

STATEMENT BY THE RIGHT
HONOURABLE THEO-BEN
GURIRAB, MP, PRIME MINISTER
OF THE REPUBLIC OF
NAMIBIA
ON THE ACCELERATION OF
LAND REFORM IN THE
REPUBLIC OF NAMIBIA

WINDHOEK

25 FEBRUARY 2004

Good evening fellow Namibians,

Tonight I come before you to address you on Government's efforts to accelerate the land reform process in Namibia.

It will be recalled that the land possession pattern in our country has been designed by colonialism to benefit a small group of minority settlers, at the expense of the majority: Therefore, the problem of land ownership was indeed central to the struggle for national independence. Today, generations after the systematic dispossession, our young nation still struggles to bring about balance and undo the effects of the unjust land distribution.

With full recognition of the history of colonial oppression, apartheid and land dispossession, the founding fathers and mothers of the Namibian Constitution decided on a new chapter for the Namibian nation, built on national unity and reconciliation.

Against this background, the Namibian Constitution under Article 16 entrenches the right to property, including land, and provides for . expropriation in the public interest, subject to compensation.

In keeping with that constitutional obligation, Government, through the Ministry of Lands, Resettlement and Rehabilitation, initiated the land reform policy and in pursuance thereto enacted corrective legislation.

The Agricultural (Commercial) Land Reform Act of 1995, (Act 6 of 1995), provides for the acquisition of land in the name of the State for the purposes of land reform and for the allocation of such land to Namibian citizens who do not have any or adequate agricultural land and who have been socially, economically and educationally disadvantaged by discriminatory practices in the past.

Within the framework of this legislation, there are two methods of land acquisition by Government. One method is the *willing-seller-willing-buyer* approach, whereby Government has the preferent right to purchase agricultural land which any owner intends to alienate. The other method is expropriation of land in the public interest, subject to just compensation at the instance of Government.

Placing its confidence in the hope that independence had ushered in a sense of national unity to facilitate land redistribution, Government decided to pursue the principle of *willing-seller-willing-buyer* to acquire land for redistribution.

Since 1995, Twenty Million Namibian Dollars (N\$20m) have been provided for in annual appropriations to purchase land, and this amount has since been increased to Fifty Million Namibian Dollars *per annum* (N\$50m). Government has also established the Land Acquisition and Development Fund for the purpose of buying and developing land.

Committed to seeing through the *willing-seller-willing-buyer* approach, Government has witnessed with dismay and outrage how farm workers are left destitute and dumped with their families and belongings on the roadsides by their former employers. In this process, the Labour Act (Act No. 6 of 1992) is flouted and unrest has arisen in certain parts of our country. For some of the farm labourers, their families have been on those farms for generations and they know no other home than those farms.

Over-the years, Government has come to realise that the *willing-seller-willing-buyer* approach is cumbersome and as a result, it would not be able to keep up with the high public demand for agricultural land.

The process has become too slow because of arbitrarily inflated land prices and the unavailability of productive land. More than 240 000 landless people are currently awaiting resettlement.

To accelerate the pace of land redistribution, the Agricultural (Commercial) Land Reform Amendment Act of 2003 (Act 14 of 2003) was passed by Parliament to allow Government to acquire land in the public interest through expropriation and against, the payment of just compensation as provided for in Article 16 (2) of the Namibian Constitution.

In this context, Cabinet has endorsed the recommendation by the Ministry of Lands, Resettlement and Rehabilitation to consider the other approach to land reform, that of expropriating a selected number of farms in Namibia for resettlement.

Expropriation of rights to land as provided for in the Constitution and the Agricultural (Commercial) Land Reform Act, entails the payment of just compensation for all the properties being expropriated. This means that a fair compensation for the freehold interest would be determined and paid. Where land is leased, compensation for such a lease will be determined.

The expropriation of land is being introduced to accelerate the land reform process in the country. However, its introduction does not signal the doing away with the principle of *willing-buyer-willing-seller*; the two interventions will actually run concurrently.

Government appreciates the assistance received to date from our development partners and appeals for their continued support of our land reform process.

Government equally acknowledges with appreciation efforts by some Namibian commercial farmers and other fellow citizens who have assisted in the redistribution and the development of land in the country and urge them to continue doing so.

Government will ensure that land reform and expropriation of land in Namibia is done in accordance with the Namibian Constitution and the relevant legislation.

I therefore call upon land owners, the landless and all fellow Namibians to cooperate with Government, to exercise patience and not to engage in unlawful actions during the

implementation of the land reform process. It is our desire to complete this exercise in a legal; stable, transparent and peaceful manner.

Long Live the Republic of Namibia!

Good night and I thank you.