangetti Dune, M'kata, Aasvoëlnes, Luhebu, Kukurushu, Omatako, Grashoek and Kanovlei. In addition, a more diverse community of San, Herero and Owambo people live along the Omatako Omuramba in the west, mostly in the settlements of Rooidag Hek, Omatako, Kano Vlei and Boby. It is estimated from mapping by the Central Bureau of Statistics in 2011 that there are about 1,000 resident households in the area.

N#á Jaqna Conservancy was formally gazetted in 2003, while the Mkata Community Forest was gazetted in 2006. About 100 SSCFs were planned for demarcation and allocation by the MLR. All the farms were to lie in a zone between the Rooidag Hek-Tsumkwe main road (C44) and the border of Kavango.

Nowhere else in Namibia has there been such a fierce debate between proponents of individual ownership and use of large exclusive, free farms and the rights of local residents to local commonage resources. The discussions have been complicated by the contrasting opinions of the Chief of the !Kung Traditional Authority on the one

hand and the community and conservancy representatives on the other hand. The Chief has usually supported the development of SSCFs but at times has also stated his opposition to the farms. Farmers along the Omatako Omuramba, the government generally and MLR specifically have supported the establishment of the farms, although MET has been against the proposal. The perspectives and wishes of community and conservancy members have been supported by the Legal Assistance Centre, Nyae Nyae Development Foundation and other NGOs. A summary of the points of view is provided in Appendix 6.

Over and above objections by residents in West Tsumkwe, there are several other constraints to the development of SSCFs. Water is not available in many areas, although this could be overcome by the drilling of new boreholes. The poisonous plant known as *gifblaar* (*Dichapeltum cymosum*) occurs widely and may cause substantial cattle mortality. Predators are also said to cause significant numbers of cattle losses.

A more serious concern is the political cost of fencing and privatising land that is widely regarded as the preserve of San people in the area, land on which they depend for harvests of various plant and animal products. If this were to happen, an enormous public and international outcry is certain to occur which will damage Namibia's reputation. Germany's image would likewise be harmed if KfW funds are used for the purpose. The privatisation of commonage land would also be in conflict with the land use concepts and institutions that have been established in the area through the Mkata Community Forest and N#a Jaqna Conservancy.

Aside from the MLR's SSCF programme, the Chief and !Kung Traditional Authority appear to support informal ways of privatising land, notably by individuals fencing off large areas for themselves, probably after paying the Traditional Authority suitable fees. This kind of appropriation is likely to expand rapidly and widely because no one has yet countered or attempted to contain the land claims. In a sense, these farms amount to privately formed SSCFs.

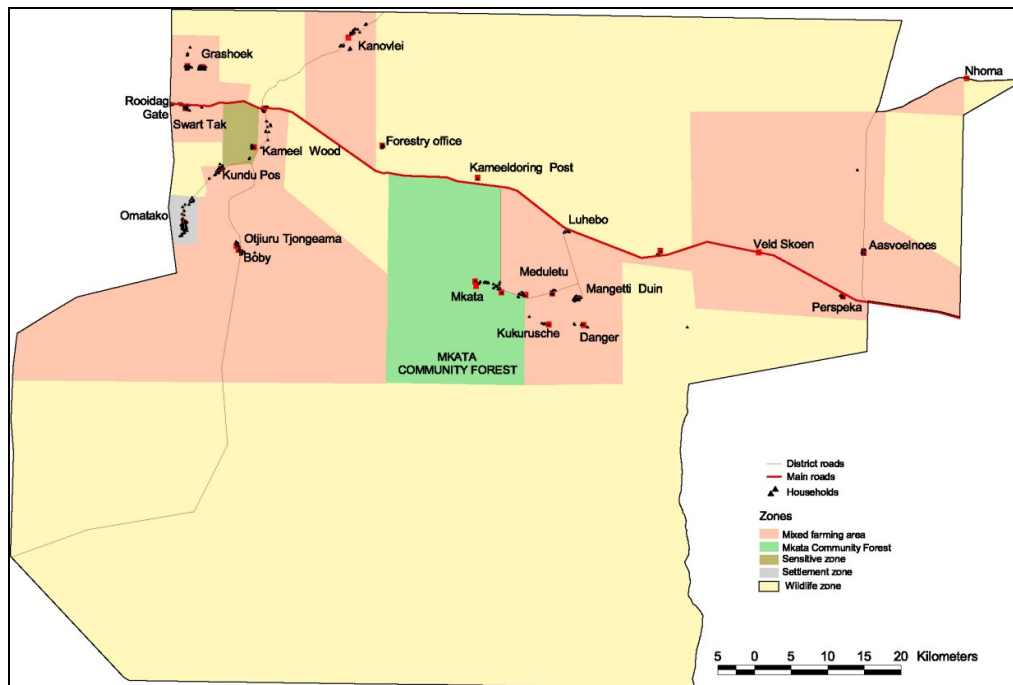


Figure 2: Proposed SSCF area and agreed zonation in West Tsumkwe

Recommendations

1. In the light of these constraints, the MLR and KfW should not go ahead with the development of SSCFs.⁴
2. Instead, KfW should consider supporting other interventions which could lead to commercial development in the area, such as public boreholes, tourism facilities and increasing the number of livestock and wildlife.
3. The identification of appropriate interventions should be done during consultative meetings with local residents but only when KfW is firmly committed to implementing the interventions. Other consultations which may create expectations and confusions must be avoided at all costs.
4. Efforts by the MLR and others⁵ to map existing private land parcels, big and small, should be supported so that all parties have access to the same accurate information on private properties.
5. Likewise, support should be provided to a project to map other land uses, customary land rights, services and infrastructure and natural resources. The availability and use of maps showing these features will be vital for discussions with local residents on the possibility of other kinds of interventions being funded by KfW.

3.3 Otjozondjupa and Omaheke

This comprises the communal land formerly known as West and East Hereroland in Otjozondjupa and Omaheke, but it excludes the Aminuis Block in Omaheke.

The western and southern areas in this large zone are relatively densely settled, residents being clustered in villages, each of which usually comprises of less than 100 homes and is generally 5-15 kilometres from its immediate neighbours. The villages are centred on water sources provided by boreholes and pans which sometimes have surface water after good rain. Residents occasionally grow crops and vegetables for domestic consumption, but otherwise rely on livestock farming and off-farm incomes from wages, remittances and social grants.

The majority (perhaps 90%) of rural families own cattle. Those in the densely settled areas in the south and west generally have small herds of between 10 and 50 head, while farmers in the sparsely populated areas usually have much larger herds of 100 to 200, and often more cattle. In the southern and western areas most of the previous commonage surrounding each village has been fenced off into private properties, as shown in Figure 3. Many of these are called bull camps or *ozokamba* (singular *okamba*) which serve to control and protect valuable animals, and to protect pasture until commonage grazing has been exhausted. Cattle are also held in the camps when the risk of *gifblaar* poisoning is highest. These relatively small, private fenced farms generally range in extent between tens and hundreds of hectares, but few – if any – of them have been registered in terms of the CLRA through the MLR offices in Otjiwarongo and Gobabis.

While not in the fenced camps, cattle graze the commonage lying further from villages, going out each morning from their kraals and returning to water in the villages in the evenings. To protect the village commonage, some villages have erected community fences between them and their neighbours belonging to villages.

⁴ An earlier assessment for KfW (Thomi 2005: 12) made the same recommendation.

⁵ In March 2012, the MET with the assistance of NAMPOL (as a result of threats) began to map so-called fences in the area.

A high proportion of the central, sparsely populated regions has been appropriated into large farms by wealthy, influential people, many of whom normally live in large towns outside Hereroland. It is not known just how many large farms have been acquired, but from the mapping of fence lines visible in Spot (2.5 metre pixel resolution) satellite images taken in 2010, there are probably in excess of 150 farms that each exceed 2,000 ha in extent. It must be assumed that some new fences and farms will have been added in the meantime. The largest farm reported during this study was 20,000 ha, while a great number certainly extend over between 4,000 and 10,000 ha. Most of the farms have been fenced, while newly acquired ones are often only demarcated with beacons until they can be fenced. Figure 3 shows the extent of fencing. Note the dense fencing around villages in the south and west, whereas elsewhere there are fewer fences because the farms are much bigger.

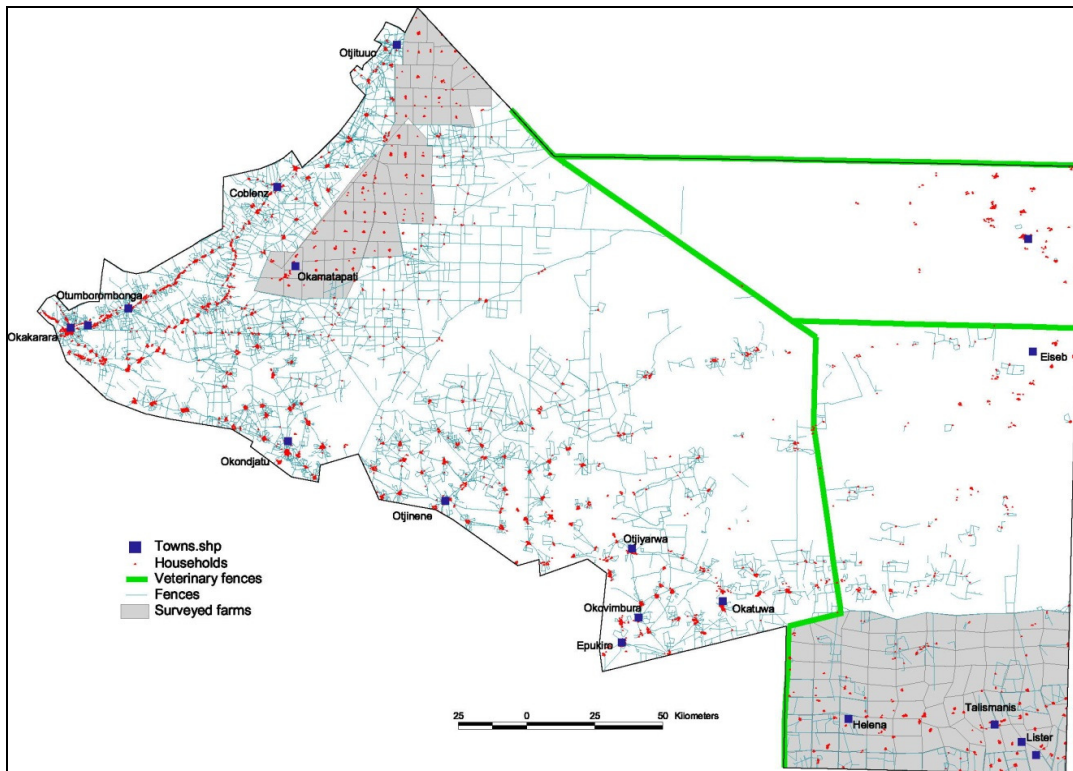


Figure 3: Households and fences in former Hereroland

In 1978 58 farms were established and surveyed at Okamatapati farms following a decision that all land in that part of the region be fenced for cattle farmers. Fencing of most farms had been completed in 1982. Some new farms near the Okamatapati block were claimed in 1988 after the then Herero Administration instructed a land surveyor to mark out large farms in all open areas of what was Hereroland. However, this idea and instruction fell away when Namibia gained independence.⁶ These farms are held under a mix of individual and group 'ownership'.

⁶ The land surveyor who surveyed the farms in 1988 started surveying the farms that had already been fenced, and he was then instructed to continue marking out new farms to the south and east. He had two bulldozers, and he simply instructed his drivers to continue clearing lines due east, placing beacons every 7 kilometres. Herero farmers would follow these activities, immediately placing tyres on the beacons with their names to claim ownership of the new farms. The surveyor had been instructed to cover the whole of

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

The layout of many of the new farms follows that of the original 58 Okamatapati farms, each unit being approximately 7 by 7 kilometres (4,900 ha) in size. These new farms lie east of the older farms and use water taken off extensions of the branch pipelines (*taklyne*) which supply the original farms. New farms elsewhere either use water from boreholes drilled by government or by the owners of the farms.

The 58 Okamatapati farms form one of two blocks of surveyed farms, the other being the Rietfontein Block of 91 farms along the Botswana border. The Rietfontein farms were surveyed in the late 1950's for potential use by white farmers, but were largely left unoccupied because of a scarcity of water and their remote location. The Odendaal Commission then recommended that the farms be incorporated into Hereroland, and the first Herero farmers settled there in 1966. Sixteen farms (marked with red dots in Figure 4) remain unoccupied today because of a lack of water, while the other 75 farms belong either to individual or groups of farmers.

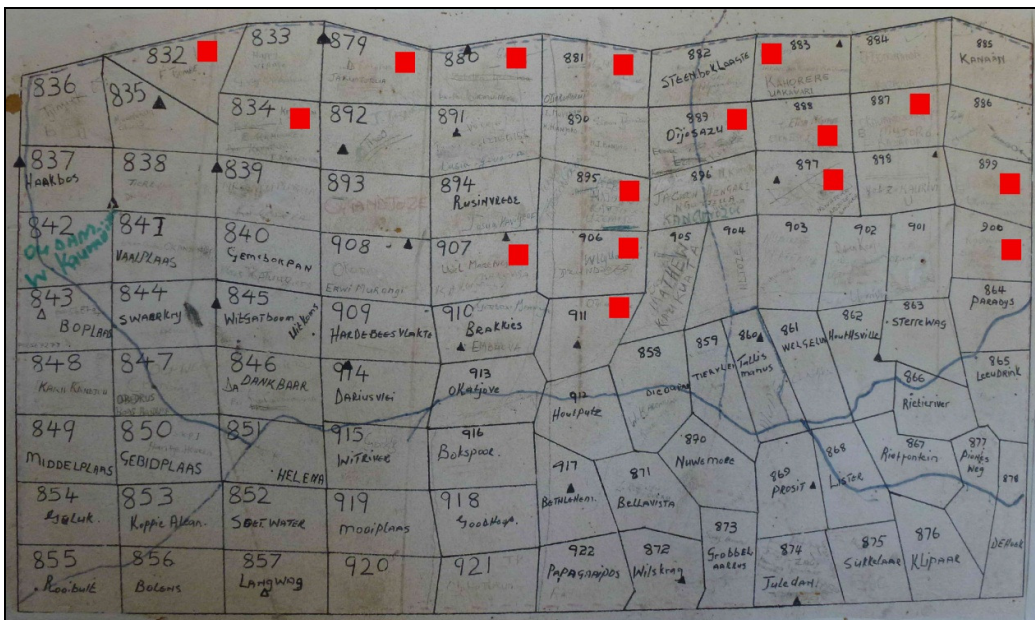


Figure 4: Hand-drawn diagram of the layout and allocation of the Rietfontein farms

None of the individuals or groups of the Rietfontein and Okamatapati farms have formal title to the farms, for example as long-term leaseholds registered in the Deeds Office or with a land board.

However, areas that were then largely vacant of fences are probably still mainly vacant because water is not available there.

Figure 5 presents an approximation of areas that may still be unoccupied. Areas within 5 kilometres of households and 2 kilometres of fences are shown in grey as areas that are probably occupied. The remaining white areas might be considered for the development of new SSCFs, subject to water being provided. Based on the areas estimated here as being 'vacant', it is possible that 400-500 SSCFs could be established with a unit size of 2,500 ha.

Hereroland in this way. However, a decision was made to stop this at about the time of independence (F.E. Mercker, personal communication)

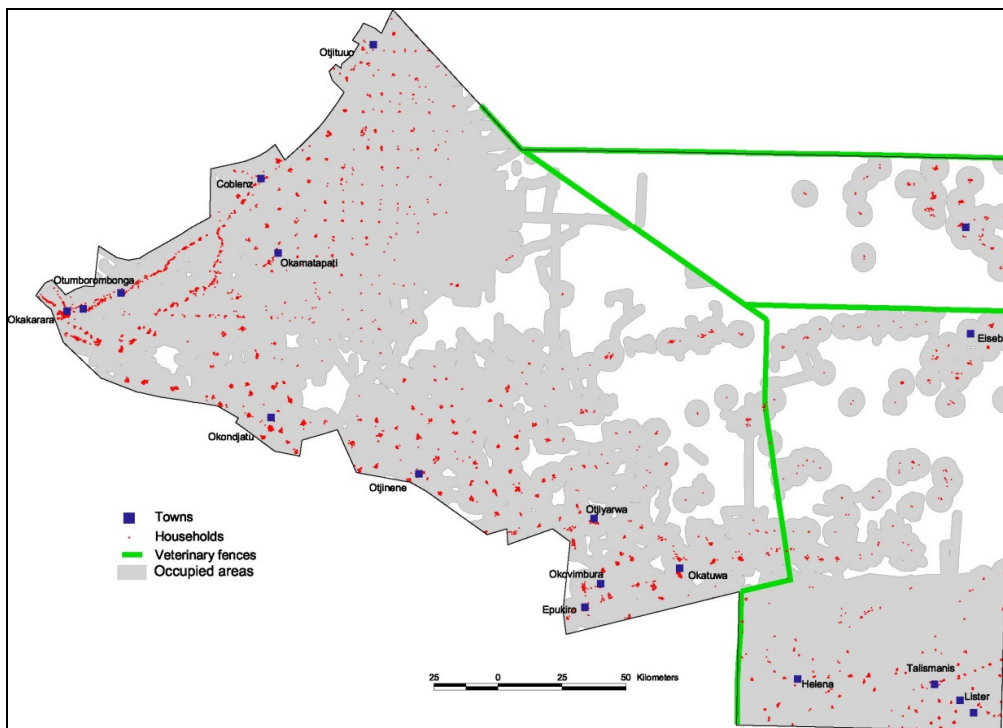


Figure 5: Areas within 5 km of households and 2 km of fences, former Hereroland

Recommendations

1. The ownership and status of large farms, including those fenced by private individuals and those surveyed and established previously in the Okamatapati and Rietfontein areas, should be regularised by allowing the owners to apply for long-term leaseholds which can be registered in the Deeds Office. More information on the terms of the leaseholds and ways in which they can be established are provided in Section 10 of this report. These include measures to reduce the size of farms that are excessively large.
2. The MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. The enforcement of this should be done in conjunction and with the support of traditional authorities, constituency development committees and local farmers' associations.
3. The KfW Basket Funds should be used to commission the compilation of a water supply and management plan to provide water throughout Hereroland, but especially in areas where no water is currently available. The plan should draw upon a thorough investigation of potential ground water supplies, including the possible piping of water from the high yielding aquifers around Coblenz and in the Eiseb Graben.
4. Once the results of the water supply plan are available, and assuming that water can be supplied to areas that have not yet been appropriated, the MLR should conduct a Social and Environmental Impact Assessment to assess the consequences of establishing SSCFs in those areas.
5. Assuming that this assessment indicates that SSCFs can be established in the 'vacant' areas, the MLR should proceed with the surveying and allocation of SSCFs in accordance with procedures recommended elsewhere in this

- Road Map (see Section 5). However, in the case of Hereroland where there are several traditional authorities which claim the same areas of jurisdiction, the allocations should be done under the auspices of constituency development committees.
6. Geo-hydrologists should be appointed to site potential boreholes in the 16 Rietfontein farms, and the boreholes should then be drilled and fitted with pumps. The 16 farms should then be allocated by the Otjombinde Constituency Development Committee. . It is further recommended that another 9 boreholes be drilled and equipped where there is a reasonable chance for success. Alternatively this money can be used for piping of water where borehole with high yields exist.
 7. Large farms to the east of the Okamatapati block and in other areas far from existing villages can be regularised through negotiations between the MLR and their owners, once maximum farm sizes have been agreed. Elsewhere in the more densely populated areas of Hereroland, the recognition, surveying of boundaries and registration of large farms must be done in conjunction with mapping and land registration activities for all residents. The process to be used should follow the so-called focal area approach now being developed in the northern communal areas by the CLS project. In essence, the approach focuses on all residents associated with a village, providing them with an opportunity to apply for land registration simultaneously, and to comment on the validity and appropriateness of all the applications being made. The assessment of applications so that all village residents can comment is facilitated by the production and public display of a large map showing the boundaries and ownership of all the properties. This will enable residents to comment on – and reject where necessary – applications made for unduly large properties. The village map also facilitates discussions on land uses and possibilities for land allocations in the future.

3.4 Caprivi

The SSCF project area was gazetted as a 'designated farming area' in 2007 (Government Gazette 3878: 3). The area covers some 148,084 hectares and lies more or less in the centre of eastern Caprivi, and midway between the Trans-Caprivi Highway from Kongola to Katima Mulilo and the gravel road running south-west to Chinchimane and onwards. Most people in this area of Caprivi live in villages comprised of tens or hundreds of homes which lie along the main roads. Thus, few people reside away from the roads.

Figure 6 provides an overview of households, conservancies and community forests in the project area. It shows the SSCF project area, as well as the concentrations of homes to the north and south, cattle posts and the many overlaps with conservancies and one community forest. Each household was mapped off aerial photographs taken in 2007 and is shown here as a small orange triangle.

A total of 81 fenced farms, each covering about 2,000 hectares, were planned for allocation and development. To date, only 15 farms have been allocated, these being in one block for a 30,000 ha irrigation project proposed by Namibia Agriculture Renewables (NAR). This company entered into a lease agreement with the Caprivi Communal Land Board which was signed on 3 September 2010 and lasts up to 30 September 2035.

The SSCF area is used predominantly for cattle farming, largely with animals based at cattle posts, of which there are between 65 and 70. To the east and north, however, most cattle are based at their owners' homes, grazing outwards within a few kilometres on a daily basis.

Based on livestock counts during vaccination campaigns in 2011, it is estimated that approximately 15,000 cattle graze in the SSCF area at a stocking rate of about 10 hectares per animal.⁷ Of these, about 3,000 cattle are in the NAR leasehold area.

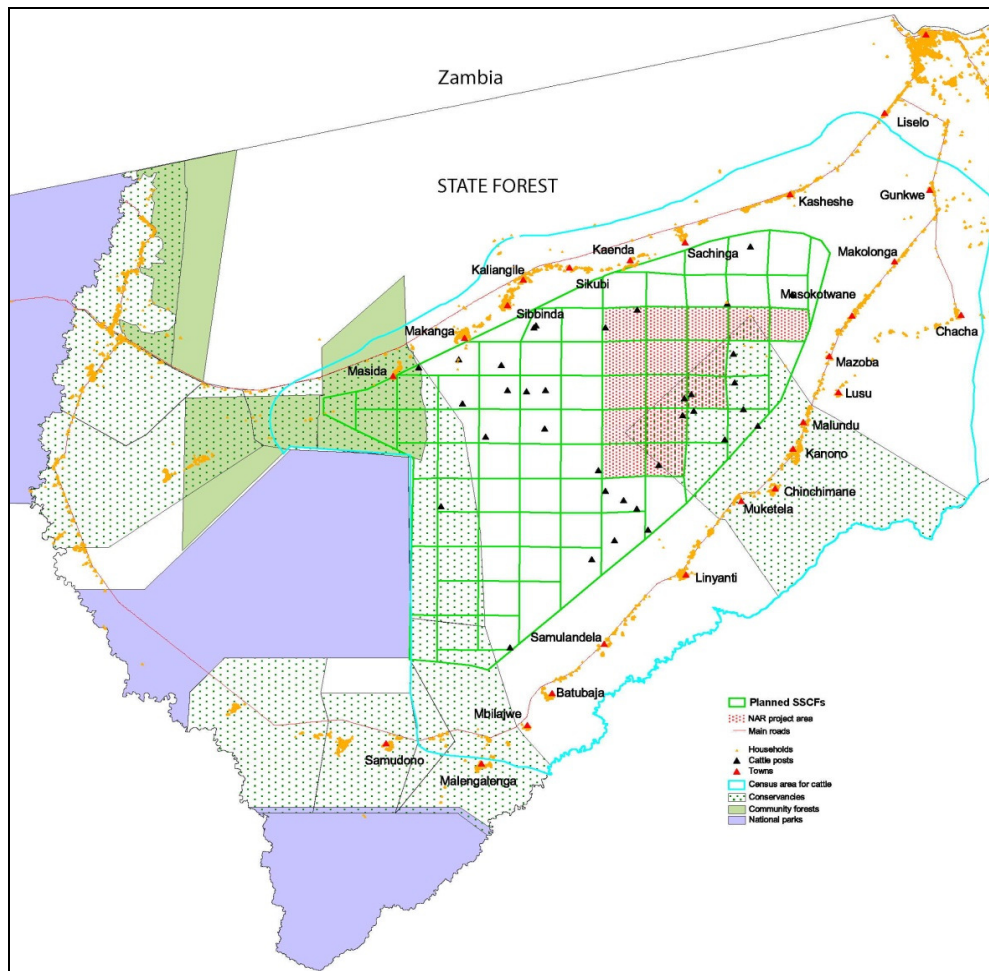


Figure 6: Overlapping land uses, Caprivi Region

At a well-attended meeting of interested parties held in Katima Mulilo in 6 October 2011, it was agreed that only about 35 of the original 81 farms could be developed as SSCFs. The reduction was due to the recognition that many of the farms overlapped registered conservancies, others were used extensively by residents living within or close to the SSCFs, and 15 farms had been allocated to the NAR irrigation project.

The gazetting of the designated farming area was done under the auspices and approval of the Mafwe Traditional Authority. However, development and allocation of the farms has been beset by a variety of problems, with the result that none of the farms have been allocated to individuals. The difficulties include disagreements

⁷ Census data were obtained for 31 vaccination points in and around the project area as well as the small-scale commercial farm zone. The area outlined in Figure 6 'Census area for cattle' encloses the total grazing area for all the cattle counted at the vaccination points. This area covers some 372,700 hectares. Cattle numbers in the area amounted to 33,105 in 2011; 35,841 in 2010 and 32,349 in 1996. Vaccination campaigns in Caprivi are considered to be comprehensive in coverage and so these figures are likely to reflect the number of cattle fairly reliably.

about how beneficiaries would be selected, and conflicting land uses between private, fenced farms and the three conservancies that overlap the small-scale farm area. There have also been differences of opinion between the Mafwe, Mayeyi and Mashi traditional authorities on how the allocations were to be made. Questions have been raised of what would happen to people and cattle that would be displaced by the development of the farms. A summary of discussions and reports that address these questions and challenges is provided in Appendix 6.

As at the beginning of 2012, about 180 applications had been received for SSCFs. Many of the applications were from the same people, one person for example applying for several different farms. Almost all the applicants were resident in places other than the SSCF area.

Problems regarding who should be allocated a farm and what should happen to existing users and their cattle are the greatest, intractable challenges to developing the SSCFs. At the meeting held on 6 October 2011, it was agreed that local residents should be the prime beneficiaries of the SSCFs. However, there are far too many residents for the farms to be shared in sizes that would facilitate commercial development. Influential leaders and other people in Caprivi would also be extremely dissatisfied by this method of allocation, particularly after some of those people had invested in boreholes and other infrastructure at cattle posts.

Other areas of Caprivi are already densely stocked with cattle, especially where both pastures and water are available. Finding alternative grazing and water for thousands of cattle areas would thus be a substantial challenge, compounded additionally by cattle owners from one tribal authority area having to seek permission to use grazing and water 'belonging' to another authority.

In the view of the Chairman of the Caprivi Land Board and other people, these problems are so intractable that political and social unrest could occur if the farms were allocated. All told, the costs – economic, social and political – of developing the SSCFs are substantial.

Recommendations

1. In view of the immense problems that beset the allocations it is recommended that further development of SSCFs in this area of Caprivi be stopped.
2. As an alternative, the MLR should investigate the advisability and possibility of developing all or part of the present 'State Forest' area into SSCFs. The possibility of farms being developed in the 'State Forest' was mentioned often and was also recommended at the Katima Mulilo meeting on 6 October 2011. The 'State Forest' is not a declared or gazetted forest, and is therefore as much communal as the rest of communal land. No one lives in the 'State Forest' and it is little used for other purposes because water is not available, the soils are poor in fertility and moisture content, and people fear losing their cattle to rustlers from Zambia. As a first step, principle agreement would have to be obtained from the Ministry of Agriculture, Water & Forestry as the de facto custodian of the 'State Forest'. Secondly, methods of supplying water would have to be investigated and a social and environmental impact assessment should be required.

3.5 Ongandjera

In 2007, the MLR planned the demarcation of 44 farms in an area covering 137,736 ha, the farms in extent between 3,772 and approximately 5,000 ha (Nkolo et al 2007). The planning was done on the basis of the IDC report that suggested that few people occupied the area. However, as has proved true for IDC recommendations in other areas, it is clear that the many people had been living and grazing cattle for a

long time. For example, some cattle posts were established in the area during the 1970s.

From counts of households by the Central Bureau of Statistics in 2011, there are now about 140 families resident in the area designated for SSCFs, principally in the villages of Uutsathima and Olumpelengwa. In addition, there are at least 20 groups of cattle posts in the area which serve at least 140 cattle owners, most of whom live elsewhere in towns such as Okahao, Windhoek and Oshakati. In 2007, about 7,900 cattle were grazing in the area. Most of the cattle are watered from deep hand-dug wells.

In essence, the area proposed for SSCFs is therefore already occupied and extensively used by cattle farmers and local residents. Moving these people and cattle elsewhere would be very costly financially, socially and politically. It is also clear that the 44 farms cannot be allocated individually to 44 local residents.

Stemming from these kinds of problems, a variety of concerns were expressed by people potentially affected by the SSCGF development. These issues are summarized in the Appendix 6. Notably, there have also been differences of opinion among the senior leadership of the Ongandjera TA, some people supporting and others rejecting the plan. The area lies within the Sheya Shuushona Conservancy, which was registered in 2005, and the leadership of the conservancy likewise opposes the development of the farms.

Buffer areas in Figure 7 show that very little – if any – of the designated area remains unused, either by cattle grazing outwards from cattle posts or by local residents harvesting resources close to their villages. This would include some grazing even though most local residents have fewer livestock than cattle post owners.

A lack of un-utilised land is also true for the wider area of the whole Sheya Shuushona conservancy. Those apparently un-used areas beyond 5 kilometres from cattle posts or villages are perhaps vacant as a result of a lack of water supplies.

There are about 12 or more privately established SSCFs that have been fenced off by individuals.⁸ These farms were mapped in 2008 and since then many more large enclosures have been appropriated, resulting in a reportedly rapid rush to grab as much land as possible. Farmers owning large numbers of cattle and cattle posts also welcome the idea of having fenced areas to protect and manage their stock, but recognise the fenced areas would have to be shared by several farmers, potentially those that already share water sources at cattle posts. The fact that these farmers have chosen to share water sources, with their cattle often being jointly herded as well, suggests that sufficient co-operation between them would exist if they were to share a demarcated farm.

⁸ The legality of these farms has been the subject of considerable debate by the Ongandjera TA, Omusati Communal Land Board, Legal Assistance Centre, MLR and local residents.

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

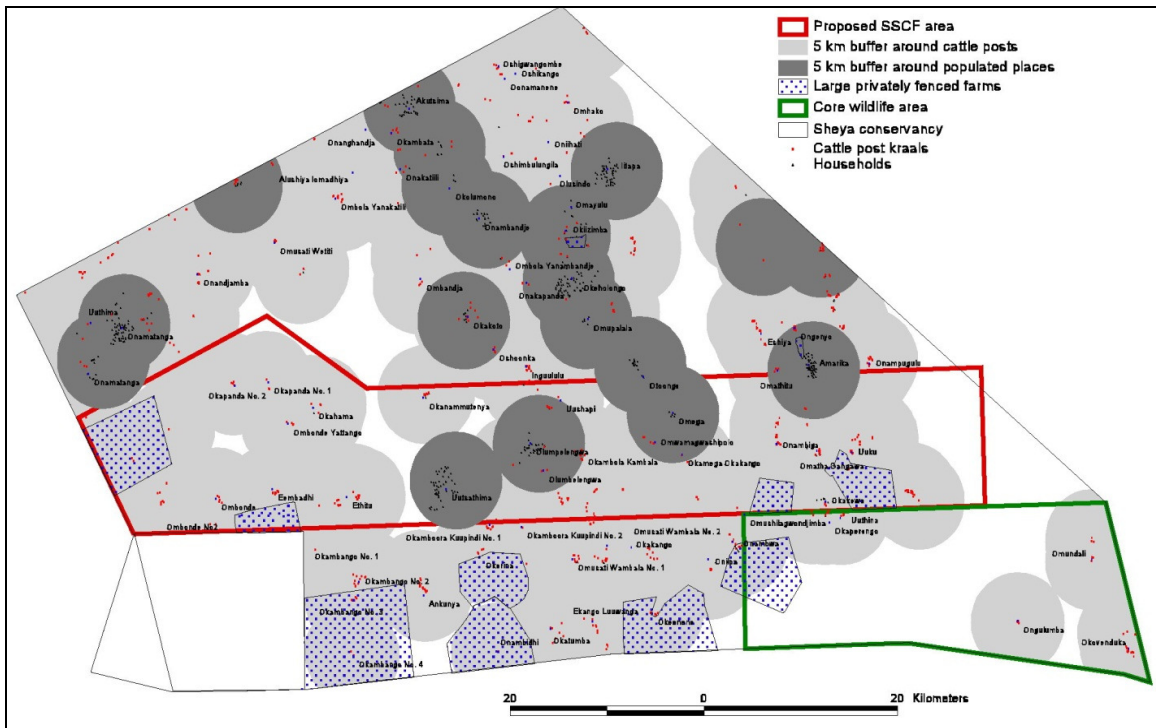


Figure 7: The designated SSCF farming in relation to the total area of the Sheya Shuushona Conservancy.

Areas likely to be used most intensively within 5 kilometres of resident villages (dark areas) and cattle posts (pale grey areas) provide indications of areas that are most utilized. The boundaries of large, privately appropriated and fenced farms are shown.

The fencing of farms to be shared by cattle owners who live outside the area would result in the further loss of commonage on which local villagers depend on for grazing and other common-property resources. The great majority of local residents are extremely poor, lacking the more lucrative incomes and influence of the cattle post owners. The morality of further dispossessing local residents of livelihood resources would be severely, and justifiably, questioned by many people.

However, a possible compromise might be achieved by dividing the area into demarcated farms in such a way that adequate commonage around the villages remains protected, ideally by registering the boundaries of the village commons, perhaps in the name of a Rural Land Management Area.⁹ Figure 8 presents a hypothetical sketch which might provide such a compromise. Each hypothetical farm would be shared by the owners of cattle posts shown here at the centre of each tentative farm polygon. The white circular areas are protected commonages around villages of local residents.

⁹ The CLS policy review recommended that several steps be taken to secure rights over commonage for local resident users. These include the recognition that *de facto* user rights be recognised as *de jure* rights, and that village committees participate in decisions to allocate land and to endorse registration applications for areas that are disproportionately large. Additionally, it was recommended that group tenure rights be registered in the name of designated Rural Land Management Areas. The CLS project was then charged by the MLR to experiment and develop ways in which these rights can be secured. As a consequence, the CLS project embarked on field work in the same Ongandjera area to map, record, promote and establish the legal rights over commonage for local residents.

However, it is clear that any compromise and recommendations for KfW interventions must come from broad-based consultation and agreement among local residents, traditional and political leaders and staff of the MLR.

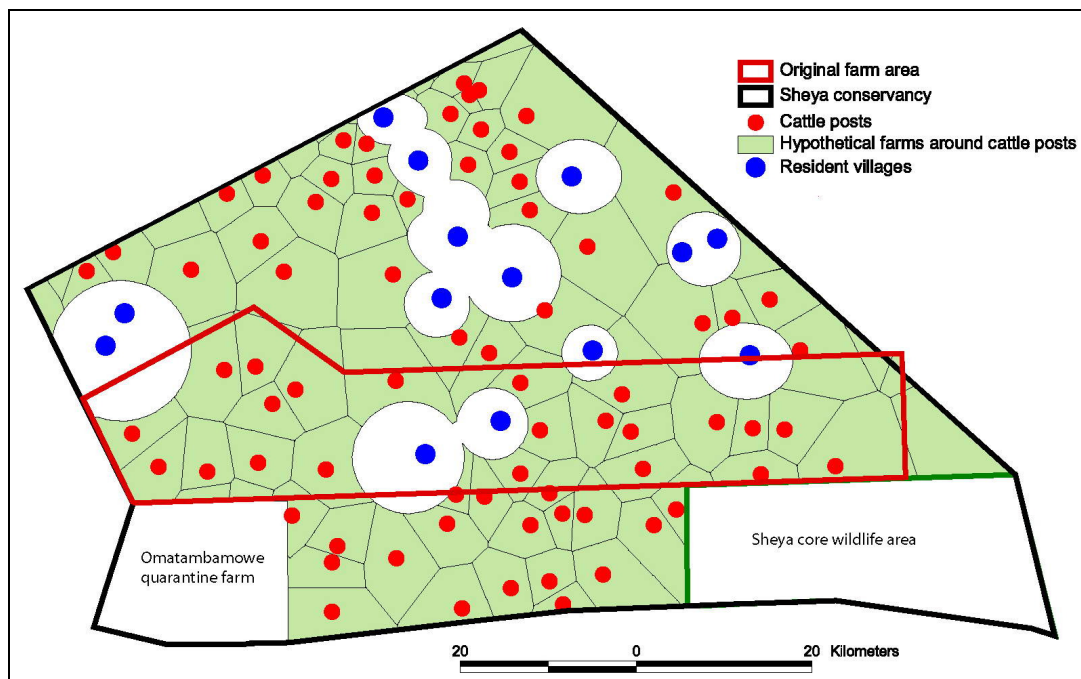


Figure 8: A hypothetical division of the Sheya Shuushona conservancy area into protected commonage areas for local residents and farms.

Recommendations

1. In view of the large number of people and cattle who already use the designated area and the costs it is recommended that further development of SSCFs for allocation to single owners be stopped.
2. However, once the KfW Basket Fund and MLR is ready to commit funding, a consultative meeting should be held to discuss and solicit ideas for investments that could be made to improve commercial production in the area.

The agenda for the meeting should be as open as possible, and could well include the need to demarcate and register farms shared by a number of cattle owners who now share cattle posts. Other interventions may be recommended, such as the development of a gravel all-weather road from Okahao to Uutsathima and south to the main cut-line road that runs east-west, the establishment of auction pens and stock loading facilities to stimulate cattle sales, tourism facilities for the conservancy and communal, public boreholes for stock belonging to local residents etc.

3.6 Otjitekua

This target area has not been gazetted, but at various times has been considered by the MLR as suited for the development of SSCFs and prioritised for that purpose. A detailed study of the area was conducted by Nkolo et al. (2007b) in which they

proposed that 14 SSCFs could be demarcated within the 47,660 ha that makes up the area.

The Otjitekua area makes up about one-third of the Ehrovipuka Conservancy which was gazetted in 2001. There are six main villages in the target area in which counts by the Central Bureau of Statistics indicate there to be almost 100 households. A large fenced breeding or bull camp was established previously, but has since fallen into disrepair. The target area shares its eastern boundaries with Etosha National Park.

The MLR assessment team of Nkolo et al concluded that the viability of developing SSCFs was limited by the small size of the area and high number of households in the area, but further suggested that the 14 SSCFs could be subdivided into 56 smaller units of about 500 ha each. This would allow most families to have their own 500 ha farms, while households with very few livestock could share the smaller farms. The idea of 500 ha farms has apparently not been pursued because the farm units are deemed far too small for productive cattle farming.

As is the case in most other target areas, the traditional leadership supports the development of SSCFs, while many local residents and the leadership of the conservancy are opposed to the idea of privatising the area into large farms. Consultations in the area led to the raising of the inevitable questions of who would get the farms, what would happen to local residents who did not get farms. It is also clear from Figure 9 that the whole area is now used for grazing by animals from the six villages. An illustrative 5-kilometre area around the villages shows the area in which cattle would probably graze regularly. There is thus no virgin or un-utilised land in Otjitekua.

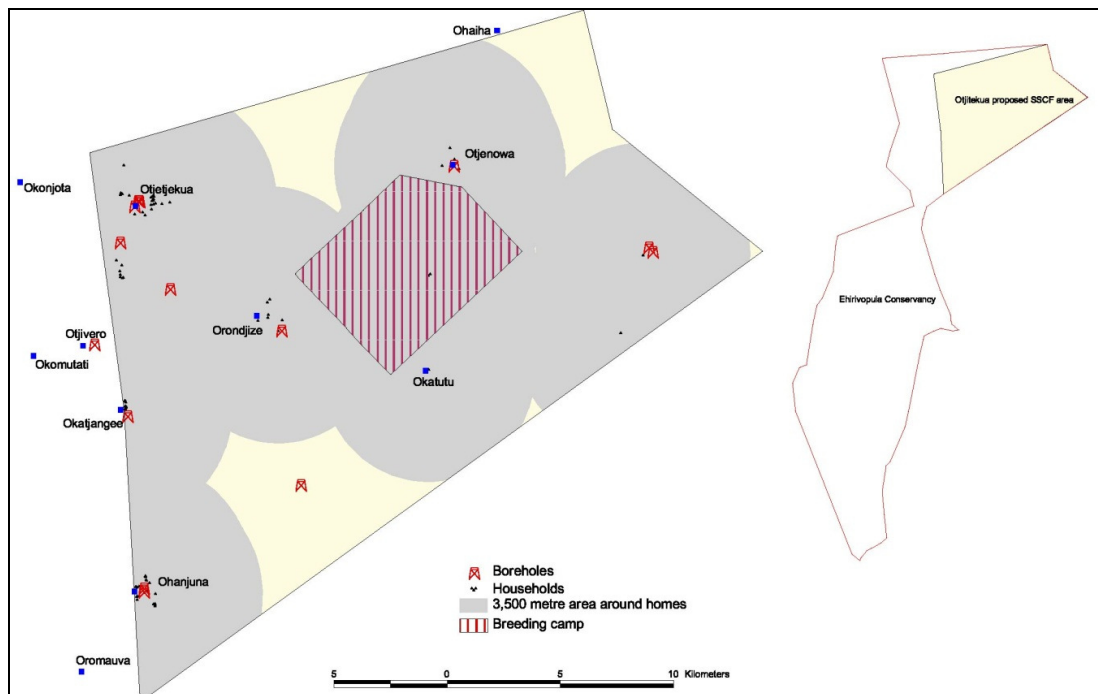


Figure 9: SSCF target area and villages, Otjitekua

Note: The inset map shows the location of Otjitekua within Ehrovipuka Conservancy.

Recommendations

1. Proposals to develop SSCFs in the area should not be pursued.
2. Once firm decisions have been made by KfW and MLR to commit Basket Funds to the area, a consultative meeting of local residents and leaders should be held to discuss and solicit ideas investments that could be made to improve commercial production in the area. Some likely possibilities are to drill additional boreholes to increase the supply and distribution of water for livestock and wildlife, and to establish auction pens and stock loading facilities to stimulate cattle sales.

3.7 Kavango

This is the only area in which there are recognised SSCFs so far. This ‘recognition’ and accompanying formality stem from the fact the farms have been surveyed and the owners have applied for leaseholds. Many of the leaseholds have been granted, following approval by the Minister of MLR, for periods of up to 99 years. Steps are now being taken to have the leaseholds lodged and registered in the Deeds Office so that they can be used as bankable certificates for surety. Most of the owners of the farms are relatively wealthy and influential. Most also live elsewhere, in particular Rundu and towns in other regions, and are therefore part-time farmers.

However, it should be noted that the all the recently-established farms were conceived, planned and allocated by senior members of the traditional authorities, functioning under the auspices of Land & Farming committees which had been established by each TA in the early 1990s. In this respect, the farms share similar origins and legal credibility with private farms elsewhere in the country which were established with the agreement of TAs. The major difference between the Kavango and other farms is that the MLR later decided to accord them formal status by surveying the boundaries (as required by the Survey Act of 1993) and offering people allocated the farms with the opportunity to apply for leaseholds.

Motives to establish Land and Farming Committees to plan and allocate the farms probably originated from the earlier allocation of 44 farms in the Mangetti Block and 21 others scattered across the region. These farms had been allocated to individuals by the then government during the 1970s and 1980s, with the purpose of encouraging the development of commercial agriculture. Although these older farms were surveyed, none of the occupants have leaseholds or any other form of certified tenure. To our knowledge, none of the farm owners pay any levy or rent to the government. Most of the farms are 5,000 ha or less in extent.

About 450 new farms have been established and allocated by land & farm committees over the last 15 years. Most of these new farms about 2,500 ha in size, and they are additional. The Ukwangali TA and Mbukushu TA plan to establish another 12 and 18 farms, respectively. In addition, several farms described as ‘illegal’ have been established by individuals apparently operating without the sanction of any TA. It is expected that many more farms will be appropriated over the next few years unless serious measures are enforced to stop the land grabbing.

Cumulatively, the farms now cover over 30% of the region, and close to 40% of all communal land in Kavango. This means that about 30% of the region is effectively owned by a few hundred individuals. Figure 10 illustrates the situation. White areas remain as communal land while the remaining areas consist of protected parks and farms having different histories.

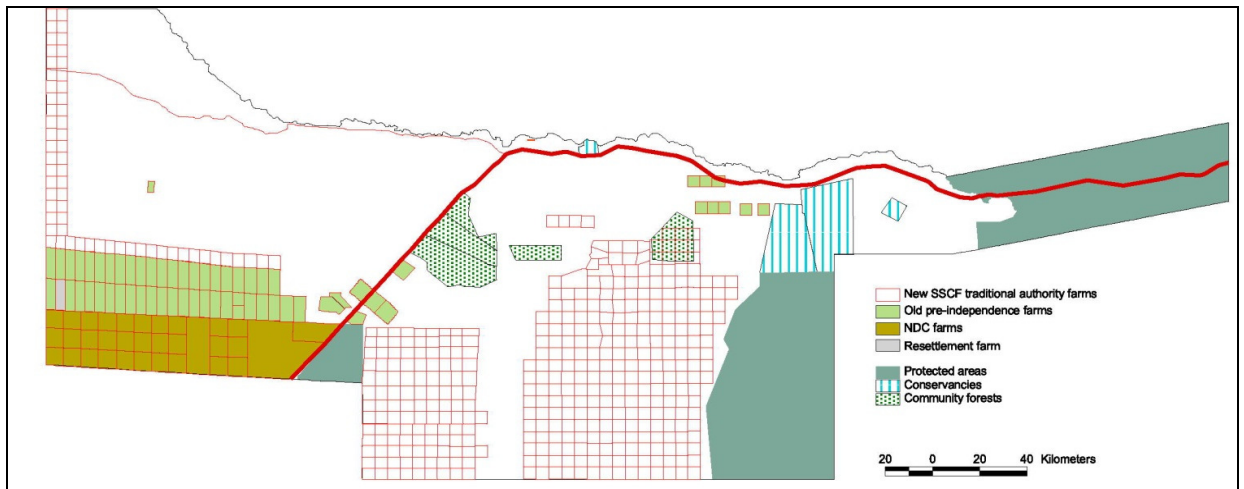


Figure 10: SSCF units in Kavango

It is widely held that no local residents have been or will be dispossessed by the establishment of the farms. However, there is a substantial number of people in some areas where the farms have been surveyed and allocated, as shown in Figure 11, and cases of people being forced to leave have been reported. The households were mapped from a detailed examination of high-resolution aerial photographs and an aerial reconnaissance survey. A total of 310 households were found within the area now allocated for the 271 new farms (Jones et al 2009).

One of the old Mangetti farms is now used as a resettlement area for San people. South of the veterinary fence and the block of 44 Mangetti farms is the NDC livestock farm. This comprises of farm units which are now used as follows: 6 units for quarantine, 9 by the Namibia Defence Force, 3 by war veterans, and 42 units for livestock production by the NDC. However, in 2004 Cabinet decided that these 42 farms should be used for resettlement as part of the MLR's land reform programme. It seems possible that the 42 farms could be allocated and developed by the SSCF programme.

Since the MLR has surveyed most farms there is no need for KfW Basket Funds to be spent on surveying and registering legal tenure, as is recommended for farms in former Hereroland and the Owambo Mangetti. Instead, it will be recommended that Basket Funds be spent on supplying water since many of the farms cannot develop in any way until they have sources of water for livestock. So far, 32 boreholes have been drilled using KfW and MLR funds.

A challenge for the Accompanying Measure Project is to establish ways of selecting beneficiaries who would have boreholes drilled on their farms, perhaps with pumps and water tanks being added. A first step would obviously be to select farms that do not have water. Secondly, the Project could select farms on the basis of the aptitude of their owners, an aspect recommended in Section 5 for the more general selection of people to be allocated newly established farms. Another aspect that might be taken into consideration is for the project not to support the provision of water on farms where there are local residents who will be dispossessed once the farms become operational. Similarly, the Project may prefer not to support farms that overlap and perhaps threaten the functioning of the Hans Kanyinga Community Forest. The project will also have to find a balance in its use of funds in different tribal authority areas.

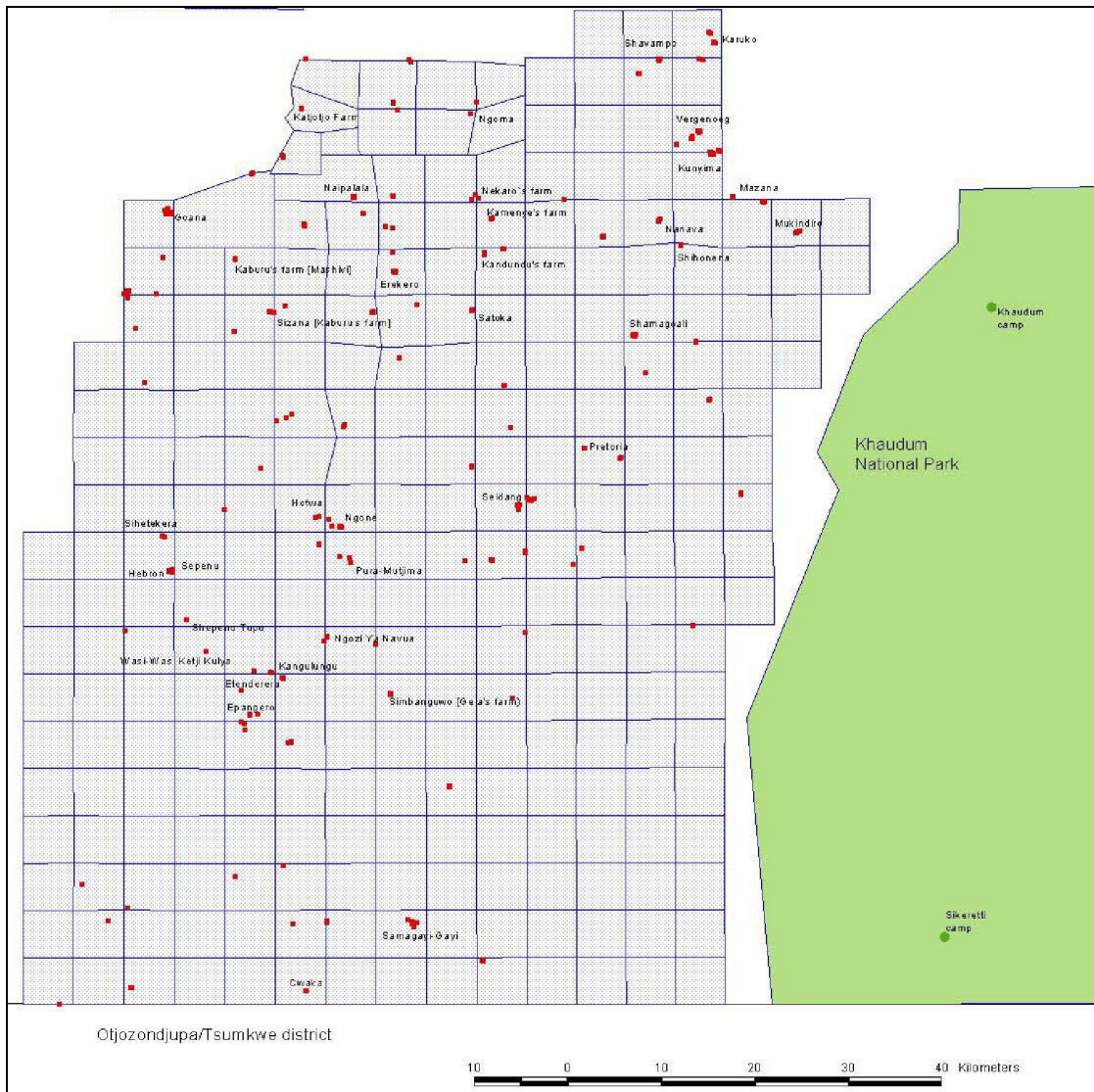


Figure 11: Farms in the Gciriku and Shambyu areas showing existing settlements and households

Recommendation

1. As many farms as possible should have boreholes drilled at the cost of the KfW Basket Fund. All or some of the farms might also have pumps and water-tanks provided by the Fund.

3.8 Owambo Mangetti

The first farms to be established in this target area were the 104 farms surveyed and later allocated during the 1970s. Most of the farms range between 900 and 1,200 ha in size. Four farms were set aside for use by the government's agricultural extension services, while the remaining 100 were allocated to individuals. The farms are now under the control of the MLR, but were previously managed by the Ministry of Agriculture. Farmers then paid a grazing fee of 50 cents per head per month. The area covered by the farms has recently been gazetted as a designated agriculture

area, which potentially makes it easier for the farm owners to obtain long-term leaseholds.

Since the 1980s and particularly during the 1990s, many more farms were privately appropriated as large farms, mainly to the north of the original block of 104 farms. Most of the farms were acquired with the sanction of the Ndonga TA to whom the owners pay for grazing permits. Other farms were acquired under less formal circumstances. In contrast to Kavango where farms were planned and allocated by committees of the TAs, the acquisition of these newer farms in Mangetti has always been much less transparent which has led to the farms frequently being called 'illegal'. Few of the farm owners reside in the area, most living as relatively wealthy and influential people in Windhoek, Ondangwa and Oshakati. Some people who were allocated one or more of the original 100 Owambo Mangetti farms have also acquired new, privately appropriate farms.

Many of the farms are large, for example the average individual farm sizes of 11 people is 10,000 ha, which is about three times bigger than the 3,600 ha (6 x 6 kilometres) maximum size set by the Ndonga TA. A survey by the MLR in 2008 identified and mapped the boundaries of 141 these new farms, the largest of which was 19,155 ha MLR / KfW 2009). More farms have been established in recent years, perhaps to a total of about 160.

The newly appropriated farms have been fenced by their owners, many of whom have also had one or more boreholes and pumps installed. As is the case in former Hereroland, a considerable number of farmers have made significant investments in their land.

Following the MLR/KfW survey in 2008, the MLR presented an option to implement a Cabinet Resolution which stipulated that fenced units in communal areas should not exceed 3,600 ha.

Recommendations

1. In the light of the long established history of the farms, many with explicit sanction of the Ndonga TA, and the fact that these farms cannot be removed, the KfW Basket Fund should support their regularization by surveying their boundaries and assisting their owners to obtain long-term, bankable leaseholds lodged and registered in the Deeds Office.
2. Similar recommendations were made with respect to large farms in Hereroland, and similar procedures and controls should be implemented during the regularization process. Thus the MLR should immediately declare all vacant areas to be 'off-limits', with the clear prohibition of any new land appropriations in those areas. The enforcement of this should be done in conjunction and with the support of traditional authorities, constituency development committees and the Mangetti Farmers' Association.
3. People with excessively large farms should be required to reduce their sizes to the 3,600 ha limit established previously. Those who refuse to decrease their landholdings should not benefit from the regularization process.
4. Where farms are close to villages or other local residents, the recognition, surveying of boundaries and registration of large farms must be done in conjunction with mapping and land registration activities for all residents. The process to be used should follow the so-called focal area approach now being

developed in the northern communal areas by the CLS project, described earlier for Hereroland (see section 3.3).¹⁰

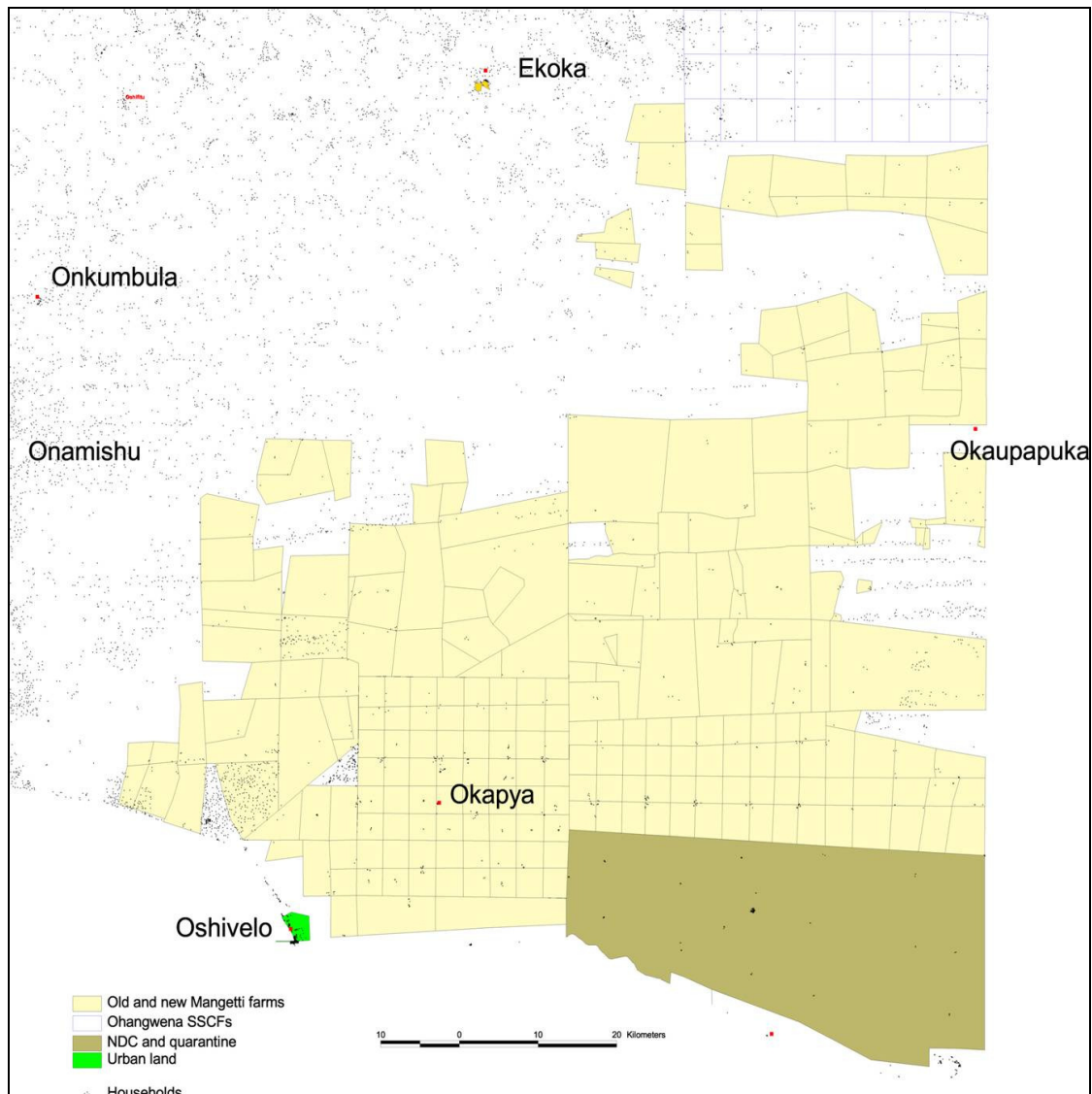


Figure 12: Old and new Owambo Mangetti farms, Oshikoto Region

¹⁰ The CLS project expects to begin fieldwork to map and verify properties in eastern Oshikoto towards the end of 2012. That work would provide considerable support to the regularization process recommended here.

4 Types of intervention and investments

This chapter recommends interventions that are consistent with the overall aim of the Basket Fund namely to support investments that lead to commercial development on communal land. It is expected that much of the funding should be spent on the further development of SSCFs, particularly in areas where SSCFs have been established over the years. In other areas of the country, it is recommended that different interventions be considered, especially those likely to benefit broader communities of local residents. This is in line with the overall principle that the Basket Funds be used to support individual entrepreneurship in the development of private commercial farms *and* the tenure security of local residents over their individual properties and commonage resources.

In supporting SSCFs, it is strongly recommended that the great majority of funding be spent on two fundamental needs for the development of commercial production: the provision of (a) water and (b) secure bankable tenure for the farms. Without these needs being met, SSCFs cannot be expected to become commercially productive. Other, additional kinds of support can be provided at a later stage. It is also expected that farm owners should make significant investments in the development of their farms, perhaps through co-financing and /or cost-sharing arrangements in certain cases. Where farmers accept the responsibility to erect all boundary and inner fences as well as kraal facilities their financial contribution will almost be equal to that of the Project.

Given the fundamental needs for the development of commercial farming, the Road Map proposes to spend the Basket Fund in the following way:

- Establishing water points plus surveying and registering i.e. 125 farms @ N\$670,000 = N\$83.75 million
- Surveying and registering illegally fenced farms i.e. 400 farms @ N\$30,000 = N\$12 million
- Geo-hydrological studies N\$2 million
- Feasibility study to ascertain whether the community forest in Caprivi will be suitable for SSCF N\$0.5 million

The projection of the number of farms that can be developed under these assumptions is presented in Table 2 below.

Table 2: Revised projection of number of farms to be developed per region (various intervention models expressed as options 1,2,3,4, and 5)

Region	No of units	Funds available per region (N\$ million)	No of beneficiaries					Ha of land developed
			Option 1	Option 2	Option 3	Option 4	Option 5	
Kavango (surveying and gazetting)	0	-	0	-	0	0		-
Kavango (water points)	70	46,900,000	0	-	0	70		175,000
Caprivi (feasibility study)	0	500,000	0	-	0	0		
Otjozondjupa/Omaheke (surveying +and gazetting)	300	9,000,000	0	-	0	0	300	9,000,000
Otjozondjupa/Omaheke (water points)	25	16,750,000				25		115,000
Otjozondjupa/Omaheke (feasibility study)	0	2,000,000						
Ohangwena	15	10,050,000	0	-	0	15		37,500
Omusati	15	10,050,000	0	-	0	15		37,500
Oshikoto	100	3,000,000	0	-	0	0	100	300,000
Total	525	98,250,000	0	-	0	125	400	9,665,000

Source: Own calculations

The different options for interventions include the following improvements on a 2,500ha farm:

Option 1: Borehole and pumping equipment, 2 tanks and troughs; sorting, holding, loading and handling facilities; 4 kraals; boundary and inner fences, surveying and gazetting, housing and access roads

Option 2: Borehole and pumping equipment, 2 tanks and troughs; sorting, holding, loading and handling facilities; 4 kraals; surveying and gazetting, housing and access roads (no fences)

Option 3: Borehole and pumping equipment, 2 tanks and troughs; sorting, holding, loading and handling facilities; 4 kraals; surveying and gazetting

Option 4: Borehole and pumping equipment, 2 tanks and troughs only

Option 5: Surveying and gazetting of existing fenced farms

All the areas in which SSCFs have been developed privately and the few areas where new farms could be established are suited to cattle farming, which is also the sort of agriculture that appeals most to the farmers themselves. However, cattle need reliable supplies of water, and it is for this reason that Basket Funds should be spent on finding and supplying groundwater to farms that now lack reliable and adequate supplies of water. It is expected that most expenditure and effort will be on groundwater investigations and drilling.

Commercial farmers in the freehold areas of Namibia enjoy secure, long-term tenure, which provides necessary incentives for time and money to be invested to develop a farm. Secure, long-term tradable tenure is also needed to obtain capital from credit institutions for capital development. Long-term fungible tenure is thus a fundamental necessity (though not a sufficiency) for the development and success of commercial farming. Accordingly, it is recommended that Basket Funds be spent to survey farms, support their registration as long-term leaseholds, and have the leaseholds lodged in the Deeds Office in terms of the Deeds Registries Act of 1937. It should be a major goal of the Basket Fund to elevate and secure the tenure status of as many SSCFs as possible.

The recommendation to use most Basket Funds on water and tenure development in the first three years of the Accompanying Measure will mean that support could be given to a substantial number of farms. This is in contrast to other models of support which sought to supply much of the infrastructure needed on each farm with the result that support can be offered to comparatively few farmers. For example, if it is assumed that N\$110 million is available from the Basket Fund and TIPPEEG funds, different levels of support would yield the following:

- 73 farms could each be supplied with one borehole, two tanks and troughs, fences, kraals, housing and access roads (Option 1),
- 101 farms could each be supplied with one borehole, two tanks and troughs, kraals and housing (Option 2),
- 131 farms could be supplied with one borehole, two tanks and troughs, and kraals (Option 3),
- 151 farms could be supported with one borehole, two tanks and troughs (Option 4), or
- 400 already (“illegally”) fenced off farms, surveyed and gazetted in the Deeds Office (Option 5).

The costs used to estimate these figures are provided in Appendix 4.

4.1 Provision of secure bankable tenure

The large number of existing private farms were established at different times and in different ways, as described in the introduction. Most farms, however, lack registered leasehold or title, which means that their 'owners' cannot be as confident of their investments as other farmers who have registered long-term tenure. Furthermore, the absence of registered rights of leasehold or title deeds means that the farms cannot be offered as collateral when farmers require capital to fund the development of their farms, for example funds to provide fencing or water, or to buy stud/genetic superior bulls.

It is recommended that the Basket Funds be used to provide secure bankable tenure to as many private farms as possible of a size and nature that hold promise for commercial development. This task will be approached in different ways according to local circumstances and the present nature of tenure. Section 10.4.1 below will provide more detailed recommendations on bankable tenure.

In areas where farms were established and surveyed long ago, such as the Kavango Mangetti and Okamatapati farms, investigations will be needed to establish the present nature of tenure, such as individual or shared. In the case of shared farm ownership, it will be necessary for leasehold over the farms to be registered in the name of a legal person or entity. Several options including trusts, community property associations and CCs exist and need to be critically assessed. However, where farms are shared by different families, it may be difficult to determine a unit of ownership that can be regarded as a legal person, at least for present purposes of support from the Basket Fund.

Elsewhere, large farms will also have to be surveyed first using certified land survey methods. In some areas it will be necessary to determine which farms are large enough to be considered viable for commercial development. The threshold sizes will ideally differ from area to area according to carrying capacity and perhaps other factors that relate to commercial viability, such as the availability of water and even arable soils for crop production. The Basket Fund should provide infrastructure support only to farms that are large enough to be commercially viable.

The prospect of having farms recognised and registered as legal properties should be sufficient incentive to persuade the owners of properties exceeding a maximum farm size to reduce their farms and align their boundaries. Negotiations to change the sizes and borders of farms should be facilitated by traditional authorities. They should be directly involved in determining threshold sizes for commercial farms, establishing the identities of the recognised owners of the farms, and where needed the realignment of the boundaries of the farms before they are surveyed. These responsibilities may be assigned to Regional Councils or Constituency Development Committees in areas where traditional authorities are unable to take on these tasks. It will be necessary to ensure compliance with principles regarding beneficiaries (see section 5) and possible needs for compensation (see section 6).

The costs of providing secure, bankable tenure will vary from area to area. The highest unit costs will be for farms which have to be surveyed, have trusts or other legal persona established for purposes of shared ownership, and then registered in the Deeds Office. Investigations should determine how surveying fees, presently estimated at a cost of N\$25,000 per farm, and legal fees to establish trusts and register deeds in the Deeds Office can be kept to a minimum. The legal and surveying professions may agree to fee reductions in the light of the large number of farms being registered and the development nature of helping 'communal farms' enter the commercial agricultural sector.

It will be important that the MLR provides support to facilitate and accelerate procedures to assess and approve applications for tenure by the Communal Land Boards and the Minister, where necessary. It is recommended that leaseholds for 99 years be granted, and that the leaseholds be 'once-off' agreements. The legal feasibility of demanding a single lease fee when the lease agreement is signed should be investigated. This is in accordance with

recommendations made elsewhere in the Road Map (see section 10) that the nature of lease agreements should encourage commercial enterprise in communal areas.

The provision of tenure will include farms now considered to be irregular or illegal because they were acquired in ways that amount to private appropriation, sometimes with the agreement of traditional authorities. Critics will argue that this will amount to legalizing and giving credibility to 'land grabs'. However, it is argued here that enclosures of various sizes for private use are a reality in communal areas which is not likely to be reversed. Any attempt to remove the enclosures will generate immense political, social cost and economic costs. Calls to either stop fencing or remove fences have repeatedly and consistently fallen on deaf ears and were not implemented by government. Consequently, a more pragmatic approach is called for to 'decriminalise' those enclosures and bring them into the economic mainstream. Moreover, it is difficult to justify putting up new, official fences, while simultaneously criminalising all other fences that have been erected with private capital of individuals. Indeed, the farms represent a form of SSCF development, in particular by farmers who have invested considerable resources to fence and provide water to those farms.

However, providing legal status to these farms carries two very substantial risks: it is probable that more farms will be appropriated or 'grabbed' and existing farms will possibly be surreptitiously expanded in size when the owners indicate the farm boundaries for purposes of surveying. It is imperative that measures be implemented to forestall these problems. Three measures are recommended here.

First, and most importantly, is for the MLR and all other arms of government to make clear and emphatic that NO further land appropriations will be allowed or recognised after a given moratorium date, presumably the date on which the programme to provide secure tenure starts. This instruction must be announced widely and in particular to traditional authorities who could be held accountable for further appropriations. Hot lines, press statements and other mechanisms should be made available to report transgressions. It should also be made clear that local residents will have *de jure* land rights over all remaining commonage land, as recommended by the CLS policy review and accepted by the MLR.

Second, is the need for the MLR to establish mechanisms to adjudicate all applications for recognised, secure long-term tenure to large farms. This process should be guided by the provisions of the CLRA, in particular Section 37, which provides CLB with the powers to set up investigating committees and sets out the procedures for preliminary investigations of claims to existing rights.

Third, is for all applications for tenure over large farms to be considered in conjunction and simultaneously with the mapping of all other neighbouring properties. This should ensure that new land is not appropriated beyond the given moratorium date, either in the form of new farms or expansions of existing properties. Additional benefits of this approach are discussed below.

Although outside the mandate of the Basket Fund, it may be desirable for the MLR to consider offering similar long-term, secure and bankable tenure to beneficiaries of resettlement farms established since independence. Doing this for large farms in communal areas and resettlement farms in freehold areas will help unlock their commercial potential. All these farms will also be integrated into the economic mainstream of the country.

4.2 Developing new SSCF units

Only few opportunities exist to develop land in communal areas that is not being utilised for small-scale commercial farming. Parts of the communal areas in Omaheke and Otjozondjupa are currently unoccupied due to a lack of water. It is recommended that that Basket Fund supports the appointment of a water expert to investigate the availability of water and recommends a water supply and management plan, as described below. On the

basis of these findings and recommendations new SSCFs should be established where possible in parts of former Hereroland. The location and sizes of the farms will need to be assessed, to be followed by surveying, allocation and support for the development of water supplies.

4.3 Provision of water

Many farms, especially those in Kavango, lack supplies of water and can thus not be developed as commercial farming units. Water supplies are also required on some existing surveyed farms, in particular 16 farms in the Rietfontein Block (see section 3.3).

In areas of former Hereroland where there is a potential to develop new SSCFS in unutilized areas (see section 2.3) the Basket Fund should commission a detailed geo-hydrological investigation to determine potentials and options for supplying water to the areas and make recommendations on a water supply and management plan. The reason being that a large number of unsuccessful boreholes are very likely (approximately 4 out of 5) if a proper study is not done. The study should be done well-ahead of any announcement of plans to develop SSCFs in those areas. Indeed, any plans to establish the farms *must* be guided by the results of the study.

It is recommended that the Basket Fund and MLR make use of tender and contracting procedures implemented by the Ministry of Agriculture, Water & Forestry.

It is recommended that the Basket Funds provide as many farms as possible with water. In doing so, a programme to phase support to different areas over the life of the Basket Fund will need to be developed. Procedures to select beneficiaries will be needed. These should adhere to generic principles recommended for allocating SSCFs (see section 4), but consideration should also be given to providing two levels of support.

The first would for the Basket Fund to pay the entire costs of one fully functional water point per farm, which would entail the appointment of geo-hydrologists to locate boreholes, and then drilling, casing, and the fitting of a pump and erection of two water tanks. The costs of this option will vary according to the location of the borehole, in particular its depth and the kind of pump fitted, but are estimated to amount to about N\$670,000 per water point. This is regarded as the most viable and preferred option.

A second, more economical option is to support half the cost of a water point, the other half being paid by the farmer and thus enabling the Basket Fund to help provide water to many more farms. Different options for cost-sharing agreements can be considered, for example having half the cost paid by a loan from a bank, or having the farmer provide a lump sum to the Basket Fund, or ensuring that the farmer pays for the drilling after which the Basket Funds pays for and installs a pump and tank. However, most farmers will not be able to generate the funds for this purpose and to run the risk of drilling a dry borehole. The focus during these three years is intended to be on supporting the creation of fundamental requirements for as many SSCFs as possible.

4.4 Cost sharing options

The development of any commercial farm requires a variety of investments: for water supplies, fencing, roads, livestock, farm buildings and housing, the improvement of rangeland, and cutting of firebreaks, for example. Seldom can the investments be made at once, and so farmers usually build up their ventures over time as demands require, options arise and funds allow.

Basket Fund investments are contributions towards the establishment of these commercial farms, with the expectation that the main responsibility for the complete development of the farms rests with the farmers themselves. Basket Fund spending will be targeted at specific improvements or developments made over a short period, for example to pay the costs of

drilling for water. By contrast, investments by farm owners will occur over longer periods for a variety of developments, and include contributions made in-kind, such as labour and materials. The value of investments made by farmers will also have much greater financial value than those contributed by the Basket Fund.

It is therefore accepted that the overall, long-term costs of developing commercial farms will be shared between farmers and the government through aid provided by KfW in the Basket Fund. It is also expected that the government will further subsidise the costs of development by making low-interest loans available for capital improvements. The loans are likely to be managed by AgriBank using funds provided by government and perhaps KfW and other donors.

The principle of Basket Funds being limited to shares towards the development of farms should be clearly explained through the Basket Fund's communication programme, not least to make clear that the development of commercial farms is the firm responsibility of their owners.

Targeted contributions to finance specific developments together with the provision of subsidised loans amount to *cost-sharing* measures, the costs of overall farm development thus being shared by the farmer, Basket Fund and government.

Co-financing, on the other hand, relates to arrangements made between the Basket Fund and farmer to jointly pay for a specific activity, such as surveying and registering a property. The concept of co-financing is widely accepted. Beneficiaries of financial assistance are likely to be more committed if they are required to pay some of the costs. They are also likely to maintain any asset more effectively if they have helped pay for it. Resources available to the Basket Fund can be spread more widely to reach a greater number of beneficiaries if the unit costs of each investment are reduced by con-financing.

The nature of any co-financing arrangements should be established for each kind of investment and be guided by policy and practical considerations, such as: Agreements between the Basket Fund and beneficiaries should be made as simple and clear as possible, so that each party's responsibilities are beyond doubt. Legal advice should be obtained to that end. The agreements should also be bound by firm time limits, so that each party can plan and be aware of its commitments and deadlines. Administrative burdens should be kept to a minimum to ensure that undue amounts of Basket Funds are not spent to actually subsidise co-financing arrangements. The possibility of beneficiaries providing labour and materials as in-kind costed contributions should be considered.

The MLR will have to make policy decisions on the proportions of costs to be financed by the Basket Fun and beneficiaries. The following table provides illustrative figures:

Table 3: Numbers of farms that can benefit under co-financing arrangements for water points, surveying and registration of deeds, fencing of shared farms, and fencing of individual farms.

Intervention	Unit costs			Notes
Water point: Drilling borehole, casing and siting; pumping equipment, elephant protection	Using \$20 million with a unit cost of N\$640,000 per water point			The cost per complete water point is high since the 50% risk of drilling a dry borehole is taken into account. It is thus recommended that farmers should not make any cash contribution for this purpose.
	100% Basket Fund 0% farmer	50% Basket Fund 50% farmer	25% Basket Fund 75% farmer	
Number	31	62	124	
Surveying and registration (per farm)	Using \$5 million with a unit cost of N\$50,000 per farm			Another approach would be for the Basket Fund to pay surveying costs and for the legal fees for registration to be met by farmers
	100% Basket Fund 0% farmer	50% Basket Fund 50% farmer	25% Basket Fund 75% farmer	
Number	100	200	400	
Fencing of boundaries on shared farms (cost per farm)	Using \$5 million with a unit cost of N\$570,000 per shared farm			
	100% Basket Fund 0% farmer	50% Basket Fund 50% farmer	25% Basket Fund 75% farmer	
Number	9	18	36	
Boundary and inner fences	Using \$5 million with a unit cost of N\$400,000 per farm			Farmers could provide labour and use poles and droppers cut from trees on the farm
	100% Basket Fund 0% farmer	50% Basket Fund 50% farmer	25% Basket Fund 75% farmer	
Number	13	26	52	

4.5 Focal area land registration and village planning

As part of measures to promote customary land rights and to identify and secure group rights over commonage land, the MCA-funded CLS project has begun a process known as focal area land registration and planning. The activity focuses on selected villages, seeking to map all land parcels, to facilitate applications for land rights, to map and identify commonage property, and to develop processes which will lead to village planning and group tenure rights. Selected villages are currently in areas where substantial areas of commonage remain and are vulnerable to land grabbing at the expense of local residents.

Large maps showing the village boundaries and location and extent of all properties in and around a village are produced and displayed publicly to check that all properties have been recorded and mapped, and to allow village residents to gain perspectives on remaining areas of commonage and their potential use. The maps also show the locations and extents of properties that local residents might consider inappropriate, perhaps because they block

access routes, or because the properties are excessive in size. Village residents and local headmen are thus provided with information that would otherwise be hard to obtain and visualise. They are also provided the opportunity to reject or to insist on modifications to applications for land rights that are not in the interest of the local residents, as provided for in Sections 35 and 37 of the CLRA.

It is recommended that Basket Funds be spent on similar focal area land registration in areas where the CLS is not presently working and where there is a mix of large farms (which require long-term tenure security) and commonages (which require protection for local residents). Once the mapping of properties is complete and agreed by local residents, it is proposed that activities to develop village plans be continued, as proposed in section 7. It is anticipated that such village planning will help villages plan areas for different land uses, such as the allocation of new properties, services such as schools and churches, and grazing. In addition, having information on the availability of commonage will lead to the planning of allowable stocking rates. Examples of how such village planning has had long-lasting useful effects are to be found in certain areas of former Hereroland (Kruger 2006).

4.6 Other infrastructure and investments

Interventions of the kinds recommended above are largely intended to support the development of SSCFs and will only be implemented in certain communal areas. A range of other interventions could be supported in other areas which had previously been earmarked as having potential for SSCFs. Offering support to these areas will also help meet expectations created as a result of statements that the MLR and KfW would provide support to commercial farming.

It is recommended that these other interventions be developed in collaboration with local residents, ideally through meetings attended by as many people as possible. Before these meetings are held, however, firm decisions must be made by managers of the Basket Funds that support can and will be offered. This is to ensure as far as possible that any promises made, or expectations raised can indeed be met, and that the credibility of the MLR, KfW and Basket Funds is not compromised.

In the light of the intention for KfW funding to support development leading to greater commercial production, it is recommended that the following types of investments be considered.

- *Roads* – all the potential SSCF areas are comparatively remote and sparsely populated. As a result road access is generally poor. In certain areas it might be desirable to provide better access, perhaps by building gravel roads which are suited to most kinds of vehicles. Figures obtained during the Road Map suggest that such roads could be constructed at about N\$400,000 per kilometre. Close collaboration with the Roads Authority will be essential to determine how their 10-year master plan for roads and the SSCF can support each other to ensue better economic productivity.
- *Auction and stock loading facilities* – as cattle production increases, it might be useful to construct auction pens, small holding camps and ramps to load cattle on trucks.
- *Tourism facilities* – Particularly in the West Tsumkwe area where it has been suggested that tourism has commercial potential, the Basket Funds might be used to support the development of accommodation or other facilities for paying visitors. Likewise, support to increase wildlife populations could be considered.
- *Water supplies* – it is likely that the provision of new water sources for the communal use of local residents could improve their livestock production by opening up access to pastures too far from existing watering points, for example, or by reducing the distances that animals walk each day.

4.7 Impact of investments

The impact of these interventions should not only be measured in terms of numbers of beneficiaries but also in terms of increased productivity. Presently productivity in communal areas is generally low due to the following constraints:

- High mortality rates among cattle herds because of i.e. predators, poisonous plants, infectious diseases, insufficient vaccination against diseases (Other than lung sickness and Foot and Mouth disease) and inefficient control of internal and external parasites
- Low off-take from communal farming areas which is estimated to be in the order of 8 to 9% (formal and informal). At the Meatco abattoirs (Oshakati and Katima Mulilo) this figure is as low as 2% (Kruger et al. 2012).
- High average age of cattle because of poor market performance. This inevitably contributes to low cow : calf ratios (average 44.2%) and production performance in general (Kruger *et al.* 2012).
- Poor dressing percentage, grading and quality of meat (as was clearly shown at Katima Mulilo abattoir).
- Inadequate access to or availability of genetically superior bulls.
- Low carrying capacity in general in occupied areas because of poor rangeland condition.
- High marketing costs because of large distances from the market and huge losses in condition and weight to move animals on the hoof. This problem is exacerbated by the obligatory 3-week quarantining of cattle in Caprivi before they are slaughtered. Cattle transported fetch 32% more money than cattle being moved by hoof to the abattoir (Kruger *et al.* 2012).
- Poor animal husbandry/management practices with a resultant extremely poor meat production rate of $\pm 1.3\text{Kg/ha}$

The interventions recommended above in and of themselves are not likely to relieve these constraints on agricultural productivity in communal areas. It is essential that they be accompanied by a post settlement support system in the form of technical assistance to maximize the impact of SSCF investments. With improved management practices and optimum land productivity it is reasonable to pursue a calving percentage of 70% and more. Simultaneously, the rate of off-take should increase to between 20% and 25% of the cattle population while the carcass weight should be in the order of 220 kg. A resultant increase in meat production from 1.3 kg/ha to 4.5 kg/ha should be within fairly easy reach.

Therefore, if 600 farms of 2,500 ha each in the communal areas could be developed and managed to pursue their full production potential, meat production could be 3 times the amount of what it is presently. There is also ample opportunity to improve the poor grading where 70% of the carcasses fall in the categories C0 and C1. In financial terms an additional income of N\$170 million per annum, as compared with the present N\$235 million for all cattle owners in the NCA's, could be materialized. (Presently no production figures for the communal areas of Otjozondjupa and Omaheke are available.

The expected income from cattle farming from poor, average and good management in the different target areas is illustrated in Table 4, which shows that a high level of management, leading to increased grazing capacity, rangeland quality and calving percentage could lead to a three to four-fold increase in income.

At current Meatco prices the gross income of an individual farmer with good grazing and management could be in the order of N\$340,000 on a 2,500 ha farm (Table 4). As was mentioned previously, it will take at least 8 to 10 years for most farmers to reach this level of

productivity and income. The prospects for a substantial increase in terms of personal income and quality of life are within reach of each of these farmers. In the expense analysis provision was also made for one employee, which means that at least 600 job opportunities could be created. Appendix 5 shows the income that can be obtained at various carrying capacities.

The interventions described above should be seen as fulfilment of the objectives and guidelines stipulated in the *National Agricultural Policy* and the *Subdivision of Agricultural Land Act (Act No. 70 of 1970)* which are explained in more detail in Appendix 5.

Table 4: Summary of farm income and costs at varying carrying capacities and calving percentages

Target area	Carrying capacity Ha/LSU	Calving %	Present estimated meat production/ha (Kg)	Present estimated gross income/2500ha (N\$)	Net income as % of Gross income	Net income/ha (N\$)	Net income/2500ha (N\$)
	40	50	1.22	81,920	70	23	57,344
	24	50	2.05	135,360	70	38	94,725
	18	60	2.87	193,040	70	54	135,128
	12	75	5	340,500	70	82	204,300
Weaner production							
			Live body mass (Kg)			-	
	10	75	9.56	375,900	70	90	225,440
Production costs as % of Gross farm income							
Otjijekwa / Ongandjera / Eenhana					68		
Caprivi					67		
Kavango					61		
Mangetti dune					57		
Otjozondjupa/Omaheke					62		

Source: Own calculations

5 Selection criteria

Most of the land designated for infrastructure support is either occupied under customary tenure arrangements or allocated to individual beneficiaries in areas already gazetted. These latter allocations were done by Traditional Authorities in whose areas of jurisdictions the land falls. This is the case in Kavango, where land has been allocated primarily, but not exclusively, to members of specific local traditional communities. In some instances individual families were allocated 11 farms. The only discernible criteria for making these allocations are that the chances of succeeding with an application for an individual unit in all likelihood increased if the applicant belonged to the specific traditional community within whose area the unit applied for was located or was a prominent and well connected member of society.

The advantage of this approach was that these allocations remain largely uncontested. However, objections have been raised relating to the fact that this approach may have excluded previously disadvantaged people belonging to other traditional communities. This has prompted the MLR to put a moratorium on the allocation of SSCF units in Kavango to ensure that uniform and transparent criteria are used.

In some instances local residents who are members of the same traditional communities were dispossessed of their land as a result of the allocations. This is a pertinent issue which should not be repeated, as informants in all regions stated that if individual farms were to be developed in their areas, local residents should be the primary beneficiaries. This would exclude people from outside their communities.

The generic criteria proposed in this section will only apply to *new* individual farms. No selection procedures will be required for the selection of beneficiaries of shared farms where people have undivided shares. Existing shared 'farms' in this context refer to situations where people who are already settled and use land and water on a shared basis have expressed an interest to have their land fenced off for continued shared utilisation. Examples of this include cattle posts where users of land and water have 'selected themselves' to live and farm together.

However, given that the Basket Fund lacks sufficient funds to support all interested groups from receiving infrastructure support, criteria and procedures are required to select specific groups for Basket Fund support. The selection of such groups should be done during the local level planning stage, as this will provide a platform for affected communities to discuss, for example, how much land they are prepared to see fenced for individual use and how much land should be retained for communal grazing. Traditional authorities, particularly at the level of Senior Traditional Councillors, will have to be involved in this process, particularly where cattle posts are concerned, as they do not fall under the jurisdiction of village headmen.

5.1 Current policy instruments

The fundamental principle guiding Namibia's land and resettlement policy is set out in Article 21(1)(h) of the Namibian Constitution which enshrines the right of every person to reside and settle in any part of Namibia as a fundamental freedom. Some people have interpreted these provisions as justification for appropriating communal land for individual use without authorisation by traditional governing bodies or government institutions. Little regard was also had for local land rights and customs. The risks of individuals transgressing on customary rights of local communities was addressed in a consensus resolution of the National Conference on Land Reform in 1991, which resolved that the people seeking access to land in specific communal areas needed to take account of the rights and customs of the local communities living there. The implication of this resolution is that people from outside local communities had to go through the TAs to apply for customary land rights.

The provisions of Article 21 sought to redress the situation at Independence, which provided access to land along racial and ethnic principles. The MLR integrated these principles into the selection of beneficiaries of the National Resettlement Programme (NRP), by making it obligatory to strike a regional balance in land allocations. This refers to the need to have a regional spread of beneficiaries in terms of the regions in which they will be resettled and the regions from which they originate (MLR 2008a: 43).

The absence of clear selection criteria guiding TAs in allocating small-scale farming units in their areas of jurisdiction is likely to have compromised the principle of regional spread. Without such criteria and no legal obligation to advertise farming units, members from other traditional communities seldom bothered to apply, preferring to live in their own areas or suspecting that they would be rejected. Where allocations have not yet been made, the overwhelming majority of local residents in all targeted regions stated that local residents and land rights holders should be the primary beneficiaries. To a large extent these sentiments stem from a fear by local residents that they might lose their customary rights to land to outsiders as a result of the SSCF project.

The perceptions that local people should benefit from any development interventions on land they claim customary land rights to is supported by some interpretations of the CLRA, which vests ownership of communal land in the State. The Legal Assistance Centre (2009: 7), for example, argued that by dint of holding communal land in trust for communities, the State, as formal legal owner and trustee, has an obligation to 'act in a way that will benefit the communities living in communal areas' and concluded from this that people living in communal areas must get the benefits of this land and not 'other people'.

The issue is further complicated by the fact that the role of TAs in allocating land rights in designated areas is not clear. It will be argued in Section 10 of this report that the designation of land for agricultural purposes and long term lease agreements is to excise such land from the jurisdiction of TAs and to place it under the direct administration of the MLR. To the extent that this interpretation is correct – and it is only one interpretation of the CLRA – the selection of beneficiaries of the SSCF and the negotiations of conditions of leasehold thus become the responsibility of the MLR with TAs no longer having any powers to make allocations in those areas.

At the same time, leaseholds for agricultural purposes outside a designated area may only be granted by CLBs if the TA of the traditional community in whose communal area the land is situated has **consented** to the grant of the right (Section 30(4)). By contrast, the designation of communal land which is required to grant rights of leasehold for agricultural purposes (Section 30(2) does not require the consent of concerned TAs. The Minister only needs to **consult** them.

It is important in this context to emphasise the point that the zoning of parts of Kavango Region for SSCF and the subsequent allocation of rights to such units by TAs has preceded the formal beginning of the SSCF project by close to a decade. Similar to the private enclosure of communal grazing areas, the MLR was aware of this process and the role of the Land and Agriculture Committees in this process. The MLR regularised the zoning carried out by TAs by designating and surveying the areas.

5.2 Guiding principles

Increasing the commercial utilisation of communal land implies that economic productivity principles rather than welfare aspects must guide selection criteria. The question of **need** in the conventional sense thus does not have to be considered in the selection of beneficiaries. This has been central in the Draft Resettlement Manual of 2008 (MLR 2008a) and the new selection criteria it proposed. These state that the ability of beneficiaries of the National Resettlement Programme (NRP) to farm productively is of paramount importance to the social and economic success of the NRP, as productivity 'contributes towards poverty reduction, improve(s) living standards and foster(s) economic development'. Consequently,

to be considered for resettlement, applicants need to demonstrate their ability to farm and that they belong to the previously disadvantaged majority – thus ‘the primary beneficiaries of resettlement farms are previously disadvantaged “farmers”’. To reduce the risk of failure as small scale commercial farmers, applicants for resettlement whose livestock numbers match the carrying capacity of the farm unit stand a better chance of being allocated land than those with too few or too many livestock. Referred to as the ‘livestock ratio’, this is a means to enable beneficiaries to utilise their land optimally right from the start (MLR 2008a: 44-46).

It is assumed that the principles underlying the Draft Resettlement Manual of 2008 reflect a new policy towards resettlement and land reform in general. It is recommended that the same principles should be applied to recipients of small-scale commercial farms in communal areas, as they will be expected to succeed in a commercial market environment.

5.3 Generic selection criteria

Applicants for small-scale commercial farms should be evaluated against three broad principles. These are: motivation and commitment; capital; skills and experience. Ignoring these may lead to a mismatch of the expectations and motivations of applicants and their asset and knowledge base with the requirements of the SSCF model and increase the risk of setting beneficiaries up for failure. Each broad category will have several specific questions attached to it, as proposed in section 5.5.

1. Motivation and commitment

The success of individual commercial farming is critically dependent on the motivation and commitment of the beneficiary to commercial farming. Selection criteria therefore need to include questions which seek to establish the commitment of applicants towards the overall objectives of the SSCF project.

Age of applicants should be taken into consideration as well. The age guidelines proposed in the Draft Resettlement Manual should be adhered to. These regard those older than 56 years and the ‘very young’ as risky for commercial farming.

2. Capital

Commercial farming on an individual small-scale farm requires that applicants have capital to utilise their farms optimally. In areas which are suited primarily for cattle farming, the number of livestock (as capital) an applicant owns should match the carrying capacity of the farm applied for as closely as possible. This is referred to in the Draft Resettlement Manual as the *Livestock Ratio*.

Additional capital or income sources will be an advantage. Applicants intending to engage in part-time farming are therefore likely to be at an advantage. Part-time farmers should not be excluded from applying for a SSCF unit. One of the main interventions recommended for the Basket Fund is to support farmers to obtain bankable tenure over their properties, thus opening the option for obtaining capital from banks.

Bona fide farmers from the communal areas should be the priority target group. However, applicants who already own a large farming unit – be it on communal land or in the freehold sector - should be disqualified from applying.

Applicants should be required to present development proposals for the farming unit they are applying for, as well as a certified statement indicating their available capital. It is submitted that the requirement of a development proposal or business plan will not only ensure that the most promising applicants will be allocated a farm and thus minimise the risks of commercial failure, but it will also be a manifestation of the commitment of the applicant. The business plan will also give an indication about the financial viability of the proposed farming enterprise.

3. Skills and experience

Applicants need to have the necessary skills and experience to implement good farm management practices. Aspects of this include a sound knowledge about financial and rangeland management and animal husbandry (resulting in optimum and efficient meat production/ha). This can be achieved through acceptable calving rates, selling animals when they obtain an age, grade and weight that will yield the best market prices, farming with suitable/adapted livestock breeds and making use of feed supplements and veterinary service.

Following the Draft Resettlement Manual, applicants should be evaluated in terms of their formal training in agriculture and the number of years they have been farming successfully. Any formal acknowledgement of their agricultural skills such as trophies at farmers' days, for example, should count in their favour.

The degree to which applicants are familiar with commercial farming practices needs to be assessed also. Questions with regard to skills required for successful commercial farming need to be asked and scored.

Selection criteria on their own are not likely to lead to successful commercial farmers. They need to be accompanied with appropriate mentoring and monitoring measures. Successful applicants should therefore be prepared to become part of the Farmer Support Programme or an equivalent training and extension programme.

A point scoring system similar to the one proposed for the selection of beneficiaries for the NRP should be developed. This can assign different weights to livestock ratio (numbers relative to the carrying capacity of the unit); whether the applicant is a local person or from elsewhere; gender etc.

5.4 Local level criteria

The proposed generic criteria will go some way to select individuals with the potential to become successful commercial farmers. In terms of the current policy framework, all previously disadvantaged Namibians should have the same chance to apply for land released under the SSCF project, regardless of the region of origin of the applicant.

However, there are very strong sentiments in all regions targeted for SSCF development that local people should be first in line to benefit. An earlier report commissioned by the KfW recommended that the criteria for resettlement should be adapted to give priority to local people in the SSCF areas (Kavei et al 2010). During consultations with the MLR similar sentiments were expressed by local residents in Ongandjera, Ohangwena, West Tsumkwe and Caprivi. Moreover, those with sufficient assets to acquire land without SSCF or resettlement support, or already have farms elsewhere, should enjoy the lowest priority for allocation of SSCF.

In several regions the concern of people spoken to was that the poor should be the primary beneficiaries of the SSCF project. There was a fear that allocating land to the rich only would be unfair and would widen the income gap. Consequently, those with low livestock numbers should have the option to pool their livestock to qualify for shared fenced farming units. Some also felt that more wealthy and poor households should be mixed in order to share skills and experience in farming. Successful beneficiaries should be allowed to stay on the land, while unsuccessful ones should forfeit it.

5.5 Recommendations and support from AM

1. It is recommended that applicants need to fulfil the following criteria to obtain a small-scale commercial farm:
 - be a previously disadvantaged person in possession of Namibian citizenship

- be between 18 and 55 years of age
 - be physically fit to farm
 - be able to enhance management skills through reading and writing
 - show an interest and commitment to farm commercially as an individual farmer
 - have obtained a basic knowledge and experience in agricultural production, either by way of previous employment or through a family operated farming unit
 - have sufficient assets to utilise their farms optimally
 - have stock registers and their own brand numbers
 - have a basic understanding of the principles and responsibilities of operating a farming unit independently
 - have a basic understanding about the commercial environment and general business practices
 - relinquish any other rights to large land areas
2. Women with the required skills and assets should receive preference.
 3. Marital status should not be a relevant factor in selecting beneficiaries.
 4. Applicants who want to farm full-time should be preferred over weekend farmers.
 5. Existing allocations of rights to farming units in designated areas in Kavango should be upheld, subject to mutually accepted land ceilings (which includes the number of units held). It is submitted that renegotiating or nullifying the existing land allocations in Kavango is probably a futile exercise. A reduction of land sizes allocated can only be achieved by negotiating land ceilings with TAs and people concerned.
 6. In the event of government agreeing to provide beneficiaries with the option to use their leaseholds as collateral for bank loans, and financial institutions attaching the land of loan defaulters, the resale of attached leases should be guided by the proposed selection criteria to ensure the continued integrity of the SSCF project, also in Kavango.
 7. It is recommended that once selection criteria have been finalised, the issue of prioritising local residents should be negotiated with traditional and community leaders in each locality to reach a weighting of local interests that is acceptable to government (in respect of equity) and TAs (in respect of local interests).
 8. Although it is the prerogative of the Minister of Lands and Resettlement to make allocations in designated areas, it is strongly recommended that allocations are made in close *consultation* with TAs to ensure that allocations enjoy local support.
 9. It is recommended that institutions are identified in the Omaheke and Otjozondjupa regions for allocating land in new SSCF areas. Unlike the north-central and north-eastern communal areas, TAs in the eastern communal areas do not have defined areas of jurisdiction. Specific areas have inhabitants with loyalties to a number of different TAs, which frequently do not talk to each other. Communal Land Boards, Constituency Development Committees or the Regional Councils could be used to select beneficiaries.

5.6 Criteria for infrastructure support

Selecting the right beneficiaries will not address the question who should be supported first, given that the Basket Fund is not likely to satisfy all demands for infrastructure support at once. This implies that criteria need to be developed to help prioritise beneficiaries for infrastructure support. The criteria proposed by the SSCF project management team in 2009 should be reviewed and finalised. In terms of these, eligibility for support should be by

application to the SSCF management. Applications should be assessed against the following criteria:

- possession of valid leasehold certificate for 2,500ha farm,
- 90-100% of regular income is from farming
- applicant must be living on the farm permanently (not being absent frequently from farm for more than 5 consecutive days) or have an on-site manager/foreman
- livestock numbers must be within carrying capacity of the farm
- beneficiaries older than 65 years must have a youthful farm manager/foreman who is permanently living on the farm
- ability and readiness to contribute financially a certain percentage towards cost of infrastructure investment.

In selecting beneficiaries for infrastructure support, it will be useful to include local.

Support from AM:

1. Facilitate agreement on basic principles on selection criteria within the MLR.
2. Support the appointment of a consultant to draft more detailed selection criteria, taking into consideration the selection criteria presented in the Draft Resettlement Manual.
3. Support a process of regional and sub-regional consultation to obtain general agreement on selection criteria and selection procedures. Consultations on selection criteria should be done concurrently with consultations on new compensation criteria (see next section).

6 Review current compensation criteria

Local residents across all regions targeted for the SSCF project demanded that project implementation should not involve any forced displacement or moving of settlements or persons. The Road Map is in full agreement with this demand and believes that such a course of action is likely to give rise to serious economic, social and political risks for affected people. It is therefore recommended that relocation of people and homesteads in the interests of individual small-scale farms should be avoided at all costs. It is also recommended that the development of SSCF units should not deprive hunters and gatherers of access to natural resources and products.

On the assumption that these recommendations are supported by the MLR, it is neither necessary nor possible to estimate the number of people and livestock that might be affected by relocation. Consequently, it is not possible to estimate the costs of compensating relocated people. However, there may be instances where relocation cannot be avoided. Such instances will require compensation for loss of homesteads, fields for cultivation and access to communal grazing.

6.1 Current policy instruments

Official thinking on compensating people in communal areas for land rights lost is informed by provisions in the legislation that all communal land vests in the state, i.e. the state is the legal owner of communal land. The state must keep this land in trust for the benefit of the traditional communities living in those areas (LAC 2009: 7).

The Communal Land Reform Act of 2002 (CLRA) makes provision for compensation. Section 16(2) stipulates that no communal land may be withdrawn unless the state has acquired all rights held by any person under the Act and just compensation has been paid to the persons concerned. Sections 30 and 31 provide the Minister with powers to designate certain parts of communal land within which Communal Land Boards (CLB) may grant rights of leasehold for agricultural purposes after consultations with Traditional Authorities. Areas in Caprivi, Kavango and Ohangwena have been designated in this manner for the development of small scale commercial farms.¹¹ Section 31 of the CLRA 2002, however, stipulates that rights of leasehold may not be granted to land over which someone else has a customary land right, unless such a person agrees to relinquish his/her rights, '*subject to the payment of compensation as agreed to by such a person and suitable arrangements for his or her resettlement on alternative land*' (my emphasis). This is the only section of the CLRA which includes resettlement on alternative land as a part of a compensation package for loss of land rights.

Section 40 confirms the right of holders of rights of leasehold or customary land rights to receive compensation upon transfer of such rights.

6.1.1 Cabinet guidelines

Guidelines for compensating people who lose assets as a result of development interventions have been approved by Cabinet in 2009 (RON 2009). The guidelines lay down specific amounts of money to compensate communal residents for the loss of structures including wells, boreholes and water tanks, fruit bearing trees, permanent structures such as dwellings and cultivated land within demarcated homesteads. The latter compensation will be based on the cost of preparing virgin land per hectare in the commercial farming sector.

People affected by the expropriation of their land have an option to be given alternative land. Government will strive to provide land of similar size as the parcel that was taken away, and will also attempt to do so in the same traditional authority jurisdiction. Where this is not

¹¹ Designations have been published in Government Gazettes 3479, 3620, 3878 and 4843.

possible, the person may have to be relocated to another traditional authority area. Line ministries should be requested to provide basic services such as water to ensure that affected households are not adversely affected as a result of losing their original land. However, Cabinet stated that negotiation and consultation with affected families or land occupants should be the primary guideline in determining compensation amounts.

In addition to the monetary compensation for loss of structures, trees, permanent structures and land for cultivation, the state undertakes to pay a disturbance allowance. This amount will be 15% of the total compensation amount.

The Cabinet Guidelines do not appear to provide compensation for loss of access to communal grazing areas as a result of specific actions of the state for people who chose not to carry on with farming activities. Grazing land will only be compensated in so far as it is located within a demarcated homestead. However, compensation for the loss of grazing was offered to farmers affected by the construction of the Northern Railway Line Extension Project and some farmers to be affected by the Neckertal Dam project. Cabinet approved a proposal by the Ministry of Works and Transport in 2002 to pay compensation for loss of grazing land in the amount of N\$ 500 per hectare for the Northern Railway Line Extension Project. It is not clear from the Cabinet decision whether this applies to commonage grazing or grazing areas demarcated within homesteads.

6.1.2 Valuation approach

In assessing compensation amounts for buildings, the replacement costs of such structures should be used. It should be borne in mind some parts of old structures can be used again and that the felling of trees for perimeter fences is no longer permitted.

Where affected parties prefer compensation in cash without the option to be relocated on alternative land for cultivation they should be compensated on the basis of the cost for clearing new land. This should be based on the rate of preparing land for cultivation in commercial areas and needs to be reviewed regularly.

If no acceptable alternative land for grazing is available for relocation, an annual compensation based on the kilogramme of meat produced per hectare (presently ± 1 kg/ha), the hectareage of grazing lost and the prevailing price/kg of meat should be paid. From this information the subsequent net income per ha that is lost can be calculated. This amount will vary over years pending the price of meat. The formula used is Kg meat/ha x hectares grazing lost x N\$25/kg meat x 0.75). Any improvements made on the land such as hand dug wells for example, should be compensated at replacement value.

Hunters and gatherers who lose access to game and natural products essential for their survival need to be compensated on the basis of the monetised value of their annual harvests. This needs to be determined in close consultation with affected parties, but should not be less than the adjusted upper bound poverty line as determined by the National Planning Commission. A disturbance allowance of at least 15% should be added.

6.2 Recommendations and support from AM

Recommendations

1. The following generic criteria are recommended to guide future compensation guidelines:
 - Involuntary relocation of people should be avoided at all costs.
 - Where this is unavoidable, the expected impacts of relocation should be explained to affected people individually, as well as their rights and options in order to enable them to take informed decisions.
 - Based on this, the consent of affected people should be sought through negotiation and consultation.

- For affected parties whose livelihoods are land-based, compensation should include the mandatory allocation of land for cultivation and residential purposes as well as rights of access to communal resources such as grazing, timber, firewood, land and animal foods, water and other natural resources such as fruits, plants, tubers and game.
 - Affected parties should be permitted to participate in the selection of alternative land to ensure that the productive potential and location is at least equivalent to the land taken. This should include rights to all resources on the commonage, including access to water for livestock and people.
 - Every effort should be made to assist displaced people at least to restore their previous standard of living, or even to improve previous livelihoods levels.
 - Relocation should not take place before overall agreement has been reached on a comprehensive compensation package.
 - Compensation at full replacement cost for loss of assets and use rights should be prompt. A time frame for payments needs to be laid down in the guidelines.
 - Assistance during relocation should be provided.
 - 'Post-settlement' support should be provided to relocated people during a transition period to enable them to rebuild their livelihoods.
2. Monetary compensation for loss of access to communal grazing areas should be paid where affected parties chose not to continue with farming.

Support from AM:

1. Facilitate agreement on generic criteria for compensation within the MLR.
2. Support the appointment of a consultant to review current Cabinet guidelines on compensation against the background of proposed generic criteria and draft new compensation criteria.
3. Review Land Bill with a view to possible amendments on compensation.
4. Support a process of regional and sub-regional consultation to obtain general agreement on selection criteria and selection procedures. Consultations on new compensation criteria should be done concurrently with consultations on selection criteria.

7 Local level planning for development interventions

Participatory local level land use planning is a useful tool to address these conflicts. Ideally, this should be done as part of an integrated regional land use plan. However, the Accompanying Measure is faced with the problem that the average integrated regional land use plan takes at least 2 years to complete, while the project is planned to last only for 3 years. Moreover, the MLR is only able to do one IRLUP at a time at current staffing levels. This implies that the Accompanying Measure has to engage in participatory local level land use planning and zoning before integrated regional land use plans are developed in all regions earmarked for the SSCF project.

7.1 Priority areas for local level planning

The designation of communal land for small-scale farm development has occurred without the benefits of integrated regional land use plans. With the possible exception of the designated farms in Kavango Region, all other designated areas and areas earmarked for possible farm development are characterised by competing land uses and interests. In Otjetjekua, Ongandjera, Caprivi, Tsumkwe West, Otjozondjupa and Omaheke Regions designated and/or earmarked land overlaps with proclaimed conservancies. Local populations are divided in respect of their support for small scale commercial farms with poorer sections fearing losing access to communal grazing as a result of the SSCF project. In some areas such as Otjetjekua where support for individual small-scale farms appears to be widespread, there is not enough land to allocate small-scale farms of the prescribed size to all resident households, suggesting that many households would become landless if the project was to be implemented.

Recommendations

Based on the current situation in areas either designated already or earmarked for future small-scale commercial farm development, the following priority areas for local land use planning are proposed in order of priority:

1. Otjetjekua: Support for individual farms appears to be widespread, and expectations are very high that individual farms will be developed in the area, but the area is too small to provide every household with an individual farm of 2.500ha. Moreover the area earmarked for SSCF development is located within the Ehirovipuka conservancy, but lies outside the core area of the conservancy. Before any Basket Funds can be committed to Otjetjekua agreement is needed on what kind of infrastructure support the community wants (see also Section 2.6).
2. Ongandjera: An area approximately 137.000ha was earmarked by the MLR for possible farm development in the far south of Omusati Region. While population densities are very low, the earmarked area is dotted with cattle posts, many of which are very old. The development of individual small-scale farms is therefore impossible without major relocations. The earmarked area falls within the Sheya Shushona conservancy and conservancy members are generally opposed to the development of small-scale commercial farms in the conservancy. In addition, several individuals have fenced off communal land for private use, one such farm falling within the core area of the conservancy (see also Section 2.5).
3. Tsumkwe West: Tsumkwe West is a registered conservancy. An area north of the main road has been earmarked for small-scale farm development. The conservancy has developed a land use zonation plan, which provides for areas of mixed farming. People in the area are sharply divided in their support for the SSCF project. In addition, the proposal to develop small-scale commercial farms on land that is occupied by a group of people that is internationally recognised as marginalised and threatened is highly contentious. The next step for the SSCF project should be to engage with the conservancy committee to develop acceptable intervention models

- that would assist the community to derive more commercial benefits from their land (see Section 2.2 above).
4. Ohangwena: In the designated area close to Omauni, 24 farms have been surveyed with the intention of allocating them to individual farmers. However, there are in excess of 100 households living on the land, close to 80% of whom moved in after the area was designated for SCCF development.
 5. Caprivi: An area of 148.084ha was gazetted in Caprivi Region for the development of 75 small-scale commercial farms. Approximately 180 applications have been received for those farms, many of which overlap conservancies. Since designation, many households have moved onto the surveyed land and are not likely to be moved off. In addition, 3 TAs are competing for jurisdiction over parts of the designated land. The possibility of developing the state forest north of the main Kongola-Katima Mulilo road for small-scale farm development needs to be investigated.
 6. Kavango: The potential for conflicts and disputes in respect of the designated land in Kavango Region is regarded as very low since the allocation of small-scale farming units has preceded the SSCF by a decade. There are, therefore, not likely to be many 'hot spots' that require local level land use planning. An IRLUP for Kavango Region will be started in 2012.
 7. Omaheke / Otjozondjupa communal areas: Areas of land disputes in the communal areas of Omaheke and Otjozondjupa with regard to individual farms have not been identified during fieldwork, but may well exist.

7.2 Proposed methodology: focus area approach

In order to obtain agreement on the nature of development interventions in the prioritised areas, the Road Map is recommending a methodology which seeks to support interventions for increased commercial utilisation of communal land while safeguarding access rights to land and natural resources by current land rights holders. It will not be in the interests of sustainable development in communal areas if legitimate land rights holders are deprived of their rights of access to commonages. It flows from this that the investigation, clarification and registration of rights to communal land in 'hot spot' should be the starting point for local level planning of infrastructure interventions.

Recommendations

1. It is recommended that the AM adopts the focus area approach to land registration piloted by the CLS project in Omusati Region. It has developed a process that can be summarised as follows (following the steps identified by CLS):
 - Step 1: Awareness creation and training.* This step includes consultation meetings with TAs and councillors and community meetings to raise awareness about all aspects of communal land management. This will be complemented by civic education campaigns using radio, TV and print media (see also Section 8). Registration activities will be announced at least one week in advance.
 - Step 2: Preparation for mapping.* This step involves selecting villages to be mapped and checking accessibility of villages during mapping. The number of households and applications in each village will be determined. This is needed to draw up a field plan, i.e. a plan indicating the number of days spent in villages.
 - Step 3: Mapping.* During this step all land parcels in a village will be mapped and details of each applicant confirmed. Confirmed data will be entered into the NCLAS database. Village maps will be produced and displayed publicly. On the basis of this map, land use zoning in the village will be introduced.
 - Step 4: Second round of mapping.* During the second round of mapping, land parcels will be adjusted on the village map where necessary. A final village map will be produced and all parcels over 20ha listed. Applications for the registration

of customary land rights will then be submitted to the CLB. It is proposed that in addition to mapping village land, the areas of jurisdictions of TAs should be mapped as well, in particular where disputes may exist.

Step 5: Community mobilisation for group tenure. In a final step, mobilisation meetings will be conducted focusing on establishing village committees, group rights and commonage management plans. This is an important step in laying the foundations for local residents to establish local level institutions to manage their land and resource rights at the local level.

2. Where larger areas such as Ongandjera and the Sheya Shushona conservancy, for example, are involved, discussions on infrastructure interventions should follow the registration of customary land rights in all villages. In addition, the process needs to be adapted to provide for the confirmation and mapping of shared rights to water and grazing of cattle post owners. This will lay the basis for the development of legal entities for registration of shared land rights as well as management and governance rules for shared farms (see sections 4.1. and 10.7).
3. Having confirmed, mapped and registered customary land rights in designated or earmarked areas, the discussion can then be focussed on whether any unutilised land still exists, and if so, whether it should be designated for SSCF development. This is likely to bring opposing views on the SSCF to the fore and provides an opportunity to facilitate the development of solutions which are acceptable to all. Alternatives which have been proposed to individual farm development include the fencing of large blocks of land to protect the rights of poorer people or to fence land utilised by several livestock owners around cattle posts.

The advantage of this methodology is that it builds on the process of mobilising rural communities for the registration of customary land rights to find local level solutions for possible infrastructure support interventions based on confirmed land and water rights. It will not be necessary to mobilise communities afresh. Although this methodology will not produce complete integrated land use plans for specific local areas, it produces what the GIZ manual on land use planning has referred to as 'a local agreement on land use rights...or a simple sketch documenting some spatial features of a local development plan' (GIZ 2011: 32, 34).

In the absence of any other proposals on how to reconcile the requirements of IRLUPs and the constraints of the MLR to produce them fast enough, the RM recommends that the AM provides support to the proposed methodology. Like other forms of land use planning, the recommended approach is also iterative, i.e. will have to be fine-tuned and adapted in response to different local or sub-regional conditions. It is the most reasonable response to the demands of the MLR to provide infrastructure support to communal areas within the 3 year period of the AM and the limitations of the MLR to produce IRLUPs.

7.3 AM support to MLR to meet IRLUP challenges

Ideally, local level land use planning should be carried out as an integral part of integrated regional land use plans. However, due to several constraints the MLR is only able to carry out one IRLUP at a time. Based on recent experience, the time it takes from drafting TOR for an IRLUP to a final land use plan exceeds 2 years.

The primary challenge experienced in the MLR is that the sub-division land use planning only has 4 qualified staff members who are assisted by a foreign land use planner. Working time of regular MLR staff members is divided between integrated regional land use planning and farm assessments for land acquisition, which appears to enjoy priority. The Deputy Director spends an estimated 85% of his time on the latter, leaving little time for integrated land use planning. There is therefore a clear need to increase the complement of professional land use planners if the rate of developing integrated regional land use plans is

to be increased. The MLR is contemplating elevating the sub-division to the level of a dedicated land use planning Directorate.

Options to support the land use planning sub-division in the MLR are limited, given the rather short lifespan of the AM. One option for support would be to provide funding for the outsourcing of a second and third IRLUP. This would require, however, that the MLR also obtains the services of professional land use planners to guide and supervise the production of such IRLUPs. These land use planners could also serve as mentors for local staff. The desirability of providing financial support to the development of several IRLUPs concurrently while no policy and legal framework exists to implement these, needs to be carefully considered by the Basket Fund.

The AM could also recruit and pay for the services of professional land use planners to carry out local level planning for infrastructure support. Supervision of the production of local level development plans could be carried by GOPA as proposed in the technical proposal.

7.4 Development of an appropriate policy and legal framework for LUP

A major issue in land use planning is that there is no legal framework to make integrated regional land use plans binding. The situation is aggravated by the fact that several line ministries are carrying out sector planning required in terms of their mandates without much co-ordination or integration. Most recently, the Ministry of Regional and Local Government and Housing and Rural Development has submitted an *Urban and Regional Planning Bill* to Cabinet in August 2011. This has the potential to shift the competence of land use planning to the MLRLGH (Raith 2011). However, the Bill applies only to rural land outside communal areas. In the freehold sector, planning mandates of the MLR and the MRLGH will overlap if the Bill survives in its current form.

This state of affairs clearly calls for more clarity on land use planning. For all its perceived virtues of integrating conflicting sectoral plans, the MLR will have to prove the value of IRLUP in this regard to several line ministries as a first step to develop a policy and legal framework that is binding on all role players. The challenge will be to develop a policy and legal framework which integrates existing planning mandates and resolve possible conflicts (Raith 2011).

The MLR has begun looking at the formulation of a land use planning policy and an appropriate law. Apart from consultants looking into relevant aspects of the process, a National Forum is planned for mid-2012 to discuss the importance of integrated land use planning. This process is funded by GIZ until the end of 2012 and is aimed to obtain clarity on some fundamental questions in relation to integrated land use planning before embarking on a policy development process. Allowance is made for the possibility that the Forum may not regard a national land use planning policy as necessary.

Support from AM:

The outcome of the Forum will determine the way forward in terms of a land use planning policy and legislation. Possible support of the AM to this process will depend on the forum. It is not unlikely that follow-up consultations and workshops may be required, which the AM could consider supporting.

Should the Forum decide that it is necessary to develop an appropriate policy and legal framework, the basket fund could support the MLR in the following ways:

1. Provide resources to recruit a suitably experienced consultant to review all existing planning documents and policies as well as the results and findings of the 'Modelling Integrated Regional Land Use Planning' project with a view to draft a policy and land use planning guidelines. It is imperative that this process is carried out in close consultation with all role players to ensure that existing sectoral planning mandates

- are integrated. This will require support for consultative meetings and workshops in all regions.
2. Based on the land use planning policy, the Basket Fund should support the preparation of land use planning legislation.
 3. Assist the MLR to create awareness about the importance of integrated land use plans.
 4. Provide support to strengthen capacity at regional level to implement, monitor and update integrated regional land use plans.

8 Communal land right registration

The Communal Land Reform Act of 2002 and its Regulations became law in 2003. Among many provisions of the CLRA are those that require occupants of communal land to register rights over their properties, either as customary land rights or leaseholds. This chapter presents observations on the registration process to date and recommendations, in particular as they relate to the Basket Fund and its Accompanying Measure over the next three years.

Considerable progress has been in registering customary land rights, especially in the four northern regions of Oshikoto, Omusati, Ohangwena and Oshana. It is in these regions that provisions and intentions in the CLRA fit best to the realities of property rights, uses and sizes. Elsewhere, implementation of the CLRA has had mixed success and effect. In Kavango, traditional authorities continue to prevent residents from applying for customary land rights. In regions where pastoralism is the predominant land use, customary land registration has been limited to the very small parcels that enclose domestic dwellings and their immediate surrounds. As a result, there is no tenure over the grazing areas which are central to livelihoods, irrespective of whether the grazing areas are privately fenced or not. Many residents have therefore doubted the value of land registration.

The registration of leaseholds has largely been limited to SSCFs in Kavango and properties used by non-residents to offer tourism accommodation, such as lodges and camps. Almost no attention has been paid to the registration of leasehold titles over other SSCFs or to the many thousands of small business properties in communal areas.

Recently the MLR has introduced a Land Bill, but few changes to existing policy or legal procedure have been introduced in the Bill. Also, the MCA-funded CLS project compiled an extensive review of policy relating to communal land. The MLR has accepted many of the recommendations made in the review, while other recommendations require further study and discussion. It is desirable, indeed recommended that the Accompanying Measure provide on-going support to the MLR and CLS' policy reform process.

With respect to SSCFs, the most important recommendations made in the CLS review are that tenure arrangements for commercial enterprises should be conducive to the creation of wealth. For example, land rights should be readily traded and used as collateral, and lease conditions should be in the primary interests of tenants rather than those of traditional authorities and the government as legal owner.

In 2007 the EU-funded Rural Poverty Reduction Programme (RPRP) purchased high resolution aerial photographs of the northern communal areas. These have been used very effectively and efficiently for the mapping of properties that have boundaries visible in the images, which is the case for many for many properties in Omusati, Oshikoto, Oshana and Ohangwena. More recently in July 2011, the Central Bureau of Statistics acquired new high resolution images of the most densely populated north-central communal areas. These updated photographs should be of considerable use for mapping.

The MLR obtained additional funding in 2011 to accelerate the process of customary land registration, using the funds for more vehicles and staff to register as many properties as possible before the end of March 2014.

In view of the Basket Fund's primary focus on sparsely populated areas where SSCFs have or are being proposed, it is recommended here that some funds be used to acquire more high resolution images of certain areas. These should be in places where existing SSCFs lie close to villages of local residents whose land rights need to be protected. It is also recommended in this Road Map that the Basket Fund support the mapping and registration of SSCFs and all other properties using a so-called focal area approach (see sections 3 and 7.2).

The MCA-funded CLS project is using the focal area approach in sparsely populated areas of Oshikoto and Omusati where there are also significant numbers of existing SSCFs. To complement this work, it is recommended that the Basket Fund concentrates its mapping and registration support to those areas in former Hereroland where villages and SSCFs are in close proximity.

9 Communication strategy

Communicating the provisions of the CLRA, 2002 to local level people has been a challenge since the inception of the Act. The introduction of the SSCF project in communal areas was negatively affected by unsatisfactory communication strategies. Several sources have revealed that individuals and communities in SSCF target areas were ill-informed about the objectives of the SSCF project and its benefits and impacts. The absence of clear answers to some basic questions about the project resulted in fear and insecurity about existing land rights amongst many people, which frequently led them to oppose the project.

The reasons identified by people in the SSCF target areas for this information deficit included that information was disseminated 'to the local elite institutions' such as TAs, members of the CLB and so on. They attended workshops in Windhoek and Oshakati organised by the MLR. However the information hardly ever reached ordinary men and women on the ground.

A major difficulty was that the MLR did not have a clear message that could be communicated to people in the target communities as clear directives on who beneficiaries would be, whether people would be relocated and if so how they would be compensated, for example, did not exist. Over several years, different individuals from the MLR and other organisations provided information that was not consistent, leading to confusion. Frequently, consultants were a main source of information to local people.

The successful implementation of the SSCF project calls for a dedicated information dissemination campaign about the project. This should aim at enabling people in the target areas to make informed decisions about the merits or otherwise of the project. To be able to do this, people in communal areas need to know their rights and options as provided for in the CLRA, in particular where relocation will be necessary.

In 2006 the MLR published a *Communication strategy* (MLR 2006a). This provides useful recommendations on how the MLR should improve its communication with the public and presents a brief methodology on how a communication strategy can be developed.

More recently, the MCA through the CLS project developed a *Communication Strategy and Implementation Plan (CSIP)* (MCA/GIZ-IS 2011a) to address information needs regarding the registration of customary land rights. The strategy confirmed observations made in the context of the SSCF project that communication efforts of the Ministry took place primarily at the level of regional officers, CLB members and secretaries of TAs. Communication was mainly done through meetings, workshops and print media such as pamphlets. Limited attention was given to educating the final beneficiaries. Although the CLRA was translated into several vernaculars, there was no communication at village level and no systematic process of communication was introduced at the beneficiaries' level. The radio was used only modestly.

The MCA supported the development of a communication strategy and implementation plan to address these communication shortcomings. The CSIP was targeted specifically at the core functions of the CLS project, namely the verification and registration of customary land rights. However, the overall goal of the CSIP is relevant to any communication strategy aimed at land rights holders in communal areas, in so far as it designed 'an extensive civic education campaign to improve the understanding of the relevant provision of the Act amongst citizens, headmen, chiefs, TAs, and to encourage landholders to apply for verification and registration.'

Following the recommendations of the CSIP, an information campaign regarding the SSCF must be based on (a) a dedicated participatory approach and (b) well-targeted communication channels and tools, which meet the demands and requirements of the target groups. The selection of messages, communication tools and channels need to be carefully

matched with the specific characteristics of target communities in terms of age and educational background, and should address their specific fears and concerns as well as the MLR's plans.

Two separate but interrelated issues need to be addressed in developing an information strategy:

- Strategy: how should the information be disseminated?
- Content: what information needs to be conveyed to target communities? Apart from the specific questions that need an unambiguous and binding answer, more general information about the rights and obligations of customary land rights holders and the state as provided for in the CLRA need to be explained.

9.1 Review of the CSIP

The CSIP was developed after an analysis of the current situation. A Strengths Weaknesses Opportunities and Threats analysis (SWOT-analysis) provided an effective overview to further understand the current situation pertaining to the awareness levels of the CLRA in general and the CLS project in particular. This was complemented by an analysis of different media channels and their possible relevance to raise awareness among different target groups. Several different channels were identified including the following:

- One-on-one and group interpersonal communication: this is most useful for keeping key decision makers and community leaders informed on a regular basis about project progress and to discuss issues arising
- Traditional group channels: this channel is most relevant in rural areas with limited access to media such as TV and newspapers. Traditional group channels will be employed to disseminate information. These include grassroots organisations and CBOs especially when communicating with women and vulnerable groups.
- Mass media channels: the use of conventional mass media such as TV, newspapers and magazines will depend on costs and access to such media. They are likely to be most useful to address urban target groups. Using community radio is likely to be the most effect way to reach target audience in rural villages

Other media channels such as a developing a website is not likely to have much impact in rural areas.

Based on this analysis, the CSIP identified four strategic approaches to achieve improved communication about the CLRA. These are:

- *Social mobilization:*
Social mobilisation is aimed at raising awareness, educating and informing landholders about their land rights and the project. It will include and address specific aspects of concern identified during the SWOT analysis. It will raise awareness by informing and educating all relevant stakeholders about the relevant provisions of the Communal Land Reform Act, the need to register their land and CLS project activities and processes involved.
- *Technical support and relationship building:*
This approach aims at building competence, confidence and trust in and credibility of the land administrators and the CLS project amongst relevant stakeholders. The project team will play a facilitating role in bringing together stakeholders to discuss matters which affect the registration process.
- *Beneficiary advocacy and behaviour change:*
The aim of this component is to motivate and mobilize landholders with a specific emphasis on the benefits of having their rights and the rights of others in their communities registered - with special attention to women and vulnerable groups.

- *Policy review / feedback loop:*
This component aims to capture feedback and lessons learnt to provide inputs to the policy review process and improve the registration process and project roll-out.

It is recommended that the AM builds its communication strategy on the methodology and experiences of the CLS project. Clearly, the content or strategic issues in the SSCF project differ from the CLS project. However, since both projects are guided by the CLRA, close co-operation and consultation with the CLS project is recommended in developing a communication strategy aimed at the SSCF project. Both projects want to raise awareness and understanding on basic land rights provided by the CLRA, and the message of both projects on this should be identical. The AM should therefore base the specific information on the SSCF project on the broader information about the CLRA as developed by the CLS.

The 4 strategic approaches developed by the CLS need to be adapted to the needs of the SSCF project as follows:

- *Social mobilisation*
Kavei et al (2010) have drawn attention to the importance of communicating face to face with people in affected communities. Awareness about the SSCF project and its likely impact on affected communities needs to be created at all levels, but particularly at local level. Simultaneously, local people need to be informed about their rights to communal land in terms of the CLRA and in particular their rights to compensation, should relocation be contemplated. The aims and objectives of the SSCF need to be explained in simple and understandable terms to enable all stakeholders to make informed decisions about the project. For this to succeed, it is essential that a clear concept about the SSCF is developed to provide consistent and accurate answers to some basic questions about the SSCF.
- *Technical support and relationship building:*
Over the years, the MLR and its officials in the field have lost credibility due to conflicting message being disseminated and long delays in implementing the project. Fears about losing access to land as a result of the SSCF need to be addressed and relationships between different interest groups such as conservancies, community forests and those interested in individual farms improved.
- *Beneficiary advocacy and behaviour change:*
This will be important to bring about a more commercial approach to farming among beneficiaries. To be effective, this component will require a better understanding of why especially large livestock farmers in communal areas are having lower rates of off-take than small herd owners. This strategic approach will have to be followed for some time, and be integrated into a mentorship programme to support beneficiaries.
- *Policy review / feedback loop:*
The reasons for including this component in a communication strategy for the SSCF are the same as those of the CLS, namely to capture experiences and lessons learnt in order to improve the policy and legal framework. Without having a systematic approach to this, important experiences will never reach policy makers and decision takers.

9.2 Strategic issues

It is recommended that once the Road Map has been studied and clear guidelines developed on issues such as beneficiary selection, compensation and leaseholds, a SWOT analysis be considered to obtain a better understanding of awareness levels about the SSCF project in rural areas. This should involve meetings with key stakeholders such as CLBs, TAs and MLR staff in affected regions. However, previous consultancies and internal MLR fact finding missions have produced a comprehensive catalogue of questions that a communication strategy needs to address. Key questions at the local level include the following:

- what will the SSCF project establish?
- who will benefit?
- will people living in the area be displaced and others brought in from outside or are farms meant for people already found in the area?
- if the farms are to be allocated to individuals what is going to happen to poor farmers, where will they graze their livestock that easily gets lost within the communal areas?
- how will access to existing communal resources be affected (grazing, wells, boreholes, wildlife benefits e.g. caterpillars)?
- salt pans must not be fenced off
- will 'illegal' fencing be demarcated?
- what will happen to existing cattle posts?
- what will happen to privately owned wells?
- will SSCF replace the existing farms?
- will leasehold be allocated to individuals only?
- what is the length of a right of leasehold?

It is recommended that the most appropriate way to disseminate answers to these questions would be social mobilisation.

Another set of questions centres around leaseholds. Awareness about the legal provisions on long term leaseholds appears to be low and procedures to apply for rights of leasehold are not well understood. This is particularly true for those farms that were surveyed and allocated before Independence (the Mangetti farms, Okamatapati and Rietfontein).

Should the MLR approve the recommendation to regularise all large land allocations in communal areas, it will become necessary to provide information on the regularisation procedures. As some kind of adjudication on the legality or legitimacy of such enclosures will be required, ordinary holders of customary land rights need to know their rights in terms of the CLRA with regard to applications to have fences regularised. CLB also need to be made aware of their roles in the process.

Information also suggests that several banks are not familiar with the communal land boards, their functions or composition and the rights that can be registered under the Communal Land Reform Act of 2002. Information on these issues needs to be made available to financial institutions to facilitate beneficiaries using their leaseholds as collateral if they so wish. Conversely, banks would do well to inform SSCF beneficiaries about their products.

9.3 Review of TSIP

Providing appropriate information about the SSCF project and the CLRA will be important to support affected people to make informed decisions. However, it is also important that decision makers at local and regional level as well as staff of the MLR are able to act according to the information provided. In other words, they need to have the capacity to implement the information. This will require training of TAs at all levels, CLB and MLR staff.

The CLS project which is supported by MCA has developed a *Training Strategy and Implementation Plan* (TSIP) in 2010 (MCA/ GIZ-IS 2010). It started off by conducting a capacity assessment among TAs, CLB members and some staff of the MLR, which served as the basis for developing a targeted training programme. The competency gaps and training needs are summarised in Table 5.

Table 5: Competency gaps and training needs

Competency gaps and training needs	TAs	CLB	MLR
Understanding CLRA and procedures and relevant CLR related processes	✓	✓	✓
Understanding gender context, and related laws, policies and rationales	✓	✓	✓
Land dispute/ conflict handling/ leadership / investigation skills	✓	✓	✓
Leadership/ strategic planning/ decision making skills		✓	
Basic aerial photo interpretation/ basic understanding and use of GPS	✓	✓	
Advanced computer aerial photo interpretation / GPS /GIS applications			✓
Advanced computer training on GIS-software applications: Arc GIS 9.2, DNR Garmin & NCLAS			✓
Communication skills	✓		✓
Report / minute writing and record management	✓		✓

Source: MCA / GIZ-IS 2010: 16-21

Based on this assessment specific training strategies and methodologies were developed for each target group. In general, they are based on 'learning by doing', rather than 'formal' presentations and pure input-based teaching/preaching. Training modules for each target groups are presented in Table 6.

Table 6: Training modules

No	Training Modules	Village heads	TA secretary	CLBs	MLR Staff
1.	CLRA, CLR procedures	x	x	x	x
2.	Gender and protection of vulnerable groups (in land management)	x	x	x	x
3.	Sustainable development and environmental sound decision-making	x	x	x	x
4.	GIS and NCLAS training			x	
5.	Dispute and conflict management	x		x	x
6.	Office administration and information management		x		x
7.	Strategic Planning			x	x
8.	Basic Aerial Photograph interpretation/	x	x	x	x

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

	use of GPS				
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Source: MCA / GIZ-IS 2010: 39

Not all training modules will be of relevance to the SSCF project. In view of this, it is recommended that in areas targeted for SSCF development and other infrastructure support investments, the AM should assist the MLR to add components relevant to the SSCF project to the TSIP modules. The content of possible additional modules will depend on the decisions taken by the MLR on recommendations made in the RM. For example, if TAs and CLB will be involved in selecting beneficiaries, an appropriate module on criteria, processes etc. needs to be added.

10 Leaseholds

10.1 Current policy and legal framework¹²

The National Land Policy (MLRR 1998a) provides for long term leases 'which are secure, registrable, transferable, inheritable, renewable and mortgageable'. It also states that 'persons, families, groups or communities with forms of land rights other than customary land rights are entitled to use these rights as collateral when applying for credit from lending institutions'. Although the Land Policy is very clear on leaseholds, the CLRA, 2002 does not provide the legal framework for the implementation of all the policy principles set out in the National Land Policy.

The CLRA, 2002 differentiates between rights of leasehold and rights of leasehold for agricultural purposes. Section 30(1) of the Act states that unlike any other leasehold purpose, leaseholds for agricultural purposes may only be granted in designated areas. Rights of leaseholds as contemplated in the Act thus replace the old Permission to Occupy (PTO).¹³ However, the Minister grant leaseholds for agricultural purposes in respect of land which wholly or partly falls outside designated areas after consultation with the TA and Land Board concerned. He may only give approval in such cases if he is satisfied that granting a right of leasehold will not unreasonably interfere or curtail the use of commonages and that 'reasonable grounds exist for the grant of approval'.

The intention of these provisions appears to be to provide the state, through the MLR, with the legal tools to control the transformation of customary tenure in communal areas. The provisions of the CLRA make it possible for the MLR to protect the integrity of communal land by granting long term leases over areas exceeding 50 ha only in exceptional cases and confining rights of leasehold for agricultural purposes to designated areas. This could be interpreted to mean that the MLR seeks to prevent the transformation of commonages into fenced farms, an interpretation that is supported by the prohibition on any new fences on communal land after CLRA 2002 came into force. At the same time, the CLRA permits the development of small-scale commercial farms under long-term lease agreements in designated areas through a process that is intended to be planned, implemented and controlled by the state through the MLR. Designated areas are 'excised' from the commonage after consultations of the Minister with TAs and land boards. It is significant in this context, that the CLRA does not require the **consent** of TAs or land boards for communal land to be designated by the Minister. By the same logic it can be assumed that the Minister will not need approval of the TAs and CLBs for land allocations in designated areas either, although the Act is quiet on this.

Apart from the provisions on designating land for agricultural purposes, Section 16, *inter alia* provides for the subtraction from communal land areas for any purpose in the public interest. This may be done by the President with the approval of the National Assembly. Once proclaimed in the Government Gazette, any such land ceases to be communal land and becomes available for disposal as State-owned land. Land can only be subtracted from

¹² This section benefited from comments made by John Hazam of the Legal Assistance Centre.

¹³ A PTO was a license granted by the pre-Independence government in terms of the Development Trust and Land Act of 1936. It allowed the licensee to occupy communal land under specific conditions. In rural areas such licenses were most commonly granted for commercial or industrial purposes, seldom for residential land. One of the conditions relating to the allocation of allotments was that rights transferred under PTOs 'shall not be transferred, mortgaged, ceded, leased, sub-let or otherwise disposed of except in accordance with such prior approval in writing and in such manner as is or may be lawfully prescribed' (Bantu Areas Land Regulations, Government Gazette No.2486, 11.7.1969).

communal area after the State has acquired all rights held by persons and just compensation for the acquisition of such rights is paid to the persons concerned.

10.2 Right of leasehold outside a designated area

Consistent with this analysis, applications for leaseholds outside designated areas, i.e. on communal land, must be submitted to the land board. A land board may grant rights of leasehold only if the TA and the 'traditional community' concerned have **consented** to the grant of the right. By providing TAs with such decisive powers over whether rights of leasehold for agricultural and non-agricultural purposes can be granted outside designated areas or not, government confirms their powers over land allocation in areas under their jurisdiction. If a TA refuses to grant consent when in the opinion of the Land Board consent ought to have been given, the latter can submit the matter to an arbitrator which the Minister must appoint.

Land boards may only grant leaseholds for areas not exceeding 50 ha, and where the duration of the lease is less than 10 years. Applications for leasehold rights that exceed the 50 ha limit and are intended for periods longer than 10 years require written approval of the Minister before the Land Board can grant a certificate of leasehold. A Board may also not grant a right of leasehold in respect of a portion of land which another person holds under customary law, unless the person agrees to relinquish his or her rights and suitable compensation is agreed to. In the event of an application for a right of leaseholds over an area which wholly or partly falls within a proclaimed conservancy, a board may not grant such right of leasehold if the purpose for which the land in question is proposed defeats the objectives of the conservancy's management and utilisation plans.

A Board can grant a right of leasehold only if 'an amount in respect of that right and any improvements on the land in question is paid to a board'. This amount can be paid in a once-off payment or by way of instalments. The latter option does not represent a periodic rental, because it is a finite amount which, once paid off, is finished with and does not continue indefinitely (John Hazam, pers. comm.). Regulation 14 prescribes that in determining the amount to be paid regard should be had to the use or purpose for which the right is required; the value of improvements on the land; the size of the land in question; and the period for which the rights of leasehold has been granted.

Apart from the amount that has to be paid for a right of leasehold, Regulation 15(1)(e)(iii) also refers to 'an amount in respect of the periodic rental payable in terms of the deed of leasehold'. This reference does not appear in the Act and may therefore be *ultra vires* (Bayer 2011; Hazam, pers. comm.). This would mean that the CLRA does not provide for regular rentals to be paid for rights of leasehold outside designated areas.

The Regulations provide for two types of Deeds of Leasehold (Forms 9A and B). The first, a *Deed of leasehold in respect of a right of leasehold for any purpose other than agricultural purposes outside a designated area* represents a memorandum of lease between the Communal Land Board and the holder of a right of leasehold and can be signed on behalf of the Board by, for example, the Chairperson or Secretary of the Land Board.

A *Deed of leasehold in respect of a right of leasehold for agricultural purposes outside a designated area* (Form 9B), on the other hand, represents a memorandum of lease between the Minister of Lands and Resettlement and the holder of the rights of leasehold and must be signed by the Minister. It covers both an application for a right of leasehold and/or recognition of a right which is not considered to be a customary right which was held before the Act commenced and must be signed by the Minister of Lands and Resettlement. The 'recognition of a right which is not considered to be a customary right' refers to Section 28 of the CLRA which deals with the recognition of existing customary land rights and includes the possibility to apply for the retention of fences, which is provided for in point 10 of the Deed of leasehold .

The Deeds of leasehold in Forms 9A and B include an agreement between the parties with regard to the duration of the lease and the amount payable by the holder either upon registration or as a monthly payment. No specific amounts for payment are provided in the forms, but the agreement includes a provision for the cancellation by the Board and Minister respectively of a Deed of lease if the holder fails to comply with the agreement reached within a period of 30 days after written notification to do so.

Both Deeds of leasehold include a clause which prohibits the holder of the Deed of leasehold to

sub-lease his or her right of leasehold or transfer, cede or assign any of his or her rights or obligations in terms of this Lease without the written consent of the [board concerned or the] Minister.

These conditions are at odds with Section 38 of the Act, which stipulates that rights of leasehold may only be transferred with the written consent of the CLB. As Bayer (2012) points out, this provision can only apply to leases shorter than 10 years and for land less than 50 ha in size. The CLRA is silent on whether the transfer of a right of leasehold exceeding a period of 10 years and an areas in excess of 50 ha requires the written consent of the Minister or not.

10.3 Rights of leasehold for agricultural purposes in designated areas

Although Section 30 stipulates that rights of leasehold for agricultural purposes can be obtained in designated areas, the CLRA and its Regulations do not deal with those leaseholds. This is borne out by Forms 9A and B which provide *pro forma* Deeds of Leasehold only for agricultural and non-agricultural purposes **outside** designated areas. A similar form is not provided for agricultural purposes **inside** demarcated areas.

(In contrast to the Agricultural (Commercial) Land Reform Act, 1995, the CLRA is also silent on how newly developed SSCF units should be allocated. The ACLRA prescribes how farm units should be advertised etc.)

In order for an applicant to be granted a right of leasehold for agricultural purposes in a designated area, the Minister, after consultation with the TA and land board, must designate an area of communal land within which the land board may grant such rights. Designation has to happen by notice in the Government Gazette. The Act does not require that TAs and land boards have to consent to the designation of land for agricultural purposes. Unlike other rights of leasehold, failure to designate an area for agricultural purposes may block opportunities of applicants to apply for long term leaseholds. To date, 1.6 million hectares of communal land have been designated in 8 TA areas in 4 regions. At an average size of 2,500ha this amounts to approximately 640 farms.

The CLRA and its Regulations do not spell out the conditions of rights of leasehold in designated areas. Conditions laid down in Point 5 of forms 9A and B apply only to rights of leasehold **outside** designated areas. The Minister therefore needs to make regulations with regard to rights of leaseholds which are supportive of the increased commercial utilisation of communal land. It is recommended that in making those regulations, the Minister should be guided by the policy principles set out in the National Land Policy (MLRR 1998a) which provide for long term leases 'which are secure, registrable, transferable, inheritable, renewable and mortgageable'. It also states that 'persons, families, groups or communities with forms of land rights other than customary land rights are entitled to use these rights as collateral when applying for credit from lending institutions'.

The issue of leaseholds in communal areas has been the subject of a policy review commissioned by the MCA. The Review has made a number of recommendations which will be reviewed below.

10.4 Progress made by CLS project in respect of leaseholds

The CLS Policy Review (MCA-GIS 2011) examined current policies and legislation on land tenure in communal areas with the aim to recommend changes that would facilitate and stimulate economic growth. The current policy and legal framework were found to stifle economic investments in communal areas, *inter alia* because most people were unable to use their land rights as financial instruments to realise economic value.

Based on this analysis, the Review enunciated eleven principles which it regarded as fundamental to achieve the goals of developing a land tenure system in communal areas that would encourage financial investments and economic development. These include the following:

- Individual land holders in Namibia should have equal options to use their land rights for economic purposes irrespective of where they happen to live.
- Local residents who depend on commonages for their livelihoods should have *de jure* rights to commonage resources.
- Tenure should provide people with security but also options for those interested to exercise them, to use their land rights as financial instruments.
- Rural communities should have the option to obtain registered rights as groups over their communal land.
- Tenure policy and legislation should enable individuals to use their land as investments and financial instruments, while protecting commonages to safeguard the rights of the poor.
- Improved accountability and transparency in the allocation, cancellation and registration of all forms of tenure is required to guarantee the robustness of different forms of tenure.

A fundamental recommendation of the Review is that the holders of land rights – whether customary or leasehold – should be free to use their rights as they wish, subject to environment and other land use legislation. This would facilitate the commercial use of land. More specific recommendations in respect of individual land rights include that such rights should be fully tradable and individuals should be allowed to assign such rights as collateral security for loans. While this is not the only, let alone the most important factor, in qualifying for a bank loan, people should be able to offer their land as security if circumstances require them to do so. Procedures and Regulations need to be developed to make it easy for land holders to transfer, assign and sub-divide land, as well as to apply for new portions. In terms of the duration of individual land rights, this should be 99 years instead of life.

For the proposed rights to serve their intended purpose – encourage economic development – they need to be registered in the Deeds Office in terms of the Deeds Registries Act 47 of 1937, which requires that in order to be registered, land needs to be accurately surveyed following the Land Survey Act 33 of 1993. The requirements of both Acts are stringent and require the payment of considerable costs for land surveys and conveyancers. The Review recommended that ways should be found to ease these strict requirements, for example by changing these Acts, deregulating the costs of conveyancing, creating a separate Deeds Registry for communal land and/or introducing cheaper and quicker ways of surveying properties.

The recommendations on leaseholds made by the Review team are as follows (cited verbatim):

1. Commercial enterprises should not have rights of leasehold but rather land rights equivalent to those proposed earlier for individuals. This would be possible by the

inclusion of commerce and any other purposes on customary land rights as an amendment to Section 21(c) of the Communal Land Reform Act. (One exception that could be regulated from the beginning is the requirement that international companies only be permitted to lease land rights.)

2. Except for leases for international companies, Communal Land Boards or, in due course, Rural Land Councils be required to identify and justify individual cases in which leaseholds are desirable as and when these cases arise.
3. In such instances options should be provided for leasehold rights to be for as long as possible, preferably for 99 years, be subject to single initial rental payments and not be encumbered by provisions that stringently limit uses. This will increase the potential value and attractiveness of investments.
4. Rentals should not be levied if the costs of rentals may threaten the economic and financial sustainability of businesses or where the costs of collecting rentals exceed the monetary benefits.
5. If renewable leases are required, rental conditions (which include lease periods, conditions of renewal, sums to be paid and conditions for land rights) should be determined case-by-case.
6. Rental conditions (lease periods, conditions of renewal, sums to be paid and conditions for land rights) should benefit communities as far as possible, be congruent with the value of resources lost to local residents and the need for economic development. Following the establishment of Rural Land Management Areas, rental and lease agreements should be made by, and between the lessee and the Rural Land Council which would receive the rental on behalf of local residents.
7. Rental payments should not be made to traditional authorities.
8. In the longer term and when not registering transfers in the Deeds Office, the Ministry of Lands & Resettlement should involve itself in leases to the minimum, leaving these agreements to Rural Land Management Areas and transactions between the land holders, banks and conveyancers. Controls over businesses should be left as far as possible to the licensing offices of the Ministry of Trade & Industry, while the state should collect revenue from the use of its land through taxes, which is the responsibility of the Receiver of Revenue.

These recommendations have been submitted to and commented on by the MLR. Consideration is giving by the MCA and the MLR on how this process should be taken further. On some recommendations further dialogue is necessary to achieve full agreement. Once the main recommendations have been accepted and/or suitably amended, a land tenure policy needs to be drafted. This should take as its point of departure the *Draft National Land Tenure Policy*.

In the next sections, some observations and recommendations are made on the principles that need to be considered for regulations governing leaseholds primarily in designated areas, but also more generally.

10.4.1 Providing secure land rights

The overriding objective of the SSCF project is to increase the commercial utilisation of land in communal areas. The Basket Fund will provide financial and technical support to attain this objective. Beneficiaries of the individual farming units to be developed under SSCF project are expected to become independent commercial farmers. Similarly, beneficiaries on shared farms will be encouraged to become increasingly commercial in their outlook to farming.

In order to achieve these objectives, it is important that beneficiaries are able to obtain clear, secure and registered rights of leasehold. The duration of leasehold rights has to be long enough for farmers to derive benefits streams from the capital and labour invested in their farms. If this is not the case, farmers are not likely to make long-term investments on their farms. Lessees also need to be sure that their leasehold rights cannot be terminated arbitrarily. Clear and transparent criteria and procedures need to guide the cancellation of leasehold rights. While it is acknowledged that the nature of a lease agreement implies that the landlord (the state in the SSCF project) would want to have some kind of control over his asset (the land) it is important to stress that the pace of commercial development will be compromised if leasehold rights are unnecessarily encumbered with conditionalities. These are likely to reduce the willingness of land rights holders to make investments and will reduce the flexibility required to manage agricultural production in a semi-arid environment. Negotiations about leasehold conditionalities must bear in mind that the economic value of land increases with the number of rights associated with a parcel of land.

In the bundle of rights that are associated with leaseholds, the right to transfer and cede a deed of leasehold is a contentious issue. To be sure, Section 38(b) of the CLRA, 2002 and Regulation 16(1)(h) do not appear to contain explicit restrictions on transferring leaseholds or to mortgage those rights, although transfers of leaseholds have to be approved by the CLB for land sizes smaller than 50ha and periods less than 10 years. Transfers of leaseholds exceeding these ceilings need the approval of the Minister. While mortgaging of rights of leasehold in respect of land outside a designated area is not explicitly mentioned in the CLRA, Regulation 16(1)(h) requires that the particulars of every mortgage bond over the land must be recorded in a register kept by the Board. Bayer (2012) concludes from this that leasehold rights in communal areas are transferable and mortgageable.

However, this interpretation is contradicted by the restrictions contained in Point 5 of the agreement that forms part of the Deeds of leasehold for land outside designated areas in Forms 9A and B, which explicitly prohibits the transfer, ceding or assignment of a right of leasehold.

The option to use leased land as collateral may be important to some farmers to assist them in raising loans. However, it is acknowledged that this remains a sensitive issue and needs to be addressed in a very sensitive manner as and when the need arises. Some TAs are opposed to use leased land as collateral. Underlying apprehensions about using leased land as collateral are legitimate fears that the security of farmers is compromised by offering their land as collateral, as they may lose their land rights upon defaulting on a loan.

In view of the sensitivities around collateral, it is instructive to describe very briefly what collateral involves and what financial institutions require to grant a *commercial* bank loan (*developmental* loans operate on different principles).

Upon receiving an application for a loan, the financial institutions will establish how much an applicant can afford. This is fundamentally dependent on how much an applicant can repay, which in turn depends on how much money his/her enterprise generates. A balance sheet and business plan of the applicant are necessary to establish this. Once the size of the loan is determined, the applicant will have to offer some security for the loan. This is required – even for commercial loans provided by Agribank – to secure the money borrowed from a bank.

Requirements for a commercial loan from Agribank

- Applicants must have a clean credit record.
- Applicants can either be full or part time farmers.
- Applicants should be Namibian citizens.
- Applicants must provide a business plan.
- Agribank offers flexible instalment options, to suit client's financial needs. The available instalment options are: monthly, bi-annual or annual.
- **Loans are granted against security of fixed property (mortgage bond) or any other acceptable form of security (fixed deposits, investments and surrendering value of policies). The bank will grant the loan for 80% of the valuation of the security (emphasis added).**
- Applicants must provide a quotation from registered supplier/dealer.
- Companies should provide audited financial statements, certificate of registration, shareholders or directors of the company and must have a registered Auditing Firm.

Source: <http://www.agribank.com.na/>, accessed 18.6.2012

Security or collateral can take the form of residential property (a house) or an insurance policy for example. It can also take the form of (leased) land. Typically, where leasehold is offered as collateral, a bond would be registered against the leasehold and ceded to the financial institution involved. Should a farmer fail to honour his/her contractual obligations in respect of his/her loan repayments, financial institutions would call up their collateral and realise the assets under agreement. Financial institutions consequently would be able to transfer lease rights in line with the termination and transfer regulations of the CLRA. Section 38 of the CLRA on the transfer of rights requires that either the Minister or land board have to provide written consent for transfers of leaseholds, depending on the size of that land involved.

Unsecured loans may be granted under certain circumstances. Where an applicant has a very strong balance sheet, a bank may grant an unsecured loan without reducing the loan amount or increasing the interest rate. Where a balance sheet is not particularly strong, an unsecured loan may be granted for a smaller amount and at a much higher interest rate.

It follows from this that the ability to offer leased land as collateral is not necessarily fundamental to the success of small-scale commercial farming, provided that tenure to the land is secure and long enough to encourage farmers to make investments and that farmers can offer other security. However, in the medium to longer term, farmers leasing land from the state – and this includes beneficiaries of the NRP – should have the option to use their leased land as security, if only because not all of them can be assumed to have alternative collateral and may need short term finance from time to time. Doing so would also fulfil the undertaking provided in the National Land Policy of 1998 to provide people with long term leases ‘which are secure, registrable, transferable, inheritable, renewable and mortgageable’ and that ‘persons, families, groups and communities with forms of land rights other than customary land rights are entitled to use these rights as collateral when applying for credit from lending institutions’.

The transferability of a right of leasehold will not defeat the objectives of the SSCF project, which is to promote commercial development in communal areas for the benefit of previously disadvantaged Namibians, provided such transfers are properly regulated. It is proposed that the transfer of rights of leaseholds in designated areas should follow the recommended selection criteria for the SSCF project.

10.5 Rentals

The issue of rentals arises automatically when leaseholds are discussed. A rental is commonly understood to mean a payment negotiated between lessor and lessee for the temporary use and enjoyment by the lessee of the property of the lessor.¹⁴ The CLRA, 2002 does not mention rentals at all. Section 32 of the Act refers to an amount that needs to be paid before a right of leasehold can be granted by the CLB. The CLB has to determine the amount and this process is stipulated in Regulation 14. The amount can be paid in three different ways: as a once-off lump sum, by putting a form of security or guarantee for payment and finally in instalments. The LAC concluded that the CLRA is referring to a one off payment for a right of leasehold only and not to rentals. However, Regulation 15(1)(e)(iii)(cc) suggests that in addition to the once off payment, rentals need to be paid for leaseholds.

The LAC argued that introducing the payment of monthly rentals for rights of leasehold in the Regulations was *ultra vires* in view of the fact that the CLRA only refers to a once off payment for a certificate of leasehold. It reasoned that the National Assembly approved this provision and not a regular rental payment.

This ambiguity has been addressed in the Land Bill. It proposes a new provision in Section 32(4) which deals with the conditions to leasehold. The new Subsection (c) states that the grantee of a right of leasehold *may be required to pay rent for the use of property as a commercial venture provided that small scale profit making businesses shall be exempted from paying rent for a certain period to be determined by the board.*

It is assumed that the proposed amendments will apply to rights of leaseholds in designated areas as well. This would be in line with the opinion expressed by many people that beneficiaries of small scale farming units developed by the SSCF project should make payments for their allocations. They argued that if land was allocated free of charge, the risk of abuse or non-use was too big. Rentals should not be so high as to pose a risk to the financial viability of small-scale commercial farming. However, nominal rents or rents that are too low are likely to encourage land hoarding. Regular rentals at an appropriate level will ensure that beneficiaries use their land productively and reduce the risk of land hoarding.

It is recommended that rentals should not be levied if the costs of rentals threaten the economic and financial sustainability of businesses or where the costs of collecting rentals exceed the monetary benefits. Rentals should be levied in accordance with international practices, but sensitivity is called for as many beneficiaries will be establishing themselves as commercial farmers under difficult circumstances.

Section 32(5) of the CLRA, 2002 states that monies paid in relation to being granted right of leasehold must be paid into a Fund established for regional development. The *Land Bill* stipulates that any 'moneys which become payable to the State by any person in connection with the lease of any land allotted in terms of this Act, or the cancellation of any such lease' has to be paid into the *Land Acquisition and Development Fund*.

10.6 The current system of land tax billing and collection

The MLR has developed a computerised, dedicated land tax billing and collection system called the Land Tax Payment and Reconciliation System which is linked to a 'Computer Assisted Mass Appraisal' (CAMA) system. The Land Tax Payment and Reconciliation System derives taxation data from the CAMA system, which produces a Valuation Roll for all freehold land based on a mass appraisal approach. The system is based on property and ownership data provided by the Deeds Office. The Land Tax Payment and Reconciliation System generates tax assessments which are in essence tax bills that are sent to property

¹⁴ This section draws heavily on information which Willem Odendaal of the Legal Assistance Centre has made available. This contribution is gratefully acknowledged.

owners. Tax payments can be made at any regional office of the Receiver of Revenue, magistrate's and Nampost offices. Receipts for payments are sent to the MLR in order to reconcile tax payments. The system calculates interest for late payments and can trace tax defaulters.

The existing system for land tax assessments, billing and tax collection cannot be used without developing new modules for the management of leaseholds both long and short term. This is because important differences exist between a land tax and the management of leaseholds. To start with, a land tax system is based on an owner of property and a tax levied on the unimproved site value of the land. Leaseholds create a landlord who leases his/her land to a tenant under specific conditions, which include the payment of rentals. Unlike a land tax billing and collection system, leaseholds require a lease management system to manage all aspects of a lease agreement.

The most obvious aspect of managing leases is the determination and collection of rentals. Unlike a land tax which is assessed on the unimproved site value, rentals are determined by the value of land including improvements a lessee has made on his/her land. This requires that each leased property needs to be visited by a professional land valuer to determine the rental value. It is the duty of the property manager to ensure that the land keeps or even increases its value. This implies that rentals have to be market related and competitive and need to be reviewed regularly. A leasehold management system must be able to record regular adjustments of rentals.

The State (landlord) may consider it prudent to subsidise rentals for long-term leases in order to make them affordable to the target beneficiaries. This has happened in the NRP where beneficiaries are required to pay only 5% of the market related rent. The leasehold management system needs to be able to reflect such subsidies in order to quantify the costs to the landlord of such subsidies. It is essential that subsidies are transparent, particularly for lending institutions, as they have a major impact on the amount of capital that can be secured with a long term leasehold.

A leasehold management system must also be able to manage compensation issues. The leasehold manager needs to be up to date of any improvements made on the land of the landlord. By common law, the landlord needs to give consent to any improvements proposed on his/her land to prevent lessees making luxury improvements which the landlord may have to pay compensation for should the lease agreement expire or be cancelled. Without proper management of this the landlord runs the risk of having to pay compensation for improvements that do not contribute to the productive value of the land.

The leasehold management system must also enable the leasehold manager to manage other conditions contained in the lease agreement. These include sub-leasing of land, mortgaging of land etc.

10.7 Recommendations and support from AM

Based on this the following recommendations are made with regard to Regulations governing rights of leasehold for agricultural purposes inside designated areas:

1. Duration of lease: Lease agreements should be valid 99 years (as is done now in Kavango) with the option of renewal to enable beneficiaries to reap the benefits of their investments on the land.
2. Rentals: Rentals should be negotiated between lessor and lessee, subject to a minimum rental amount. This should be based on the land and improvements made on the land, taking into consideration own investments and grants from the state. Payment intervals should also be negotiated to suit the individual financial position of beneficiaries. This approach addresses the difficulties of developing appropriate rentals in situations where no suitable and reliable rental evidence is available, by

taking the financial position of beneficiaries into account. This will also ensure that rentals are not set at a level that jeopardises the financial success of beneficiaries.

3. Specific rights: The unpredictable environment farmers are faced with requires that they should be able to change land use without any unnecessary bureaucratic delays, subject to legislation on sustainable land use. This includes water, forestry and environmental legislation.

Specific rights should include the right to transfer, cede or assign any rights or obligations in terms of a leasehold agreement. The State is likely to want exercise some kind of control over the exercise of these rights in the short term. However, beneficiaries need to be provided with the option to use their leased land as collateral, if and when the need arises.

Leasehold agreements in respect of land in designated areas should also give beneficiaries rights to sub-lease their land. The same observations with regard to state control made in the previous paragraph apply. The right to sub-lease their land will enable beneficiaries to derive benefits from the investments on their land during times when they are not able to physically utilise the land, for example. If this principle is accepted, regulations on sub-leasing need to be made.

4. In view of government's objective to increase the commercial utilisation of communal land, it is recommended that the proposed rights of leasehold should not be restricted to designated areas. Elsewhere the Road Map recommends that **all** large parcels of land on communal land be regularised subject to land ceilings and the provisions of Sections 35 and 37 of the CLRA which provide local residents with a right to object to claims of such rights.

The recommendation is motivated by the acknowledgement that enclosures of various sizes for private use are a reality in communal areas, and can only be removed at immense political and social cost. Calls to either stop fencing or remove fences have indeed fallen on deaf ears, calling for a more pragmatic approach. Moreover, it is difficult to justify establishing new large farms while simultaneously criminalising all appropriations of large farms established with the private capital of individuals.

5. There is a need to investigate the claimed rights to fences with a view to unlock the full commercial potential of this land by integrating it into the economic mainstream of the country through rights of leasehold that are registered in terms of the Deeds Registries Act of 1937. Once regularised, beneficiaries of existing enclosures should enjoy the same rights of leasehold as beneficiaries in designated areas. Regularising large land allocations should be carried out subject to land ceilings and the provisions of Sections 35 and 37 of the CLRA which provide local residents with a right to object to claims of such rights.
6. Against this background the differentiation of rights of leasehold for designated and non-designated areas becomes obsolete, and it is recommended that rights granted under a lease agreement over any state land (inside and outside designated areas and on redistributed freehold land) should be the same. These recommendations should be included into the Land Bill.
7. In addition, the Deeds Registries Act of 1937 requires that a long term lease agreement (more than 10 years) can only be registered in the Deeds Office with the consent of the legal owner of the land in question, which is the Minister of Lands and Resettlement, acting on behalf of the state as formal owner. It is recommended that the Minister delegates this function to expedite the process.
8. The Road Map is also recommending that options should be provided for small groups of people sharing one farm to obtain the same rights of leasehold as individuals. This requires that members of shared farms need to choose an

appropriate legal entity in whose name a shared farm can be registered. Options include but may not be limited to the following:

- community trusts;
 - section 21 companies; and
 - communal property associations.
9. Lessees of SSCF units must be prepared to make an own contribution towards the full development of the unit leased. The nature and extent of this contribution will become part of the conditions of lease and will be subject to monitoring.
 10. Lessees must be willing to participate in training and / or mentoring programmes designed to assist them in their farming practices.
 11. Because the requirements of a lease management system are so different from those of a land tax billing and collection system, it is recommend that a technical expert be appointed to advise on whether to develop a new, dedicated leasehold management system or new modules added to the Land Tax Payment and Reconciliation System.

Support from AM

- Support the appointment of a lawyer with specialised knowledge about lease agreements to review the recommended principles focusing on their legal implications
- The AM should support the Directorate of Valuation and Estate Management to assess the feasibility of different leasehold management options and to develop an appropriate system. Such a system should also cover long term leaseholds in the NRP sector.

11 Framework for decision-making and operational planning

Target area	Ongandjera	Otjetjekua	Owambo Mangetti	Ohangwena	Kavango	Caprivi	Tsumkwe West	Hereroland
Background information								
Resident households	140	100	Not applicable	100	Not applicable	Few	1,000	Not applicable
Existing cattle posts	20	None	Not applicable	35	Not applicable	65-70	None	Not applicable
Existing SSCFs	Abandon plans to develop 44 farms	Abandon plans to develop 14 farms	100 old and 160 new	Abandon plans to develop 24 farms	about 65 old and 450 new	Abandon plans to develop 81 farms	Abandon plans to develop farms	148
Potential no. new SSCFs	Investigate potential for shared farms	None	160	None	None	Investigate options in the State Forest	None	400-500
Priority investment areas	No investment in individual farms; decide on alternative investments in close consultation with local communities	No investment in individual farms; decide on alternative investments in close consultation with local communities	Regularisation procedure; surveying registration	Install boreholes; map customary land rights	Drill and install boreholes and water points on as many farms as possible	No investments in current designated area	To be decided in close consultation with local community; map existing land parcels	Regularise existing farms; develop water supply and management plan; site boreholes in Rietfontein
Land registration	Map and register all existing parcels		Map and register all existing parcels	Map and register all existing parcels	No	None	Map and register all existing parcels	Map and register all existing parcels around villages
Provide secure, bankable tenure	Perhaps for shared farms	No	Survey and register large farms	No	No	If SSCFs are established	No	Survey and register large farms

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Provide water	If required by community	If required by community	Perhaps at a later stage	Install pumps on 15 boreholes	To existing farms	If SSCFs are established	If required by community	For 16 Rietfontein farms and new SSCFs
Secondary interventions areas								
Community interventions	Investigate needs and commit to support those selected	Investigate needs and commit to support those selected	None	Install pumps on 15 boreholes	None	None	Investigate needs and commit to support those selected	None
Village planning	Mobilise villages to plan use of commonages	Mobilise villages to plan use of commonages	Mobilise villages to plan use of commonages	Mobilise villages to plan use of commonages	No	None	Mobilise villages to plan use of commonages	Mobilise villages to plan use of commonages
Other issues	None	None	Negotiate reductions in the size of very large farms.	None	Investigate needs for compensation	None	None	Negotiate reductions in the size of very large farms
Estimated carrying capacity in ha/LSU	40	40	30	30	15	15	25	30

Appendix 1: List of people met

Lucia Shimi	Agric. Extension Services at Onankali	081 147 8985
John Kandombo	Chief Executive Officer of Oshana and cattle farmer	081 128 2360
Donata Kapitongo	MLR officer for Oshikoto	
Werner Murumbua	Senior Councillor at Otjitekua	081 345 0505
Philemon Katupa	Headman at Otjondeka	
Ben Kapi	Secretary of Vita Thom TA	081 263 2528
Moses Shambwila	MCA Liaison Officer in the North	081 129 5788
Opeipawa Shiyagaya	Chairman of Omusati Farmers Union	081 127 3797 oshiyagaya@metropolit.an.com.na
Mr Imalwa	Deputy Director Agriculture in Ongwediva	081 288 0944
John Nkolo	MLR officer for Omusati	081 255 1718
Erastus Haikela	Chairman of Omusati Land Board and NNFU member	081 280 3980
Isai Kapenambili	Regional Councillor for Okahao	081 259 4945
Sakeus Shikongo	Head Councillor for Ongandjera TA and Chairman of Sheya Shuushona Conservancy	081 257 7683
Hilda Namwenyo	Secretary of Sheya Shuushona Conservancy	081 299 4698
Ndakukamo Shanika	Acting Chief of Ongandjera??	081 262 1908
Ismael Shailemo	Outgoing Chair: Mangetti Farmers Association	
Otniel Kazombiaze	Farmer, Otjiwarongo	
Gerson Kaapehi	Farmer and member of Turijame Farming Action association	0812725009
Jonathan Tjakuva	Farmer and Chairperson of Turijame Farming Action association	081 261 2621
Samuel Amutenya	Chief Development Planner, MLR, Otjiwarongo	081 149 4123 shihepo@yahoo.com
Eliphas Marukuavi Tjirimuje	Planner for Otjozondjupa regional Council	081 240 7779
John Arnold	Chief: !Kung TA	081 317 8235
Ms Hiyanguru	Agric. Extension Officer, Otjituuo	081 360 0742
Fransie Kausiona	Vet. Services technician, Okakarara	081 766 1051
Mr Maharero	Chairman Gam Farmers' Association	081 375 0896
Joseph Tjetjoo	Secretary Gam Farmers' Association	081 211 5525
Edward Mataba	Chairman: Caprivi CLB	081 442 6539
Gift Sinyepe	Chief Development Planner: MLR, Caprivi	081 231 7252 081 455 4221
Dr E Chitate	Chief Veterinary Officer, Caprivi	081 232 9013
Hoster Kaine	Manager of Sobbe Conservancy	081 349 8697
Albert Lingeza	Chairman of Sobbe Conservancy	

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Thomas Ngoma	Chairman: Kavango CLB	081 257 0118
Levi Kamalanga	Commercial farmer, KatjiniKatji	081 277 3879
Appolinaris Kanyinga	Deputy Director, NE region MLR	081 146 4788
Lara Diez	Nyae Nyae Development Foundation, Windhoek	081 258 1506
Gabriel Sinimbo	Chief Regional Planner, Kavango	
S Kantema	Chief Executive Officer, Kavango	
Hannes von Wiellich	SSCF farmer and mentor	081 127 5093
Mr Kassera	Shakambu Farmers' Association	
Wynand Peypers	SSCF Farmer	081 242 4897
Alois Gende	SSCF Farmer	
Martin Mueller	MLR Technical Advisor	
Alfons Siyere	Shakambu Farmers' Association	081 227 2842
Ericious Simwanza	Chief Agricultural Research Technician / Manager, Sachinga LDC	081 278 9917 Office: 081 140 2588
Pastor M. Semi	Vice Chairman Likwama Regional Farmers' Union	081 289 3232
Mr Beukes	MAWF (Geohydrology division)	0612087125
Obed F Kaatura	Meatco Manager, Caprivi	081 284 1929
Duries, Lesley-Sheena	Student: Geohydrology	0812045994
Abraham, Susanne	Student: Geohydrology	0813254009
Mutota, Aina	Chief: Borehole Tenders	2087102
Ms Sina Nkandi	Roads Authority; Divisional engineer Roads construction	0612847015 0811284144
Mr Arnold Bittner		0811277178
Martin Quinger	Advisor: BGR Geohydrology	
Mr Obed F Kaatura	Plant Manager Katima abattoir (Meatco)	066 253662/3759 0812841929 OKaatura@meatco.com.na
Ms Rauna N Hanghuwa	Roads Authority; Divisional Manager Network Planning and Consultation	0612847022 0812937381 hanghuwor@ra.org.na
Mr Uli Trumpe	Roads Authority; Chief Eng Roads Construction	0612847027
Ms. Sophia Tekie	Roads Authority	0612847002 teki@ra.org.na
Ms. Slinger	MAWF	
Eino Amutenya	Senior Traditional Councillor Ndonga TA	081 124 7905
Moses Auala	Secretary: Mangetti Farmers' Association	081 124 9270
Shali Kamati	Vice-chairman, Mangetti Farmers' Association	081 128 4687
Maarit Thiem	Legal Assistance Centre	maarit_thiem@yahoo.de
John Hazam	Legal Assistance Centre	jhazam@lac.org.na
Willem Odendaal	Legal Assistance Centre	
Don Mukendwa Mumbone	MLR: Gobabis, Omaheke	081 275 4047
Lisa Mcleod	MLR: Gobabis, Omaheke	Pukuu.lmcleod@gmail.com
Brave Tjizera	Ex Regional Councillor and	081 128 9842

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

	farmer in Epukiro	
Abia Kamatjipose	Farmer: Epukiro	081 228 0365
Frans Mieze	Senior Headman: Okondjatu	
Elijah Kavari	Rural Water Supply: Epukiro	081 210 4706
Zebaldt Hangero	Rural Water Supply: Epukiro	081 216 0702
Ms N. Shivute	Under Secretary, MLR	
C. Mujetenga	Dep. Director: LUP and Allocation, MLR	
O. Haub	Land Use Planner, MLR	
M. Rigava	Valuer General, MLR	
O. Horsthemke	Area Manager, FNB, Ondangwa	
M. Meijs	Integrated Expert, MLR	
Ms M. Kasita	Deputy Director, MLR	

Appendix 2: Terms of Reference

The TOR for the Road Map were divided into sections. The first section reflects topics that are directly needed for the speedy implementation of the SSCF project, i.e. issues of immediate importance. The TOR presented as 2nd level issues include issues that are important but that have been addressed by other projects already. Most notably the MCA project on Communal Land Support (CLS).

Specific tasks of the consultants

1st level: Priorities a road map for the accelerated implementation of the SSCF project

The road map consultants are expected to prioritise the issues and outputs pertaining to 1st level issues.

1. Re-assessment of availability of land in all areas identified for SSCF development.

Current initiatives to embark on the commercial development of communal areas were preceded by a technical investigation to identify areas that were considered un- or underutilised. These investigations occurred in 2000, i.e. 11 years ago. Since then a number of changes have occurred in almost all identified areas and the planned SSCF programme is faced with overlapping land uses. This does not only involve the overlap of conservancies and community forests with land demarcated for SSCF development, but also customary land parcels and seasonal land use rights. This raises the question of whether all land identified as being potential for development (est. 5 million Ha) can still be considered underused and available to be developed as envisaged. Moreover, a fear exists in some regions that the surveying and fencing of land for small-scale commercial farming will reduce the commonage and hence access to grazing by smaller farmers. The consultants will be required to do the following:

- Carry out a desk review of the many recent reports prepared for the various proposed SSCF sites and extract some relevant recommendations for implementation;
- Conduct field work in all areas identified for SSCF development¹ to ascertain the current occupational status of all areas identified for SSCF development. The field work should also determine how local land rights holders and people generally view the development of SSCFs, including the views of the Traditional Authorities on each specific site and the ability and preparedness of the TA to deal with any resulting challenges;
- Prepare maps of the current land uses /update the IDC land use maps in all the areas identified for SSCF development;
- Prepare a consolidated map showing all areas identified for SSCF development;
- Make specific recommendations of the conditions required for development at each of the proposed SSCF sites in order for the SSCF programme to proceed in an effective manner;
- Assess the likely social impacts (area specific) of the establishment of SSCFs on existing local communities in all target areas and develop recommendations on how to deal with them;
- Assess the appropriateness of proposed land uses at each site against the specific characteristics of the land. More specifically, identify alternative land uses that might be more appropriate than SSCFs such as tourism and wildlife, and where appropriate, recommend alternative farm and management models. This task will be executed in consultation with initiatives by the MLR to develop sub-regional or local level LUPs for further integration into integrated Regional Land Use Plans where feasible.

Output:

- a) Summary of relevant recommendations extracted from relevant recent reports and/or studies on the proposed SSCF project, enriching the final MLR prioritisation of sites during the RM;
- b) Inventory of land availability in all of the IDC suggested areas, with particular attention focus paid to areas identified to be, at the present day, available and suitable for SSCF development, resulting in updated maps to assist in identifying specific areas for SSCF development;
- c) Reconnaissance assessment of the indicative numbers of people currently occupying the identified areas, nature and quantity of their assets and an indication of the authority with which they occupy(ied) the land detailed inventory will be required before implementation;
- d) Report on local perceptions and recommendations on beneficiary selection, compensatory mechanisms, and other social issues such as overlapping areas of TA pertaining to SSCF development in line with information collected in the Socio-Economic and Environmental Situation Analysis prepared in 2010 by Dr Gurvy Kavei et al:
- e) Inventory of overlapping land uses and other potentially conflicting issues as they pertain to the specific areas identified for SSCF development, as well as a documented position of the relevant local authorities (TA, CLBs and others) in addressing these issues;
- f) Other issues systematically documented and presented in a suitable framework for decision-making and operational planning/ prioritisation in the context of a roadmap.

2. Compensation

Development of SSCFs will in some instances impinge on access rights of rural persons. This means that a significant number of communal residents (grazers) stand to lose their existing grazing rights due to exclusive rights that will be offered to a selected few beneficiaries of this programme. This implies therefore that there is a need to identify alternative compensatory grazing lands for those to be affected and also suggest mitigation measures thereof that could be either financial or none financial. The consultants will review the current compensation policy and make recommendations on possible changes. Special attention needs to be given to seasonal rights to commonages as well as rights of thoroughfare or access.

Output:

- a) With reference to 1 above prepare an estimation of number of persons and livestock affected in the areas identified as suitable for SSCFs; and review the basis for their access and user rights to the area (see 1C above)
- b) Document and technically assess the local level solution proposed (if any) to the loss of access to resources
- c) In line with the prevailing legislation on compensation, broadly identify any major physical improvements (such as houses, etc) that require monetary compensation and any other rights that might require non-monetary compensation (for example allocation of alternative grazing rights)
- d) Make recommendations on how MLR can approach a generic compensation system.

3. Farm models

The SSCF is implementing a farm model similar to the one developed before Independence and implemented in areas such as the Mangetti and Okamatapati. This is a single owner-occupier who uses his fenced land (between 2000 and 2,500 ha in extent) to raise livestock. Several key players in the MLR have identified the lack of tested models for the project and reliable estimates on socio-economic indicators as challenges for the implementation of the SSCF programme. The consultants will therefore

- Identify, with local residents, the ambitions and required models for investments to improve land productivity and a higher degree of commercialisation;
- Assess the appropriateness of the current SSCF model and proposed alternatives against the skills and asset base as well as motivation of applicants and with potential
- SSCF beneficiaries make recommendations for other models (group tenure etc);
- Learn from existing SSCFs to inform recommendations as to farm and management models based on practical experiences;
- Develop recommendations for the further development of SSCFs and follow-up activities
- regarding the identification of appropriate farm infrastructures (recommend uniform standards for farm infrastructure to be developed for each model).

Output:

- a) With reference to 1 above identify and prepare different ownership, management and land use options to suit prevailing social practices and preferences by local residents;
- b) Assess the viability of the proposed models (i.e. using a rapid appraisal method), taking into consideration the most important bio-physical, market environment and other relevant elements;
- c) Apply a rapid assessment method (as in b) above) at current identified SSCF sites in order to determine opportunities and constraints for selected ownership, management and land use options and make technical recommendations in this regard;
- d) Indicate need for major public investments (if any) to realise opportunity for increased land productivity based on selected/ proposed ownership, management and land use options;
- e) Make recommendations for generic SSCF models and propose legislative/ policy amendments where needed.

4. Selection criteria

The absence of clear and consistent criteria to select beneficiaries for the SSCFs was also identified as a challenge by the MLR. In some SSCF target areas, farms have been allocated already, mostly by Traditional Authorities. There is a need to have clear standard guidelines that can be applied across the regions. The tasks of the consultants will include the following:

- Consult with concerned stakeholders on acceptable criteria for beneficiary selection;
- Develop selection criteria that satisfy the requirements of specific farming and management models and make recommendations;
- Develop selection criteria that prioritise the selection of the most vulnerable members of the communal community (i.e. those whose livelihood depends on the land).

Output:

- a) Recommend, based on consultations in 1 above and with reference to existing policy documents, a set of clear criteria to guide responsible institutions (Communal Land Boards) in the selection of beneficiaries for the SSCF in a particular location, with due consideration to the needs of the vulnerable and, the proposed ownership, management and land use options.
- b) Make recommendations for a generic beneficiary selection system(s) and propose legislative/ policy amendments where needed.

5. Lack of local level land use plans

The problem of overlapping land uses in areas identified for SSCFs is a major issue. Local level participatory land use planning will be necessary in all SSCF areas. These local level

LUPs will be useful additions to be incorporated into new or in some cases updated Integrated Regional Land Use Plans (IRLUPs). Given the current capacities within the MLR, progress is slow with preparing IRLUPs.

Output:

- a) Identification of priority areas for local land use planning activities in hot spot (SSCF) areas.
- b) Recommendations on how the Accompanying Measure can provide support to the MLR to improve capacity to develop several IRLUPs simultaneously and to carry out local level participatory land use planning. Compatibility of local land use plans is ensured in accordance with the principles of IRLUP and can be incorporated into future IRLUPs.
- c) Facilitate the development of an appropriate legal framework for land use planning to ensure that the developed IRLUP are enforceable legally.

2nd level: Other key issues - road map issues to be informed by actions in partner projects, to be further developed depending on the results and conclusions of these partner project studies.

The 2nd level issues are of importance to the road-map: however they are addressed in some detail in MLR partner projects (most notably the MCA CLS project), and as such the consultants are expected to keep track of key developments in the relevant MLR partner projects and relate these key developments to the current road map as and where applicable. Where deemed important the MLR and KfW may commission further work to complement/ take forward issues emanating from the process.

6. Communal Land Right Registration (CLRR)

Several challenges with regard to the process of customary land rights registration were presented by the MLR. These relate to the regulatory framework and ministerial practices, as well as financial and human resources constraints. The MLR is in the process of reviewing the road map on the registration of customary land rights, integrating recent experiences. The consultants will work closely with experts in the MLR and the CLS project to identify areas where the Accompanying Measure might support ongoing efforts to register customary land rights.

Output:

- a) Regular familiarisation of MLR CLRR road map preparation; identification and feedback of areas of high relevance to the current road map and its subsequent roll-out.
- b) Regular familiarisation with progress made by the CLS project as related to the implementation of the Communication Strategy and Implementation Plan (CSIP) and Training Strategy and Implementation Plan (TSIP) for CLRR, and identification and feedback of areas of high relevance to the current road map and its subsequent roll-out.
- c) Based on a) and b) above prepare a brief inventory on progress in the related processes insofar as they relate to the present road map and propose a way forward.
- d) Review and adopt the CLS CSIP and TSIP for implementation in areas of none MCA-NCLS intervention and also facilitate implementation thereof.

7. Communication

Insufficient information on the CLRA, 2002, other land reform policies and the SSCF programme have been raised as an issue requiring attention in the road map. Workshop participants stated that no communication strategy was in place, leading to misinterpretation of information specifically on the SSCF. The CLS programme has addressed these concerns by developing a communication strategy in relation to communal land reform. It is

conceivable that as the SSCF programme is implemented, specific information gaps related to the SSCF programme will arise.

Output:

a) Review and adopt the CLS s CSIP and TSIP for implementation in areas of none MCAN-CLS intervention and also facilitate implementation thereof. Documentation and analysis of observed information gaps as and when they arise, for subsequent communication actions.

8. Leaseholds

Leasehold conditions affect the utilisation and hence commercialisation of land and land-based activities. The CLS project addresses policies on leaseholds, and as such MLR expects the road map to be based on the CLS outcomes as and where applicable.

Output:

a) Regular familiarisation with progress made by the CLS project as relates to leaseholds, and identification and feedback of areas of high relevance to the current road map and its subsequent roll-out. Prepare a brief inventory on progress in the related processes in as far they relate to the present road map and propose a way forward;

b) Review of existing leaseholds to identify conditions which are of direct consequence to lessees aiming to improve resource productivity;

c) Review of rental, billing and collection systems prevailing for land tax, and proposal for a tailor-made system for the SSCFs

Issues for further policy development

The RM issues identified as an impediment preventing short to medium term implementation of the SSCF, or requiring substantial policy/ regulatory decisions/revisions, can in consultation with the MLR and KfW be **taken up by the AM in parallel** with the Road Map.

MLR has indicated that support from the AM is sought to support the MLR s processes for design and **formulation of a land use planning policy, as well as support to the further development of the land tenure** policy. Both are considered to form part of the AM, but per se do not form part of the RM deliverables. The RM consultants will be expected to contribute to these processes to be taken up in parallel with the road map. More detailed Terms of Reference will be prepared in due course. MLR would like to resuscitate the draft land tenure policy and facilitate its finalisation and adoption. The short term consultants will address any additional issues related to the road map and implementation of the SSCF after consultations between project management and the MLR.

Appendix 3: Summary information on rainfall, soils, vegetation types and carrying capacity in the SSCF target areas

Tsumkwe West

Rainfall is highly variable in amount and temporal distribution and the long term average is between 450 and 500 mm/annum.

Hattenbach (2004) described two main vegetation types that were encountered in the study area, namely:

The dry woodland savanna on **deep sandy soils** with a prevalence of Dolfhout (*Pterocarpus angolensis*), coffee bush (*Bauhinia petersiana*), lavender bush (*Croton gratissimus*) and sand yellow wood (*Terminalia sericea*) generally called Tree and Woodland Savanna (Dune Community). The most prominent grass species are: *Aristida sipitata*, *Eragrostis pallens*, *Stipagrostis hirtigluma*, *S. uniplumis*, *Digitaria seriata* and *Eragrostis rigidior*.

The omuramba ecosystem consisting of **sandy loam soils** where the tree growth consists mainly of acacia species. In undisturbed areas in the omuramba the dominant trees were camelthorn trees (*Acacia erioloba*) while in disturbed areas high densities of blackthorn (*Acacia mellifera*) were encountered. This plant community is known as the Omuramba – *Acacia erioloba* vegetation type.

Other important shrubs that occur are *Boscia albitrunca*, *Grewia deserticola*, *Dichrostachys cineria*, *Grewia flavescens*, *Bauhinia petersiana* and *Rhus marlothii*.

The dominant grasses consist of *Urochloa brachyura*, *Perotis patens*, *Stipagrostis uniplumis*, *Aristida stipitata*, *Eragrostis rigidior* and *Tricholeana monachne*.

A marked incidence of overgrazing is taking place in and around the existing boreholes in the omuramba system. It is clear that climax perennial grass species, which should potentially be present in a well-preserved omuramba system, were absent in this part of the Omuramba Omatako. Severe levels of bush encroachment by *Acacia mellifera* (Blackthorn) were found in the Omuramba Omatako. Transect measurements of some stands indicated a density of between 1000 and 3000 trees per hectare.

Poisonous plants such as Gifblaar (*Dichapetalum cymosum*) occur in the whole of the Tsumkwe district but are more prevalent in the deep sands of the dry woodland savanna and can cause severe losses among cattle. Proper rangeland strategies can reduce mortalities but the plants, together with regular veld fires, serve as a real limiting factor for optimum beef production.

It is therefore imperative that, should livestock farms be developed in the sandveld areas, only indigenous types like Sanga cattle, Boer goats and Damara sheep be introduced. These are more mobile, more resistant to tick-borne and other illnesses and are also able to adapt more readily to the presence of poison leaf plants.

The carrying capacity for this vegetation type is approximately 15-20 ha/LSU.

Presently the stocking rate around water points should not exceed 25ha/LSU. With improved rangeland management a carrying capacity of 10-15 ha/LSU will be possible.

Oshikoto/Mangetti

The vegetation in this area is dominated by woody species. *Terminalia prunioides* is the most common species but *Combretum apiculatum* and *Commiphora glandulosa* are also

characteristic. In extensive shallow depressions these species become sparse and *Combretum imberbe*, *Acacia mellifera* and *A. luederitzii* tend to dominate. Small trees are common and can form a distinct layer, characteristic species being *Combretum hereroense*, *Albizia anthelmintica*, *Acacia nilotica*, *Gymnospora senegalensis* and *Boscia albitrunca*. Towards the north-east of this area the shrub layer varies in cover with species such as *Grevia flava*, *Croton menyhartii* and *Dichrostachys cinerea* and *Bauhinia petersiana* occurring commonly. The grass layer is generally sparse and dominated by annual grasses such as *Enneapogon cenchroides*, *Urochloa brachyuran*, *Aristida stipitata* and *Melinis repens*. More desirable species like *Stipagrostis uniplumis* and *Schmidtia pappophoroides* are scarce. In localized areas having heavier soils the grass layer can be dominated by palatable species and provide important grazing resources in the area. However, this vegetation unit has a generally low value as a grazing resource. The soils are mostly too shallow for cultivation, although some areas have been cleared for producing maize and a variety of irrigated crops (Mendelsohn *et al.* 2002).

The average annual rainfall for these areas varies between 450 and 550 mm.

Some areas are heavily encroached with trees and shrubs with an estimated canopy cover of more than 80%. Grass production is as a result severely suppressed. If excessive bushes and trees are to be thinned to the desired level it will require an extremely expensive effort. Presently the carrying capacity for this area is estimated at 1LSU/30ha with a potential of 1LSU/12ha.

Otjetjekwa and Ongandjera

The vegetation types in this area are well described by Hattenbach (2004). *Acacia mellifera*, *Combretum apiculatum*, *Commiphora glandulosa*, *Colophospermum mopane* and the shrub *Catophractes alexandri* are the most dominant tree/shrub species in the area. *C. mopane*, *Kirkia acuminata* and *Terminalia prunioides* are the most dominant trees on the dolomite outcrops in the area. Trees on these hills are also bigger than their counterparts on the lower lying sandier areas. *Acacia reficiens* stands are most frequently located at the bases of the dolomite outcrops, often forming dense impenetrable stands.

The overall tree density is estimated as 22 trees/10m² (22.7trees/10m² or approximately 2 207 trees/ha on the red dolomite soils and 20 trees/10m² or approximately 2 000 trees/ha on the calcrete soils) or approximately 2 200 trees/ha. According to Bester (1996) the general tree density in the study area is estimated as 2500 trees/ha while Mendelsohn *et al.* (2002) classify it as between 2000-3000 plants/ha. The height classes of *C. mopane* in the study area are as follows: 48% (0-1m), 20% (1-2m), 28% (2-3m) and 4% (>3m), indicating a high % of regeneration – i.e. juvenile/young plants.

Bush thickening (encroachment) is currently not a problem in the area although some dense patches of *Acacia mellifera* and *Catophractes alexandri* can be found in the area. *Acacia* species, *Catophractes alexandri*, *Colophospermum mopane* and *Terminalia prunioides* are potentially problematic and do cause bush thickening problems elsewhere in Namibia (Mendelsohn *et al.* 2002). *C. mopane* is generally classified as the potential problem species in the area (Mendelsohn *et al.* 2002). The high percentage (48%) of *C. mopane* plants <1m are disturbing and could possibly indicate the initial phase of a potentially problematic situation in the future. Bush thickening is often as a result of questionable farming – including overgrazing – practices.

The area is generally dominated by a grass sward – in some places with *Antheophora schinzii* which is a widespread annual pioneer grass especially found on disturbed ground. This grass is palatable and well utilized by animals although it indicates retrogressive succession or at least the first step in the general succession in the area. Palatable perennial grasses such as *Cenchrus ciliaris* and *Stipagrostis* species are however few in number and usually

found in refuges such as inside thorny bushes. This indicates the high grazing pressure and more especially the selective grazing of the domestic stock in the area.

12 The Ongandjera area consists of a mixture of *Colophospermum mopane* - *Enneapogon cenchroides* dry shrublands sub-association, *Colophospermum mopane* – *Terminalia prunioides* shrublands vegetation alliance (this vegetation type is found more abundantly south of Okahao Constituency) and *Colophospermum mopane* - *Acacia nilotica* dry shrublands association complemented in the herbal layer by a rich array of grass species (Kangombe, Fransiska 2010).

Although poisonous plants occur in the Omusati area they are generally not viewed as particularly problematic.

At present the rangeland condition in these areas is described as severely degraded with a concomitant carrying capacity as low as 40 ha per Large Stock Unit (LSU). The bush densities as described above is an indication of severe competition for water in the top layers of the soil and will suppress grass production substantially. The recovery of the range under such circumstances will be very difficult. On top of this the production input level in terms of supplementary feeding, genetic improvement, veterinary practices has been found to be extremely low. The net income as derived by Hattenbach (2004) reflects a production rate of approximately 1 kg carcass weight per ha which is extremely low.

Considering the soil types, average long term rainfall (350 to 400 mm) and the potential for a very favourable mix of palatable and nutritious grass species, the potential carrying capacity should be in the order of 1 LSU on 15 to 18 ha. With optimum animal husbandry, rangeland management and bush control, production models show that the potential of the area should (after 7 to 10 years) increase to at least 4.5 to 5 kg carcass weight /ha/annum. The potential income from a 2,500 ha farm represents half an economic unit.

These income levels will only materialize if veld fires and predators are properly controlled. The proximity to the Etosha National Park results in domestic stock often being taken by predators. Some predators migrate through the area – e.g. lions – or leave the Park to forage outside the park where they come into conflict with domestic stock farmers when livestock are killed. These predators are then viewed as “problem animals” and are usually killed by whatever means. Mendelsohn et al. (2002) classifies the density of predators in the general area as low (lion), medium (leopard, spotted & brown hyena) and high (cheetah).

Omaheke and Otjozondjupa areas

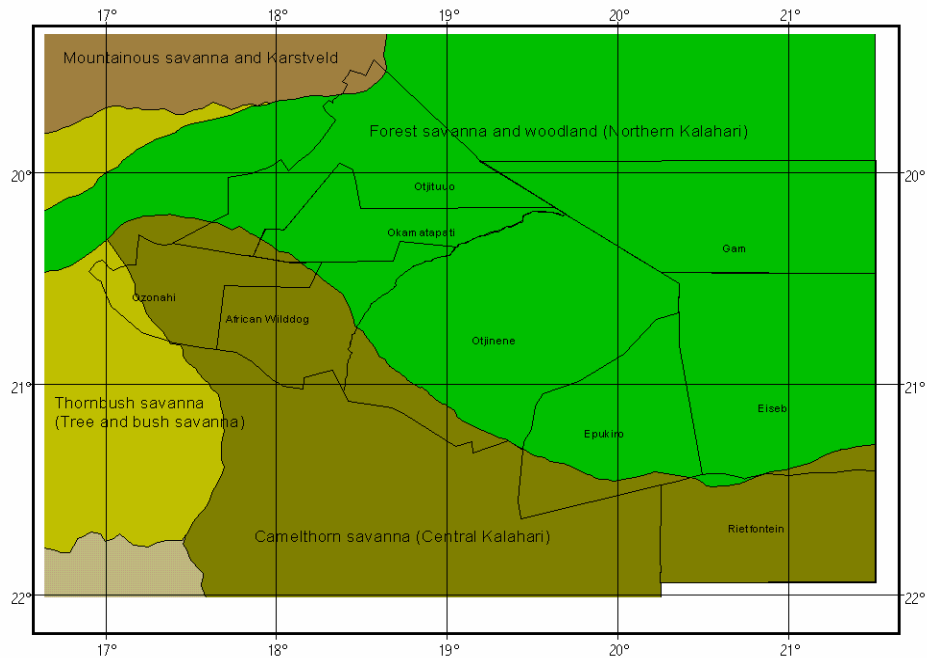
The target area selected for the SSCF Project coincides with the study area of Strohbach *et al.* (2004) previously known as the former Hereroland. It consists of the farming areas around Otjituuo, Okamatapati, Okakarara (Ozonahi Conservancy), Okondjatu (Wild Dog Conservancy), Otjinene, Epukiro, Rietfontein, Eiseb Block and Gam in the Otjozondjupa and Omaheke regions (Figure 1). The study area covers 57 414.72 km². Within this area parts of Otjinene east, Gam and Eiseb west (\pm 500,000 ha) are still un- or underutilized and form the focus area in these regions. It also includes another envisaged conservancy covering \pm 30% of the focus area.

The average long term rainfall in the focus area is \pm 450 mm and it is characterized by a large variation within and between rainy seasons/years.

It forms part of the Kalahari Sands Plateau with an average growing period of 63 days and a very short dependable growing period of 6 days. This makes it unsuitable for crops due to low dependable growing period and sandy soils but is suitable for cattle farming on grazing of an extensive nature. The absence of water is the major limiting factor in this area while the occurrence of *Dichapetalum cymosum* (Gifblaar) may also cause mortalities among cattle.

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

In the Rietfontein Block the *Terminalia sericea* – *Acacia erioloba* bushland association is much more pronounced. In this specific Block there are a total of 16 legally fenced farms that have no water.

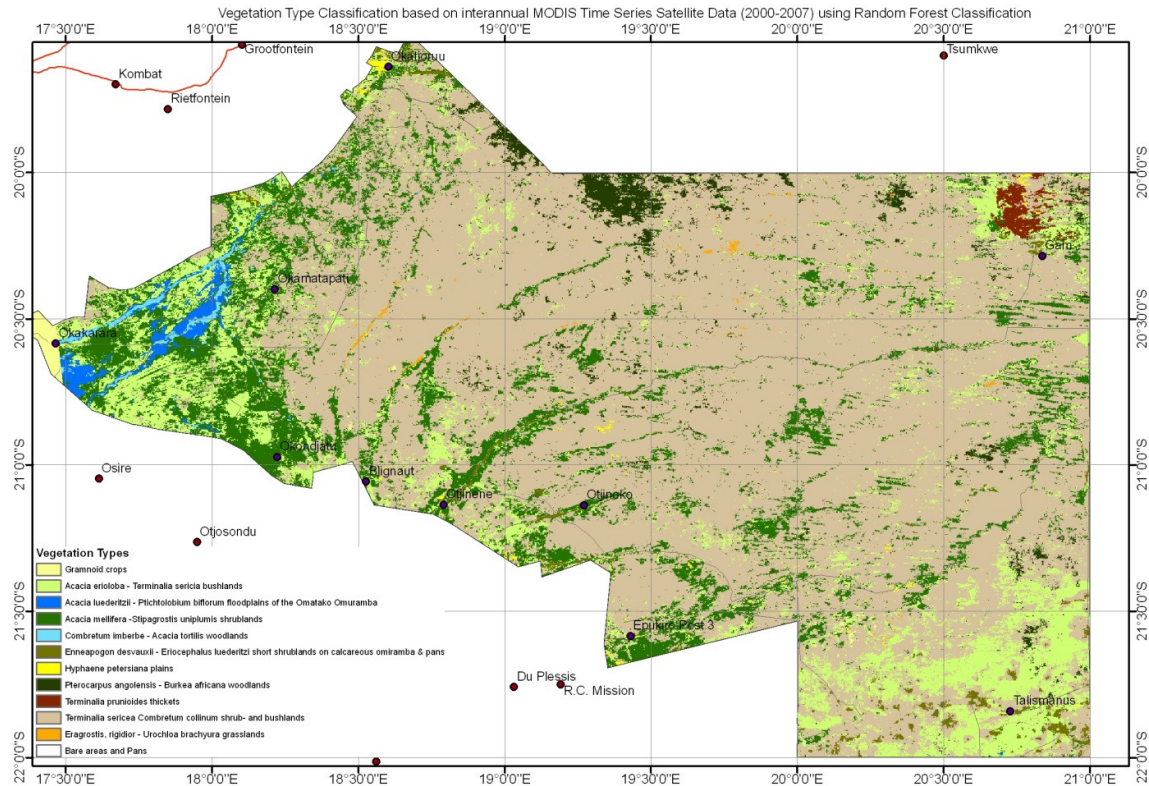


Map: Giess, vegetation types present in the study area (1998).

The rest of the focus area could be classified as The Terminalia - Combretum Savannas – the broad-leaved savannas – and are characterized by the presence of *Combretum collinum*, *C. psidioides*, *Ochna pulchra*, *Acacia ataxacantha*, *Grewia avellana*, *Dichapetalum cymosum* (a poisonous plant), and more familiar perennial grass species like *Stipagrostis uniplumis*, *Panicum kalahariense* and *Digitaria seriata*. Other grass species that occur are *Aristida stipitata*, *Eragrostis pallens*, *Pogonarthria squarrosa* and *Phyllanthus omahekensis* and *Brachiaria nigropedata* (Strohbach *et al.* 2004).

In the areas where the so-called illegal fences are dominant the major plant communities consist of the *Acacia mellifera* – *Stipagrostis uniplumis* sub-association and the *Acacia erioloba*- *Terminalia sericea* bushlands . (Strohbach *et al.*, 2004). Where water is available the grazing is dominated by annual grass species which are very much over utilized. Bush encroachment has become a severe problem. The present carrying capacity is estimated to be between 1 Large Stock Unit per 20 to 30 ha (18 and 12 kg live body mass/ha respectively) which is 3 times lower than the actual potential.

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas



Map: Hüttich et al. 2009.

Caprivi

Rainfall 650 to 700 mm

The main vegetation types identified in the Target area of Caprivi can be described as mopane woodland and Burkea-Terminalia woodland (Mendelsohn & Roberts, 1997; Hines, 1997).

Chloris virgata, *Pogonarthria fleckii*, *Eragrostis rigidior* were common grass species in the herbaceous layer of mopane veld. Grass species such as *Panicum kalahariense*, *Digitaria eriantha*, *Oxygonum alatum*, *Urochloa bracteosa*, *Tragus racemosus* also occurred in dense stands in certain areas – especially those far away from water points. Tall grass species such as *Hyparrhenia hirta* were also very prominent.

The area is certainly suitable for cattle farming and stocking rates of 1 LSU/8 to 10 ha will be appropriate where degradation does not prevail.

Kavango

The rainfall in the target areas vary between 500 and 600 mm with a growing period of between 90 and 120 days being 80% reliable (De Pauw et al, 1998/99).

The soils are deep, very pure sand with very little nutrients. Heavier textured soils have only formed in the so-called *omirambas* (King, 1963) as cited by Strohbach (2007)

Strohbach (2007) summarized findings of various researchers as follows: The Kavango is dominated by open woodland with numerous hardwood species including *Baikiaea plurijuga*, *Pterocarpus angolensis* and *Guibourtia coleosperma*. Shallower soils are dominated by *Terminalia sericea*, *Burkea Africana*, *Lonchocarpus nelsii*. *Combretum imberbe* and *Acacia*

erioloba. The herb layer is described as *Dichapetalum*-free. According to Burke (2002) the present vegetation is heavily influenced by human activities, especially burning. Geldenhuys (1977) points out that regular fires are part of the ecosystem, and that, with the exception of a few fire sensitive species, like *Baikiaea plurijuga*, *Guibourtia coleosperma* and *Ochna pulchra*, fires are an important factor keeping the woodland under story open without which dense thickets will form. The northern sand plain is also dominated by *Pterocarpus angolensis* and *Schinziophyton rautanenii* woodlands. Throughout *Combretum collinum* is an important component of the tree layer, whilst *Combretum zeyheri*, *Combretum psidioides*, *Bauhinia petersiana* and *Baphia massaiensis* are prominent shrub components (Burke, 2002). *Digitaria seriata*, *Schmidtia pappophoroides* and *Urochloa brachyura* are common grasses associated with these woodlands. The *Bauhinia petersiana*-*Acacia fleckii* shrublands and the *Eragrostis rigidior*-*Acacia fleckii* bushlands, although extremely limited in extent, present the best grazing in the area. They occur in the nutrient rich soils of the *omiramba*.

Very little information is available pertaining to the carrying capacity of the Kavango in general. There is, however, good reason to suggest that the stocking rate, considering the large amount of available browse, higher and more reliable rainfall and long growing period, could be in the order of 1 LSU/10 ha (36 kg live body mass/ha). The large distance from the formal market and shortage of access roads are important limiting factors in the area.

Ohangwena

According to Mendelsohn *et al.* (2002) the vegetation consists of extensive woodlands on deep Kalahari sands. The unit encompasses the distinctive, large, roughly circular pans that have been mapped and described as the north-eastern pans vegetation unit.

The woody vegetation is very variable but clearly stratified with the tallest trees comprising *Burkea Africana*, *Baikiaea plurijuga*, *Guibourtia coleosperma*, *Pterocarpus angolensis* and *Schinziophyton rautanenii*. *Baikiaea plurijuga* dominates in some areas, but is absent from the western areas of the unit where most large trees are *Burkea Africana* and *Pterocarpus angolensis*. *Terminalia sericea*, *Erythropheum africanum* and *Combretum collinum* dominate the lower tree layer. Shrub cover is variable and is mostly provided by *Bauhinia petersiana*, *Grewia retinervis*, *croton gratissimus*, *Terminalia sericea* and *Baphia massaiensis*. Grasses are predominantly annuals such as *Schmidtia kalahariensis*, *Aristida stipoides*, *A. stipitata* and *Eragrostis dinteri*.

There are clearly defined dunes in the eastern areas of the unit. Loamy sands are predominant in the interdunes, with vegetation characteristic by a high cover of perennial grasses such as *Stipagrostis uniplumis*, *Eragrostis rigidior* and *Schmidtia pappophoroides*. These interdune grasslands provide good grazing, but grazing is poor elsewhere in sandy areas. There is relatively good potential for cultivation where the interdune soils are relatively deep.

Shallower soils are dominated by *Terminalia sericea*, *Burkea Africana*, *Lonchocarpus nelsii*, *Combretum imberbe* and *Acacia erioloba*. The herb layer is described as *Dichapetalum*-free (Mendelsohn *et al.*, 2002).

The long-term rainfall varies between 450 and 550mm and considering the nature of the soils the potential carrying capacity in this unit could be in the order of 1 LSU/15 ha.

Appendix 4: Summary of project intervention costs and impact

Total Infrastructural costs for 2,500 ha farm				
	Costs Diesel borehole (N\$)	Costs Solar borehole (N\$)	Costs Windmill borehole (N\$)	Average cost per borehole/farm
Sorting pen and Holding pen No 2	34,945	34,945	34,945	
Holding pen No 1 and 4 water kraals	48,138	48,138	48,138	
Loading and handling facilities	29,102	29,102	29,102	
Borehole and pumping equipment, tanks and troughs	574,822	697,408	734,625	668,952
Fences (Boundary + Inner fences)	397,487	397,487	397,487	
Housing	250,000	250,000	250,000	
Cost of access roads	20,000	20,000	20,000	
Costs demarcation (Surveyor)	25,000	25,000	25,000	
Costs to register deeds office	5,000	5,000	5,000	
Total A	1,384,494	1,507,080	1,544,297	

Options for commercialising communal farms			
Amount available N\$110 million		Cost/ha	Cost/farmer
Average estimated cost/2500ha farm	1,507,080		
Number of farmers that can be resettled/settled			
1. With water point, fences + kraals	73	602.83	1,477,080
2. Boreholes, kraal facilities + housing (without fences)	101	423.84	1,057,692
3. Boreholes + tanks +troughs +kraal facilities	131	323.84	808,824
4. Water points only (boreholes + tanks +troughs)	151	278.96	696,203
5. Surveying, gazetting and administration 'illegal' farms			

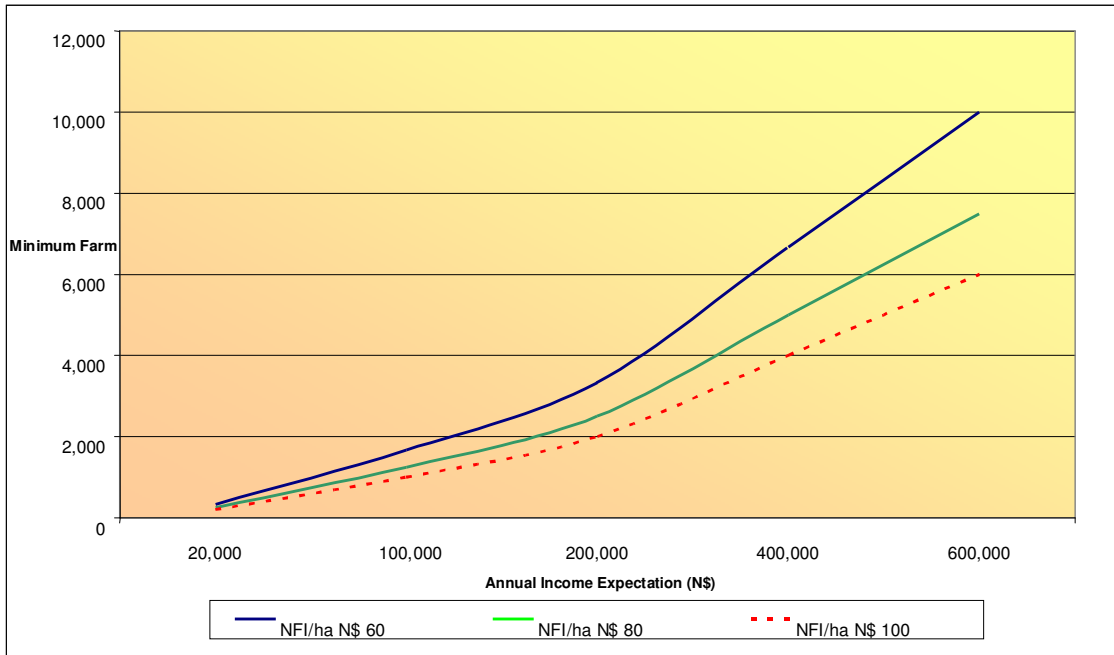
Appendix 5: Agricultural policy and legislative environment

The **National Agricultural Policy (NAP)** commits government to ensure that sound agricultural and macro-economic policies and a conducive investment climate encourage efficient and sustainable resource use. It further states that Government will address and prevent the serious problems of desertification and environmental degradation caused by the destruction of forest cover, soil erosion, over grazing and bush encroachment. Therefore post settlement support should be in place to ensure that the principles and objectives of the NAP be pursued to ensure long-term sustainability of the Project. One of the most serious threats is that land is shared by too many people which in turn puts tremendous pressure on the resource. As the number of people increases, so does the number of livestock needed to sustain the population. If the farm is too small for a rising human and livestock it will lead to increased pressure on the land with devastating results for the natural resources. As this pressure together with increasing poverty increases, a vicious cycle ensues which cannot be broken by the individual farmer.

To prevent the degradation of agricultural land as a result of farming units becoming too small or being utilized by more than one person is the primary aim of the **Subdivision of Agricultural Land Act (Act No. 70 of 1970)**. For long-term sustainability it is of critical importance that a farm must support its owner/users in terms of his/her/their basic needs and expectations i.e. food, clothes and the primary, secondary and even tertiary education of the children. This may of course differ from person to person and could be stretched to opposite extremes. Management skills clearly impact on what a given piece of land can produce. Figure 1 illustrates the extent to which management efficiency influences the minimum farm size needed to make a reasonable livelihood. For example, a farmer who realizes a net farm income (NFI) of only N\$60 per ha will need approximately 3,000 ha to obtain an annual income of approximately N\$200,000 compared with 2,000 ha needed to achieve the same annual income at net farm income of N\$100 per ha.

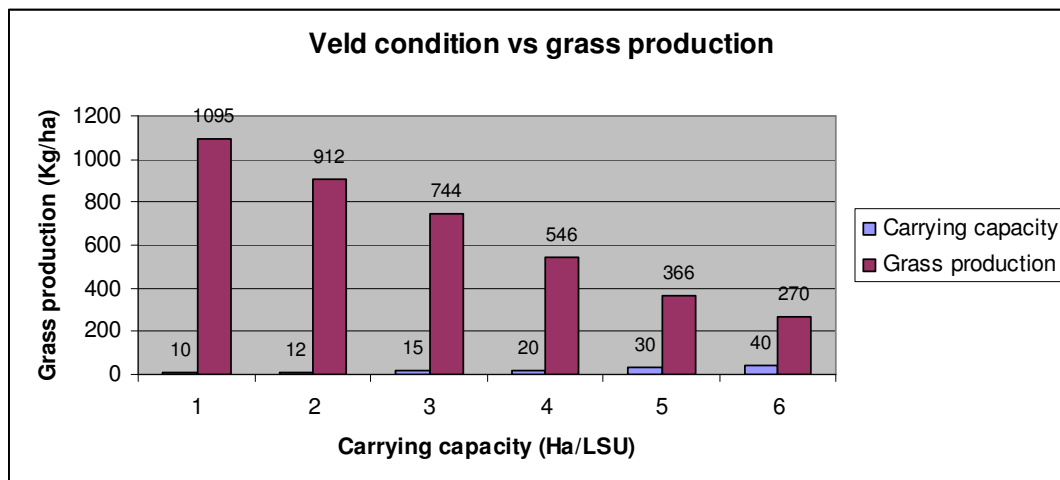
Figure 1. Required farm size for different income expectations at varying net income per hectare

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas



A wide range of research work shows that water-use efficiency for veld in poor condition is 3 to 10 times poorer than veld in a good condition. Snyman and van Rensburg (1990) found that grass production on good, average and poor veld was 2.4, 1.67 and 0.23 kg/mm rain per hectare respectively. This finding is supported by Snyman (1989) who documented grass production figures of 2.68, 1.58 and 0.93 kg grass/ mm rain/ha for climax, sub-climax and pioneer veld respectively. This situation in a country like Namibia with its high variability in rainfall can never be afforded and therefore the importance of post-settlement support should be re-emphasized. In most of the target areas for SSCF the carrying capacity is far (2 to 3 times) below the potential. The impact of poor range condition on the financial result of a farming venture is therefore evenly drastic. The difference in grass yields is clearly illustrated in Figure 2 below.

Figure 2. The impact of veld condition on the productive status of the rangeland



Appendix 6: A review of existing documentation

Preparing a Road Map for Land Reform and Infrastructure Development in Communal Areas

Review of existing documentation

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1 In lieu of an Executive Summary

The table below provides a summary of some of the issues and questions that were recorded in several documents. The questions and issues raised in Ongandjera about the SSCF project appear to apply to all priority areas. They can be summarised as follows:

- Who will benefit?
- What will happen to existing rights to land and water points?
- Fencing is likely deprive some people of access to grazing and other natural resources, which should remain accessible to the wider community
- People currently living on land targeted for SSCF development should not be relocated and they should be the primary beneficiaries
- Some small livestock owners want access to fenced blocks of land as small groups, not necessarily to farm commercially but to protect their livestock and improve natural resources management

Other points that emerged from an analysis of available documentation:

- Some priority areas are already overstocked with livestock (Omusati and Ohangwena)
- Fencing in Caprivi will deprive many livestock owners of access to seasonal grazing, particularly those along the Linyanti who move inland during regular floods
- Support for or opposition to the individual farming model of the SSCF project appears to coincide with levels of wealth – the poor appearing to be in support of conservancies and community forests rather than the SSCF

Region / SSCF area	Issues and questions	Community proposals
Omusati - Ongandjera	<p>Questions and issues included the following:</p> <ul style="list-style-type: none"> – what will the project establish? – who will benefit? – will people living in the area be displaced and others brought in from outside or are farms meant for people already found in the area? – if the farms are to be allocated to individuals what is going to happen to poor farmers, where will they graze their livestock that easily gets lost within the communal areas? – how will access to existing communal resources be affected (grazing, wells, boreholes, wildlife benefits e.g. caterpillars)? – salt pans must not be fenced off – will 'illegal' fencing be demarcated? – what will happen to existing cattle posts? – what will happen to privately owned wells? – will SSCF replace the existing farms? – will leasehold be allocated to individuals only? – what is the length of a right of leasehold? – proposed areas are heavily stocked – 80% of livestock owned by 140 cattle posts owners – SSCF part of conservancy but outside core area – Some people support SSCF project while others are for conservancy 	<p>Several principles to guide the SSCF were agreed upon.</p> <ul style="list-style-type: none"> – implementation should not involve any forced displacement or moving of settlements or persons – existing land rights holders should be consulted to establish whether they were willing to move voluntarily, in which case no compensation would be paid – in the event of compensation having to be paid, Communal Land Boards should make recommendations – once SSCF were established, community members should obtain permission from lessees to harvest natural resources on farms – those directly affected by the project and those who were in the area before the project started should be considered first as beneficiaries – those with sufficient wealth to acquire land without SSCF or resettlement support, or already have farms elsewhere should enjoy the lowest priority for allocation of SSCF
Omusati- Otjetjekua	<ul style="list-style-type: none"> – proposed area for SSCF project is not clear from documentation but the whole area is 	<ul style="list-style-type: none"> – principles of Ongandjera adopted here as well

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	<ul style="list-style-type: none"> - heavily stocked with cattle - SSCF part of conservancy but outside core area - Some people support SSCF project while others are for conservancy 	<ul style="list-style-type: none"> - fenced units should be allocated to community members
Ohangwena	<ul style="list-style-type: none"> - 24 farms surveyed and gazetted and 12 boreholes drilled. - settlement on the surveyed farms was a problem that needed to be addressed - some people have erected big fences already and it will be difficult to resize them because people have a lot of cattle and would even claim that the fenced off area is not only theirs alone but there are undivided shares of their children - TA stated that the community was divided over the SSCF as land was scarce and should be left open for use by communal grazers - there was no vacant land except for some land in the disputed area on the Ondonga-Oukwanyama border - land allocation contested, as there was an area traditionally falling under the Ndonga TA but politically (constituency) is under the Oukwanyama TA – disputes - farms under the SSCF project are too small - concerns were raised about how grazers in Kavango would be accommodated, since fenced farming units would reduce available communal grazing. - fencing of land had the potential of aggravating poverty and hunger in Onghaalulu - risk of many people not being allocated a farm - the number of livestock grazing on the land was larger than SSCF could support 	<ul style="list-style-type: none"> - allocations of small-scale farms should be to people with no other land
Tsumkwe West	<ul style="list-style-type: none"> - SSCF area overlapping with conservancy and community forest - community divided in terms of support of SSCF project - CMC rejects SSCF fearing a loss of access to wild fruits - fears that ordinary local people will lose land in favour of rich and powerful - Chief in favour of SSCF but working relationship of Chief and community not good - livestock production in Tsumkwe West area was severely restricted as a result of combination of predators and the presence of <i>gitblaar</i> - water is not available in many areas 	<ul style="list-style-type: none"> - conservancy divided area into 4 districts and further into 15 village areas - villages have discussed and developed their own land use plans for their respective areas in close consultation with the conservancy - development proposals do not consider the fencing of areas for commercial livestock farming
Caprivi	<ul style="list-style-type: none"> - 75 farms gazetted totalling 148,084ha - project area falls within several TA areas of jurisdiction – disputes - Mayeyi not consulted – claimed their crop and grazing land was now part of SSCF - strong dislike for SSCF among ordinary people reported. Main reason: lack of information, but also fear that their land would be given away and that fencing may deny people access to natural resources such as fuel wood 	<p>Based on a meeting held in October 2011:</p> <ul style="list-style-type: none"> - farms no. 1715, 1750, 1751, 1752 should be left out for subsistence farming - conservancies and Community Forest must be left where they are and SSCF must be developed outside - conservancies and Community

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	<ul style="list-style-type: none"> - land identified by IDC was not unutilised - overlaps of conservancies an community forest areas - 15 farms have been allocated by MLR and TA to the foreign company Namibia Agriculture Renewables (NAR) - no other allocations made by TA at the end of 2009 - Dec 2010: only 11 SSCF units not affected by 'registered land uses' which included conservancies and/or community forests and registered customary land rights - 69 cattle posts in project area - fears by some people of losing customary land rights and village having to be moved - people divided over support for SSCF project - communities wedged between D5311 and Linyanti river supported SSCF project, expecting the development of new water points for their livestock which was dying as a result of a lack of water - others feared that their grazing land would be lost during flooding of Linyanti river - people form Mayeyi area moved into SSCF area in search of better grazing - customary land rights not considered in any reports - differences of opinion at different levels of TA structure hinted at but not analysed 	<ul style="list-style-type: none"> - Forests must be degazetted and the whole area must be left for SSCF - subsistence farming should remain/continue as it is but GRN should assist with the development of infrastructure (degazette SSCFU!) - NAR should be moved to State Forest and affected communities be relocated and compensated - development of allocation criteria must first consider local communities - extend the distance from the tarred road to the SSCFU from 10km to 15km. - consent letters must come from Mafwe T.A. - T.A. boundaries in designated areas to be left out to T.A.'s and GRN (MLR & MRLHRD) <p>MLR revised agreement:</p> <ul style="list-style-type: none"> - SSCFU outside conservancies and Community Forests must remain and farms 1714, 1715, 1716, 1750, 1751, 1752 must be left out for subsistence farming - distance from tarmac road to SSCFU boundary should be 15km instead of 10km - Bamunu and Sobbe Conservancies (with bigger size) must be reduced - development of allocation criteria must consider first the current land users - NAR should be moved to State forest but if it remains affected communities must be relocated and compensated - TA boundaries must be resolved by MLR&MRLHRD and concerned Traditional Authorities
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2 Background and introduction

In 1997 Cabinet approved the Small Scale Commercial Farms Development Project on the basis of 'virgin' land having been identified in 7 regions. The concept was to demarcate and survey land parcels of 2,500ha to be leased to farmers for purposes of small scale commercial farming, primarily with livestock. Amongst other objectives this would broaden access to land and make communal land more productive. In 2003 the MLR commenced with the development of small scale farms in some identified areas. The first surveyed farms in Caprivi (Linyanti/Sibbinda), Kavango (Shambyu) and Ohangwena were gazetted in 2007. After 33 boreholes were drilled the project came a temporary end due to budget constraints and a number of issues that needed to be addressed.

In April 2007 IDC was requested by the MLR to present a costed plan of action on the development of small scale commercial farms in communal areas. After discussion IDC was asked to develop detailed costs for a Plan of Action to be presented at the end of April 2007. A prioritization of areas was agreed upon as follows:

1. Omusati Region (Otjetjekua)
2. Otjozondjupa (Tsumke West [Mangetti Dune])
3. Ohangwena
4. Caprivi
5. Omaheke – north of Epukiro – Eiseb block (MLR 2007a)

Vision 2030, successive National Development Plans and Namibia's Poverty Reduction Strategy provide the overarching framework within which national and sectoral development strategies are developed. The National Agricultural Policy aims to promote sustainable economic growth, employment creation, poverty alleviation and reduced income inequalities. It has focused its extension services on the communal farming areas (Thomi et al 2005: 8).

It is estimated that only 38% of the country's territory can be classified as having high potential for farming. Of this, 65% is located in communal areas. For further development of agriculture in the country communal land is thus of crucial importance. At the same time, communal land accommodates the majority of Namibia's population and provides a home base for extended families (Thomi et al 2005: 10).

2.1 Attitudes

Attitudes towards the implementation of the SSCF project were divided in all regions. In many instances opposition to the project was caused by fear about the impact of the SSCF programme on individual households' livelihoods. This in turn was exacerbated by a lack of information on the project. In Ohangwena people were unsettled by stories that they would lose access to land demarcated for the SSCF project, and had no information as to what their future would be. There was no information from MLR on 'where locals stood in the whole process' (Kavei et al 2010: 82, 121).

In other instances, people were hesitant to support the project as they saw it as reducing the flexibility of the 'communal' system. In Otjetjekua a stakeholders argued that if grazing areas are burnt down, the communal system allowed people to move their livestock, 'but with camps [farms, WW] people would have nowhere to graze their livestock once grazing in their "camps" is burnt down'. Moreover, fenced land would impede access to natural resources such as wild fruit and mopane worms. There was a perception that 'the community has lost faith in government which seems to merely implement projects that benefit the people at the top' (Kavei et al 2010: 82).

In Omusati Region unauthorised enclosures made it difficult for some TAs to support the SSCF project. A major concern in this context was that the unauthorised fencing of communal land has reduced the commonage to such an extent that, together with the SSCF, there would be nowhere to go for farmers who did not qualify for SSCF. The King of

Ongandjera and his council were not aware of any permission given for the private enclosure of communal land (Kavei et al 2010: 84).

Despite some serious issues on the 24 SSCF units in Ohangwena, Kavei et al (2010: 123) found that only very few people in the region opposed the SSCF project. In fact, 'the community at large embraces the idea'. These findings appear questionable in view of evidence that support for or against the SSCF project coincided with wealth status. A female member of the CLB argued that people with large numbers of livestock are in favour of the SSCF. They appear to be inspired by people who were allocated small farms as early as 1977 and have become rich as a result, reinvesting in the local economy. People with small numbers of livestock or no livestock at all are less enthusiastic about the project (Ibid).

In Kavango Region many farmers supported the SSCF project on account of a perception that farming on communal land was unproductive due to the high incidence of stock theft, bulls mixing with other peoples' cows and cattle entering crop fields (Kavei et al 2010: 183).

In Caprivi, support for or opposition to the SSCF depended on whether people owned livestock or not. Many livestock owners supported the SSCF while those without any livestock opposed the SSCF in favour of conservancies. More wealthy farmers supported the SSCF because fenced farming units would enable them to protect their livestock against theft and wild animals, manage animal health better and implement rotational grazing. The SSCF project was 'the only means with which to send our children to schools and provide food security' (Kavei et al 2010: 219, 223).

In the Mangetti Dune area 'the idea of SSCFP was wholly welcomed by the community, as their livestock will be safe, and there will be no theft' (Kavei et al 2010: 244). This is a surprising statement, to say the least, in view of the information provided in preceding pages that the community was divided. Regrettably, this leaves the critical reader with several questions regarding the integrity of the information provided, as personal bias and reality become conflated. Without any reference to information obtained from local people, the authors assert that communal grazing has been a failure and that it was 'important to follow the example of Kamatapati area where farmers have become hugely successful after moving into the small scale (sic)'. The specific livelihoods needs of the local San population are largely ignored, save to recommend that 'people cannot always depend on fruits from the wild forever, we are independent and we need to move on, within the farms people will still get access to the wild fruits while having alternative livelihoods'. The authors cite some people at Kanovlei and the Chief as stating that the conservancy only put people in jail and that pay-outs and benefits never materialised. That is why some people changed their minds about conservancies and supported the SSCF project (Ibid). Moreover, it was stated that the 'conservancy members have an interest in keeping the San community underdeveloped...' (Ibid: 248).

Against this, Kavei et al have argued that the SSCF project would decrease dependency on drought food relief and reduce the illegal felling of trees. The authors cite approval of the SSCF by the CLB - which was said to have encouraged the MLR to go ahead with the project - and the //Nu-we Farmers Association. Evidence from other sources suggests that the concept of the SSCF project was fiercely contested in Mangetti Dune area.

It is submitted that these blanket statements need further investigation in order to arrive at a more detached assessment of the arguments for and against the SSCF project.

Conservancies

Conservancies are important role players in some regions, particularly where SSCF and conservancies overlap. In Otjetjekua it was reported – but not confirmed - that the CMC had taken a decision not to cooperate with the SSCF in the area. In Omusati, the Sheya Shushona CMC profiled itself as the champion of the poor and was described by Kavei et al (2010: 83) as the strongest opposition to the SSCF, arguing that people at the top were not concerned about people at the bottom of society. The CMC argued that there was not

enough land to be fenced and proposed that large blocks be fenced for groups of farmers (Ibid: 85).

3 Reassessment of availability of land in areas identified for SSCF development

The first concerted effort to identify un- and underutilised land in the communal area was undertaken by consultants in 1999-2000. The criteria used by the consultants to demarcate land as under- or unutilised included the following (IDC 2000a: 31):

- *Agro-ecological zones*: this referred to the potential of specific areas to support large stock grazing in a small-scale commercial environment
- *Status of rangeland conditions at the end of rainy seasons*: areas with an average good to satisfactory vegetative growth at the end of each rainy season over the previous seven years were found to be suitable. This assessment was based on the Regional Remote Sensing Unit of the SADC in Harare.
- *Population density and distribution*: the least populated areas with the least negative socio-economic impact on existing communal structures were selected. In the assessment for Kavango, the population distribution as per 1991 official census was used as a basis to identify areas with population densities of below 2 people per km² (IDC 2002a: 4).
- *Availability of infrastructure*: the availability of water and roads infrastructure, or in the absence thereof, possibilities to develop such, was taken into account in demarcating areas for small-scale commercial development.
- *Existing farming practices and other economic activities*: this criterion refers to observations made during field trips on how land was used. Areas that were used seasonally for grazing, for example, were excluded, whereas areas where private fencing existed and was 'commonly accepted' were identified for development. Similarly, areas earmarked for tourism or forestry were excluded.
- *Social infrastructure such as schools, clinics and settlements*

A summary document of the IDC recommendations stated that the final recommendations on 'virgin' land were made according to 3 criteria ([IDC] n.d.: 3):

- areas with population densities of less than 2 persons per square kilometre;
- areas with no or very little economic activities; and
- areas with limited or no physical and socio-economic infrastructure.

A criticism of the IDC criteria and subsequent recommendations based on them is that they only focused on human and livestock populations physically present in areas. Land uses other than livestock farming or cultivation or seasonal rights to land were not considered. Areas not permanently inhabited are not by definition unutilised as is the case among hunters and gatherers, for example (Katataiza 2009: 13-14). Moreover, the focus on population densities failed to acknowledge and understand the fact that many remote areas were utilised by a system called cattle posts. By their very nature, cattle posts have low population densities, but relatively high livestock numbers. The whole question of who had rights to land – whether utilised or not in terms of western perceptions – was completely ignored. This explains why an area such as Ongandjera was identified as 'virgin' land. Although the earmarked area has only a few small settlements, almost 80% of livestock in the area was owned by cattle post owners who had one, perhaps two people at the cattle posts. Yet, their lives and the conditions of grazing areas further north will be badly affected if their rights are not adequately acknowledged.

The Ministry of Agriculture, Water and Rural Development defined un-/underutilised land as land that was not used to its full agricultural potential (Purcell 1994: 1). Local communities generally defined land as 'virgin' or unutilised when it has never been used for agronomic production or activity, be it cultivation or grazing livestock (Kavei et al 2010: 72; 155). In Kavango Region, a distinction was made between commonages and virgin land. Many of the

SSCF farms were said to be on 'virgin' land, i.e. land which was never used before. Reasons for land not having been utilised before include military occupation (Uukwangali) and a lack of water. San hunted on some of this land (Ibid: 183). In Ohangwena Region, 'virgin' land was land that was too dense for settlement and farming as a result of forests (Ibid: 122). A lot of land around Mangetti Dune was said to be virgin in 2009 due to the fact that there was no water (Ibid: 243).

Sikopo (2003:11) regarded all land more than 6 km from water points as unutilised, 'even though suitable, due to the fact that there are few livestock within the area and can make use of vegetation around the 6 km radius from water points'.

Thomi et al (2005: 16), in a study commissioned by the KfW, proposed a set of criteria in terms of which specific areas should be selected for programme support. These criteria included the following:

- the area must be within the areas identified as underutilised or unutilised by the MLR (i.e. IDC study)
- there has to be an agreement of the people living in the area to participate in the Programme and to accept its conditions
- if there are existing conservancies or communal/social forests in the area, there has to be a written agreement of the affected organisation as stated in the Communal Land Reform Act
- areas under conflict should be excluded.

Much has been made of the incompatibility of different land uses of conservancies and small-scale commercial farming. Several points need to be raised about this. In the first instance, the actual land use in the SSCF programme as conceptualised by the MLR is agricultural production, probably a combination of livestock farming and cultivation. This is not different to communal subsistence farming, which as a land use also consists of mixed livestock farming and cultivation. Where the SSCF project differs from the latter is in the form of property rights which beneficiaries are to enjoy, viz. long term lease agreements. The real conflict therefore is not in terms of land use but different ownership rights. Potentially, long term leases withdraw parcels of land within a conservancy from the control of conservancy management committees. However, conservancies co-exist with commercial farming in the freehold sector. On the face of it, therefore there is nothing incompatible between conservancies and SSCF. Where SSCF overlap with conservancies, a *modus operandi* may have to be found and integrated into the conditions of lease agreements. The final decision of how to deal with disputes arising as a result of overlapping rights should rest with affected communities and the holders of customary land rights to such land. Overlapping land rights and uses are the result of insufficient participation of local land rights holders in the original IDC assessments and all subsequent developments (Katataiza 2009: 14). Participatory land use planning methods may prove to be valuable tools in resolving such disputes.

3.1 Omusati Region

IDC (n.d.: 3) identified 368,211 ha of land in Omusati Region that satisfied the 3 criteria mentioned above, and was therefore considered available for the development of small-scale farms. This figure differed slightly from the figure in the main report due to more accurate calculations. The consultants recommended that the small-scale farming model be implemented in the south western part of the Omusati Region, stretching from Amarika westwards for a zone of 15 km north of the proposed Ongandjera Community Forest Reserve to the Kamanjab-Ruacana road, and northwards along the border of the Ruacana constituency to the proposed Uukwaluudhi conservancy (IDC 2000a: 95).

In September 2007 the MLR conducted an assessment of portions of this land measuring 137,736ha in the Ongandjera TA area and another 47,660ha in Otjetjekua. In both instances the Traditional Authorities were said to have consented to the development of these areas. The Chief of the Ongandjera Traditional Authority, Japhet Munkundi and the Senior

Traditional Councillor, Shikongo Sakeus, under whose jurisdiction the identified portion of land falls, are recognised in terms of the Traditional Authorities Act of 2000. The area in Otjetjekua falls under the jurisdiction of the Vita Thom Royal House Traditional Authority. Its Chief – *ombara* – senior traditional councillors and traditional councillors are also recognised as traditional leaders in terms of the Traditional Authorities Act of 2000.

The main aim of the assessment was to determine areas that could be demarcated for small-scale farming. More specifically the team mapped the layout areas in congruence with guidelines laid down by TAs as well as available resources such as roads and tracks, water, grazing capacity, livestock and services such as schools, health and veterinary services. It collected data on fences, cattle posts, livestock, households and settlements which would be affected by the development of small-scale farming. Out of this a demarcation map was produced and sizes of land units determined (Nkolo et al 2007a: 1-2).

3.1.1 Ongandjera

The map below gives an indication of the area in Ongandjera that was assessed by the MLR team in 2007. Regrettably, the co-ordinates provided in the little box do not appear to be corresponding very well with the corresponding points on the map.

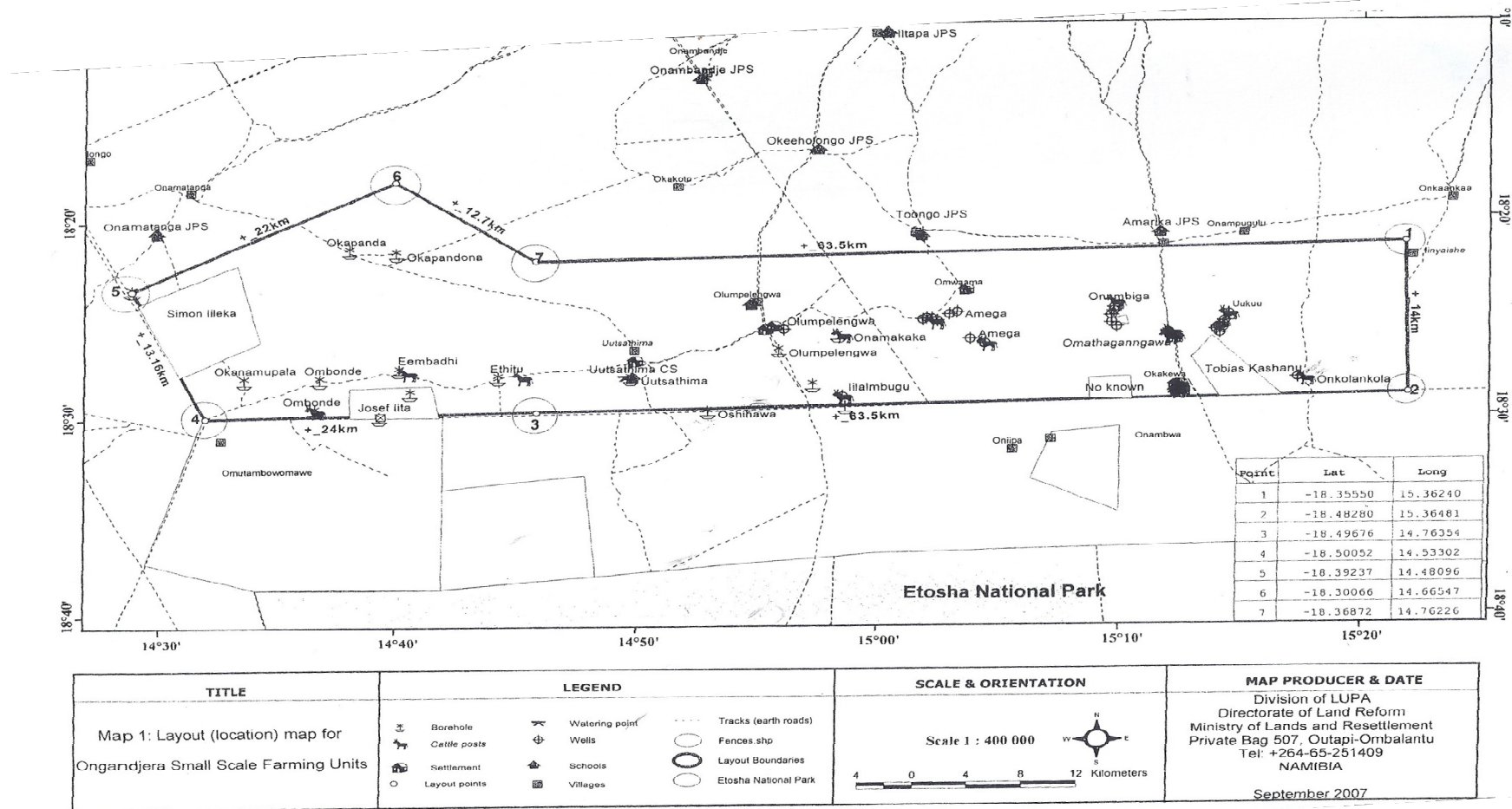
The data generated by the assessment team has been summarised in Table 1 overleaf. The team appears to have visited all sites in the demarcated area. In some areas it was not possible to obtain data on human and livestock populations as a result of the absence of the owners. The data presented in the table is therefore on the conservative side.

The assessment has identified 4 settlements with a total of 81 households cultivating approximately 235 ha of land. In addition 18 localities with cattle posts were found. Some of these localities had several cattle posts located around boreholes and/or wells. Larger localities such as lilalambugu had 15 cattle post owners being supported by 3 water points. A total of 140 cattle post owners were counted in the demarcated area. These did not stay there but had workers present at their cattle posts. On average one man was looking after cattle at each cattle post.

7,897 large stock units (LSU) or 86% of all LSU in the demarcated area were counted at 140 cattle posts, suggesting that the area is very important for seasonal grazing purposes. This confirms the findings of Kavei et al (2010: 71) that in Ongandjera the SSCF project will mostly affect cattle post owners, as the majority of people found in permanent settlements such as Uutsathima did not own much livestock. It was also observed that the owners of cattle posts were regarded as wealthy people living in far-away places, while the local population was poor (Ibid: 64). What the MLR assessment did not address is whether any settlements and/or cattle posts were found between the demarcated area and the Etosha border. This will be important to establish, as a block of fenced farms will inevitably close off access routes to those areas.

The headman at Olumpelengwa averred that many cattle posts in his area were established without consent. This process was encouraged by government which had drilled boreholes in some of these areas in the past. However, some cattle posts have been in existence since the 1980s. A herder at one cattle post described it as a 'permanent retreat from drought'. Although permanently utilised, it remained a cattle post because 'it had no permanent housing structures, no crop fields and there were no women staying there' (Kavei et al 2010: 60)

Figure 13: Demarcation map Ongandjera, Omusati Region



The area of 137,736 ha which was assessed in Ongandjera supported approximately 9,147 large stock units. At carrying capacities ranging between 10ha and 12 ha (Nkolo et al 2007a: 7), the maximum number of livestock that could be grazed in the assessment area was 13,774 at 10 ha/LSU, suggesting that the land was underutilised. However, it is not clear why Nkolo et al (2007) used carrying capacities ranging between 10 ha and 12 ha. IDC (2000a: 26) proposed stocking rates of 15ha to 20ha per large stock unit of 450kg. This corresponds with carrying capacities provided in Mendelsohn et al (2002: 150-151). Based on carrying capacities of 15ha per large stock unit, the demarcated area was fully stocked at 9,182 large stock units in 2007. Needless to say, at a more conservative carrying capacity of 20ha per large stock unit, the stocking rate in the demarcated area would have exceeded the carrying capacity by almost 50%. Tables 1 and 2 below provide a summary of the data.

These calculations suggest that the development of small-scale farms in the demarcated area will be exceedingly difficult. The area appears to be fully utilised, with many households living permanently in small settlements and utilising the adjacent pastures for their livestock.

Against the background of this analysis based on data generated by MLR staff, the feasibility of developing the targeted area in Ongandjera into small-scale farms needs to be revisited. It is submitted that the recommendations made by Nkolo et al (2007a: 39-40) are well intended but are ignoring some serious concerns. Their statement that 'currently, the cattle posts concentrate on specific areas and leave other areas under-grazed or not grazed at all due to the (sic) shortage of water points in the area' needs to be critically re-examined, particularly since this would suggest that pastures with water points were overgrazed. They are excluding the option of opening up new water points for livestock kept at cattle posts – and hence relieving pressures on grazing areas - by asserting 'that the introduction of more water points in an open communal land would only attract uncontrolled number of livestock in the area that may lead to more grazing degradation'.

These concerns notwithstanding Nkolo et al propose to survey the earmarked area into 44 blocks with a total of 149 internal camps. These blocks vary in size between 3,772ha and approximately 5,000ha. Internal camps range roughly between 800ha and 1,000ha. A grid has simply been superimposed on a complex socio-economic reality. The implications for households living in settlements of fencing land into small blocks is addressed by recommending that surveyed blocks around their settlements should be reserved for them to graze their livestock. The exact size of these should be negotiated with local communities, 'as most of the households do not engage in serious farming' (Nkolo et al 2007a: 40). Useful as this recommendation may be, it does not address the impact surveyed fences will have on seasonal grazers utilising cattle posts. By superimposing a grid, the existence of cattle posts in the area is simply denied.

Minutes of the 2nd *Project Progress Report 05 Sept.-31 Nov. 2008* state that the study area was an SSCF priority area. 'The project has been accepted.' Consultations were held in early November 2008 'to find an acceptable way forward in respect of existing settlement (sic) within the project area, and how the project can co-exist with the Sheya Shushona conservancy. Gazetting is underway'. The Ongandjera Traditional Authority had accepted the SSCF in 2007.

In early November 2007 the Minister of Lands and a team of civil servants held consultations in Omusati and Ohangwena. That was a month after the preliminary assessment was prepared by technical staff in the Ministry. The questions that were addressed included:

- how to deal with existing settlements in the project area;
- project area overlapping with Sheya Shushona conservancy; and
- eligibility criteria (MLR 2008a: 2).

Table 7: Summary of settlements, cattle posts, fenced farms, households and livestock, Ongandjera, Omusati Region 2007

	Name	Coordinates	No of households	No of cattle posts / owners	Size (ha)	Total population	Total crop land (ha)	Cattle	Small stock	Donkeys	Horses
1. Settlements	Okakewa		6			46	23	138	67	14	0
	Amega		3			21	7.8	27	112	15	0
	Olumpelengwa		32			168	70.3	40	158	46	0
	Uutsathima		40			352	133	226	431	119	24
2. Cattle posts	Onkolankola	S18 28 14.6 E15 17 40.6 S18 28 09.4 E15 17 21.9		9			n.a	n.a	n.a	n.a.	n.a.
	Uuku	S18 24 54.6 E15 14 30.5		8			5.5	370	231	28	19
	Omathagangawa	S18 25 50.1 E15 12 11.3 S18 26 04.1 E15 12 04.1 S18 26 01.9 E15 12 15.6		10				536	530	0	0
	Okakewa	n.a.		4				349	298	2	
	Onambiga	S18 25 32.0 E15 09 51.9 S18 25 20.1 E15 09 40.5 S18 24 44.4 E15 09 44.9 S18 24 57.9 E15 09 39.3		11				78	516	35	0
	Amega	S18 26 21.8 E15 04 31.6		5				76	311	7	
	OmuhamgwaAshipolo	S18 26 40.4 E14 55 53.3 S18 28 26.6 E14 57 19.4		3				265	314	10	0
	Omamakaka	n.a.		10				760	283	0	0
	Olumpelengwa	n.a.		11				732	216	0	10
	lilalambugu	S18 28 26.6 E14 57 19.4		15				591	652	7	2
	Oshihawa	S18 29 46.0 E14 52 56.6		3				222	150	0	0
	Uutsathima	n.a.		8				275	101	0	0
	Ethitu	S18 27 58.9 E14 45 14.6		16				601	324	0	0
	Eembadhi	S18 27 43.7 E14 40 28.3		8				435	572	3	0
	Ombonde	S18 28 05.6 E14 36 48.9 S18 29 37.8 E14 36 37.1		5				326	61	0	0
Okanamupala	S18 28 05.1 E14 33 40.6		4				583	119		2	

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	Alwaana	S18 23 29.9 E14 28 53.5			3				280	190	7	7	
	Okapanda & Okapandona	n.a.			6				322	240	0	0	
3. Fenced farms	Tobias Kashanu	S18 29 06.5 E15 14 10.5			1	1,760			180	134	3	0	
	Incomplete: Onaminga	S18 29 12.0 E15 10 34.3				640					0	0	
	Alex Shilongo	S18 25 27.1 E15 10 22.1				67					0	0	
	Ombonde (J, lita)	S18 29 59.6 E14 38 02.9				1,850			65	48	2	0	
	Alwana (S. ileka)	S18 26 07.0 E14 34 17.4				5,620			0	0	0	0	
TOTAL					81	140	9,937	587	239.6	7,477	6,058	298	64

Table 8: Population density and stocking rate, Ongandjera 2007

Total demarcated area (ha)	Total population	Population density (per km ²)	Cattle	Small stock		Donkeys		Horses	Total LSU	Max stocking rates	
				Nos	LSU equivalent	Nos	LSU equivalent			Carrying capacity 10ha/LSU	Carrying capacity 15ha/LSU
137,736	727	1.9	7,477	6,058	1,010	298	596	64	9,147	13,774	9,182

Note: Conversion of small stock units to large stock units was done at 6:1 and for donkeys to LSU at 2:1. One person per cattle post was added to the enumerated population in settlements.

Source: Nkolo, J.; Mwahafa, J. and Haufiku, P. 2007a *Preliminary assessment of South Ongandjera for the demarcation of small-scale commercial farming units*. Windhoek: Ministry of Lands and Resettlement

The findings of the consultations included that there was full awareness and acceptance of the SSCF and the area designated for this development 'by all'. People were waiting in anticipation of its implementation, and began to doubt the honesty of their traditional leaders on account of the delays. Moreover, the designated area was not located in the core area of the conservancy and hence 'was OK. This had been a key concern that the two were overlapping'.

What was less clear was how the project would impact on affected communities. Traditional leaders had several questions which included:

- what will the project establish?
- who will benefit?
- will people be displaced, how will access to existing communal resources be affected (grazing, wells, boreholes, wildlife benefits e.g. caterpillars)?
- salt pans must not be fenced off
- will 'illegal' fencing be re-demarcated?
- what will happen to existing cattle posts?
- will SSCF replace the existing farms?
- will leasehold be allocated to individuals only?
- what is the length of a right of leasehold? (Ibid: 2-3)

Kavei et al (2010: 69-70) found that people in Ongandjera appeared ill-informed about the SSCF programme. This included TAs, the CMC and in particular owners of cattle posts who lived in towns. They confirmed that many of the questions raised in 2007 during consultations with the MLR by TA councillors still existed. These included the following:

- if the farms are to be allocated to individuals what is going to happen to poor farmers, where will they graze their livestock that easily gets lost within the communal areas?
- the communal lands are open to use by all people, if parts of the communal land area are cut off what will happen to other people?
- councillors wanted to know about the fate of privately owned wells within the designated areas once the SSCFs are established (one Senior Councillor owns a private well in the designated area).
- what will happen when people are enclosed within the camps (small scale farms)?
- what will be done to the people living in the area, would all people be moved and others brought in from outside or are farms meant for people already found in the area? (Kavei et al 2010: 69-70)

There was general agreement that only once all people had understood the project could they elect to either support or reject the idea.

The CMC concerns were similar to those of TA councillors. They need to know about the fate of cattle posts owners: would they be fenced in or removed completely? The Committee suggested that large areas of land should be block-fenced to be grazed and managed collectively through group farming (Ibid: 70).

During consultations with the MLR in 2007 close to 20 principles to guide the SSCF were agreed upon. These included that the implementation should not involve any forced displacement or moving of settlements or persons. Existing land rights holders should be consulted to establish whether they were willing to move voluntarily, in which case no compensation would be paid. In the event of compensation having to be paid, Communal Land Boards should make recommendations. Once SSCF were established, community members should obtain permission from lessees to harvest natural resources on farms.

In terms of selecting beneficiaries, those directly affected by the project and those who were in the area before the project started should be considered first. Moreover, those with sufficient wealth to acquire land without SSCF or resettlement support, or already have farms elsewhere should enjoy the lowest priority for allocation of SSCF. Allocations should

be done by Communal Land Boards in accordance with the CLRA of 2002 and the Constitution.

On the basis of this agreement it was concluded that the project should go ahead in Uutsathima area and that a technical team should review the situation in the area without delay. The area should be designated and gazetted (MLR 2008a: 3).

The four year rolling plan for the SSCF of the MLR confirmed that the Ongandjera community was 'pressing the Ministry to indicate when it will commence with the project' and that the layout plan was completed (MLR n.d. [2011]: 2). This plan was prepared for TIPEG funding and approved by the NPC for that purpose.

Some councillors and members of the TA in Ongandjera were fully in favour of the SSCF project as it would facilitate better farming methods. They claimed that all people were in favour of the project (Kavei et al 2010: 73). There was also a perception expressed by the Regional Councillor but shared more widely that the SSCF would provide a mechanism for stopping illegal fencing of communal land and the associated 'plundering of natural resources'. Moreover, the rapid conversion of grazing areas into crop fields 'by people from Oukwanyama' would be stopped by the SSCF project (Ibid: 74).

Water, roads and social services

Underground aquifers are the main source of water in the study area. In the eastern parts 28 water points with 162 hand dug wells – *omadhiya* – supply water to livestock and people. The western parts depend on 20 boreholes. Water quality and water infrastructure were regarded as poor by farmers.

The designated area does not have proper roads. Settlements and cattle posts are linked by tracks that require 4x4 vehicles. A cut line running from the west - Omutambo Womawe – to the east forms the southern boundary of the target area and is passable only in a four wheel drive vehicle. Vehicular access from the south is limited as it requires passing through Etosha National Park.

Apart from problem animals such as elephants, lions, hyenas and jackals, farmers have listed frequent droughts as a problem.

3.1.2 Otjetjekua

An area of 47,660 ha is targeted for the development of small-scale commercial farms in Otjetjekua. Minutes of the *2nd Project Progress Report 05 Sept.-31 Nov. 2008* stated that the study area was a SSCF priority area. No acceptance existed in November 2008 due to differences on how the small-scale farms could co-exist with the conservancy. Field consultations conducted by the Minister of Lands and Resettlement in November 2007 found that there was full awareness of the proposed project, but that the community was divided on whether to accept it or not. Curiously, the team concluded against the divisions mentioned earlier, that 'the traditional leaders and the local community are of great will force for the project to be implemented' (Nkolo et al 2007b: 17). Although the proposed farms did not overlap with the core area of the conservancy, questions still existed whether or not SSCF and the conservancy could co-exist. More specifically, people wanted to know who would benefit, whether people would be displaced, and how access to communal resources would be affected (grazing, wells, boreholes, wildlife etc.). The duration of lease agreements was also not clear.

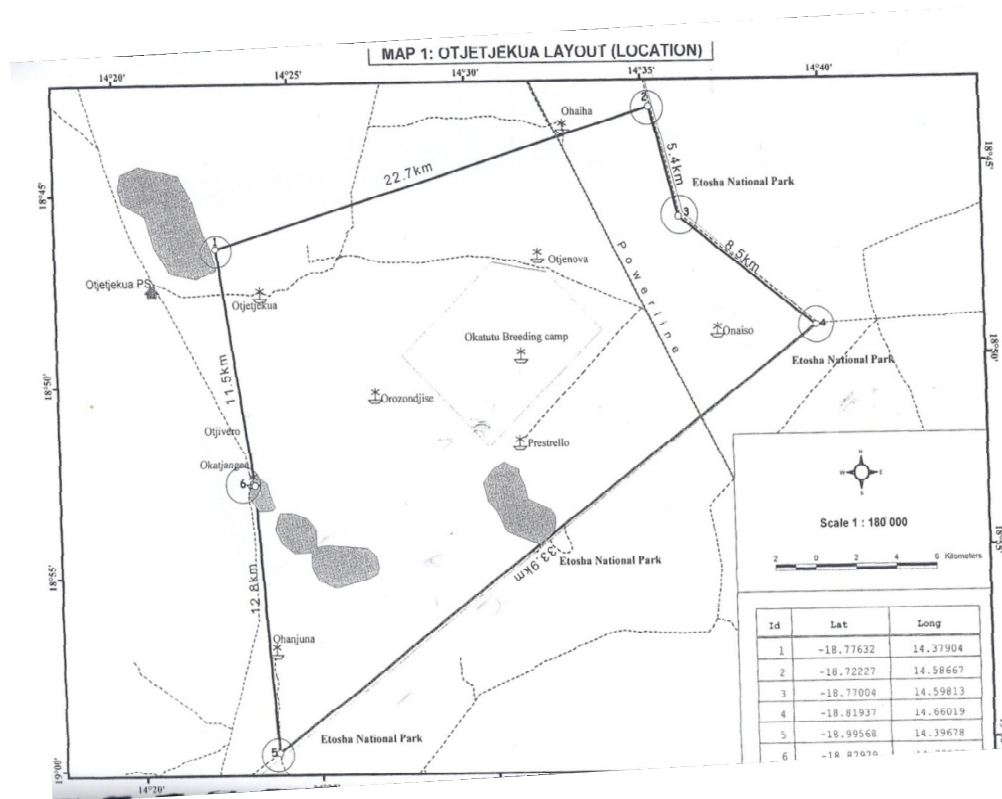
The guiding principles developed during consultations in Ongandjera were agreed to at Otjetjekua as well. Further consultations by leaders in Otjetjekua with their communities were agreed to.

A review of issues and recommendations for the development of a Road Map on Land Reform in Communal Areas

The exact area of the proposed SSCF project in Otjetjekua is not clear from the documentation. Based on an input from IDC, Thomi et al (2005: Annex 10: 9) stated that the total project area in Otjetjekua was 79,796ha. However, of this total area only 38% or 30,582ha was earmarked for the development of 15 small-scale farms. By contrast, a team of technicians from the MLR estimated the total project area to be approximately 47,660 ha, to be developed into 14 small-scale farms (Nkolo et al 2007b: 5). The confusion is compounded by the fact that the farms as proposed by Nkolo et al cover the entire area of Otjetjekua, while in Thomi et al the proposed farms cover a strip running south east through the entire area, covering land where no water points exist.

The map below gives an indication of the area in Otjetjekua that was assessed by the MLR team in 2007. Regrettably, the co-ordinates provided in the little box do not appear to be corresponding very well with the points on the map.

Figure 14: Otjetjekua layout map



A total of 46 households with 3,945 large stock units were recorded in the project area by the MLR team in 2007 (Nkolo et al 2007b: 5). Thomi et al (2005: 13) estimated that their study area had 103 families (see also Kavei 2010: 58). The MLR team estimated that at a carrying capacity of 1:10 the area could accommodate 4,766 large stock units at. It is not clear why the team has chosen this carrying capacity, as the area lies to the west of Ongandjera and is more arid. At a more realistic carrying capacity of 15 ha per large stock unit, Otjetjekua could support 3,177 large stock units. At the more optimistic if unrealistic carrying capacity of 1:10 the area is slightly understocked. However, at a carrying capacity of 1:15 it is overgrazed by a factor of 24%. This data is summarised in Tables 3 and 4.

Table 9: Summary of settlements, cattle posts, fenced farms, households and livestock, Otjetjekua, Omusati Region 2007

Name	Coordinates	No of households	No of cattle posts / owners	Size (ha)	Total population	Total crop land (ha)	Cattle	Small stock	Donkeys	Horses
Onaiso borehole	S18 49 09.5 E14 36 51.9						wildlife only - no livestock or settlements			
Okatutu Breeding Camp (MAWF)	S18 49 36.3 E14 31 16.3			4,723	2		50	99	0	0
Settlements										
Ohanjuna	S18 57 02.9 E14 23 55.3	10			138	9.6	510	293	73	19
Okatjangee	S18 52 36.5 E14 23 29.7	3			44	2.5	340	50	10	0
Otjivero	S18 52 36.5 E14 23 29.7	1			4	1.5	23	36	3	2
Orozondjise	S18 50 30.5 E14 27 04.2	10			74	9.6	222	446	40	4
Otjenova	S18 47 01.9 E14 31 52.9	5			89	22.5	239	306	71	29
Otjetjekua	S18 47 45.8 E14 23 58.0	13				13	859	417	42	11
Otjizombata		4				5.7	230	105	20	0
Cattle posts										
Ohaiha						13	291	357	7	0
Joao Prestello cattle post	S18 51 53.2 E14 31 06.9						200	130	4	3
TOTAL		46	6		351	77.4	2,964	2,239	270	68

Table 10: Population density and stocking rate Otjetjekua, Omusati Region 2007

Total demarcated area (ha)	Total population	Population density (per km ²)	Cattle	Small stock		Donkeys		Horses	Total LSU	Max stocking rates	
				Nos	LSU equivalent	Nos	LSU equivalent			Carrying capacity 10ha/LSU	Carrying capacity 15ha/LSU
47,660	351	1.4	2,964	2,239	373.17	270	540	68	3,945	4,766	3,177

Note: Conversion of small stock units to large stock units was done at 6:1 and for donkeys to LSU at 2:1.

Source: Nkolo, J.; Mwahafa, J. and Haufiku, P. 2007b *Preliminary assessment of Otjetjekua area for the demarcation of small-scale commercial farming units*. Windhoek: Ministry of Lands and Resettlement

The MLR assessment team concluded that the viability of developing the area into small-scale farms was limited as a result the size of the area and the number of households in the area. They recommended that the area be demarcated and surveyed into 14 farming units ranging in size between 2,200 ha and 2,500 ha. These could in turn be further subdivided into 56 smaller units, resulting in farm sizes just upwards of 500 ha. The assessment team reported that the traditional authority proposed

that the size of the land to be allocated to the beneficiaries can reduced (sic) to one camp per household and that those households with few livestock may be combined to share the farming camps (Nkolo 2007b: 17).

Thomi et al (2005: 13) proposed that the area of approximately 80,000 ha be divided into 22 small-scale commercial farms of 2,000 ha each with their own water point and 14 farms of 1,000 ha sharing a water point between 2 farms. At the same time, the remaining communal area will be fenced into 11 communal farms with 6 to 8 internal camps of 600-800 ha. At the centre of each will be one of the 9 existing settlements. Existing water points will be rehabilitated and additional ones developed and 2 additional ones developed. A cattle handling facility and cattle trough were proposed at each settlement. This would enable communal farmers to farm on a semi-commercial basis. (Ibid: Appendix 10: 9).

Nine boreholes supplied water to people and livestock in Otjetjekua in 2007. Farmers have complained that they were not evenly distributed across the area and that installations were poor. All localities presented in Table 3 with the exception of Otjivero have boreholes. The borehole for Otjivero was located outside the study area (Nkolo et al 2007b: 4).

The demarcated area lies to the east of trunk road C 35 from Kamanjab to Ruacana. Sand tracks connect the study area with the trunk road. In some places the former can only be traversed in 4x4 vehicles.

Farmers in the area have reported problems with predators such as lions, hyenas and jackals. This is in probability the result of the fact that the area shares a 48 km border with the Etosha National Park in the east and south-east. Moreover, uncontrolled grazing by farmers from other areas was considered to be an issue. This may explain why the Traditional Authority was very supportive of the SSCF programme. However, given the fact that the demarcated area is already fully stocked, dividing it into 56 small land fenced parcels is likely to reduce flexibility in range land utilisation, possibly leading to increased land degradation.

There is a need to revisit Otjetjekua with a view to obtain a clear idea of the area that is proposed for SSCF development, as existing information is ambiguous. Moreover, the four year rolling plan for the SSCF stated that the community of Otjetjekua had not pronounced itself on the project (MLR n.d. [2011]: 2).

Kavei et al (2010: 68-69) found that many people who were sceptical about the SSCF based this on a lack of information and knowledge about the project. Members of the Ehrovipuka conservancy claimed that they were never consulted on the SSCF and expressed an interest to go to Kavango, for example, to see how conservancies and the SSCF could co-exist. The Kunene North Communal Farmers Union (KNCFU) was also not consulted, but supported the idea to establish SSCF. A representative of the Ngatuwane Farmers' Union was party to consultations with the MLR, but the wider community was not consulted. It was reported that absentee farmers living in Opuwo opposed the SSCF programme and that those whose livestock grazed in the area should take the decisions.

3.2 Ohangwena Region (Onghaalulu – Okongo)

In terms of Government Gazette No. 3878 dated 16 July 2007 a total area of 58,613 ha was designated for the development of 24 farms. Minutes of the *2nd Project Progress Report 05 Sept.-31 Nov. 2008* stated that the study area was a SSCF priority area. By November 2008,

24 farms had been surveyed and 12 boreholes drilled. Settlement on the surveyed farms was a problem that needed to be addressed. In 2010 a team from the MLR found 15 new government boreholes that were not yet installed, 5 old government boreholes drilled by MAWF and eleven private boreholes in the area (Shilongo-Mwahafa and Haufiku 2010).

At Okongo the ministerial field consultations in November 2007 found that there was full awareness of the SSCF programme. The farms were surveyed, gazetted and boreholes drilled. However, after the farms were surveyed, people moved into the surveyed area with the permission of the Traditional Authorities. TAs were found to continue to allocate land in the project area. Some of the settlers developed private boreholes in order to lay claim to the farms once the project was implemented. Some wealthy farmers pretended to have been in the area before the SSCF project started. Illegal fences were also present. The Regional Council commissioned a technical team to assess the situation on the ground.

Some of the designated SSCF land appears to have been fenced off by the First National Development Corporation (forerunner of the Namibia Development Corporation) before Independence. An investigation of the situation revealed 'that land rights were granted and PTOs issued before both the promulgation of the Communal Land Reform Act (2002) and the physical demarcation (pegging) of the SSCFs in 2007'. Headman David Shingo of Onghalulu reportedly has records of all settlers who were registered in the village register after permission was granted to settle (Kavei et al 2010: 114).

Traditional and community leaders had several questions. These corresponded largely with those raised in Ongandjera. With regard to selecting beneficiaries, however, the people consulted expressed a lack of faith in the existing process of making allocations under the resettlement scheme. Concerns were also raised about how grazers in Kavango would be accommodated, since fenced farming units would reduce available communal grazing. Fencing of land had the potential of aggravating poverty and hunger in Onghaalulu. There was also the risk of many people not being allocated a farm and that the number of livestock grazing on the land was larger than SSCF could support.

Despite these concerns, it was decided to go ahead with the project, and TAs were instructed to cease making further land allocations. A review of the situation should take place to guide implementation.

At the end of 2008 a ministerial task team was told that the area earmarked for small-scale commercial farming was already occupied and that the occupiers were allocating themselves land. The settled population on the designated land had increased from 22 households before the SSCF units were designated to 100 in 2010 (Shilongo-Mwahafa and Haufiku 2010). This was a sensitive matter 'as some people have erected big fences already and it will be difficult to resize them because people have a lot of cattle and would even claim that the fenced off area is not only theirs alone but there are undivided shares of their children'. The issue of compensation was raised in the context of resizing land that was already fenced (MLR/KfW 2009: 9). The MLR informed the TA that allocations of 3,600 ha made by some TAs needed to be resized to 2,500ha. The Oukwanyama TA was aware such allocations were made by the Ndonga TA, but had never made such allocations itself. It was alleged that headman consented to such allocations, but, the TA claimed, it did not give permission and did not have any information of headmen having given permission. The team was asked to investigate this and report back (Ibid: 10-11).

The Director of Planning of the Ohangwena Regional Council informed the team that between 2001 and 2002 a joint meeting between the Regional Council and the Oukwanyama TA agreed to demarcate land that should be fenced off but should remain communal grazing (Ibid: 9). However, the Traditional Authority stated that the community was divided over the SSCF as land was scarce and should be left open for use by communal grazers. The TA itself stated that there was no vacant land except for some land in the disputed area on the Ondonga-Oukwanyama border (Ibid: 11). Land allocation was contested in that area, as some land traditionally falls under the Ndonga TA but politically

(constituency) is under the Oukwanyama TA (Ibid: 13; 31). Shapi et al (2010: 15) reported that there were disputes regarding the 24 surveyed farms in Ohangwena, as some people believed they fell under the jurisdiction of the Oukwanyama TA while others believed they were the responsibility of the Ndonga TA.

A member of the Mandume Regional Farmers' Cooperative stated that access to grazing was a problem, particularly with regard to grazers in Kavango. If government resized 6x6 farms, more grazing could become available to settle those currently in Kavango. He urged government to encourage those with large herds to buy commercial farms, particularly big farmers in the Mangetti (Ibid: 13).

The Oukwanyama TA supported the idea of sub-dividing the farms into 6x6 km 'because that is the only way to solve the problem of scattered cattle posts and village houses' (Ibid: 33).

The following farmers unions are present in Ohangwena:

- Mandume Regional Farmers' Co-operative
- Uukumwe Regional Farmers' Co-operative – under umbrella of OMAFA, member of NNFU
- Mangetti Farmers Union – union for well-off farmers, not part of OMAFA. They define farmers as those with 150-300 large stock units which excludes most Ohangwena cattle owners (Ibid: 15)

The Regional Councillor for Okongo and the local headman for Onghalulu stated that livestock farmers to the east of the designated SSCF were grazing their livestock on that land. Once the SSCF units are fenced, there will be no grazing left for those excluded from the SSCF. Moreover, it would be very difficult to remove them from the designated land. The two leaders also expressed the opinion that farms under the SSCF project are too small, and 'too soon the land will be exhausted, leading to scarcity of grazing and impoverishment of farmers' (Kavei et al 2010: 122).

Allocations

Upon a question what the future would be of people who were already occupying the land surveyed for small scale farming, the Deputy Director of the MLR replied that those on the land would be considered during allocation (MLR/KfW 2009: 32). A major issue is that the surveyed land is occupied and partly fenced by 'illegal' occupiers (MLR n.d. [2011]: 2)

Informants stated that there were large tracts of unused land. These, however, consisted largely of forests too dense for settlement and farming. Consequently, there was a perception that Oukwanyama did not have enough land. There were more households living on the demarcated land than the 24 farms could accommodate on an individual allocation basis (Kavei 2010: 122).

3.3 Oshikoto

The enclosure of communal land in Oshikoto was authorised by the TA long before Independence and records are kept of such allocations in the TA offices (Cox et al 1998). However, large tracts of land were fenced without the necessary authorisation by the TA. The Ndonga TA was therefore interested to obtain a list of illegal grazers from the MLR with names, numbers and origin 'because that list is nowhere to be found and maybe illegal grazers do not even exist'. This was important to the TA as the Ndonga area was already overcrowded and could not accommodate people whose origin was not known (MLR / KfW 2009: 6-7).

A concern was expressed that before Independence 'the law was that farms are 6x6 that is 3,600 ha...[and] now the government is talking about 5x5'. Many people had used their own money to fence off land so that the question of compensation arose. There was unhappiness that the MLR 'reduce(d) the sizes of customary land rights from 3,600 to 2,500' (Ibid: 7). A

list existed of people who were legally allocated 3,600 ha (Ibid: 8). The MLR was encouraged by the Oshikoto Regional Council to persuade people with enclosed land to reduce sizes to 2,500 ha (Ibid: 16).

Approximately 141 fenced farming units were identified in Oshikoto Region by a team from the MLR at the end of 2008. One hundred of those were surveyed farms in the Mangetti and 24 in Ohangwena. The remaining 141 enclosed units were fenced privately in Oshikoto Region with varying degrees of authorisation (Ibid: 21). The total area fenced was estimated to be 416,831 ha, with fenced parcels ranging in size from 94 ha to 19,155 ha (Ibid: 22). This means that almost 50% of the total area of 857,010 ha identified by IDC as un- or underutilised was fenced already in Oshikoto Region.

Eleven farmers representing 7% cent of the 141 farms in Oshikoto had an average size of approximately 10,000 ha. The largest enclosure was 19,155 ha. These enclosures added up to 111,792 ha out of the total fenced area of 416,831 ha, or 27% (Ibid: 24). Multiple farm ownership was also established for 11 farmers. However, in spite of this, some owners farmed on less than 3,600 ha (Ibid: 25).

A total of 200 boreholes in the fenced area were found to be well distributed. Ownership was both private and government. The total number of large stock units in the area was 99,578, resulting in stocking rates of 1 LSU per 4.2 ha (Ibid: 25-26). Some farms were understocked such as those of Nashandi (15,541 ha), Boas (12,795 ha) and Nuule/Akunde (7,002 ha) for example with less than 54 LSU (Ibid: 26).

With regard to settlements, the MLR found 19 villages headed by a headman and 196 cattle post houses at the end of 2008. They found that the commonages were overgrazed by large numbers of livestock (Ibid: 28).

The MLR team presented an option to implement a Cabinet Resolution which stipulated that fenced units in communal areas should not exceed 3,600 ha. This involved negotiating with the 11 farmers who have enclosed on average more than 10,000 ha to reduce their enclosure to 3,600 ha. If successful, this would release an estimated 72,000 ha , the equivalent of 20 farms (Ibid: 29).

3.4 Kavango Region

The idea of developing small scale commercial farms in Kavango Region started around Independence. Land and Farming Committees were set up in at least 4 TA areas of jurisdiction (Shambyu, Mbunza, Gciriku and Uukwangali) to advise TAs on the allocation of land for small-scale commercial farming. In the Mbunza area, initial farm sizes were approximately 9x10 km or 9,000 ha compared to 10x5 km or 5,000 ha in the Shambyu area. Identifying land for the SSCF therefore amounted to the mere formalisation of a process that had been all but concluded (Kavei et al 2010: 181-182).

The SSCF project appears to be accepted in Kavango. A total of 516 farms were surveyed, 32 boreholes drilled and 12 equipped. According to the socio-economic assessment, 60% of farms are allocated (Kavei et al 2010: 181). The main problems around these farms included that they were not occupied by their owners, that they were located in deep sand and that infrastructure was poor (MLR n.d. [2011]: 2; Kavei et al 2010: 188). Most farms in Gciriku and HaMbukushu were not occupied in late 2009 (Kavei et al 2010: 174). In Gciriku the absence of year round water was the main reason for non-occupation. Absence of water was also identified as a serious bottleneck in the Mbunza area (Ibid: 190). Despite these problems, 80 per cent of farmers had either started or completed fencing their allocated units (Kavei et al 2010: 178).

Forty farmers in Kavango Region were unable to obtain lease agreements for their farms as the area was contested by the Gciriku and Shambyu TAs. The CLB did not know which TA should provide written consent to applications (Shapi et al 2010: 14).

Nobody was allowed to fence off commonages. Although Kavei et al (2010: 183) found that there was enough land left for village commonage grazing, TAs have asked for additional land to be set aside as commonage and requested farms 1969 and 1967 to be degazetted, because they had schools on them (Kavei 2010: 183)

The majority of leaseholders in Kavango were part-time farmers.

Water

There were very few farms with water infrastructure in Kavango. This was a top priority of farmers. However, the cost of drilling and equipping boreholes was found to be astronomical (Shapi et al 2010: 21). Up to 2011, only 32 boreholes were drilled (MLR n.d. [2011]: 2). Evidence suggests that many farm owners were not keen to share water points / boreholes which they believed would lead to conflicts among farmers. There were concerns that not all livestock owners sharing a borehole would contribute towards fuel costs and maintenance. Moreover, livestock would congregate on the farm with a water point and overgraze and trample the land. 'It was remarked that people in Kavango are not very cooperative and sharing water will indeed lead to conflict' (Kavei et al 2010: 179).

No mobile network existed in Kavango SSCF area. The road practically ended at Ncaute from where tracks led further into the SSCF area (Kavei et al 2010: 176-177). The absence of roads made it difficult to transport building materials and other farm inputs (Ibid: 178, 181).

Kavei et al (2010: 190) stated that borehole drillers were charging government more than they charged private clients, i.e. SSCF beneficiaries. Access roads were required for drilling boreholes and instances were found where boreholes could not be drilled as a result of a lack of access roads. Many beneficiaries find themselves in a difficult position: they are under pressure from TAs to occupy their farms and become productive under threat of losing their rights, while at the same time not being able to occupy their farms due to the absence of water (Ibid: 188, 191).

3.4.1 NDC farms

Kavango Cattle Ranch was started by the First National Development Corporation (FNDC), the predecessor of the Namibia Development Corporation (NDC), in 1973. It covers an area of 259,000 ha and has been developed into 45 farms. In addition, NDC managed 16 farms in Mangetti West (Oshikoto Region), bringing the total NDC farms to 61 (MLR 2007b: 3). In 2004 Cabinet requested line ministries to develop a proposal on how these farms should be reallocated once NDC had dissolved. During the same year agreement was reached that 42 farms be transferred to the MLR for land reform programmes, 3 farms to be allocated to war veterans, 9 farms to be allocated to the Ministry of defence and 6 farms to be used for veterinary quarantine purposes by MAWF (Ibid: 4-5).

A visit by the Minister of Lands and Resettlement in 2006 revealed that NDC had a total of 64 farms under management. Sixty of these were utilised as follows:

- 42 farms use for livestock production by NDC
- 6 farms for veterinary purposes
- 9 farms for NDF
- 3 farms for war veterans (Ibid: 6)

An estimated 100 farm workers were using parts of the land for subsistence production and their homesteads were scattered over the area. The estimated value of infrastructure on these farms was N\$ 48 million (Ibid: 8).

The MLR intended to pursue consultations with other line ministries to facilitate the transfer of these farms with a view to utilise them for land reform purpose. More specifically, the MLR wanted to resettle bigger farmers 'from the previous background' (sic). These should be given an opportunity to apply for these farms and, if successful, be given 5 year lease agreements. The expectation was that such farmers would 'graduate' to acquire their own

farms through the AALS and thus make space for a new intake of 'strong' farmers from communal areas (Ibid:11).

3.5 Caprivi Region

IDC (2002b: 21) estimated that 110,000 ha of land in eastern Caprivi was un- or underutilised. It proposed 2,000 ha units as an appropriate size for small-scale commercial farming. These would be able to support 240 large stock units at a carrying capacity of 5-10 ha/LSU. Altogether 55 units of 2,000 ha could be developed, subdivided into 4 portions of 500 ha to be provided with one water point in the centre. In 2007 a total area of 148,084 ha was gazetted for the development of 75 farms (GG No. 3878: 3). Müller (n.d.: 2-3) stated that the designated area was 159,852 ha, to be developed into 81 rectangular units of 2,000 ha. Müller also reported that 2,000 ha in Caprivi would be able to support 400 LSU at a carrying capacity of 5ha/LSU.

TAs were reported to have consented to IDC's proposal in 2000 (Ibid: 2). However, after the MLR gazetted farms in the Mafwe area, complaints were raised by some communities and other TAs that their land was taken away without them having been consulted. Part of the reason for these complaints was the fact that the project area fell into two different TA areas: the Mafwe and Mayeyi (Shapi et al 2010: 13). The Makanga / Mahacana (sic) community objected to the development of SSCF claiming that much of their land was 'engulfed' by the project. They preferred community forests and threatened to defend their land to 'their death from becoming part of SSCF'. The Mayeyi TA also lodged a complaint with MLR and the CLB regarding SSCF. They claimed that they were not consulted about the project and that their grazing land and crop fields were now inside the project area. Compensation needed to be paid to the latter. They also feared that as the Mafwe TA had consented to the SSCF it would allocate farms to its subjects only and members of the Mayeyi would lose out. It was explained by the MLR that people who found themselves inside the SSCF project area would be considered for land allocation, provided they were prepared to lease the land (MLR 2008b).

Katataiza (2009: 39) found that just over three-quarters of farmers spoken to in her study area strongly disliked the SSCF programme. Only 4% were found to strongly like the development of SSCF. The main reasons for their responses were that they were not informed about the programme and required clarity on who the beneficiaries would be. The sample included both members of Sobbe conservancy and non-members. Katataiza also found that most of the land identified by IDC as unused and hence available for the SSCF programme was in fact used in one way or another (Ibid: 45). Many farmers opposed the SSCF programme on account of a perception that land resources were scarce and the SSCF would give their land away to landless people. Moreover, fencing might deny people access to natural resources such as fuel wood (Ibid: 47).

The SSCF project area overlaps in parts with conservancies and community forests. In 2006 Sobbe 2006 conservancy was proclaimed. It overlaps with 9 SSCF units. Dzoti conservancy was registered in 2009 and is said to overlap with 4 surveyed SSCF units. Masida Community Forest was gazetted in 2006, followed by Makanga and others (Müller n.d.: 4-5). Five of 6 boreholes drilled for the SSCF programme lie within Sobbe conservancy, which may yet prove to become a point of conflict as the boreholes are intended for new settlers. The reason why borehole drilling started in Sobbe conservancy was that that the water level was shallow and water quality good (Katataiza 2009: 35, 45).

At the end of 2009 no allocations of land had been made (Kavei et al 2010: 218).

In December 2010 only 11 SSCF units were not affected by 'registered land uses' which included conservancies and/or community forests and registered customary land rights (Müller n.d.: 5-6). Moreover, an analysis of aerial photographs taken in 2007 revealed a total

of 69 cattle posts in the demarcated area (Ibid: 10)¹⁵. Müller pointed out that if all of the 66 cattle post occupiers had to be compensated with one SSCF unit, 66 units would have to be given to people currently on the surveyed SSCF land.

In January 2011 the Communal Land Board in Caprivi received applications for 12 SSCF units from two different TAs (e-mail M. Müller to R. Sprung and L. von Krosigk, 11.1.2011).

The year 2009 saw an increase in applications for SSCF units exceeding supply, as well as complaints by those opposed to its continuation. The latter consists mainly of people in conservancies and community forests. Self-allocation has happened on some units, while in other instances some people have erected structures on SSCF units hoping that in so doing they will be allocated a units. On 16 December 2010 the CLB resolved to appoint a task team to start with the allocation of SSCF units (Ibid: 7).

A land use plan was developed for Caprivi and approved by Cabinet, but never implemented (IDC 2000b).

A four year rolling plan prepared by the MLR stated that the SSCF project was accepted in Caprivi and TAs allocated and earmarked a total of 81 farms. Due to implementation delays, disputes arose between the Mafwe and Mayeyi TAs over allocated farms. Of the 81 surveyed farms only 65 were still available for allocation, as 15 farms had been allocated to Natural Agricultural Renewables (NRA) by the TAs. However, TAs appear to have changed their support for NRA 'and would like to consider other serious projects' (MLR n.d. [2011]: 2).

In 2011 the Regional Office of the MLR in Katima Mulilo embarked on a SSCF verification mission (MLR 2011a). Several villages were visited and a short report prepared. The major issues identified by the mission included the following (Ibid: 18-20):

- Surveyed SSCF units cover areas of jurisdiction of three traditional authorities: the Mafwe, Mayeyi and Mashi TA (Cf. Mendelsohn 2008: 34, 38). This causes confusion as to which TA should issue letters of approval for applications. Serious disputes cannot be excluded in future.¹⁶
- On some of the land surveyed for SSCF subsistence farming activities are going on including crop fields and villages. Some of the people involved have been granted customary land rights certificates by the MLR.
- Some communities rejected the SSCF idea as they claim they were not consulted. They also objected because much of the SSCF area was used as commonage for grazing and fencing the area would create a problem.
- The MLR report claims that 'most of the farming units' were occupied already by people who were given letters of consent by TAs at the expense of people who have old cattle posts on that land. The latter get chased off the land by the former as the new occupiers claiming to have certificates of occupation.
- At Makanga, some people were said to have engaged private land surveyors to remove and reposition existing survey pegs. The community at Makanga was found not to support the SSCF project, as they were not issued with consent letters by the TA while others were given such letters.
- New cattle posts were observed on the surveyed land with occupants claiming ownership to these units.
- The SSCF project area was overlapping with Masida community forest and Sobbe and Dzoti conservancies. Another proposed conservancy, Bamunu, would also overlap with the SSCF land.

¹⁵ Müller (n.d.: 10) defined a cattle posts 'as at least 1 autonomous interpreted kraal in a radius of 300m'.

¹⁶ The report is mistaken in arguing that the SSCF units were surveyed when only one TA – Mafwe – was officially recognized. Recognition of the Mayeyi was gazetted in 1998, preceding the gazettement of surveyed units by 9 years.

Mendelsohn (2008: 38) identified some of these issues in 2008 already in a report submitted to the MLR. With regard to issues of competing TAs (bullet 1 above) he stated that there was concern that some people who would be allocated farms do not have traditional rights to land in that part of Caprivi. For example, what would happen if someone from Masubia was given a farm in an area that both the Mafwe and Mashi TAs consider to be under their jurisdiction? In addition, many people were concerned that the formation of the farms will lead to some local villagers losing grazing rights, and certain villages may have to be moved. And finally, the TAs asserted that they had not been consulted adequately, especially since the farms impinged on their traditional land, and that the allocations of the farms would be done by the CLB.

During a consultative meeting between a Director from the MLR and stakeholders in Caprivi Region at the beginning of October 2011, it was reported that conservancies came under heavy attack by non-officials. More specifically, the discrepancy between expected benefits from conservancies and reality worried many people. Against this background there appears to have been a feeling that the SSCF programme was a better option (MLR 2011c). A report on the workshop listed ten major findings of the consultative meeting as follows:

1. The area must be left for SSCFU but Farm no. 1715, 1750, 1751, 1752 should be left out for subsistence farming.
2. Conservancies and Community Forest must be left where they are and SSCF must be developed outside.
3. Conservancies and Community Forests must be degazetted and the whole area must be left for SSCF.
4. Subsistence farming should remain/continue as it is but GRN should assist with the development of infrastructures (degazette SSCFU!).
5. NAR should be moved to State Forest and affected communities be relocated and compensated.
6. Development of allocation criteria must first consider local communities.
7. Extend the distance from the tarred road to the SSCFU from 10km to 15km.
8. Consent letters must come from Mafwe TA.
9. Conservancies and Community Forest must be degazetted.
10. T.A. boundaries in designated areas to be left out to TA.'s and GRN (MLR & MRLHRD) (sic)

Given these divergent views on the SSCF, the Director from the MLR intervened and produced an 'end result' which entailed the following:

1. SSCFU outside conservancies and Community Forests must remain and Farms 1714, 1715, 1716, 1750, 1751, 1752 must be left out for subsistence farming and distance from tarmac road to SSCFU boundary should be 15km instead of 10km.
2. Bamunu and Sobbe Conservancies (with bigger size) must be reduced.
3. Development of allocation criteria must consider first the current land users.
4. NAR should be moved to State forest but if it remains affected communities must be relocated and compensated.
5. TA boundaries must be resolved by MLR&MRLHRD and concerned Traditional Authorities.

These 5 recommendations were to be submitted to the Minister of Lands and Resettlement.

Although the MLR verification report did not pursue this in any detail, it provided interesting pointers on why some people supported the SSCF programme while others rejected it. Some villages, e.g. Kasheshe and Bitto, supported the SSCF project as they believed that it would bring economic development and employment opportunities for their people. Much

hope was pinned on Namibia Agricultural Renewable (NAR) which was allocated large chunks of land for agricultural development (Ibid: 11-12).

The *induna* of Kaenda village stated that his community was divided over the SSCF project. He was not prepared to move his village, as this would bring lots of problems in its wake. Moreover, the SSCF area was used for grazing by his people during and after floods (Ibid: 13).¹⁷ At Sikubi villagers were divided over support for the SSCF. Some were said to have successfully applied for a SSCF units, while other, including the *induna* objected to the project. They have cattle posts in the SSCF area. At Sibinda the entire community was said to be in support of the SSCF project, but were concerned that there were not enough farms for everybody and that this may create disputes in future (Ibid: 14). At Makanga village people claimed that they were not able to apply as all land had been allocated already. As a result of this their sub-*khuta* refused to provide them with letters of consent, It was claimed that old established homesteads were chased off surveyed SSCF by the new occupants and that survey pegs were removed by some villagers (Ibid: 16).

Villages on the southern fringes of the SSCF area along the D5311 were found to want the development of SSCF. Their main motivation appears to have been the promise to develop new water points as their cattle were dying due to lack of water in the SSCF area where they had cattle posts already. Many farmers from Mayeyi area have moved to the SSCF area to utilise the good grazing for their livestock. Many people were said to have used their own resources to develop water points in the SSCF area as the MLR was perceived to take too long to start development. (Ibid: 17).

At Muketela most people were not in support of the SSCF project, as it might take away their cropping fields. Access to this land was important because much of the village land was flooded regularly by the Linyanti River. Some communities say if MLR can find them suitable area for clearing new crop fields, they will be happy to support the development of SSCF in that area (Ibid: 17).

Like other reports of this nature, the MLR concerns itself primarily with bio-physical parameters. Invariably, questionnaires are used to obtain a snapshot of what is on the ground at a particular point in time. By definition, this approach, important as it may be, only captures part of a complex reality. The whole issue of land rights is not addressed at all. Findings of a study (Werner 2002) carried out ten years ago that all land in Caprivi belongs to somebody, deserves to be revisited. Unlike communal areas in the south, there was no perception that communal land belonged to the state. Instead the land was owned by lineages and was handed down by their forefathers. No permanent alienation of land could take place, and development projects needed to negotiate land rights with the families who hold customary rights to that land and the village *induna*. Once agreement was reached at that level, the *silalo induna* and *khuta* needed to be appraised of the decision (See also Mendelsohn 2008: 33-34).

Sikopo (2003: 22) argued that people were living in the area identified as underutilised in Caprivi under a customary tenure system. He concluded that

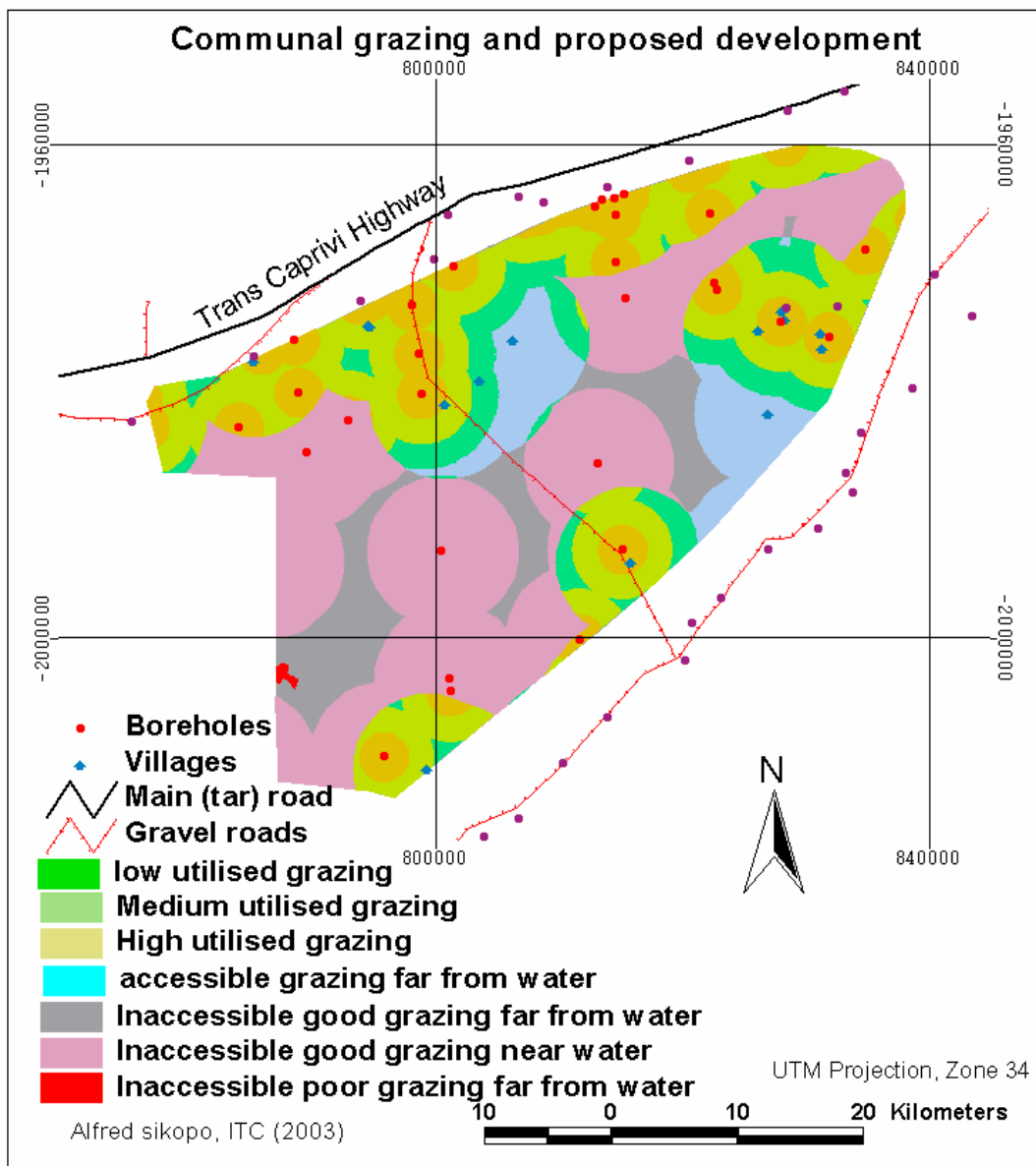
if the tenure system in the area is to be changed from customary to leasehold tenure, about 43% of good grazing and 2.2% of study area used for cultivation by current occupiers will be lost. Apart from farmers currently living in the area, others farmers adjacent to the study area will as well lose their grazing and cropping rights in the area'

Two communities, i.e. Mazoba and Maulukupe, with 97 households were identified within the study area (Ibid: 15).

¹⁷ The veracity of this statement needs to be confirmed as the village of Kaenda lies next to the B8. However, it was said to overlap with SSC Farm no. 1757 along the D5311 from Linyanti to Katima Mulilo

Another aspect that needs further investigation is the importance of surveyed SSCF units for seasonal grazing and/or cultivation for communities whose land lies in the flood plains of the Linyanti river. Kavei et al (2010: 219) mention that some people had cattle posts in the SSCF area, making use of ephemeral surface water. Communities along the Chinchimani road move their livestock into areas to the north-west of the road – currently SSCF units – for grazing. This is possible as *molapos* in those parts fill with water during the rainy season. Livestock is taken to those areas from November to July-August, depending on rainfall. Once *molapos* have dried up, cattle are brought closer to villages (Ibid). Developing SSCF units in those areas ‘will cause an indirect impact on the villages adjacent to it in the sense that their livestock will no longer make use of the grazing even in rainy season when water is available in pans. (Sikopo 2003: 16). The map below indicates the grazing patterns in the project area.

Figure 15: Communal grazing and proposed SSCF development, Caprivi Region



Source: Sikopo 2003: 17

Asking the right questions in assessing whether the land surveyed for the SSCF is under- or unutilised is important. As the MLR report has shown, people will support the SSCF because they badly need water. Unless asked specifically, they are not likely to come up with any information that is likely to jeopardise their chances of obtaining access to water. That is why a simple survey producing statistics is not sufficient.

Another issue that requires to be flagged is that the MLR report hints at a possible disagreement regarding support for the SSCF between Chiefs, *silalo indunas* and village *indunas*. Sections of the report could be read to suggest that in the event of an *induna* disapproving the SSCF he was summoned to the *khuta* to be informed about the project. In one instance the result was support for the SSCF (Ibid: 13-14).

The analysis of information on the SSCF in Caprivi suggests that fencing off land will leave many livestock owners without access to seasonal grazing. This will not only increase pressures on grazing areas outside the SSCF project, but is likely to impact negatively on the livelihoods of affected households. At the same time, the interests of commercialising farmers need to be accommodated. This calls for a compromise between pioneering individuals who are capable to utilise modern production techniques (SSCF, WW) and targeted groups of individuals, e.g. extended families, clusters, dry-season cattle posts and urban-based village associations to bring about improved range management and livestock production. A study of such naturally occurring corporate groups is needed (Sikana and Kamwi 1997: 43).

3.5.1 Namibia Agriculture and Renewables (NAR)

In 2008 Namibia Agriculture and Renewables (NAR) proposed a major agricultural development on an estimated 90,000 ha of the SSCF area. The main part of this land was to be brought under *jatropa*, while an estimated 25,000 ha was to be used for irrigated food production. The Mafwe *khuta* approved the project as they grew impatient with delays in implementing the SSCF. As a result it was said that the Chief cancelled the SSCF. The Land Board recommended the entire 90,000 ha to the Minister, who referred it back (Kavei 2010: 225, 227). In October 2010 the CLB in Caprivi granted rights of leasehold over 5,000 ha to NAR with an option to extend to 30,000 ha or the equivalent of 15 SSCF units (Müller n.d.: 5-6). Kavei et al (2010: 220) stated that about 5 farmers were affected by the allocation of land to NAR at the end of 2009 and the TA had not made any efforts to find alternatives for these five farmers. Due to the inactivity of the TA no compensation agreements had been reached with NAR. The Chief of the Mafwe TA claimed that

There is some impasse and lack of active engagement between the TA and the MLR on these issues and as a result, there is confusion, delays and no allocation criteria for SSCF have ever been developed.

The allocation of land by the Chief appears to be controversial. He justified the large allocation of land the NAR by referring to the delays in implementing the SSCF project. Being commercial operators, the Chief at the time had more faith in NAR implementing the project than the MLR. Implementation was a top priority as 'poverty was killing us' according to the Chief. The NAR project would also create many more jobs than the SSCF. He stated in 2009 that the idea of the SSCF was shelved 'and can only come back...if the plantation project fails perhaps' (Kavei et al 2010: 227).

But the NAR project appears to have drawn opposition for other reasons as well. It was claimed that the area targeted by NAR was an area where water was available in the dry season. Consequently, the land was the best grazing farmers in the vicinity had. If the NAR project area was fenced, farmers would have nowhere to go for grazing. This was because the land outside the NAR area was sandy and did not support grass production. Others rejected the NAR project because the land was their ancestral land which could not be taken

away from them (Ibid: 225 - 226). Yet others preferred their own SSCF unit to becoming part of the *jatropha* project.

Although the community and their *indunas* protested against the allocation, the Chief reportedly turned down the protests, called the headmen and made them sign consents without community consultations. A technical committee was formed to evaluate the social effects of the *jatropha* project and rejected it, *inter alia* because 'jatropha plantations cannot be used to feed people during drought'. The Technical Committee and the Mafwe TA comprising of royal family members were to take care of all future projects in Caprivi (Ibid: 226).

Water

The Integrated Land Use Plan for Caprivi (IDC 2000b: 50) stated that a large area in central eastern Caprivi – estimated to be 300km² - was under-utilised with regard to stock farming on account of a lack of water. The quality of underground water in the area was 'generally poor and elevated total dissolved solids, iron and sulphate concentrates are common'. Importing water from the Zambezi was thought to be a precondition for the development of those areas (Ibid: 50-51).

By 2011 8 boreholes had been drilled in Caprivi (MLR n.d. [2011]: 2)

3.6 Otjozondjupa / Omaheke Regions

The assessment in the Otjozondjupa and Omaheke Regions concentrated on former Bushmanland, the eastern part of former Hereroland West and the northern and eastern parts of former Hereroland East.

An initial estimation of the area available for small-scale commercial farms was 2,4 million ha. Potentially this area could be developed into 600 farms of 4,000 ha each, supporting a total of 15,000 to 20,000 people (IDC 2001: 41). An Executive Summary of the Draft Final Report attributed to IDC revised this estimate upwards to 3,166 million ha ([IDC] n.d.: 3). Availability of water was considered a serious impediment to the development of these areas. It was found that the area could only be developed under the following conditions:

- availability and cost of water provision;
- present occupation and appropriation of grazing by individuals and families,
- investigation into the presence of *gifblaar* – *dichapetalum cymosum* or '*magou*' (IDC 2001: 5-6).

The carrying capacity was given as 8 ha per large stock unit (IDC 2001: 34).

Much of the land identified as virgin in Otjozondjupa and Omaheke Regions supports registered conservancies. Table 4 below provides an overview of registered conservancies. Only proposed development areas 6, 7, 8 and 9 representing Otjinene Development Area, Epukiro DA, Rietfontein DA and Eiseb DA do not have registered conservancies (NACSO 2008: 9). In addition to registered conservancies, an area measuring 240,000 ha including Elandslaagte and Rooiboklaagte has been identified as being suited for game farming. The community in Rietfontein has registered an interest to pursue this option. IDC recommended that the area be fenced and stocked with wildlife (IDC 2001: 57).

Table 11: Conservancies in Otjozondjupa and Omaheke Regions, 2007

Name	Year registered	Size (km ²)	Estimated Population
N#a-Jaqna	2003	9,120	7000
Otjituo	2005	6,133	9,000
Okamatapati	2005	3,096	3,000
African Wild Dog	2005	3,824	5,500
Ozonahi	2005	3,204	5,500
Ondjou	2006	8,729	2,000
Total		34,106	32,000

Source: NACSO 2008

With regard to water, extensive drilling programmes in the area produced 52% dry boreholes and 16% with yields less than 1m³/h. Inferred ground water levels are 180m deep in some places 'and together with the existing success rate of drilled boreholes represents a low possibility of success for a drilling programme in these areas.' Bulk water provision as in Okamatapati is a possible alternative, but is very expensive and would incur huge water losses due to leakages, illegal withdrawal and non-payments (Ibid: 19-20, 41).

Although common, the extent of *magou* is not really known and mapped. The plant can be catastrophic to livestock, but it can be managed, and farm development should provide farmers with the opportunity to keep livestock out of areas affected by *magou* (Ibid: 42).

With regard to Sub-Area C consisting of Daneib, Eiseb and Rietfontein Development area, some geo-hydrologists believe that an aquifer may be present in the Eiseb which could provide water through a pipeline to 200 farms (IDC 2000: 43).

3.6.1 Tsumkwe West

Soon after Independence the MLR started with a resettlement programme in Mangetti Dune or Tsumkwe West, to provide support to former soldiers who had fought in the South African army and were left behind when the South Africans withdrew. The project consisted of 26 satellite settlements, the inhabitants of which were involved in various activities ranging from brickmaking to sewing and welding (MLR 2006c: 3-4).

In 2000, IDC (2001: 42) estimated that approximately 100 farms in Mangetti Dune sub-area could be provided with water from boreholes. Several San settlements are located in the area. These are: Mangetti Dune, Aasvoëlnes, Luhebu, Kukurushu, Omatako, Grashoek and Kanovlei. Parts of Mangetti Dune as well as Otjozondjou, Otjinene and Epukiro would need a pipeline system to provide water for farm development. Subject to the availability of water, this sub-area could provide 360 commercial farms.

According to Thomi et al (2005, Annex 4: 55-56)

the N#a Jaqna Conservancy was formed in 1996 and finally gazetted and inaugurated on the 16th of December 2003. For purposes of development, the Conservancy has divided the area into 4 Districts and further into 15 Village areas. The villages have discussed and developed their own land use plans for their respective areas in close consultation with the conservancy. Their development proposals do not consider the fencing of areas for commercial livestock farming... The traditional Kung-Headman suggests commercial farm development at the western banks of the Omaramba. This view is contested by the Conservancy.

The conservancy covered an area of 912,000 ha. A community forest nestles in the conservancy (NACSO 2008: 9).

A decision was taken by government that the SSCF project area should be limited to land lying to the north of the Rooidaghek-Tsumkwe road (C44). From a map in NACSO (2009: 112) it appears that 5 villages fall within the project area. The wider community at Mangetti Dune is divided in terms of support for the project. The conservancy appears to reject the idea, claiming that fencing will destroy their fruits and access to natural products (Kavei et al 2010: 241). It claims that the vast majority of people in the area were opposed to the SSCF project. This is based on a survey it had conducted. Many local people feared that they would be excluded from the project at the expense of other, more powerful people. Others were opposed to the project as the fences would prevent them from gaining access to wild fruits (Ibid: 243). Lobbying by organisations such as Legal Assistance Centre on the side of the conservancy was said to aggravate the situation.

Government, on the other hand, did its part to sell the project. Senior members of the MLR in particular have paid several visits to the area to try and coax the community into supporting the project. Some villagers stated that they were confused about the project, as different people from the MLR came over the years, each one with a different story (Kavei et al 2010: 243). Government had a faithful ally in Chief Arnold, who informed the Ministry of Lands and Resettlement that the project had been accepted. He was reported to have stated that the SSCF project and the fenced farm units it would introduce were needed to protect and control the livestock of local people (Kavei et al 2010: 241). According to Mendelsohn, the Chief consented to the development of farms before the SSCF was official on condition that they were allocated to members of the !Kung community (Mendelsohn 2008: 86).

However, Kavei et al (2010: 238) found that the working relationship of the TA and the community was not good and that there was little trust between the TA and wider community. Although the !Kung TA was elected in 1992 and recognised in 1997 it had 'yet to convene a meeting with a community'. Distances were a problem and Kavei et al found that there was no communication between the Chief and his councillors, something that was thought to be holding back the implementation of the SSCF project. The latter have no power and fear speaking their minds (Ibid: 249). Most of the time, it was claimed, the Chief took decisions on his own. Apart from the Chief, the SSCF project appears to have received support from people such as members of the CLB, and the Regional Councillor for Tsumkwe (Ibid: 242, 250).

The community at Omatako in particular was supporting the SSCF project. This community was said to consist of several ethnical groups, Hereros included, and supported the concept of fenced, individual farms long before the idea of a conservancy came up. They benefited from livestock donations provided by the church in the early 1990s (Ibid: 242-243).

The Minister of Lands explained at a community meeting that the development of small-scale farms in the area would contribute towards national food security and would thus benefit all Namibians including the San. The aim of the SSCF was not to accommodate the illegal grazers from Kavango 'but is primarily for the community of Tsumkwe'. Developed farms were to be leased. 'The essence is to control grazing, manage the livestock better and improve the quality of beef' (MLR 2006c: 5). Concerns raised by the community included the fear that developed farms would only be allocated to friends of the Chief, that people would lose access to natural resources such as Mangetti nuts and that local people would be replaced by stronger communities. Despite some misgivings, the report on the visit concluded 'the meeting ended with the Tsumkwe community accepting the development of small-scale commercial farming units' and that earlier rejection was the result of the community having been ill-informed (Ibid: 5-6).

Figure 16: Nyae Nyae conservancy land use

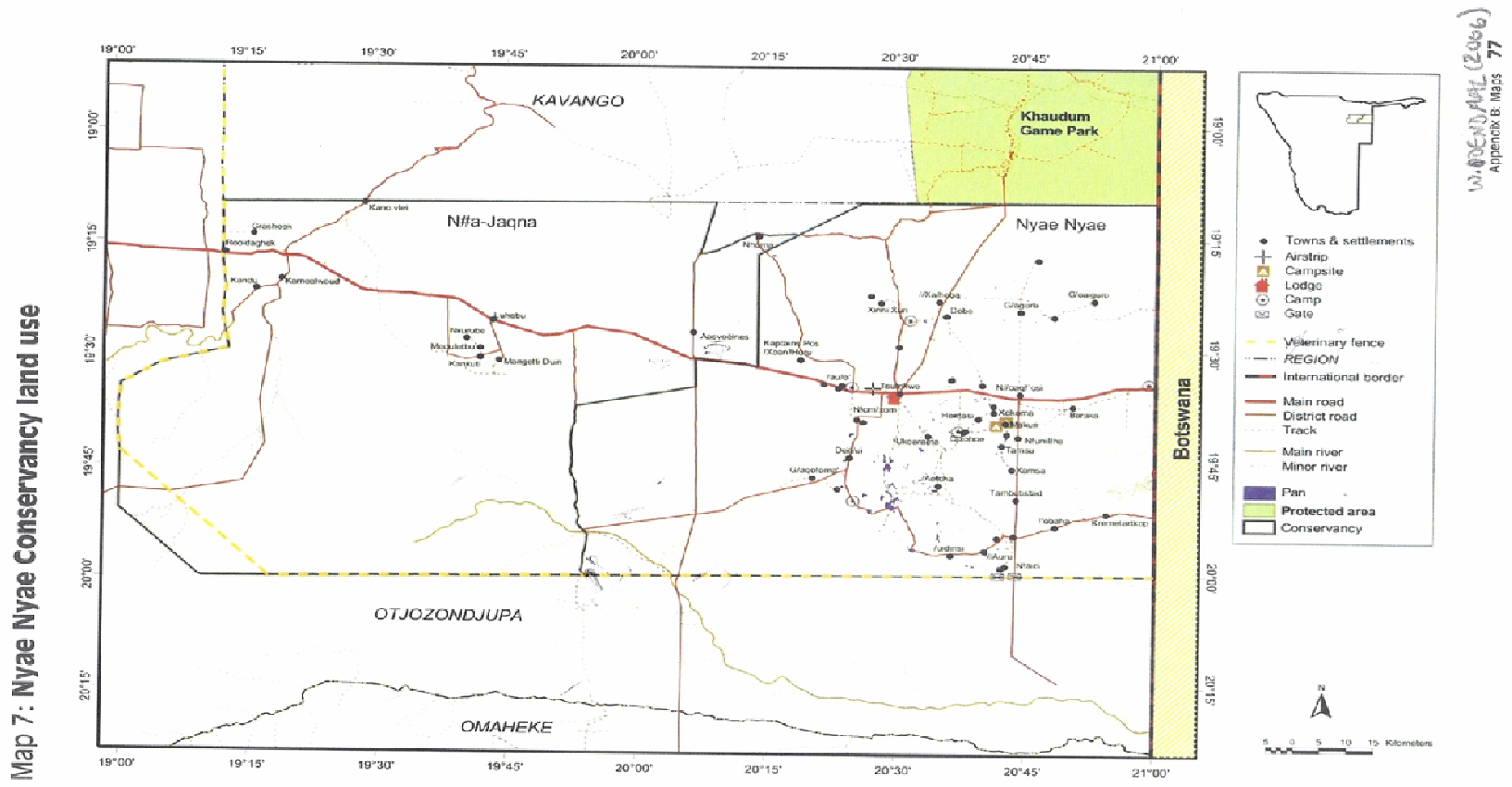
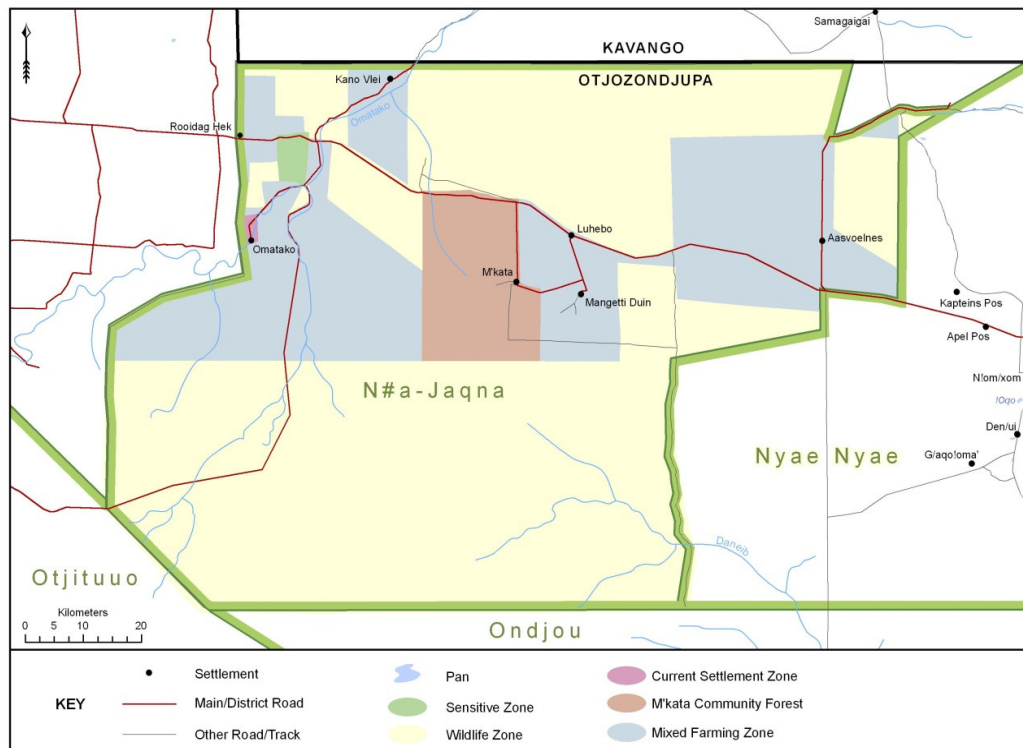


Figure 17: N#á Jaqna Conservancy land use zoning



In November 2007, during a visit of the Ministers of Lands and Resettlement and Environment and Tourism to Mangetti Dune it was agreed in principle that the SSCF should continue. It was also decided that an inter-ministerial committee under the leadership of MLR be appointed to delineate the area for small scale farm development. The TA, conservancy and RC should be part of this.

The Conservancy Management Committee was opposed to SSCF and raised their issues with the Minister of LR in May 2008 in Windhoek. The Minister stated that the Ministry would not impose programmes on the community without its consensus. He was satisfied that the TA and Conservancy Management Committee had conducted enough consultations with the community.

Constraints:

A report commissioned by KfW and the MLR in 2004 (Thomi 2005: 12) argued that existing livestock production in Mangetti Dune area was severely restricted as a result of combination of predators and the presence of *gifblaar* (*dichapetalum cymosum*). Water was a serious issue due to the specific geological conditions in the area. Where water was available, overgrazing was observed already. Moreover,

commercial farm development would create the risk of further marginalisation of a large part of the already established San population. In addition, it would be in conflict with the established local development concepts (conservancy and nature tourism, social forest).

Against this background the consultant team concluded that 'the area is not recommended for farm development' (Thomi 2005: 12).

The !Kung TA in Mangetti Dune (Tsumkwe West) was reported to be in favour of the SSF project while members of the community favoured the conservancy. The MLR engaged the two parties and turned to Cabinet for advice. The latter recommended that the SSCF and the conservancy should co-exist. However, there appeared to be deadlock about the implementation of the Cabinet recommendation. The area earmarked for the project was demarcated but no subsequent developments have taken place pending resolution of the dispute (MLR n.d.[2011]: 2-3).

Villages in the project area to the north of the Rooidaghek-Tsumkwe road are accessible only by a single, narrow sand track. There are no roads connecting individual villages with another (Kavei et al 2010: 237).

3.6.2 Eiseb block

In 2007 meetings were held between NPC, MAWF and MLR to discuss the development of the Eiseb block for small-scale farming purposes. An interest free loan from the Chinese government was made available for this purpose and the MOF had given the go ahead in principle, for the loan to be used for that purpose. Proposals for funding this programme were included in the MCA funding programme. It was decided to appoint IDC to develop a development plan for Eiseb 'due to their past experience' (MLR 2007c).

Shapi et (2010: 13) stated that the TAs in Eiseb Block initially co-operated with IDC in 2000 to identify land for development. This appears to have changed as the areas identified by IDC were now inhabited by individual farmers who used their own funds to drill boreholes in and started farming. The authors concluded that there was a strong interest in Eiseb in the SSCF programme.

3.7 Erongo Region

IDC (2001: 2) expressed the opinion that 'strictly speaking no area in the Erongo Region can be regarded as unutilised or under-utilised. Much of the communal land in the Region consists of surveyed and (formerly) fenced farms that were added to the reserves in the wake of the Odendaal Commission (Ibid: 6). Utilisation patterns of these units are not well documented but it is believed that they are being utilised on a communal basis.

3.8 Hardap and Karas Regions

Similar to Erongo Region, these two regions, although sparsely populated did not have any land that could be described as un- or underutilised. Much of the land was found to be over utilised (IDC 2001: 2). Much of the communal land is surveyed and fenced for the same reasons as in Erongo Region.

4 Review current compensation criteria

Current thinking on compensating people in communal areas for land rights lost is informed by provisions in the legislation that all communal land vests in the state, i.e. the state is the legal owner of communal land. The state must keep this land in trust for the benefit of the traditional communities living in those areas (LAC 2009: 7). However, the CLRA of 2002 makes provision for compensation. Section 16(2) stipulates that no communal land may be withdrawn unless the state has acquired all rights held by any person under the Act and just compensation has been paid to the persons concerned. Sections 30 and 31 provide the Minister with powers to designate certain parts of communal land for agricultural development after consultations with Traditional Authorities. Once designated, Communal Land Boards may grant rights of leasehold for agricultural purposes. Areas in Caprivi,

Kavango and Ohangwena have been designated in this manner for the development of small scale commercial farms.

Section 31 of the CLRA 2002 stipulates that rights of leasehold may not be granted to land over which someone else has a customary land rights, unless such a person agrees to relinquish his/her rights, 'subject to the payment of compensation as agreed to by such a person and suitable arrangements for his or her *resettlement on alternative land*' (my emphasis). Section 40 confirms the right of holders of rights of leasehold or customary land rights to receive compensation upon transfer of such rights.

Following the provisions of the CLRA 2002, the MLR informed stakeholders in Okahao that where customary land rights existed in the areas identified for SSCF, they should be converted to leaseholds. Moreover, people should move to areas outside the designated areas and be compensated for developments on their land (MLR 2005).

There were strong feelings in SSCF target areas that implementation of the SSCF project should avoid the relocation of people living in the project area. One of the implementation criteria adopted during consultations between the MLR and people in Ongandjera in 2007 stated that implementation should not involve any forced displacement or moving of settlements or persons. Existing land rights holders should be consulted to establish whether they were willing to move voluntarily, in which case no compensation would be paid. In the event of compensation having to be paid, Communal Land Boards should make recommendations. Once SSCF were established, community members should obtain permission from lessees to harvest natural resources on farms (MLR 2008a: 3). These criteria were also accepted by stakeholders in Otjetjekua.

Guidelines for compensating people who lost assets have been approved by Cabinet in 2009 (RON 2009). The guidelines lay down specific amounts of money to compensate communal residents for the loss of structures including wells, boreholes and water tanks, fruit bearing trees, permanent structures such as dwellings and cultivate land. The latter compensation will be based on the cost of preparing virgin land per hectare in the commercial farming sector. Grazing land will only be compensated in so far as it is demarcated within a homestead. Rights to commonage grazing will not be compensated.

People affected by the expropriation of their land have an option to be given alternative land. Government will strive to provide land of similar size as the parcel that was taken away, and will also attempt to do so in the same traditional authority jurisdiction. Where this is not possible, the person may have to be relocated to another traditional authority area. Line ministries should be requested to provide basic services such as water to ensure that affected households are not adversely affected as a result of losing their original land. However, Cabinet stated that negotiation and consultation with affected families or land occupants should be the primary guideline in determining compensation amounts.

In addition to the monetary compensation for loss of structures, trees, permanent structures and land for cultivation, the state undertakes to pay a disturbance allowance. This amount will be 15% of the total compensation amount.

The logic behind not paying compensation for communal grazing appears to be that government claims ownership of the land and that the allocation of land for a new homestead and cultivation automatically implies land for grazing. This may or may not be the case, given that grazing land is under severe pressure.

More importantly, the crucial issue in providing alternative land as compensation is not so much the grazing as the availability of water in sufficient quantities and quality. Many livestock owners make use of cattle posts, partly because accessible water makes grazing possible.

Relocation of people should only happen if affected parties consent to such a move based on thorough discussion of the implications of such a move. Secondly, relocation should only

be permitted where access to potable water is guaranteed. Where access to water exists, consideration should be given to allocate such land to beneficiaries of the SSCF project rather than relocating households.

5 Farm models

In order to review the sustainability of small-scale farming units, it is important to obtain a clear understanding on what kind of economic/farming model the SSCF is expected to implement and what the specific objectives thereof are.

The discourse on commercial development of communal areas has a long history, preceding Independence by several decades (Cf Werner and Odendaal 2010). At Independence a small-scale commercial farming model had been implemented in the Owambo and Kavango Mangetti and Okamatapati. Despite the fact that the consultants appointed by the MLR to demarcate 'virgin' land for development were required 'to propose different and suitable ways to develop the communal areas', the only model they proposed was for small-scale commercial farming.

5.1 The individual commercial farming model: what is commercial farming

There is no official policy document on the development of communal land into small-scale commercial farming units, beyond stating that such a development was desirable and, it was assumed, would encourage economic development in the communal areas.

The National Land Policy (MLR 1998: 1) states that where it is environmentally sustainable communal land will be developed as part of a wider land redistribution program. It emphasised government's commitment to support the poor to acquire and develop land within the wider objectives of addressing past injustices with regard to land dispossession. The poor were conceptualised as landless or with little or insufficient access to land or not in formal employment (MLR 1998a: 1). The National Resettlement Programme not only aimed at enabling target groups to produce their own food and become self-sufficient, but also to bring small-holder farmers into the mainstream of the Namibian economy by producing for the open market and to contribute to the country's GDP (MLR 2001: 2-3).

This is probably the closest description of what commercial agricultural production may mean. Although the development of 'virgin' communal land is by now an integral component of Namibia's land reform programme, there are very few explicit policy statements on exactly what the objectives of the programme are, who the beneficiaries should be and what the economic impact of it is anticipated to be. On a very broad level, the development of formerly neglected communal land is expected 'to improve the living conditions of communities in these areas and ultimately lead to reduction of poverty and create employment opportunities' (RoN 2000: 19). More specifically, 'commercial farming methods will have to be introduced in communal areas in order to improve the output of the farming activities in these areas' (Ibid: 20).

What exactly *commercial* farming means was never clearly addressed. Moreover, existing policy documents limited the economic development of communal areas rather narrowly to agricultural production, excluding other land-based forms of economic activity. In order to develop appropriate selection criteria for beneficiaries, it is imperative to define more precisely what *commercial* farming could mean and then to examine whether other models of land ownership and land utilisation may be called for.

The name of the project – Small-Scale Commercial Farms project – suggests that commercial farming is anticipated on these farms. IDC (2000a: 31), which was instrumental in introducing the notion of commercial farming in communal areas, did not provide a

definition of commercial farming beyond a rather simplistic statement that it referred to farming by individuals on fenced units of land. What is lacking is any reference to specific modes of production guided by specific production and management objectives, which sets commercial farming apart from subsistence farming, for example. The basic question is simple: is a farmer who farms on communal land and sells an animal from time to time a commercial farmer in the same sense as a farmer who practices proper herd and range management, controls animal diseases etc.?

This question calls for a more robust definition of commercial farming in order to be able to select the right beneficiaries, but also to design appropriate support packages for beneficiaries. Sikana and Kerven (1991: 1) suggested that commercialisation can be defined as:

the reorientation of livestock production by some or all members of a pastoral society, characterised by increasing rates of live animals sales and increased use of purchased inputs. Commercialisation involves a partial or total shift in the goals of production from meeting subsistence needs to producing, in part, for a market as well as to meet the previous goals of subsistence production.

During the course of this process, 'all parts of those systems — livestock productivity, range use, household economics and the socio-cultural system itself — adjust to the new goals of production'. This suggests that commercial production is more than selling livestock in the market from time to time. It requires appropriate infrastructure such as well spaced water points and internal camps to manage the natural resource base as well as agricultural production optimally.

Kerven (1998: 81) found in eastern Oshikoto that management practices of commercialising farmers on enclosed land differed markedly from farmers on surrounding communal land. This was so with regard to all aspects of production: grazing management, use of veterinary and feed inputs, breeds kept, labour use and management of water resources. To become successful commercial farmers, they needed to adopt management practices that were geared towards the commercial market, rather than subsistence. Such farm management principles included increasing calving rates; selling animals when their age and weight condition fetched the best market prices and not when the farmer needed money; stocking the land at full capacity from the very beginning of the operation; using suitable animal breeds, feed supplements, veterinary services; and proper maintenance of water supply and fences (Schuh et al 2006 as cited in Bald and Grossmann: 10, 21).

It is assumed that this broad definition of what commercial farming is informs the SSCF farm model: an individual farmer whose management objectives are geared towards optimal production of agricultural goods for the commercial market on a piece of land that is managed by him- or herself. Optimising production will involve all the elements proposed by Sikana and Kerven.

The basic farming model recommended to facilitate this specific form of land-based economic activity in all northern and eastern regions consisted of a parcel of land that was to be divided into four equal parts. These parts were to be supported by one borehole. For the north-central regions it was recommended to survey a 3,600 ha unit and sub-divide it into four parcels of 900ha each. Assuming a carrying capacity of 15 ha/LSU, the IDC consultants recommended that the initial herd should not exceed 60 LSU per 900 ha unit. Depending on the number of livestock owned by a beneficiary more than one unit could be allocated to an individual farmer (IDC 2000a: 32-33).

The same basic model was recommended for the Kavango and Caprivi regions with slight adaptations. In Kavango Region it was recommended that beneficiaries should be able to accommodate herds of 80 LSU. With carrying capacities of 15 ha/LSU this resulted in slightly larger units of 1,250 ha being recommended, resulting in one borehole supporting 5,000 ha (IDC 2002a: 25). In Caprivi, with carrying capacities ranging between 5 ha and 10

ha/LSU, an acceptable size for a small-scale farming unit was considered to be 2,000 ha carrying 240 LSU. It was recommended to sub-divide the 2,000 ha units into four sub-units of 500 ha each to support 60 LSU where this was required to accommodate smaller livestock owners (IDC 2002b: 21).

In summary: the model recommended by IDC and approved by Cabinet provided for the smallest farming units to support herds ranging between 60 and 80 LSU. Four units would obtain water from one borehole. Potential beneficiaries would be permitted to be allocated more than one basic unit, depending on his/her livestock numbers. What remains unclear is how these minimum farm numbers were arrived at and whether they would be sufficient to enable beneficiaries to farm sustainably.

5.1.1 Infrastructure development on SSCF units

The current concept underlying the SSCF project is based on a centralised approach. The state, through the MLR, has identified so-called 'virgin' land and surveyed large tracts of land at its expense. The MLR also plans to develop infrastructure on this land, using its own capital and financial support from the KfW. Individuals are expected to apply for developed units and settle there to farm. The state therefore identifies land for development, undertakes to develop it and then allocates it.

This process not only requires huge capital outlays by the state but is exceedingly cumbersome in its implementation. Moreover, it curtails private initiatives by people who have the means and are prepared to develop land at their own expense. This has already happened within the SSCF and on land that was fenced more or less legally. More flexibility in developing infrastructure on SSCF should therefore be considered, specifically by encouraging individuals with the means to do so. An alternative could be to encourage individuals to identify land for small-scale commercial farming purposes and develop it either from own sources or with partial support from the MLR-KfW. The extent of own investment needs to be taken into consideration when lease agreements and rentals are determined.

A model based on this 'public-private partnership' is proposed in the *Green Scheme Policy* (MAWF n.d.: 38-39). Applicants - consisting of a joint initiative between a large-scale commercial irrigator and several small-scale farmers - who are interested to develop an irrigation project have to approach the Green Scheme Agency first before consulting Traditional Leader and relevant Land Boards in order to convince them about the benefits of such development and to obtain their consent in the form of a 'letter of goodwill'. On the basis of this the former will submit a recommendation report to MAWF. This will contain the letter of goodwill, an assessment of the applicants in terms of the Green Scheme criteria and the exact location of the piece of land applied for. Pre-investment studies and activities will be carried out to obtain information of soils and climate, water rights and environmental impact assessment will be conducted. This will form the basis of the feasibility study and business plan which are required to address soil and water suitability and availability, infrastructural requirements, the agronomic and marketing environment, environmental and social impact assessment and public participation and a financial and economic assessment.

Proposals to provide different options for infrastructure development have also been made by the MLR but seemingly not pursued in any detail. In August 2006 two development scenarios were presented to stakeholders in Okahao, Omusati Region:

1. Government will be responsible for all developments. Activities would include planning and sub-division, survey and fencing of land, groundwater investigation and water infrastructure.
2. Government will be responsible only for planning and surveying of proposed farms. Beneficiaries would be responsible to finance infrastructural developments (fencing, water etc.) from own resources (MLR 2005).

5.1.2 Criteria for infrastructure support

Many farming units of the SSCF project have been allocated to individuals. Some of these are occupied while many others remain unoccupied due to a lack of infrastructure, in particular water. Against this background the question has arisen how to prioritise infrastructure development support. Shapi et al (2010: 20-21) found that criteria to select beneficiaries for infrastructure support were not clear. Boreholes that were drilled and equipped by the MLR were alleged to be benefiting 'some of the well-to-do Land Board members' but not poorer farmers.

The concerns about how to prioritise infrastructure development support appear to be most pronounced in Kavango Region, where the issue of providing infrastructure support is contentious. Evidence suggests that powerful interests channel infrastructure support to their allies at the expense of less well connected and well-off farmers. Kavei et al (Ibid: 190) stated that

Over 80% of CLB members have direct vested interests (in the SSCFP areas and TA matters) and even the RC has tribal interests and this leads to formation of a 'voting block' in favour of certain TA (sic).

Initially, the practice in Kavango Region for providing infrastructure support was that farmers had to reside on their farms, produce and generate an income but were 'incapable of drilling on their own' (Kavei et al 2010: 184). This was revised and support for borehole drilling was to be spread equally among TA areas. The CLB has taken charge of allocating resources among 5 TAs. This has taken the form of allocating the same quota of boreholes to all of them, regardless of how many farms there were in their areas (Ibid: 190). TAs made lists of people to be supported, but there was little transparency in this process and there appear to have been cases of favouritism.

In September 2009 a proposal was discussed at a Project Implementation Meeting of the SSCF project that support for boreholes and infrastructure should be by application. Once the availability of water and environmental issues in a particular area have been clarified, small-scale farmers should apply for support. Criteria were also proposed to guide the selection of beneficiaries for infrastructure support. These included the following:

- possession of valid leasehold certificate for 2,500ha farm,
- 90-100% of regular income is from farming
- must be living on the farm permanently (not being absent frequently from farm for more than 5 consecutive days) or have an on-site manager/foreman
- livestock number must be within carrying capacity of the farm
- beneficiaries older than 65 years must have a youthful farm manager/foreman who is permanently living on the farm
- ability and readiness to contribute financially a certain percentage towards cost of infrastructure investment.

The idea was floated that beneficiary farmers might be able to reduce the costs of drilling if they negotiated themselves with potential contractors (e-mail B. Xulu to L. v. Krosigk etc., 18.8.2009).

The question arose whether there should be an income threshold to determine how much farmers should contribute, particularly in view of the fact that some beneficiaries had full-time incomes. A recommendation was made that Government and KfW should pay for drilling costs in full and only a portion of equipping boreholes, with the remainder coming from the beneficiary.

5.2 Shared farming model

Several concerns regarding the individual commercial farm model have been raised over the years. On the one hand, the individual farm model is not only very expensive to implement,

but its benefits will be shared by a relatively small group of wealthy farmers. In addition, fencing off large tracts of land is likely to reduce the flexibility of current land utilisation and management patterns in communal areas, which currently make it possible for many households to exploit seasonal resource availability. Fencing commonages for private use will increase pressures on remaining grazing areas, with negative impacts on the natural resource base and consequently the livelihoods of rural households.

An alternative model for the development of communal land for the benefit of small-scale farmers was already presented at the *National Conference on Land Reform and the Land Question* in 1991 (RON 1991: 484-485) and involves the expansion of commonages by developing new water sources. The budgetary costs of this programme were calculated to be far lower than the development of individual farming units. However, high environmental costs are often attributed to the communal grazing management system, an issue that new forms of common property could address. Marketed output of this option may be lower than on commercial farms, but in input-output terms communal grazing systems are not necessarily less efficient than commercial or semi-commercial system. On the positive side, this option would produce the widest spread of benefits, provided that access to new areas was not impeded for small livestock owners (RON 1991: 479).

This approach may go some way to address the concerns expressed by people in the north-central regions that farmers with low livestock numbers might not qualify to be settled on farms developed by the SSCF programme. In Omusati Region stakeholders in the Ongandjera and Otjetjekua SSCF areas expressed concerns about the potential negative impacts of fenced farming units on the communal pastures. The notion that communal areas should be accessible to all competed with notions that private farms were the solution to many problems experienced in communal areas. In some regions (Omusati e.g.) questions were raised whether there was enough land available to accommodate all people living in SSCF areas.

Concerns that small farmers may lose access to communal grazing as a result of the SSCF project resulted in proposals made by the Sheya Shushona Conservancy Management Committee (CMC) to fence off land in blocks comprising several 2,500 ha farms. Such blocks should be allocated to groups of farmers and be grazed and managed collectively as group farms. This model would not only facilitate improved range management, but allow everybody to move freely and collect natural resources such as mopane worms and wild fruits (Kavei et al 2010: 70, 72).

Anecdotal evidence suggests that there are substantial numbers of people who would like to be allocated a fenced farming unit without having the desire to develop into commercial farms. In Otjetjekua, for example, many livestock owners believed that fenced farming units would provide protection for their livestock against theft and predators and prevent people from other areas moving into their rangelands. Some proponents of the SSCF also expected that a fenced farming unit would provide them with collateral for bank loans (Kavei et al 2010: 72-73). Similar motivations were recorded in other regions. Many people are hoping that they would be able to farm SSCF units as small groups of people.

It should be noted that group ranches elsewhere on the continent were not particularly successful. Without a single a manager of herds and pastures, group ranches are running the risk of replicating many range management problems associated with communal farming. Moreover, if members of a shared farm cannot select themselves, disputes are likely to ensue.

5.3 Alternative models: Pilot project on diversified land use in Kavango Region

It is likely that many areas identified as 'virgin' are not suitable for livestock farming. Reasons for this may include the absence of water, saline water, the presence of *gifblaar* and/or the

close proximity of wildlife that may be a risk to conventional livestock farming. There is therefore a need to encourage land based economic activities that are not based primarily on agriculture. An option is to support the piloting of alternative farming practices that may be either completely based on wildlife and tourism or a combination of wildlife, livestock and cultivation. Considerable preparatory work along these lines has been done already.

In 2009 Jones et al (2009) carried out a pre-feasibility study for evaluating the potential for diversified land uses, including wildlife in the Shambyu and Gciriku Small-Scale Commercial Farms in Kavango Region. The study was approved by the Minister of Lands and Resettlement subject to the condition that there was sufficient support from farmers and that they were fully consulted and involved in project design and development (MLR/WWF 2011: 4). The study suggested that there was potential to develop a management approach for the SSCF based on the following:

- pooling land, human and financial resources of individuals to achieve economies of scale;
- reducing the number of fences and pooling livestock to be herded together as part of a holistic range management system;
- developing new sources of income for farmers from forest products and wildlife (e.g, there is an existing trophy hunting concession on land west of Khaudum potentially worth N\$2 million); and
- mobilising interested farmers to form a company or similar body that can be used to develop the farms economically (Ibid: 4)

Analogous to a common practice on freehold farms to combine livestock farming with trophy hunting and small-scale tourism, the pilot project seeks to test a similar approach with SSCF beneficiaries, specifically in areas that are known to experience seasonal in-migration of elephants and other ungulates from Khaudum National Park. A management model similar to conservancies will be tested with individual farmers willing to farm collaboratively in small groups by pooling their resources. Individual farms no longer need to be fenced, reducing the need for large-scale borehole development. Farmers close to Khaudum will have opportunities to engage in different forms of wildlife management, as a means of diversifying their sources of income (Ibid: 5).

The project proposes to 'work with local leaders to identify farmers who would be potentially interested in an alternative business scenario for their farms'. Once a small group of farmers has been identified – a group of 6 is considered to be large enough to start with – the project would assist in identifying institutional arrangements for entering into some form of collaborative business management (Ibid).

Simultaneously with the piloting of economic diversification the project proposes to introduce the concept of holistic range management. Amongst other things, this approach is less dependent on fences for proper range management, than the herding of livestock over larger areas, which in turn requires that individual farmers pool their land. Land use plans for each farm or block of farms need to be developed to facilitate good planning (Ibid: 5-6).

The project will also assist farms in integrating the sustainable exploitation of forest products into their business plans (Ibid: 8).

6 Selection criteria

6.1 Introduction

A major challenge in proposing selection criteria for land reform beneficiaries is to strike an acceptable balance between the need of potential beneficiaries and their ability to farm. It is a political decision whether to place more emphasis on social criteria (need), or productive criteria (the ability to farm commercially).

A paradigm shift appears to have happened over the years in respect of the weighting of social and productive criteria, with the latter having assumed more prominence in resettlement and land reform. This process culminated in the Draft Resettlement Manual of 2008 (MLR 2008a) and the new selection criteria it proposed. These state that the ability of beneficiaries to farm productively is of paramount importance to the social and economic success of the National Resettlement Programme, as productivity ‘contributes towards poverty reduction, improve(s) living standards and foster(s) economic development’. Consequently, to be considered for resettlement, it is necessary to require that applicants demonstrate their ability to farm and that they belong to the previously disadvantaged majority – thus ‘the primary beneficiaries of resettlement farms are previously disadvantaged “farmers”’. In terms of the new selection criteria, applicants for resettlement whose livestock numbers match the carrying capacity of the farm unit stand a better chance of being allocated land than those with too few or too many livestock. Referred to as the ‘livestock ratio’, this is a means to enable beneficiaries to utilise their land optimally right from the start (Ibid: 44-46).

The Draft Manual signals that economic considerations - primarily the ability to farm productively and owning sufficient assets to use the land optimally – have come to dominate the selection criteria. The focus of resettlement is increasingly on economic development, and this leaves little room for settling people who have no assets and few farming skills. To complement this approach, the Draft proposes to investigate the establishment of social welfare models to accommodate people with too few assets.

In proposing selection criteria in the context of the SSCF project, it is acknowledged that in several SSCF project sites allocations of individual units have been made by TAs according to their own criteria already. In Otjetjekua the local headman had already registered more than 100 people who were interested in the SSCF project. He appears to have selected them himself. They expected to be given preferential treatment once the selection process started (Kavei et al 2010: 72).

For the transparent and equitable allocation of the majority of farming units it is important that clear and consistent selection criteria be developed. Such a process must be guided by the requirements of a particular farming model in terms of skills and assets. Before Independence, the criteria to allocate surveyed commercial farms on communal land simply required potential beneficiaries to own 100 head of cattle and be prepared to provide diesel for the water engines. Two major shortcomings were identified regarding this approach:

- uncontrolled livestock numbers jeopardised chances of sustainable livestock farming; and
- the absence of any financial contributions by beneficiaries contributed towards a lack of maintenance of farm infrastructure and commitment to long-term sustainable farm management.

The same shortcomings were said to have applied to 440 freehold farms that were expropriated under the Odendaal plan and added to some communal areas (IDC n.d. Summary: 14).

In order to develop selection criteria it is imperative to have a clear idea of the requirements which need to be fulfilled for a particular production model to be successful commercially. Ignoring this may lead to a mismatch of the expectations and motivations of applicants and their asset and knowledge base with the requirements of the SSCF model thus setting beneficiaries up for failure. This has been the experience with the NRP.

Before discussing selection criteria specifically within the SSCF context, it should be acknowledged that the MAWF has developed selection criteria for a different land based, commercial development scheme in communal areas, namely the Green Scheme. This may be useful in considering criteria for the individual commercial farming model under the SSCF project.

6.2 Selection criteria: Green Scheme

A brief review of selection criteria for the Green Scheme may be useful in developing criteria for the individual farming model of the SSCF project. Although the former focuses on irrigation, it shares the emphasis on commercial, land based economic development in communal with the SSCF project.

The selection criteria proposed in the *Green Scheme Policy* (MAWF n.d.: 58) have been designed to meet the requirements of small-scale commercial irrigation farming. While the Green Scheme offers different irrigation and farm management models, the *Policy* stated that applications for specific irrigation projects would be invited and treated on a 'first come, first served' basis. Applications would be evaluated in terms of their development proposals specifically with regard to the overall objectives of the Green Scheme objectives.

Small-scale irrigation farmers are expected to reside and work on the allocated farming unit and have to attend pre-settlement training to obtain in the relevant irrigation certificate (Ibid: 60). Additional criteria require small-scale farmers to:

- Be interested to attain self-development and self-sustainability;
- Be in possession of Namibian citizenship;
- Be able to read and write;
- Have obtained a basic knowledge and experience in agronomy, either by way of previous employment or through a family operated farming unit;
- Have a basic understanding of the principles and responsibilities of operating a farming unit independently;
- Expresses a basic understanding about the commercial environment and general business practices.

In circumstances where more than one applicant apply for the same farming unit and both meet the above criteria to the same extend preference shall be given to:

- A local community member, with specific reference to a member who has offered his or her current land area to be incorporated under the project;
- A previously disadvantaged group member;
- The person with the lowest household earnings (Ibid: 61).

Small-scale irrigation farmers should be obliged to achieve personal financial independence and self-sustainability.

6.3 Local level criteria

Clearly, the state is a key stakeholder in defining selection criteria for programmes it initiates and finances. However, with regard to socio-economic development programmes that may impact negatively on the land rights of ordinary communal farmers, it is imperative to consider the selection criteria of communities that are directly affected by the programme, in this case the SSCF project.

During consultations with the MLR in 2007 in Ongandjera, one of the implementation principles agreed to was that those directly affected by the SSCF project and those who were in the area before the project started should be considered first as beneficiaries. Moreover, those with sufficient wealth to acquire land without SSCF or resettlement support, or already have farms elsewhere should enjoy the lowest priority for allocation of SSCF. Allocations should be done by Communal Land Boards in accordance with the CLRA of 2002 and the Constitution (MLR 2008a: 3).

The community at Otjetjekua was the first community to accept the concept of small scale commercial farm development. People were adamant that fenced units should be allocated to members of the existing community, as there was no land available for people from outside the community (Thomi et al 2005 Annex 5: 5).

Local level proposals for selecting beneficiaries for the SSCF project are shaped by an overriding fear that poor and marginal households may lose access to land as a result of the project. In Ongandjera, for example, some people feared they would be side-lined by new allocation guidelines, as they may not fulfil the criteria for selection. There were also fears that whites might come in because they were likely to satisfy the selection criteria. And finally, even if local people were prioritised as beneficiaries, many may not qualify by virtue of being poor. People therefore called for a 'comprehensive balancing plan of action and programme to ensure that local people are not disqualified' (Kavei et al 2010: 83).

It is not surprising, therefore, that in most regions communities felt that local people – and particularly the poor - should be the primary beneficiaries of the SSCF project. The extent to which communities and stakeholders were able to go beyond this fundamental point in proposing selection criteria differed amongst regions. A brief summary of this is provided in the sections below. It is therefore important that selection criteria allay some of the fears about the SSCF project.

Omusati

People in Omusati suggested that selection criteria needed to include the following (Kavei 2010: 75- 77):

- poor people should be considered first;
- households with large extended families should also be considered favourably ;
- rich and poor people should be mixed;
- land should be given to those living in the area
- productive use of land should be a condition;
- sharing of individual farms by different households considered ill-advised;
- allocation of farms only to the rich would not be fair as it would widen the wealth gap;
- minimum no of livestock recommended (> 50 and < 300);
- groups of livestock owners should be allowed to pool livestock and different households be allowed to share a farm;
- beneficiaries should be mixed (rich and poor) in order to share skills, traditions and practices around farming;
- priority should be given to people residing in the area, regardless from which TA they are – land should not be allocated to people not residing in the SCCF area
- younger people should take the lead;

There was also a strong feeling among community leaders that beneficiaries need to be trained in agricultural production after allocation (Kavei et al 2010: 79).

Ohangwena

The Regional Councillor for Okongo constituency and farmers in the project area were unanimous in their proposal that people residing on land designated for the project should be given priority in terms of allocations of SSCF units. Units could be allocated to outsiders, provided that those residing on the land are allocated land first (Kavei et al 2010: 124).

Stakeholders in Ohangwena emphasised the importance of allocating land to the poor in developing selection criteria. They proposed that in order for people to be selected they needed to comply with the following criteria:

- be poor and needy and already on the land;
- possess a minimum number of livestock - those with small numbers should be able to put their livestock together;
- have relevant knowledge/skill/experience in farming;
- be able to afford the maintenances and upkeep of the SSCF unit;
- have enough experienced labour power to manage a given number of livestock;

- should give names of labourers to manage the land, if someone is old, and physically challenged.

And finally, they suggested that successful beneficiaries should stay on the land, while unsuccessful ones should forfeit it.

The Okongo Regional Councillor pleaded for poor people with only 5 to 10 head of livestock to be targeted, as access to a small farm would provide them with the opportunity to increase their livestock numbers. Several people suggested that small livestock owners should be allowed to combine their livestock to reach the minimum numbers prescribed in the selection criteria. Kavei et al (Ibid: 125) proposed that the notion of group farming be explored further and that instead of implementing a forced grouping method, voluntary associations, i.e. self-selection, should be encouraged.

Caprivi

In Caprivi the perception was that people living in the area should be given priority for allocation of SSCF units. There appears to have been less fear among the population that outsiders might squeeze them off their land (Kavei et al 2010: 224).

Tsumkwe West

The Chief at Mangetti Dune argued that the land for the SSCF project belonged to the San and as such they should be the primary beneficiaries. Outsiders should also be able to benefit from allocations, but should not be allocated more than 40% of the farms. At least 60% of beneficiaries should be local inhabitants (Kavei et al 2010: 245). Participation of local San appears to be premised on the condition they be provided with livestock to start farming. According to Kavei et al, 'most respondents indicated that start up livestock of 8 cows, 4 oxen and 2 bulls will be required for San farmers to take up farming on SSCFs' (ibid).

To ensure that local people benefited, the TA will be in charge of the selection process. Anyone wishing to be resettled should have to go through the TA which 'will do a proper background check'. A committee will be established to do the screening. It will consist of representatives of the conservancy, TA, farmers association and CLB (ibid).

Important as local level proposals for selection criteria are, they need to be married with broader government development objectives. Official thinking on what appropriate selection criteria should be is not uniform, reflecting the absence of an integrated concept for the development of communal areas.

6.4 Individual commercial farming

Informing much of the thinking in the MLR on beneficiary selection for the SSCF project is the assumption that beneficiaries should become independent commercial farmers. Consistent with this, an internal memorandum of the MLR on farm development recommended that considerations be given to the following aspects:

- previous experience in stock farming;
- current farming activities;
- financial capacity of the individual (must be able to meet his/her obligations);
- management capacity (MLRR n.d. [2002]: 3).

The selection criteria proposed were identical to those used for selecting beneficiaries for the NRP and included that applicants

- be at least 18 years of age
- should have less than 150 LSU or 800 SSU
- should have a sound background in farming
- should be prepared to hold the land under leasehold and relinquish any other rights to land

- should not exceed the recommended carrying capacity for livestock farming
- applicants should support cost recovery measures and be responsible for the maintenance of farm infrastructure (MLR 2005).

These proposed criteria do not seem to take into account strong perceptions in all SSCF areas that local people should be first in line to benefit. However, a MLR directive is said to exist which states that occupiers will receive priority in the allocation of SSCF units. In terms of this, just about all SSCF in Caprivi will have to be allocated to local occupiers (e-mail Müller to Sprung and von Krosigk, 11.1.2011).

A consultancy report commissioned by the KfW suggested that the criteria for resettlement should be adapted to give priority to local people in the SSCF areas. They recommended that local people with a proven ability to farm should enjoy priority among those who qualified for small-scale commercial farms. The focus in selecting beneficiaries for individual farms should not be on the poor, but rather to get more well-off farmers off communal pastures (Thomi et al 2005: 14).

Thomi et al (Ibid: 18) also proposed that potential beneficiaries should be nominated either by the MLR or the proposed Rural Community Development Committee (RCDC). The final selection of beneficiaries should be based on the results of an obligatory training programme on commercial farm management, which will last 3 – 4 weeks. Training should continue after placement of beneficiaries.

An assessment of possible support to the Affirmative Action Loan Scheme (AALS) – also commissioned by KfW - proposed some criteria for the selection of AALS beneficiaries (Bald and Grossmann 2007). These may be useful in so far as both the AALS and SSCF programmes intend to encourage and support commercial farming.

The criteria recommended by Bald and Grossmann (op. cit.: 10) start with the importance of selection beneficiaries with 'a proven commitment to and preparedness for commercial farming'. They argue that this criterion was much more important than any consideration of whether an applicant was a full-time or a part-time farmer. They expressed the opinion that part-time farmers are often better suited for commercial farming than full-time farmers, as the former were likely to be better educated, have better business skills and access to off-farm income which may increase chances of on-farm investments. Access to off-farm income may also be important 'in buffering low farm income during bad years'.

Wealth or agricultural experience were regarded as irrelevant in selecting beneficiaries in Kavango, as it was not provided for in the legislation (Kavei et al 2010: 186).

The question arises whether selection criteria for beneficiaries should apply to a first time allocation only or should govern subsequent transfers of rights of leasehold. Put differently: should a willing 'buyer' of the rights of leasehold have to comply with the selection criteria of the SSCF or should the transfer of rights of leasehold be guided by free market demand factors only (Cf. MAWF n.d.: 30) ?

In terms of Section 38 beneficiaries are entitled to transfer a right of leasehold subject. Although neither the Act nor Regulations stipulate any conditions for such transfers, Form 14 (Application for transfer of right of leasehold) requires a response to the question whether the responsible Traditional Authority has consented to the proposed transfer or not. It is not clear how a negative response would impact on an application to transfer a right of leasehold. However, transfer can only happen after the responsible Communal Land Board has given its written approval for the transfer of a right of leasehold (Section 38). No criteria for approving or disapproving such an application are provided in the Act and regulations.

6.4.1 Proposed selection criteria

For the individual commercial farming model the selection criteria should include the following:

- Be a previously disadvantaged Namibian citizen;
- Be able to read and write;
- Proven commitment to farming (regardless of whether full-time or part-time)
- Have obtained a basic knowledge and experience in farming, either by way of previous employment or through a family operated farming unit;
- Have a basic understanding of the principles and responsibilities of operating a farming unit independently;
- Expresses a basic understanding about the commercial environment and general business practices;
- Have enough assets to utilise the land applied for optimally;
- Do not have a fenced farm elsewhere;

A point scoring system similar to the one proposed for the selection of beneficiaries for the NRP could be developed. This can assign different weights to livestock ratio (numbers relative to the carrying capacity of the unit); whether the applicant is a local person or from elsewhere; gender etc.

6.5 Shared farming model

Selection criteria under the shared farming model are not necessary, as it will involve people already residing on the land earmarked for SSCF development. Where they will become beneficiaries of fenced units, the task will be to develop management guidelines and a transparent institutional framework.

6.6 Diversified land use model

The selection of beneficiaries for alternative land use options should not be done by outside institutions, whether this is the state or NGOs. Self-selection should be facilitated, based on clear rights to farm units. Similar to group farms, those beneficiaries who expressed a willingness to explore alternative land use options need to be supported in creating appropriate governance structures. Experiences gained in the conservancy sector are likely to benefit this process.

6.7 Selection procedure

The question about who should make allocations was raised in just about all regions. Stakeholders in Ohangwena proposed that the MLR should do it and that CLBs supervise the process (Kavei et al 2010: 124). Precedents of how beneficiaries should be selected have been set in those cases where TAs have allocated land units using their own criteria. In Kavango this process has preceded the formal beginning of the SSCF project. But in areas such as Otjetjekua, TAs have also allocated units. On the one hand this reflects the perception that since the SSCF project develops land that is under the jurisdiction of TAs, they should select beneficiaries. Some TAs explicitly stated that involving them will ensure that local people will be the primary beneficiaries. Although there is some merit in these arguments and perception, the process needs to be much more transparent than it has been up to now. Moreover, the state, through the MLR, has its own ideas on how the process should be carried out.

On a formal level, the state's approach introduces a degree of transparency in so far as it proposes to advertise available land parcels and select applicants according to certain criteria. In 2006 the MLR proposed to stakeholders in Okahao that farms would be advertised in national newspapers, providing numbers and respective sizes as well as descriptions of each farming unit and any special conditions that may apply to leasing a unit (MLR 2005). This approach is clearly based on the legal requirements for allocating redistributed land in the freehold sector and as such is subject to the same limitations. These include the fact that advertisements of available land are likely to reach literate people only and those with ready access to newspapers, the Government Gazette and/or MLR notice

boards. This process should also be considered for the allocation of SSCF units, but needs to be complemented with additional information dissemination that does not rely on proximity to government offices or literacy criteria.

More recently, proposals were formulated by the MLR that responsibility for the allocation of small-scale farming units should rest with CLB. The procedure to be followed was proposed to be as follows:

- the CLB advertises available units in the local media and on the notice boards of the CLB
- applicants will apply for units in response to the advertisements
- CLB will select suitable candidates and make recommendations to the Regional Resettlement Committee
- the RRC will select final candidates and send their decisions to the Land Board which in turn will send the recommendations to the office of the Minister of Lands and Resettlement
- successful applicants will be informed and invited to sign lease agreements
- lease agreements will be co-ordinated by CLB i.t.o. the CLRA (MLR n.d. [2011]: 4-5)

In this proposal, the selection process is largely decentralised. It will require a reappraisal of the mandates of CLB and possible changes in the CLRA. In order to address fears and perceptions at local level, the proposed selection procedure needs to explicitly involve TAs. The CLRA requires that any application for leasehold outside designated areas needs to be approved by the TAs before CLBs can issue lease agreements.

While decentralisation of the selection process is important to ensure local approval, the process requires a set of general principles and basic regulations to ensure transparency and accountability. Structures at local, sub-regional and regional level are not immune to corrupt practices and nepotism.

Procedures followed in Kavango Region were that people applied through their TAs for a SSCF unit in order to obtain a letter of consent. On the strength of a letter of consent from the TA application is made to the CLB. Applications for SSCF units are displayed for 7 days at the MLR and TA offices. A small fee is payable before a leasehold certificate is issued. People from outside the Kavango had to apply to the CLB which in turn directed the application to the respective TA to obtain a letter of consent. Consent was required for the CLB to approve an application. Generally, SSCF land was open to all Namibians, including whites (Kavei et al 2010: 184-185).

7 Lack of local land use plans

The necessity for land use planning specifically in areas earmarked for development under the SSCF project has not received the attention it deserves. At the most general level, land use planning is necessary to develop proper zoning plans. These will help to determine what the most appropriate land use is in specific areas and will assist in identifying potentials for diversification. Current thinking on land use on SSCF units is dominated by the assumption that agricultural production is the most viable form of economic development (NNF 2010).

Participatory land use planning has a major role to play in solving land conflicts. The identification of 'virgin' land has focused exclusively on bio-physical dimensions to the exclusion of social issues (Katataiza 2009: 14). However, as Kavei et al (2010) have documented, in all areas identified for the SSCF project, competing interests exist. This not only involves competing class interests (rich vs poor) but also competing land uses and property rights. In some regions the interests of the poor coincide with non-agricultural land use options and property regimes as represented by conservancies and community forests. This results in mixed support for individual small scale farms at best. But in just about all SSCF land with accessible water of acceptable quality, people are settled already, mostly under customary forms of tenure. And yet, grids for farm development have been

superimposed on these realities, as if they do not exist. This is the stuff for conflict and disputes that participatory land use planning techniques can address.

Thomi et al (2005) proposed that Area Development Plans (ADP) be developed for all selected and qualified programme areas. These plans should become a contract between the proposed Rural Community Development Committee and the MLR. ADPs should be a combination of participatory methods, traditional surveys and design works. Apart from socio-economic, environmental and topographical data, elements of the ADP need to include proposals on the organisation of participatory decisions on measures and procedures, as well as plans for the sustainable utilisation of commonages. It was also proposed that the ADP should determine specific percentages of total available funding to be spent on farm development, improvement of commonages and social and economic infrastructure to facilitate a balanced investment programme (Thomi et al (2005:16-17. See Annex 5 of report for more detail, particularly pp.5-7).

These recommendations present an integrated approach to the development of small scale commercial farms by including the development of commonages. The principle to have a local level institution to ensure broad based participation is important. However, establishing yet another development committee at local level does not appear to be a good idea, given the plethora of committees already in existence at sub-regional level. Instead, possibilities to build on existing local level institutions need to be investigated in order to strengthen them and improve their efficacy.

The overall policy framework regarding land use planning remains unsatisfactory. No legislation exists which allocates a clear mandate to the MLR to develop integrated land use plans, or make the implementation of existing integrated land use plans legally binding. The only legislation providing for regional planning is the Regional Councils Act of 1992. Section 28 of the Act assigns the power to develop regional development plans to Regional. For integrated land use plans to be legally binding, clear legal provisions are required. Moreover, a mandate to implement and monitor the implementation of land use plans is needed. With regard to the development of SSCF which are being developed on land 'designated for agricultural purposes' the question arises whose mandate it is to do so: Regional Councils or the MLR? (Müller n.d.: 7).

2nd Level:

8 Communal land right registration (CLRR)

In terms of the CLRA, CLB have a role to play in the transfer of rights.¹⁸ While Traditional Authorities must approve the transfer of a customary land right, Communal Land Boards have to give written approval for the transfer of a right of leasehold (Section 38). Although neither the Act nor Regulations stipulate any conditions for such transfers, Form 14 (Application for transfer of right of leasehold) requires a response to the question whether the responsible Traditional Authority has consented to the proposed transfer or not. It is not clear how a negative response would impact on an application to transfer a right of leasehold. Transfer can only happen after the responsible Communal Land Board has given its written approval for the transfer of a right of leasehold (Section 38). No criteria for approving or disapproving such an application are provided in the Act and regulations.

The CLRA also provides for the existing holder of a right of leasehold who wishes to transfer his/her rights of leasehold to another person to receive compensation for improvements made on the land (Section 40). Where a right of leasehold terminates and is allocated to another person, the CLB can make it a condition that an amount is paid for improvements made during the currency of the lease. The amount to be paid must be determined by

¹⁸ The following sections are based on MAWF n.d.

agreement between the CLB and the person whose lease is terminating. When the right of leasehold is reallocated, the new beneficiary is required to pay the determined compensation to the Land Board (LAC 2009: 51-51).

Survey of communal land

Section 41 of the CLRA authorises Communal Land Boards to have specific areas of communal land surveyed with the prior approval of the Minister. The survey of an area must be carried out in accordance with a layout plan which CLBs must cause to be prepared in co-operation of the Traditional Authority. Where individual portions of land occupied under a customary land right or a rights of leasehold granted under the CLRA fall within the area to be survey, the Act CLBs may cause such portions of land to be adjusted to prepare lay-out planes in an effective manner, subject to 'just compensation by the State'.

9 Development of an improved communication strategy for subsequent implementation

Attitudes towards the SSCF project were split in just about all project areas. In many instances, ordinary farmers were fearful of what the implications of the programme would be for their households. In some localities such as Ohanjuha in Otjetjekua, there was a strong perception that there was not enough land to go around. Coupled with a lack of clarity about how household sin the designated SSCF area would be accommodated this created a situation where many people were apprehensive of the SSCF. Some people conceded that they did not even have a notion of how much land 2,000ha was. With sufficient information, many people were likely to reconsider their opinions on the SSCF project (Kavei 2010: 81).

Some stakeholders in Ohangwena described the information deficits as follows: information was disseminated 'to the local elite institutions' such as TAs, members of the CLB and so on. They attended workshops in Windhoek and Oshakati organised by the MLR. However the information hardly ever reached ordinary men and women on the ground. Frequently, consultants were a main source of information to local people (Kavei et al 2010: 120-121). A female member of the CLB stated that although SSFC units had been demarcated and pegged, many more meetings with the community were necessary before full implementation of the project could start (Ibid: 121).

Kavei et al (2010: 121) quote a stakeholder in Ohangwena as saying that radio messages were not the best way of informing the community in a bid to allay their uncertainties and fears. 'People need to be informed face to face. Meetings should be held about the modalities of allocation to clarify who will stay and who will go...'

Understanding of the CLRA 2002 was limited in Kavango. The CLB appears not to be recognised by local communities and members ran the risk of being chased away when addressing disputes. The only time communities would recognise them would be in dispute resolution. But the CLB also suffered from other shortcomings such a resources and the part time nature of appointments (Kavei et al 2010: 194).

In Tsumkwe West Kavei et al (2010: 243, 249) found that local communities received conflicting information and claimed to be confused about the SSCF project. Communication between the Chief and his councillors was also found to be wanting. Kavei et al therefore recommended that meeting with all headmen be convened to provide accurate information (Ibid: 249).

10 Leaseholds

Communal Land Boards grant rights of leasehold if Traditional Authorities have provided their consent. They therefore become one of the contracting parties. The CLRA lays some

basic conditions applicable to rights of leasehold (Regulation 15), but also allows for further conditions to be prescribed by the Minister. With regard to the SSCF – and by implication other development scheme on communal land such as the Green Scheme – rights of leasehold will have to entail specific requirements relevant to the individual objectives of specific development schemes and models. These may have to be negotiated between developers and the CLB. However, SSCF rules and guidelines will have to be incorporated into the lease agreement.

Overall control of the farms was to be exercised by Communal land Boards and TAs. The former were empowered to withdraw a right of leasehold in the event of a lessee not paying his/her rental fees (MLR 2005).

In terms of the Green Scheme Policy, long term lease agreements were expected to enable small-scale irrigators to offer these as collateral for loans to finance immovable property or assets. A bond would be registered against the leasehold and ceded to the financial institutions involved. This required that lease agreements needed to have a clause permitting cession of rights. Upon failure to honour contractual obligations, financial institutions would call up their collateral and realise the assets under agreement. Financial institutions consequently would be able to transfer lease rights in line with the termination and transfer regulations of the CLRA. Transfers of leaseholds have to be approved by the CLB (MAWF n.d.: 66).

Without rights to use long term leases as collateral, beneficiaries of SSCF – and by implication the Green Scheme - will be forced to explore other forms of security. In this regard financial institutions accept fixed assets such as real estate in urban areas and insurance policies. Although a feasible alternative to using land as collateral, this option is likely to exclude many potential beneficiaries with no urban assets and/or insurance policies.

Another option has been put forward in the revised Green Scheme Policy of 2008 (MAWF 2008), and that the state provides security for loans or provides loans itself. However, this is a controversial option, with many people advising against it.

In 2010, 339 leaseholds were issued in Kavango region for SSCF. In no other regions were leaseholds issued for SSCF (Shapi et al 2010: 15). Shapi et al commented that the lease rights issued in Kavango were not tradable and hence could not be used as security for bank loans. However, tradable land rights harboured the risk of making beneficiaries landless in the event of bad debts. The costs and benefits of making leasehold rights tradable thus needed to be looked into (Ibid: 16). Kavei et al (2010: 186) stated that lease agreements in Kavango were for 5 years. If beneficiaries did not start farming the CLB could cancel the lease rights. Moreover, TAs were said to have powers to withdraw land rights should a farmer fail to be productive.

The issue of using lease agreements as collateral for bank loans is controversial. In a purely commercial environment, a registered lease should be used for collateral. Several people in the communal areas suggested that lease agreements needed to be revisited to provide collateral for loans (Ibid: 79). The //Nu-we Farmers Association in Mangetti Dune, for example, was of the opinion that beneficiaries should be able to use their leaseholds as collateral for loans. 'People have a right to trade the infrastructural development they put up on a farm within the 99 leasehold agreement' (Ibid: 245).

However, some TAs had different opinions on the matter. In Kavango they felt that as land was not for sale, beneficiaries should not be allowed to use it as collateral. According to the Mbunza *hompá*, people are renting land to produce on as a basis for advancement. 'If land is sold nobody will be left with land, so no sale of land is allowed to safeguard land access for future generations. Other assets should be used for collateral' (Ibid: 187).

Leaseholds granted in Kavango Region also limited the rights held under such leases. Amongst other things they stipulated that lessees were not allowed to sub-lease their land or

portions thereof, although partnerships were allowed. However, it was felt by some that group farming was likely to lead to infighting and individual ownership was preferred. But if individual farmers opted for a co-operative approach to farming, this should be allowed (Ibid: 174, 185).

Moreover, leasehold periods in Kavango appear to have been inconsistent. Some beneficiaries obtained 99 year leaseholds, while others only got 25 years without explanation. This has exacerbated uncertainty about where the SSCF project was going and is likely to impact negatively on long term investments on the land. The issue of inheritance was also not clear and there was a fear that of beneficiaries died there was no guarantee that their next of kin would be able to keep the farm (Ibid: 191).

10.1 Rentals

Many people expressed the opinion that beneficiaries of SSCF units should make payments for their allocations. There was a feeling that if land was allocated free of charge, the risk of abuse or non-use was too big.

The MLR initially set rental at N\$10,000 per farm and year according to the comparative method of valuation. This was contested and the valuator changed to a different methodology – carrying capacity – to arrive at a rental of N\$ 2,000 p.a. This had not been discussed at the end of 2009 by the Land Board, which reportedly had the final right to determine rates. There were proposals from TAs that rental should be paid to them, as they were the ones to solve disputes (Kavei et al 2010: 186, 194).

11 Illegal fencing

Kavei et al (2010: 85) proposed two options for dealing with ‘illegal’ fencing:

1. If existing farms are small and lying inside designated SSCF areas, they should be enlarged to SSCF sizes and endorsed.
2. If existing farms are much bigger than SSCF sizes, they should be reduced to comply with official sizes and then endorsed

This section will be elaborated on at a later stage, if and when this is desired.

12 Implementation proposals

Long delays have resulted in the MLR suffering a loss of credibility in implementing the SSCF project. Moreover, political pressures have increased to spend the available financial resources on the project.

This is not the place to analyse what may have delayed implementation. It is safe to say, however, that implementing a project of this nature requires a bundle of technical skills, which the MLR does not have, simply because its mandate does not include infrastructure development. Other factors that may have contributed towards difficulties in implementing the SSCF include institutional fragmentation resulting in lack of inter-ministerial co-ordination. A way has to be found therefore, to speed up implementation without the MLR having to engage directly in the process and the only way that this can be done is to outsource the process. Proposals to outsource post-settlement support have been made to the MLR (Werner 2009a and 2009b) and will be summarised here for consideration.

The studies recommended that the MLR should investigate the option to engage the Namibia Development Corporation in this process. The NDC is the implementation arm of government and has an institutional history of planning projects for and providing support to

small-scale farmers. These include the development of the Kavango cattle ranch described in Section 3.4.1 above. As a parastatal body, it is ultimately accountable to government but has the necessary independence not to be bogged down by government rules and regulations. It operates its own tender process, for example, which is likely to speed up the provision capital goods such as water infrastructure and has the financial infrastructure in place to manage funds.

Beneficiaries should be as involved as possible in identifying their needs and bringing about the necessary changes. If they do not have all the required skills, NDC will identify service providers to deliver specific technical services. This requires that beneficiaries are fully informed of the financial and technical support available to them to avoid possible misunderstanding.

The approach should be piloted in one region before it is rolled out. Once a region has been identified by the MLR and NDC and an information package developed, the NDC will send a team to the identified region to inform land reform beneficiaries about the infrastructure development programme. This method is preferred to making use of national and community radio to broadcast the information in order not to raise too many expectations at the start of the pilot programme. Once the implementation procedures are in place and have been fine tuned for roll out, this strategy can be revisited.

Based on the information provided by NDC, beneficiaries will be encouraged to identify their needs, if necessary with the assistance of technical staff provided by NDC or MAWF. The needs identified by beneficiaries for submission to the grants authority (NDC) will have to be checked *in loco*. NDC will send its own staff members to verify the infrastructure development needs identified by beneficiaries. This will also provide the MLR with an opportunity to obtain information on other aspects of farming that may be useful for future support programmes.

Starting off with a pilot region will also enable NDC and the MLR to establish a catalogue of typical needs to be funded with grant money and the costs involved. This in turn will make it easier for NDC to put out tenders for bulk delivery of specific inputs such as fencing, water drilling and installation of water points.

Applicants for infrastructure development support will not be given any cash money to buy the required inputs. Instead, on the basis of verified needs, applicants will be issued with an order to obtain the necessary inputs from service providers identified through a tender process. This system enables the NDC to obtain price reductions for bulk purchases, which then benefit the individual beneficiary. The supplier will debit the NDC for purchases made by beneficiaries. NDC will pay those accounts with money advanced by the MLR for that purpose.

To finalise the process, NDC will carry out inspections to make sure that the infrastructural inputs bought under the grant scheme have been used for the purposes applied for and that infrastructure developments were carried out according to agreed standards. In this connection it is very important that the MLR in conjunction with NDC and other technical experts, if necessary, develops standards for service delivery and construction. Clear guidelines, targets and performance indicators need to be established to form part of a contractual arrangement. This should be drawn up and monitored by a high level technical committee consisting of Permanent Secretaries of relevant line ministries. The day-to-day monitoring of performance at farm level should be carried out by suitably trained and qualified staff members of the MLR as the overall lead agency.

In order to ensure that the NDC implements the project in accordance with the standards and requirements of the MLR it is proposed that a Project Committee be established. This should consist of two members each from the MLR and NDC and should be chaired by the MLR. Cognisant of the fact that neither senior MLR nor NDC officials should be burdened

with too many meetings, it is proposed that the Committee should meet once every quarter, unless circumstances demand additional meetings.

13 Conclusion: overarching issues

A general observation by Kavei et al (2010) was that the implementation of the SSCF project was drawn out to an extent that many people have lost faith in the project. In Caprivi for example, the Mafwe Chief was said to have allocated an initial 90,000 ha of land to a private company – Namibia Agriculture Renewables – out of frustration with the MLR and in anticipation that the private company would develop the land faster.

Another issue that is relevant in developing the project generally and selection criteria specifically is that most communities are divided over the SSCF project. The point has been made that these divisions correspond to wealth status. More wealthy livestock owners support the project, while poor households with only a few or no livestock seem to reject the project in its initial conception, i.e. individual land allocations. In those parts of the country where the area designated for the SSCF overlapped with conservancies, the poorer people appear to have given their support to conservancies rather than the SSCF.

While many poor households may be pinning their hopes on conservancies to improve their livelihoods, the proponents of the SSCF project argued that conservancies simply have not delivered the benefits they promised, and if they did, these paled into insignificance compared to agriculture. Kavei et al (2010: 292) argued that in the oldest conservancy in the country, Nyae-Nyae, the per capita distribution of income amounted to less than the sale of a single goat. Unfortunately, the veracity of this argument cannot be checked as the authors did not provide the calculations and/or sources for the data. The important point is that these comparisons shape peoples' support for or against the SSCF project.

Conservancies overlapping with land earmarked for the SSCF clearly have a strong lobby behind them with huge financial resources.

A related point is that many local people feared that they would be excluded from the SSCF project on account of the fact that they might be too poor to satisfy the selection criteria or lack necessary national documents such as ID cards or birth certificates. Two main points appear to flow from these fears: firstly, that people residing in the SSCF area should enjoy priority in terms of allocations; and secondly, that groups of local people should be allowed to pool their livestock to be allocated blocks of land that comprise several SSCFs.

There also is a distinct risk that the SSCF project will impact negatively on existing livelihoods in some communities. Concerns were raised in Omusati and Mangetti Dune for example, that once commonages are fenced, ordinary people will no longer be able to roam the land to collect wild fruits and other natural resources.

Throughout the project areas people at local level complained that they were not well informed about the SSCF. Several reasons can be adduced for this. The most important reasons are that the MLR does not have an integrated concept on the development of communal land. Without such a concept or policy, the risk is high that different messengers convey different messages, as appears to have happened. Local people had many questions about the implementation of the SSCF that could not be answered properly due to the absence of a consistent policy. Issues such as who would benefit, what would happen to people who lost access to land as a result of the SSC etc. remain unanswered in many regions.

The channels of communications may also not have been as effective as initially assumed. Invariably, leaders at sub-regional and regional level – TAs, Regional Councillors, heads of farmers' organisations etc. - were informed about the SSCF project. Significantly, some conservancies claimed not to have been properly informed. The extent to which this

information trickled down appears to have been very uneven, but by and large it was not what it was expected to be. Relying on TAs proved to be problematic, as most were starved of the necessary resources to disseminate information, while in at least one region, councillors of the TA had continuous disputes with another. As some affected communities insisted that they would only be able to express themselves on the SSCF after they have been given all the information they require, it will be necessary to embark on a large scale information campaign. Both the content and means of transmission should be carefully worked out.

Infrastructural problems also impact negatively on the implementation of the SSF project. Sufficient quantities of water with an acceptable quality and access roads are the most important issues. They go hand in hand: where no access roads exist, drilling for water becomes very difficult if not impossible. Without roads and water, no physical development can take place.

The physical development of infrastructure is of paramount importance. A less visible aspect of this issue is that in some regions beneficiaries have been allocated a SSCF units on condition that they occupy the land within a specific period of time, failing of which, the allocation could be withdrawn. Clearly, with no water this condition is impossible to meet.

Ownership of the land claimed by the SSCF project appears to be an issue that cropped up in different guises in different regions. It would appear that in Kavango and Caprivi regions TAs believed that the land belonged to them and that they therefore had ultimate control over it. This perception has implications for several important aspects of the SSCF project.

In the first instance, TAs want to be in charge of selecting people as beneficiaries for the SSCF project. While they need to approve applications for leaseholds, it is conceivable that the MLR would like to have a say in the process of selecting beneficiaries as well.

Related to this, TAs and community leaders in all regions agreed to the principle that SSCF units should not be allocated free of charge and that beneficiaries should be required to make regular payments for their land, i.e. pay rent. Where these rental payments should go has not yet been raised as an issue, except to say that TAs expect at least a cut from such payments. Some justified this by saying that the land is their responsibility and that they will continue to provide services such as dispute resolution.

In at least one region, Kavango, the point was made by TAs that as the land belongs to them on behalf of communities, it cannot be sold and hence also not be offered as collateral for loans.

A final issue concerns the possibility of people being removed from land they are either residing on or using. Kavei et al (2010: 301) have already stated that the uprooting of communities within SSCF areas should be avoided as much as possible. Available information suggests that so-called virgin land no longer exists – if it existed at all. The Ongandjera area in Omusati region, for example, fits the population density criteria used by IDC to identify un- or underutilised land. This is because most of the area is utilised by cattle post owners who keep one man at the cattle post. In terms of livestock density, the SSCF area identified in Ohangwena is fully stocked, with livestock at cattle posts accounting for almost 80 per cent of all livestock in the area. If the development of the SSCF project in its current form is to proceed, few people will have to be moved – and certainly only very few fixed structures – but large numbers of livestock will have to find alternative water and grazing. In Ohangwena, the demarcated farms are occupied by many households some of whom claim rights to be allocated SSCF units. Removal of these households is unthinkable against the background of Owambo herders who have to move their livestock out of Kavango into Ohangwena.

It appears that a radical rethink of the SSCF is called for in view of changed circumstances. Ways have to be found to marry the legitimate concerns of local communities with some of

the SSCF principles in the interests of improving communal agriculture without further marginalising poor communities.

Appendix 7: References

- Burke, A., 2002 Present vegetation of the Kavango. *Journal of the Namibian Scientific Society*. 50, 133 – 145.
- Bald, J. and Grossmann, H. 2007 *Affirmative Action Loan Scheme. Assessment of possible support through German development cooperation*. Frankfurt a.M.: KfW / Frankfurt School of Finance and Management
- Bayer, C.-T. 2012 *Access to Credit for Communal Land Residents. Draft Report*. Windhoek: Ministry of Lands and Resettlement
- Cox, J., Kerven, C., Werner, W. and Behnke, R. 1998 *The Privatisation of Rangeland Resources in Namibia: Enclosure in Eastern Oshikoto*. London and Windhoek: ODI
- De Paauw, E. Coetzee, M.E., Calitz, A.J., Beukes, H. Vits, C. 1998/99 'Production of an agro-ecological zones map of Namibia (First approximation). Part II: Results' *Agricola* 10, 33-43.
- GFA terra systems GmbH 2003 *Namibia Screening Mission: Infrastructure support for land reform program in Namibia. Final Report*. Hamburg
- Giess, W. 1971 'A Preliminary Vegetation Map of South West Africa' *Dinteria* 4:1-114.
- Hattenbach H. 2004 'Infrastructure investments related to Land Reform in Communal Areas of Namibia. Financial and economic aspects of programme support and programme costing. Calculation of farm models'. Consultancy carried out for the Ministry of Lands and Resettlement, Windhoek, Namibia.
- Hines C., 1997 'Soils and vegetation'. In: Mendelsohn J., Roberts C. *An Environmental Profile and Atlas of the Caprivi*, Directorate of Environmental Affairs, Ministry of Environment and Tourism, Windhoek, pp 16–25.
- Hüttich C, Gessner U, Herold M, Strohbach B, Schmidt J, Michael, Keil, Manfred & Dech, Stefan. 2009 *Article on the suitability of MODIS Time Series Metrics to Map Vegetation Types in Dry Savanna Ecosystems: A case study in the Kalahari of NE Namibia*. National Botanical Research Institute of Namibia, Windhoek, Namibia.
- International Development Consultants 2005 *Study on land productivity and economic farming units*. Windhoek: MAWF/GTZ
- International Development Consultants 2002a *Assessment and development of under-utilised land in the Kavango Region*. Windhoek: MLRR
- International Development Consultants 2002b *Assessment and development of communal areas in Caprivi*. Windhoek: MLRR
- International Development Consultants 2001 *Assessment and development of southern communal areas in Namibia. Final Report*. Windhoek: MLRR
- International Development Consultants 2000a *Assessment and development of communal areas in Namibia. Final Report*. Windhoek: MLRR
- International Development Consultants 2000b *Integrated land use plan for Caprivi. Draft Final Report*. Windhoek: MLRR
- [IDC] n.d. *Executive summary. The communal land development studies*. Windhoek
- Jones, B. 2009 *Policy and legislative review on land use planning in Namibia*. Windhoek: NNF / USAID

- Jones, B.; Mendelsohn, J.; Humphrey, E. and Nott, C. 2009 'Pre-feasibility study for evaluating the potential for diversified Land Uses, including wildlife in the Shambyu and Gciriku Small-Scale Commercial Farms in Kavango Region.' Windhoek
- Kangombe K., 2010 *The vegetation of Omusati and Oshana Regions, central northern Namibia*. Submitted in partial fulfilment of the requirements for the degree Magister Scientiae in the African Vegetation and Plant Diversity Research Centre Department of Plant Science Faculty of Natural and Agriculture, University of Pretoria, Pretoria
- Kasita, M. (compiler) n.d. [2007] 'Report on the Deputy Minister's consultative meetings with the Kavango traditional authorities'. Windhoek: [MLR]
- Katataiza, D. 2009 *Small-scale commercial farms and Sobbe conservancy in Caprivi, Namibia*. Unpublished M.Sc. thesis. Enschede: International Institute for Geo-Information Science and Earth Observation
- Kavei, D.; Shaanika, L. and Kambatuku, J. 2010 *Socio-economic and environmental situation analysis of small scale commercial farms in communal area of Namibia. Final Report*. Windhoek: MLR
- Kerven, C. 1998 'The knife cuts on both blades: redefining property rights in eastern Oshikoto Region, Namibia.' In J. Cox et al, *The Privatisation of Rangeland Resources in Namibia*
- King, L.C., 1963 *South African scenery*. 3rd revised edition. New York: Hafner Publishing Company
- Kruger, B. 2006. *Towards participatory rangeland management in the Eastern Communal Areas of Namibia. A case study from Orukune, Okaari and Omazera Villages*. Windhoek: Desert Research Foundation of Namibia
- Kruger, B., Hugo, P. and Venter, R. 2012 *Master plan for increased off-take of cattle and beef in the northern communal areas of Namibia. Draft Report*. Windhoek: Meat Board of Namibia
- Legal Assistance Centre 2009 *Guide to the Communal Land Reform Act, 2002 (No. 5 of 2002)*. Second Edition. Windhoek: Legal Assistance Centre and NNFU
- Lushetile K. 2009 *Vegetation description of Sachinga Livestock Development Centre and Surroundings, Caprivi, Namibia*. Submitted in partial fulfilment of the requirements for the degree B. Sc. Honours (Plant Science) in the Faculty of Natural and Agricultural Science, University of Pretoria, Pretoria
- MCA / GIZ-IS 2011a *Communal Land Support Sub-Activity. Communication Strategy & Implementation Plan (CSIP)*. Windhoek
- MCA / GIZ-IS 2011b *Communal Land Support Sub-Activity. A review of policies concerning tenure in communal areas of Namibia*. Windhoek
- MCA / GIZ-IS 2010 *Communal Land Support Sub-Activity. Training Strategy & Implementation Plan (TSIP)*. Windhoek
- Mendelsohn J. 2008 *Customary and legislative aspects of land registration and management on communal land in Namibia*. Windhoek: MLR
- Mendelsohn J. (with major contributions from S. el Obeid, N. de Klerk and P. Vigne), et al. 2006 *Farming systems in Namibia*. Windhoek: Namibia National Farmers Union
- Mendelsohn J., el Obeid, S. and Roberts, C. 2002 *A profile of North-central Namibia*. Windhoek: Ministry of Environment and Tourism
- Mendelsohn, J.; Jarvis, A.; Roberts, C. and Robertson, T. 2002 *Atlas of Namibia. A portrait of the land and its people*. Cape Town: David Philip Publishers

- Mendelsohn J. and Roberts C., 1997 *An Environmental Profile and Atlas of the Caprivi*. Directorate of Environmental Affairs, Ministry of Environment and Tourism. Windhoek
- Ministry of Agriculture, Water and Forestry n.d. *Green Scheme Irrigation Policy*. Windhoek
- Ministry of Lands and Resettlement 2011a *Consideration of [MCA] Policy Review Recommendations. Comments on the recommendations*. Windhoek
- Ministry of Lands and Resettlement 2011b *Report of SSCFU verification in Caprivi Region*. Katima Mulilo
- Ministry of Lands and Resettlement 2011c 'Pilot project for integrated management of Kavango small scale commercial farms'. Project Document. First Draft. May 2011
- Ministry of Lands and Resettlement 2011d 'Notes to SSCF Caprivi consultative meeting' (sic). Windhoek
- Ministry of Lands and Resettlement 2011e *Strategic Plan 2011-2014*. Windhoek
- Ministry of Lands and Resettlement 2008a *Draft Resettlement Manual. Operational manual for resettlement programme*. Windhoek
- Ministry of Lands and Resettlement 2008b *SSCFP field consultation by Honourable Alpheus !Naruseb (03 – 07 November 2008, Omusati & Ohangwena Regions)*. Windhoek
- Ministry of Lands and Resettlement 2008c 'Caprivi Communal Land Board Documentation on issue concerning Caprivi Traditional Authorities for minister's attention.' Windhoek
- Ministry of Lands and Resettlement 2007a 'Presentation Report by the IDC on the development proposal for small-scale commercial farms project in Namibia'. Windhoek
- Ministry of Lands and Resettlement 2007b 'Summary on (sic) the events in the transfer of Mangetti West farms and Kavango Cattle Ranch. Transfer from Namibia Development Corporation to government ministries'. Windhoek
- Ministry of Lands and Resettlement 2007c 'Summary on the development of the Eiseb block (small-scale commercial farms)'. Windhoek
- Ministry of Lands and Resettlement 2007d *Strategic Plan 2006-2010*. Windhoek
- Ministry of Lands and Resettlement 2006a *Communication strategy*. Windhoek
- Ministry of Lands and Resettlement 2006b 'Report on consultative meeting on communal area development of Tsumkwe'. Windhoek
- Ministry of Lands and Resettlement / Permanent Technical Team 2005a *Strategic options and action plan for land reform in Namibia*. Windhoek: MLR
- Ministry of Lands and Resettlement / Permanent Technical Team 2005b *Background research work and findings on the PTT studies*. Windhoek: MLR
- Ministry of Lands and Resettlement 2005 (2006) 'Development of communal land project. Omusati region'. PowerPoint presentation
- Ministry of Lands Resettlement and Rehabilitation n.d. *Estimate for the development of unutilised and under-utilised communal areas in Namibia*. Prepared for the Directorate of Land Reform Division: Land Boards, Tenure and Advice
- Ministry of Lands and Resettlement n.d. [2011] 'Four years rolling plan for small-scale commercial farms project 2011-2014'. Windhoek
- Ministry of Lands and Resettlement / WWF 2011 'Pilot project for integrated management of Kavango Small Scale Commercial Farms'. Windhoek
- Ministry of Land, Resettlement and Rehabilitation n.d. [2002] *Farm development*. Mimeo. Windhoek

- Ministry of Lands, Resettlement and Rehabilitation 2002 Summary of the project to develop underdeveloped and underutilised communal areas
- Ministry of Lands, Resettlement and Rehabilitation 2001 *National Resettlement Policy*. Windhoek
- Ministry of Lands, Resettlement and Rehabilitation 1998a *National Land Policy*. Windhoek
- Ministry of Lands, Resettlement and Rehabilitation 1998b Scale models for a farming unit – land reform. Report by the Farming Unit Advisory Committee. A sub-committee of the Land Reform Advisory Commission. Windhoek
- Ministry of Lands and Resettlement / KfW 2009 *Fact finding mission on the availability of farm land in Oshikoto and Ohangwena Regions*. Windhoek
- Müller, M. n.d. [2011] 'Task team Caprivi: Project outline'.
- NACSO 2008 *Namibia's communal conservancies. A review of progress and challenges in 2007*. Windhoek: NACSO
- Namibia Nature Foundation 2010 *Land use planning framework for the Kavango Region of Namibia within the Okavango River Basin*. Windhoek: Namibia Nature Foundation
- Nkolo, J.; Mwachafa, J. and Haufiku, P. 2007a Preliminary assessment of south Ongandjera for the demarcation of small-scale 'commercial' farming units. Omusati Region. Windhoek: [Ministry of Lands and Resettlement]
- Nkolo, J.; Mwachafa, J. and Haufiku, P. 2007b Preliminary assessment of Otjetjekua area for the demarcation of small-scale 'commercial' farming units. Omusati Region. Windhoek: [Ministry of Lands and Resettlement]
- Odendaal, W. 2011a 'Elite land grabbing in Namibian communal areas and its impact on subsistence farmers' livelihoods'. *Policy Brief 33*. Bellville: PLAAS / University of the Western Cape
- Odendaal, W. 2011b 'Land grabbing in Namibia: A case study from the Omusati Region, Northern Namibia'. Paper presented at the International Conference on Land Grabbing. University of Sussex
- Odendaal, W. 2006 'Our land they took'. *San land rights under threat in Namibia*. Windhoek: Legal Assistance Centre
- Purcell, R. 1994 'Economic analysis of land reform options in Namibia'. *NEPRU Working Paper No. 41*. Windhoek: The Namibian Economic Policy Research Unit
- Raith, J. 2011 *Legal aspects of land use planning In Namibia*. Windhoek: GIZ
- Republic of Namibia 2008 *Compensation policy guidelines for communal land*. Windhoek
- Republic of Namibia 2000 'Land reform and the land question in Namibia'
- Republic of Namibia 1991 *National Conference on Land Reform and the Land Question*. Vol.1 Windhoek: Office of the Prime Minister Windhoek
- Schuh, C; Conroy, C.; Grimm, S.; Humavindu, M.; Kwala, C. and Werner, W. 2006 *Economics of land use. Financial and economic analysis of land-based development schemes in Namibia*. Windhoek: GTZ/EC Delegation
- Shapi, M.; Kakujaha-Matundu, O.; Lendelwo, S. and Aliber M. 2010 *Mid-term evaluation of the development of the communal land program (small scale commercial farms program)*. Windhoek: Multidisciplinary Research Centre, UNAM
- Shilongo-Mwachafa, J. and Haufiku, P. 2010 'Report from semi-assessment of Okongo designated area'. MLR

- Sikana, P. and Kerven, C. 1991 'The impact of commercialisation on the role of labour in African pastoral societies', *Pastoral Development Network, Paper No. 31c*. London
- Sikopo, A. 2003 *Impact of proposed farms on customary tenure and wildlife. A GIS case study for the Caprivi region of Namibia*. Unpublished thesis for Professional Master in Natural Resource Management. Enschede: International Institute for Geo-Information Science and Earth Observation
- Snyman, H. A. 1989 'Evapotranspirasie en waterverbruiksdoeltreffendheid van verskillende grasspesies in die sentrale Oranje-Vrystaat'. *Journal of the Grassland Society of Southern Africa*, 6: 146 – 151.
- Snyman, H. A. and W. I. J. van Rensburg 1990 'Korttermyn invloed van strawwe droogte op veldtoestand en waterverbruiksdoeltreffendheid van grasveld in die sentrale Oranje-Vrystaat'. *Journal of the Grassland Society of Southern Africa*, 7(4): 249 - 255.
- Strohbach, B. and Peterson, A., 2007 'Vegetation of the central Kavango in Namibia: An example from the Mile 46 Livestock Development Centre'. *South African Journal of Botany* 73 (2007) 391 – 401.
- Strohbach, B., Strohbach, M., Kutuahuripa, J, and Heiner D. Mouton 2004 'A Reconnaissance Survey of the Landscapes, Soils and Vegetation of the Eastern Communal Areas (Otjozondjupa and Omaheke Regions), Namibia'. Windhoek: National Botanical Research Institute and Agro-Ecological Survey Programme, Directorate Agriculture Research and Training, Ministry of Agriculture, Water and Rural Development
- The World Bank 2001 *Operational Procedures. Involuntary Resettlement*. (BP 4.12)
- The World Bank 2001 *Operational Policies. Involuntary Resettlement*. (BP 4.12)
- The World Bank 2001 *Operational Policies. Involuntary Resettlement*. (BP 4.12 – Annex A)
- Thomi, W.; Wattenbach, H.; von Hase, R.; Gous, D.; Jankowitz, W. and Simmonds A. 2005 *Infrastructure development support to land reform in communal areas*. Windhoek: MLR / KfW
- Werner, W. 2011 "*What has happened has happened*". *The complexity of fencing in Namibia's communal areas*. Windhoek: Legal Assistance Centre
- Werner, W. 2009a 'Post-settlement Support Strategy'. Windhoek: MLR
- Werner, W. 2009b 'Framework for the implementation of a grant based support system for resettlement beneficiaries'. Windhoek: Ministry of Lands and Resettlement
- Werner, W. 2002 'The Caprivi sugar project: land tenure issues'. Report prepared for SIAPAC. Windhoek: Namibian Economic Research Unit
- Werner, W. 1996 'The evolution of land tenure in Oshikoto'. In J. Cox et al *The privatisation of rangeland resources in Namibia: enclosures in eastern Oshikoto*
- Werner, W. and Odendaal, W. 2010 *Livelihoods after land reform: Namibia country report*. Windhoek: Legal Assistance Centre