

The Gathering Storm? Namibia and the Land Question

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'Let us keep in mind that today is Zimbabwe and tomorrow could be Namibia.'
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An announcement by Prime Minister Theo-Ben Gurirab on 26 February 2004 that the Namibian government would begin to expropriate white farms triggered fears that Namibia may witness the kind of violence that accompanied Zimbabwe's fast-track approach to land reform in 2000. After years of relative quiet, land reform has re-emerged as a defining issue in Namibian politics. Despite more than a decade of independence and majority rule, nearly 200,000 black subsistence farmers and tenant labourers remain mired in poverty. Now radical elements both within and outside the ruling South West African People's Organisation (Swapo) are pointing to the continuing failure to redress the vastly disproportionate patterns of land ownership between black and white Namibians, and are pressuring the government to adopt Zimbabwean style 'fast-track' land reforms. This heightened government rhetoric has alarmed the country's 4,200 white commercial farmers and, increasingly, international investors.

Perhaps more so than other Southern African countries, the land question in Namibia is intimately linked to historical conflict between not only colonial forces but also amongst black Namibians themselves. It was this recognition of the potentially destabilising nature of land that played a part in the promulgation of the post-independence policy of national reconciliation. At the same time, however, the government's commitment to land reform remained a key platform of its programme and as such it embarked on a policy of land purchase based upon the 'willing buyer-willing seller' model and the subsequent resettlement of black families on that land. In addition, it established an agricultural credit bank that extended preferential loans to black commercial farmers starting out. The programme's slow pace of institutionalisation and acquisition, disputes with the government over price and quality of land made available by white farmers, the emergence of populist voices calling for swifter action and, crucially, the crisis in Zimbabwe brought the issue back into the public eye. Where it was once barely a subject of vocal concern amongst politicians, by 1999 the land issue had become a source of major division and disagreement between the government, the white farmers and a range of pressure groups as well as political opportunists.

I. The Political Economy of Colonial Namibia

The issue of land has been a key motif in Namibia's modern history. A country where sparse rainfall increases as one moves northwards, Namibia's harsh

environment offers only limited opportunities for agriculture and the raising of pastoral livestock. Poor quality soils ('sandveldt') combine with annual rainfall of under 250mm in over 30% of the country, while only 6% in the Otavi highlands has the requisite soil ('hardveldt') and rainfall to make it suitable for mixed farming.¹ In the far north, where rainfall is more variable and Okavango flood plain dominates, mixed agriculture has been practiced for generations. Marginal lands in the rest of Namibia can support livestock but cyclical drought places restrictions on commercial exploitation of cattle and sheep so that in some areas only small stock are raised.

Historically, these adverse environmental conditions have impacted upon settlement patterns by peoples in the country and consequently shaped the political economy of the colonialism and its aftermath. Against a backdrop of incursions from the Cape by successive waves of migrants from the San, Nama and 'Basters' driven from their lands in the south by European settlement and Bantu migration from the east, the German missionaries moved into the central highlands of Namibia in the mid-nineteenth century. Their engagement with the local peoples, particularly the Nama and Hereros, was marked by contradictory impulses ranging from introducing conventional conversion strategies, the pursuit of commercial activities (and even arms sales) and meddling in local politics. Indeed, to an extent they became factors in an ongoing struggle between the Nama, Damara, Herero and 'Basters' over land and cattle. The particulars of this period are best dealt with elsewhere but it was this formative interaction that set the stage for concerted external intervention in the late nineteenth century. Following the formalised division of the African continent at the Berlin Conference of 1884-85 (and confirmed again in 1890), German occupation of what was to become known as South West Africa began in earnest. The displacement of the Herero, Nama and Damara peoples from the areas under their suzerainty at that time was a process that involved conquest, treaties and economic relocation over a decade and a half.² German settlers met with scattered resistance but were able to defeat challengers and in fairly rapid succession establish fortified towns, farms and the beginning of a national railway network.

Driven to marginalised lands to the east and suffering further losses in the wake of the rinderpest outbreak, Herero leaders began to plan an uprising designed to oust the invaders. Their entreaties to the Nama, Damara and 'Basters' to join them in the rebellion were ignored and, consequently when they launched the campaign on 26 August 1904 they were acting alone.³ Initially, the Herero sought to spare German women and children but these sensibilities were soon lost as the conflict slipped in an increasingly brutalising pattern of massacre and counter massacre. The arrival of Lt. General Lothar von Trotha marked a change in German strategy and the onset of a genocidal policy which, following the seminal defeat of the Herero at the battle of Waterberg in 1904, involved systematic rape, torture, execution and starvation that resulted in the death of an estimated 80,000 Herero.⁴ Pushed to the semi-arid region to the east of their former lands and having lost over half of their population, Herero society was seemingly poised to collapse altogether. A belated rebellion by the Nama in 1907 that resulted in 20,000 deaths (halve the population) was crushed by the colonial forces and thereafter the Nama and Damara (as well as the San) were consigned to marginal lands in both the south and northern parts of the country.

A settler economy developed in the former Herero, Damara and Nama hinterlands based primarily upon cattle ranching and limited agriculture through use of irrigation

or borehole water. It was reliant upon cheap labour from the black population and depended upon either guaranteed market price and/or subsidies from government sources in order to cope with the arid conditions and uncertain weather patterns of the region. Farms of an enormous size were granted by the colonial government, reflecting both its relative abundance and the need for large grazing pastures to sustain cattle rearing. At the same time, the authorities in Berlin recognised that their security presence in the colony was limited and consequently imposed a territorial division on South West Africa which allotted the bulk of the central region to the settlers, territories for each statutory ethnic group in the surrounding areas and, crucially, consigned the northern half of the country as a 'tribal reserve' consisting of over 300,000 square kilometres of land. This had the effect of providing the now majority Ovambo people with the right – within certain subscribed areas – to the relatively well-watered lands along the Kunene, Linyati and Kavango rivers.⁵ The inability of German authorities to bring the north under effective control caused them to pursue a policy of indirect rule through tribal structures while assuming direct control over the rest of the territory below, known as the 'police zone'.

The South African occupation in 1915 of South West Africa and the subsequent granting of the territory to Pretoria as a League of Nations mandate introduced a new and ultimately defining dimension to the situation. The South African administration of the territory had a profound effect on the emerging economy through its support of white settlement and promotion of an export orientation, its concurrent relegation of black Namibians to the status of unskilled labour for commercial agriculture and the mining industry, and its eventually incorporation into the political structures of separate development, or apartheid.

Resettlement of the Angola Boers, or 'thirst trekkers', in the 1920s coupled with immigration by South Africans to the territory continued to boost the fortunes of the white population at the expense of its black inhabitants. The South African government, which increasingly administered the territory as a 'fifth province', provided considerable financial inducements to commence farming and these were to play a critical role in establishing a network of white-owned commercial farms across the central region. By the end of the Second World War, nurtured on this constant diet of government subsidies and guaranteed prices through state-run marketing boards, white commercial agriculture had risen 'from survival to moderate affluence'.⁶ Nonetheless, even as early as the 1930s, agronomists were warning the government that cattle rearing on commercial farms was having a deleterious effect upon the environment such that it would be unsustainable in the long run. The cycle of boom and bust, be it due to drought or price fluctuations and the accompanying pleas for government assistance, became a feature of commercial farming in the territory up to the present day.

On the 'tribal reserves' in the 'police zone', the plight of the black population was increasingly dire. Subsistence agriculture and pastoral activities, coupled with population growth, put pressure on already marginalised land and led to instances of malnutrition and starvation in poor years. In fact, less than a fifth of the population in the 'police zone' actually resided on the reserves, preferring either working in the urban centres, on white commercial farms as tenants or serving itinerant labourers.⁷ Farm workers living on white commercial farms were governed by the onerous 'masters and servants' law, which gave white employers proprietary rights of

discipline and expulsion over their workers. Labour remittances became a necessity for many families barely able to feed themselves off of the land. An exception to aspects of this were found in Ovamboland where better environmental conditions provided some scope for viable subsistence farming though population densities coupled to official exclusion from commerce to the south increasingly forced Ovambo males to partake in contract labour in the mining industry. SWANLA, the labour recruitment bureau for the territory's mining industry, was virtually the only commercial enterprise allowed to openly contract workers in the north. By 1970, 45% of Ovambo men were engaged in short term work, primarily in the mining sector.⁸

The decision by South Africa's National Party, newly ensconced in office from 1948, to extent the apartheid system of institutionalised segregation and further regulations on labour migration to South West Africa introduced new restrictions to the already beleaguered existence of the black population. The creation of a commission to investigate the plight of blacks in the reserves accompanied this push from Pretoria to introduce 'separate development' on the South African model to the territory. The Odendaal Commission published its findings in 1964, calling for the establishment of a patchwork of eleven 'homelands' that would be given self-government and, eventually 'independence' (fulfilling the broader aim of consolidating white-controlled territory within the South African ambit). As part of its mandate, the report called for government distribution of farms for the dispossessed Nama, Damara and Herero peoples in areas that were closer to infrastructure and had greater potential for sustainable agriculture than existing designated land. In a few years, over 250 farms were identified and black Namibians moved by the government to these areas.⁹ The absence of vital inputs and access to credit (as well as extension services), crucial features of success in the commercial sector, spelled disaster for the so-called 'Odendaal farms' and resulted in persistence degradation of the land and gradual impoverishment of its inhabitants. In spite of these administrative shortcomings, the experiment was to become for many white authorities emblematic of black failure in agriculture.

The political implications of the introduction of apartheid into the territory for black Namibians were threefold. First, it reinforced the boundaries of identity through the conference of restrictions and privileges in accordance with (dubious) racially-defined criteria. For example while the Herero and Nama peoples were obliged to submit to periodic intervention by 'native affairs' officers, the 'Basters' in the territory of Rehoboth were given a greater degree of autonomy from government intrusion.¹⁰ This was given further force during the course of the military campaign of the 1970s and 1980s, when ethnically delineated units in the South African Defence Force (SADF) and the South West African Territorial Force (SWATF) numbering 30,000 were engaged in counter-insurgency actions in the north. Secondly, these statutorily defined 'tribes' were themselves divided between those living on the communal reserves, those engaged in migrant labour and those living as tenants on white-owned farms. The enforced exclusion of inhabitants in the northern reserves from commercial activity – other than offering up their labour through SWANLA – contrasted with the integration of black families in the police zone into the patriarchal structures of white-owned farms. These two elements, in turn, influenced the shape of political representation allowed black Namibians that, though subject to periodic interference by Pretoria, remained essentially tradition-based authoritarianism

codified through an interpretation of 'customary law'.¹¹ The prerogative of traditional leaders to allocate land and interpret grazing rights, as well as rule on a host of other aspects of social life, made them crucial interlocutors between the central authorities and black population.

While apartheid South Africa sought in vain to win international approval for its incorporation of South West Africa, the voices of protest amongst blacks and whites both within and outside the territory began to coalesce into a movement for outright independence. Herero tribal leaders created the South West African National Union (Swanu) in 1958 while labour migrants founded the first movement, the Ovambo Peoples Organisation (OPO), in 1959. Though the latter soon transformed itself into the South West Peoples Organisation (Swapo) under the tutelage of Sam Nujoma, Andimba Ya Toivo and Theo-Ben Gurirab aimed at creating a unified nationalist movement, these two strands of anti-colonialism were to dominate Namibian politics into the independence period. Swapo, which sought to extend its reach beyond its Ovambo core of support, gradually took the mantle of Namibia's (as the territory was called after 1968) leading liberation movement.¹² In 1966, 37 Swapo members were imprisoned by the National Party, a measure that coincided with the party's launching of a military campaign to oust South Africa. A central platform of its struggle was the call for 'liberation of the land for the tillers' and Swapo identified itself with the historical uprisings against colonialism and dispossession of 1904 and 1907 as well as the more recent oppression. By 1986, a more overtly radical programme of land redistribution and collectivisation was put forth by the liberation movement.¹³ Despite the increasingly radicalised tone of its rhetoric, Swapo retained a strong constituency within the Protestant churches that were to serve both as a bastion of local support throughout the liberation struggle and a source of influence in its aftermath.¹⁴ Trade unions and student groups were also sources of support for the liberation movement. The tension between Swapo's internal and external wings, though often exaggerated by South African officials, nonetheless existed and was to later manifest itself in the post-independence period.¹⁵

Operating abroad as well as inside Namibia (where its movements were severely circumscribed), Swapo turned to the United Nations to press its case with the international community to recognise the illegality of South Africa's occupation. The centrality of the United Nations to the fate of Namibia and its struggle for independence, like that of East Timor three decades later, exercised a defining influence over the shape of the transition and beyond. While the UN General Assembly had revoked South Africa's mandate over the territory in 1966 in response to the International Court of Justice's ruling in Pretoria's favour that same year, the Western states issued a series of vetoes in the Security Council that provided tacit support for the South African position. However, in the aftermath of the collapse of Portuguese colonialism and the Soweto uprising, the Western states changed their outlook – something they signalled with the support of UN Security Council Resolution 385 which called for the withdrawal of South Africa from the territory and UN-supervised elections – and sought to pursue a policy of constructive engagement (as it later came to be called) with Pretoria on the Namibia question. The Western 'contact group' (Canada, Great Britain, France, West Germany and the United States) was formed in the wake of passage of UN SCR 385, South Africa's subsequent refusal to consider it, and the prospect of having to face further Security Council resolutions on the issue. Significantly, the Western 'contact group' deliberately

opened negotiations with South Africa, the Front Line States, and Swapo while excluding the Soviet Union and its allies. The Cold War context meant that the Western 'contact group' was determined that independence would not result in the assumption of unconstrained power by a liberation movement, as had happened recently in Angola and Mozambique, which was a position shared by Pretoria.

In the case of apartheid South Africa, following another ruling by the International Court of Justice in 1971 rejecting South Africa's claim to sovereign incorporation of the territory, Prime Minister Johan Vorster aligned its approach to Namibia with its new foreign policy of 'outward movement', a conscious attempt to open relations with 'moderate' African governments as a bid to reduce Pretoria's diplomatic isolation.¹⁶ While deeply suspicious of the international organisation as a whole, enlightened opinion within the South African government nonetheless recognised that it would inevitably be the setting for legitimising any settlement on the 'Namibia question'.¹⁷ For its own part, Swapo, which had been designated as the sole representative of the Namibian people by the UN General Assembly in 1973, saw the principles enshrined in the UN Charter and bolstered by annual resolutions passed the General Assembly as the basis for decolonisation. The Western 'contact group' were able to use this as a means of developing consensus, in conjunction with the rise of a 'verligte' (enlightened) faction within the National Party, on the inevitability of independence. This convergence of opinion resulted in all parties, from the liberation movement to the South African government, accepting in 1978 in principle UN Security Council Resolution 435, which echoed UN SCR 385 in calling for the withdrawal of South Africa's administration and military forces from Namibia and the establishment of free elections followed by independence.

II The Long Transition to Independence

The acceptance in principle of UN SCR 435 became the basis for negotiation between Pretoria and the Western 'contact group' for the next ten years.¹⁸ In contrast to UN SCR 385, however, the new resolution called for joint UN-South African administration during the transition period, elections for a constituent assembly that would draw up a constitution, the withdrawal during the transition of Swapo's representative status within the UN (which carried with it resources), agreement of a role for the South West African Police in maintaining security during the transition as well as the South African claim over the territorial enclave of Walvis Bay.¹⁹ Further negotiations taking place in 1982 between the Western 'contact group', the Front Line States and Swapo, produced the Constitutional Principles which set out the terms upon which the future democratic constitution were to be negotiated and ratified by two thirds of an elected constituent assembly as well as the key commitments for the future polity: regular elections by secret ballot, an independent judiciary, human rights and guarantees for private property.²⁰ All these measures reflected the growing accommodation of South Africa's interests in reaching a solution to the Namibian issue against those of radical voices within Swapo. For the liberation movement, the reliance on the UN coupled to dependency upon the Front Line States, meant that Swapo was vulnerable to considerable pressures by its hosts.²¹ As one analyst notes:

The most important contribution of these Principles was probably their legitimising effect on the compromises reached by former opponents and the

face-saving that this allowed. The international community had always been called upon by the South West Peoples Organisation (SWAPO) and other liberation movements to bring about change in Namibia and to ensure independence. When this eventually happened and the Constitutional Principles were part of the deal, it was quite difficult to reject them as being too accommodating or 'liberal'.²²

The liberation movement's isolation from the negotiation process was to grow in subsequent years as the United States, South Africa and the Soviet Union embarked on talks that linked the situation in Namibia with the Angolan civil war. For the South African government, the importance of the constituent assembly lay in the possibility of enhanced influence over the final shape of the post-colonial state as well as international commitments to ensure that a future government respected fundamental liberal values. And, while these values had themselves been systematically violated under apartheid, they were recognised by Pretoria to be crucial pillars in the maintenance of white settler and business interests in the country.

By this time, however, South Africa's position of reluctant acceptance of Namibian independence had been put under review by the new government of PW Botha in Pretoria. With the failure of the Zimbabwean transition to produce a 'moderate' leader through elections and the onset of Swapo incursions from independent Angola, the National Party began to reassess the nature of what it likened as the communist threat in the region.²³ Deliberate delaying tactics in negotiations were seen to be a way to allow Pretoria to build up, through the DTA process as well as further domestic socio-economic reforms aimed at fostering a moderate black constituency, a credible alternative to Swapo as well as defeat Swapo militarily and therefore damage its claim of having liberated the country. Direct and covert South African support for the DTA was a vital component in this process and carried on into the seminal elections of 1989.²⁴

From 1981 onwards, the South African military embarked on an aggressive military campaign against Peoples Liberation Army for Namibia (Plan) forces in Angolan territory, brutal policing and a 'hearts and minds' programme supported by the SWATF and the South West African Police in the north. Martial law was declared and the precarious system of indirect rule itself came under assault as counter-insurgency units like 'Koevoet' (Crowbar) spread terror in local communities indiscriminately.²⁵ Further complicating the landscape was the new American administration's concerns regarding the presence of Cuban troops and Soviet support for the MPLA government in Luanda, a position which led Washington to join South Africa in covertly (and later overtly) assisting opposition Unita forces. Though never explicitly rescinding from acceptance of UN SCR 435, Botha was determined that any handover of power would not jeopardise the South African government's fundamental economic and political interests.²⁶ To this end, South African government used Namibia as a 'proving ground' for their reformist ambitions (later to be employed in South Africa) that combined military operations against Swapo and its supporters with socio-economic reforms as well as selected political liberalisation.²⁷

The tacit support of many Nama, Damara and 'Basters' for the South African administration – partly borne of the compromised leadership recognised by the South African authorities through its patronage of tribalism (which mimicked its own

'homeland' system) – nonetheless also reflected their concerns of Ovambo dominance of Swapo. This situation provided much of the basis for the creation of a Pretoria-inspired 'internal solution' in the form of limited self-government launched in late 1978, which was led by a white-dominated faction and called the Democratic Turnhalle Alliance (DTA). The ethnic configuration of the DTA was constructed around the traditional leaders of the eleven tribal 'homelands' but, concurrently, hoped to draw support from a small but growing urbanised black Namibian middle class.²⁸ In this manner, the 'internal solution' created an ethnically-rooted politics built on patron-client relations that involved the channelling of government funds to tribal authorities and the accompanying second tier administrative structures in exchange for support for the DTA process.

Swapo leadership too, emboldened by the shifting regional balance of power and support from the MPLA government in Angola (as well as Soviet assistance), began to employ tactics and rhetoric that suggested it was intent on radical restructuring of the economy and society.²⁹ After the collapse of Portuguese colonialism, Swapo's military wing, Plan was able to operate from bases within Angola and drew its new recruits primarily from amongst the disaffected youth in the north. In 1976, Andreas Shipanga attempted to exploit dissatisfaction within Plan in his failed bid for control of Swapo. Two years later, the SADF surprise attack on the Kassinga base deep in Angola shook the confidence of the organisation and eventually led to a spiralling sequence of accusations, detention and murder by Plan officials. With the military high command dominated by the Kwanyama clan, the deaths in detention of an estimated one thousand soldiers who were outside of that particular Ovambo faction threatened Swapo's very claims to nationalist unity.³⁰ Unita's growing operational capabilities as well as the SADF policy of forward defence denied Plan a presence in Caprivi and Kavango, and allowed it only limited incursions from southern Angola into Ovamboland. Indeed, by the mid 1980s the primary confrontations were between South African forces along with their Unita allies against the Angolan military and its Cuban allies, leaving Plan forces on the margins.

Ultimately the economic cost of maintaining the South African position in Windhoek, coupled with the prospect of South African military defeat on the battlefield in Angola after 1987, brought about a breakthrough in the protracted negotiations between Pretoria, Havana, and Luanda, with Washington and Moscow serving as mediators.³¹ A ceasefire agreement was signed in December 1988 that provided for a withdrawal of Cuban troops from Angola and the concurrent implementation of UN SCR 435 (as well as a commitment not to allow Namibia to be used as a base for ANC insurgency). UN peacekeeping operations were mobilised to monitor the process in both Angola and Namibia. One last act remained for the South African military in the territory, when they won UN authorisation to strike out against the illegal infiltration of Plan guerrillas just as the initial contingent of peacekeepers were arriving in the territory in April 1989.³² (Interestingly, this echoed the British authorisation of Rhodesian troops to pursue Zanu-PF forces in apparent violation of the terms of ceasefire during Zimbabwe's transitional election of 1980.) Thereafter, UN Special Representative, Martti Ahtisaari, was able to gain co-operation from the various security forces and the SADF's withdrawal and Plan's assembly and disarmament went forward without serious incident.

Despite protestations of neutrality, some South African officials used their status as co-administrators of the territory to bolster the fortunes of the DTA. In the build up to the poll, intimidation instigated by DTA aligned officials, the South West African Police and ex-security force members against Swapo was rife, while outright clashes between Swapo and DTA followers resulted in a number of deaths. Land, ostensibly one of the central platforms of the liberation struggle, did not feature in the Swapo campaign though DTA officials warned that not only white-owned land but Herero and other minorities would also suffer from confiscation if Swapo was elected.³³ Nujoma chose to focus his campaign on national reconciliation, aimed as much at assuring white community and business interests as recognising the movement's vulnerability on the issues of atrocities against its own members.³⁴ The November elections themselves went off peacefully with 710,000 Namibians (a 97% turnout) voting across the country. As predicted, Swapo won the bulk of the seats in the Constituent Assembly, earning 57.3% (41 seats) of the vote, while the DTA garnering 28.6% (21 seats) and the remaining seats going to other parties.³⁵ Voting patterns suggested that ethnicity played a significant part determining party affiliation, though its pull was muted by generational differences and economic disparities.³⁶ The election result represented less than the two-thirds necessary for Swapo to draft and pass its own constitution without opposition compliance and, as such, was widely hailed as a sign that a two party system was emerging in the once strife-torn colony.

Negotiations over constitution began immediately after the elections and the first motion put forward by Swapo representatives to the Constituent Assembly was to unanimously confirm that the Constitutional Principles of 1982 would serve as the framework for the new constitution. Like the election campaign, land was hardly mentioned during the debates of the Constituent Assembly, reflecting the consensus that marked the acceptance of the Constitutional Principles.³⁷ Behind close doors, this shared understanding on land resulted in frank discussions that confirmed the government's commitment to the willing buyer, willing seller approach to the issue.³⁸ Commentators observed at the time that the remarkable elite consensus seen at the Constituent Assembly was driven by a shared need of the once-authoritarian parties to enhance their democratic credentials as well as the desire of an increasingly cash-strapped Swapo (no longer statutorily able to receive UN support) to take up office as soon as possible.³⁹ Even the complexities of the territory's inherited Roman-Dutch law required Swapo to hire South African trained lawyers during the debates on the constitution, sharpening the basis for consensus.

At the same time, the limits on independent action imposed by Namibia's dependency of the territory on the South African economy became more apparent to Swapo during the transition. Swapo's erstwhile ironclad commitment to socialise the economy and break definitively with South Africa, was quietly shelved. Nujoma himself, speaking on the eve of the Brazzaville Agreement of 1988 to Soviet journalists, said:

We must remember that our country remains an economic hostage of Pretoria and the transnational corporations. We are realists. It won't be possible to break our existing economic ties at once or in the near future, whatever our attitude to them might be...Land won't be nationalised. White farmers in independent Namibia will still be landowners. They have nothing to fear...Only uncultivated plots and the land of those who fled the country will be redeemed and transferred to the poorest peasantry.⁴⁰

One result of this recognition was a Swapo commitment to maintain Namibia's inclusion within the Southern African Customs Union, which bound its members (South Africa, Botswana, Lesotho, Swaziland and now Namibia) to the South African currency and provided a crucial revenue stream for the government through its tariff structure. The overwhelming presence of South African business in key sectors of the economy, especially the principle export earners like mining (23% of Namibia's revenue in 1990) and its ties to commercial agriculture (9% of export earnings), underscored the centrality of the relationship to economic health. Reliance upon South Africa for imports in virtually all areas, from basic foodstuffs and consumer goods to manufactured products and investment capital, further inhibited action that might jeopardise these links. Moreover, the need to secure development assistance and foreign investment from Western sources, the only alternative to South Africa, imposed similar constraints on Swapo. As a consequence the discussions of land reform and nationalisation of the mining sector, once prominent in liberation rhetoric, became increasingly subdued. Swapo's economic advisor, Ben Amithila, confirmed the party's position in November 1989 by stating 'We do not intend to interfere with land ownership as set out at present.'⁴¹

The importance of the transitional device of the UN SCR 435 and the Constitution Principles of 1982 as well as the logic of Namibia's dependence upon South Africa to the shape of the post-independence settlement cannot be under-estimated. As one analyst observed:

The emergence of a pluralist representative system (in Namibia) is itself a compromise among elites with competing appeals to some popular basis, rather than a result of those broadly based popular demands for government accountability that are necessary to sustain any kind of really representative system... But it is necessary to explore how sustainable that compromise is: whether the ethnic or the national unity tendencies (which make up the elite compromise) will ultimately be determinant. Also on the agenda is whether the compromise of a certain variety of pluralism may be partly at the expense of any significant transformation of an inherited socio-economic system marked by racial and, increasingly, class polarization and by dependence on South Africa – themselves features that may affect the longer-run viability of the pluralist system.⁴²

By February the following year, the constitution was officially adopted by the Constituent Assembly, a cabinet was announced and on 21 March 1990 Sam Nujoma was sworn in as president of an independent Namibia.

III. Independence and Agrarian Reform, 1990-1999

In spite of Swapo's silence on land during the transition, there was considerable expectation that the new government would need to move quickly to address this issue. At the time of independence, land ownership and usage patterns replicated the colonial past with statutory divisions between commercial and communal land, with white farmers and black farm workers working the commercial areas in the central and southern regions of the country and communal farming dominating the northern

regions. Approximately 43% of all agricultural land was in the hands of 4,200 white commercial farmers while 40% was communal land supported 140,000 black households (or an estimated 700,000 people).⁴³ Black farm workers in residence on commercial farms, numbering approximately 36,000, occupied an uncertain position with regard to their status as tenants and accompanying rights.⁴⁴ The impact of commercial agriculture on the economy differed, with commercial farming contributed 8.7% to the country's GDP while communal farming provided 3% to GDP, though the former was now able to broaden its markets beyond South Africa.⁴⁵ Agricultural exports, consisting primarily of commercially-raised cattle sold to the European Union and South African markets, accounted for 9.1 % of total export earnings by Namibia and, as such, were significant to the economic well-being of the country. However, with independence new trends such as the illegal enclosure of land in the communal areas, coupled to returnees from exile and population growth, began to put new pressure on land.⁴⁶

The importance of the land question to the Namibian government was signalled from the outset when parliament recommended the establishment of a special national conference on the subject. The National Land Conference held in Windhoek in 1991 was attended by five hundred delegates drawn from government, opposition parties, the media, foreign donors as well as civil society. It was at this setting that the president confirmed that the policy of national reconciliation would guide the government's approach to agrarian reform.⁴⁷ The result was a de-emphasis on the centrality of restitution based on past claims and a shift towards addressing the issue through recourse to market-based solutions. A technical committee was created to address the key points raised during the conference, specifically, the role of foreign ownership (even in 1976 only 52% of all commercial farms were owned by Namibians)⁴⁸, the status of black labourers on commercial land and the conditions for expropriation of neglected or under-utilised land. The Ministry of Lands, Resettlement and Rehabilitation was formally designated as the administrative centre of the land question, a position which some would argue was to ultimately contribute to delays in addressing the issue.

Part of the reason the government was able to adopt this approach to land was that Swapo's support base was drawn from among the Ovambo people who themselves had not suffered expropriation under the colonial administration. The colonial expropriation of land took place in the south and central regions, which are predominantly arid and semi-arid and only allow for limited dry land farming and livestock. Therefore, historically it was the Herero, Nama and Damara peoples of these regions who were subjected to systematic dislocation from their land, first by German and then by South African authorities. As noted earlier, they themselves also had a record of claims and counterclaims to the land based on a century of migration and inter-ethnic conflict. White commercial farms – in fact, a misnomer as most of the land is used for cattle ranching or related activities – were established in these areas and benefited from considerable financial and infrastructural support to sustain their sometimes precarious existence. These farms remained costly enterprises, fully oriented to the export market and, even in the heyday of South African support, could do no more than create 'an inflated colony of over-capitalised ranchers whose high levels of personal consumption absorb a disproportionate share of the income which their expensively efficient output generates.'⁴⁹ An exception to this was the so-called 'maize triangle' (Grootfontein-Tsumeb-Otavi, also known as the Otavi highlands), a

relatively well-watered area primarily due to higher rainfall and irrigation investments stretching back to the colonial era. Approximately 500 white-owned commercial farms dominated in this region, though Herero and San communal areas set on inferior land abutted commercial farms to the southeast.

To the north, the new government divided the tribal reserves into administrative regions and commenced upon a large scale infrastructure development programme. Here, the bulk of the country's population resided in what was the country's best agricultural land with access to perennial water sources in the Kavango and Linyati rivers. Land was still farmed communally and while there had been some pressure in the period since independence to push the boundaries of cultivation activities outside of the communal areas, this was partly in response to the illegal fencing activities of commercially-oriented black farmers based there. Barriers to market entry for black communal farmers in the north were primarily the poor local infrastructure (including access to abattoirs, refrigeration and markets) and the imposition of the veterinary 'red line' which separated the commercial cattle inoculated against diseases like foot and mouth in the south from those in the north (which effected access to the all-important European market). Meatco, the only major purchaser of livestock from the area of the 'red line', paid lower prices to communally raised cattle and thus reduced the income possibilities for black farmers based in there.⁵⁰

The communal areas, the new designation for the tribal reserves, lost some of the key features of the governing system introduced under South African rule after 1990. Though customary law had been enshrined in the constitution, it was made subordinate to the constitution and subsequent legislation which reinforced the dependent status of traditional leaders. The tribal police force and courts were dismantled by the new government in Windhoek and the status of 'authentic' traditional authorities revisited as was the government payment scheme. Lacking their own financial support structure, traditional leaders were encouraged to play an advisory role in the newly formed Regional Councils and local authorities and their overall position was recognised through the creation of a national level Council of Traditional Leaders.

The importance of these traditional leaders to the land question rested in their continuing importance as a legitimised authority in rural Namibia.⁵¹ Therefore, despite this apparent enmity to traditional structures in the new legislation, Swapo, which owed its success as a liberation movement to support within much of Ovambo-speaking areas and saw for pragmatic political reasons the utility of maintaining the existing structures. Local Ovambo leaders and their constituencies consistently returned overwhelming majorities in the national elections and this core of political support, which represented over 60% of Namibia's population, provided what was in effect a traditionalist anchor to politics in the new democracy. The government's reluctance to take up the formal questions of title and access to land, areas which traditional authorities exercised crucially *de facto* (if not always *de jure*) power over the people in their area, was largely related to this. Thus for the first decade of independence issues such as rights to the land in the communal areas continued, irrespective of the constitution, to be mediated through a state-supported network of traditional leaders.⁵² At the same time, some unscrupulous chiefs sold land illegally or negotiated limited access to communal grazing and, while the practice was criticised by the government, little was done to address it in the first decade of

independence.⁵³ Differences between Namibia's communal areas were rooted in environmental conditions, population density, local employment opportunities as well as access to political largesse. For example, households in the north depended on agriculture for only 20% of their income while 44% of households in the eastern communal areas (essentially the Herero and San peoples) relied on sales of livestock as the major income source.⁵⁴ The government's universal pension scheme, which provided N\$134 per month as of May 1994 to recognised retirees, played an important part in maintaining families in the rural areas.

The model for land reform in post-independence Namibia – ironically drawn from what was seen to be Zimbabwe's apparent success at the time – was that of a market-based 'willing-buyer, willing-seller' approach. First, there was a commercial orientation, with the Agribank's (heir to the Land Bank) Affirmative Action Loan scheme launched in 1992 and providing low interest loans for the purchase of farmland and inputs by black commercial farmers. Second, the government used its statutory right of review and purchase of any commercial farmland brought on the market. The Ministry of Land, Resettlement and Rehabilitation (MLRR) was responsible for surveying and assessing all commercial farmland, making decisions on purchase as well as resettling black families on newly acquired land. Expropriation of underutilised land with due compensation was accepted by all parties to the National Land Conference of 1991 and found its way into national legislation in subsequent years.

Underpinning the government's approach to land reform was to be a raft of legislation on commercial and communal land, coupled to the establishment of particular institutions created to address some of the key concerns of the land issue. As it turned out, little concrete progress was made in developing the legislative framework for land reform in the first years of independence. A notable exception was the Affirmative Action Loan Scheme, which provided loans at concessional rates to new farmers for twenty-five years and issue guarantees of up to 35% of the purchase price. This support was deemed necessary to cover the difference between the market price of commercial land and its actual valuation as a productive asset.⁵⁵ By 1995, the Agricultural (Commercial) Land Reform Act was passed by parliament which confirmed the right of the state to purchase land at market prices for redistribution (including the right of 'first refusal' and expropriation), initiated a process of surveying all commercial property for division into smallholder plots, established some of the institutional structure for the process (the Land Reform Advisory Commission and the Land Tribunal) and created the National Agricultural Credit Programme to provide credit aimed specifically at communal farmers.⁵⁶ The Land Reform Advisory Commission's task was, amongst others, to identify what would be the appropriate sized parcel of land that could support an 'economic unit'. The Land Tribunal was charged with resolving disputes between buyers and sellers of commercial land. The key issue of who should be the beneficiaries remained clothed in generalities:

Namibian citizens who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibians who have been socially, economically or educationally disadvantaged by past discriminatory laws and practices.⁵⁷

Land purchases by the government of over N\$70 million resulted in 567,000 ha of freehold farmland being made available for resettlement by 1999.⁵⁸ The bulk of this was acquired after the passage of the 1995 Agricultural (Commercial) Land Reform Act, underscoring the importance of the legal framework in guiding the process as well as the annual commitment of N\$20 mn to purchasing land. Concurrently, the inclusion of specific goals for land reform within the first National Development Plan (1995/1996-1999/2000), that is that 14,000 people to be resettled and 150,000 ha to be purchased by 2000, provided for the first time specific targets for reform. The Land Reform Advisory Commission's criteria of what constituted an economically viable smallholding, namely, no less than 1000 ha in the north and central regions and no less than 3000 ha in the south, was used as a guide. The largest purchases of land were drawn from four areas, the Hardap, Kara, Omaheke and Otjozondjupa regions.

The passage of the Agricultural (Commercial) Land Reform Act of 1995 coincided with the recognition amongst commercial farmers that the era of automatic subsidies and generalised government support was coming to an end. Some whites sold farms – or parcels of land – to the government at market prices that were not particularly productive, others sought to sell their property and then emigrated abroad. Indeed, on this latter point it should be noted that in contrast to the independence period in Kenya and Zimbabwe – which saw a large section of the white farming community emigrate to what was then a white-ruled South African state – the Namibian whites tended to stay in the country at independence as South Africa was itself in the process of a what appeared to be a volatile political transition. The proliferation of game farms or other tourism-oriented uses of the land also reflected the commercial farmers search for a new means of earning a living in the absence of government support. Furthermore, the proposed introduction of a land tax by 2000 raised the cost of ownership of large tracts or multiple farms and ultimately encouraged the selling off of land. During this period, a number of white farmers used loopholes in the 1995 Agricultural (Commercial) Land Reform Act to form close corporations that took ownership of their property and were exempt from the strictures of the law as writ.⁵⁹ This action, coupled to the blatant sale of marginal land to the government for resettlement, was to fuel dissatisfaction and cynicism amongst ordinary Namibians and Swapo party officials alike towards the government's market-based approach to land redistribution.

Still, despite these harbingers of change, the white farmers as well as the government remained confident that the existing system of land reform would be sufficient to stave off pressure. Indeed, even international analysts were complacent as to the land issue, stating as late as 1998 that it wasn't on the government 'agenda' for fear of its impact on commercial agriculture.⁶⁰ The onset of Zimbabwe's fast-track land reform process and the ensuing crisis that eventually engulfed the region was to change all this.

IV. The Revival of the Land Question

The issue of land moved back onto centre stage in Namibia through a combination of regional and domestic factors. Behind the renewed public debate on agrarian reform was a heightened awareness brought on by events in Zimbabwe, the role of NGO activists and media interest in land-related issues, all of which fed a growing disquiet within Swapo ranks as to the post-independence status quo. The result was that the

consensus which had marked the approach adopted by government elites and commercial agricultural interests, and had been wrapped in the mantle of national reconciliation policy, came under increasing pressure. White farmers initially defensive response to criticism, coupled with their unwillingness to recognise their own dependency upon the government, led to increasingly radical rhetoric from Swapo and contributed to the growing atmosphere of crisis. Concurrently, the emergence of a new generation of Namibians whose ties with the governing party were less secure and, in conjunction with the prospective retirement of President Nujoma, inspired aspirants to Swapo leadership to seek out new sources of political mobilisation. Finally, Nujoma's close personal relationship with Robert Mugabe, which has resulted in a number of public declarations of support for the Zimbabwean president, caused many observers to see Mugabe's influence in the decision to accelerate land reform.

A. Crisis abroad

The impact of the crisis in Zimbabwe upon Namibia's own land question has been significant. While the details of the Zimbabwean crisis are dealt with in Chapter One, the rising tempo of international opprobrium aimed at the Zimbabwean government's conduct towards 'fast track' land resettlement and elections, coupled to Western pressure placed upon regional actors to condemn the situation and its disruptive effects upon the economies of the region, drew neighbouring states like Namibia into the debate. Furthermore, the regionalisation of Southern African civil society, which actively sought to make comparisons between their respective local situations on a range of topics including land as well as co-ordinate strategy, contributed to the influence of the crisis upon Namibian actors.⁶¹

The heightened profile given to land reform in Zimbabwe was instrumental in galvanising activists, Swapo militants and -- though from a different perspective -- the commercial farming sector in Namibia. Before 1999, Namibia's civil society activists had been unsuccessful in putting land on the public agenda. The government's determination that reconciliation would be the primary guide to inter-group relations, coupled to its policy of retaining the basic contours of a market economy while expanding the civil service to absorb Swapo cadres, meant that commercial agriculture was fundamentally left alone. International donor funding for land issues, reflecting their human rights and economic justice orientation, had provided the requisite resources to conduct research and convene workshops on land issues both inside Namibia and regionally. The exposure that Namibian NGOs received through these regional workshops, such as those conducted by Mwengo in South Africa, and funded visits to Zimbabwe helped shape the tone of their understanding of Namibia's land question.⁶² For instance, having felt itself to be marginalised by the MLRR in the drafting of the Agricultural (Commercial) Land Reform Bill, the umbrella organisation for civil society, the Namibian Non-Governmental Organisations Forum (Nangof) organised a conference in September 1994 to discuss the shortcomings of the land reform process. The Namibian National Union of Farmers (NNUF), a black commercial farmers organisation, held a conference in 1998 to highlight their concerns at the slow pace of land reform.⁶³ This in turn was followed by a report released in October 1998 which examined the land question in Zimbabwe and South Africa and called for closer analysis of these cases as a guide for Namibia.⁶⁴ Only a year later, as the Zimbabwean land invasions

reached a peak, the NNFU and Nangof's cautious position was to become more explicitly challenging to the government and commercial farming sector (see below).

While civil society came increasingly to see the Namibian land issue in terms which echoed the Zimbabwean situation, the Namibian government was the process of developing a closer relationship with its Zimbabwean counterparts. At the heart of the reaction of the Namibian government to the crisis in Zimbabwe has been the growing affinity between the leaders of the two states. Nujoma's admiration for his fellow guerrilla leader increasingly manifested itself in a co-ordinated approach towards regional affairs. The first concrete expression of this was Nujoma's sudden decision to commit troops, at the behest of Mugabe (in his capacity as head of the SADC Organ on Defence and Security), in defence of Laurent Kabila's embattled regime in the Democratic Republic of the Congo (DRC) in August 1998. Such was the ad hoc nature of the request, that Nujoma ordered the country's military commander into the Congo despite the fact that the Namibian armed forces lacked the basic logistical requirements to conduct such an operation.⁶⁵ This relationship was reinforced with the signing of a Defence Pact by Namibia, Zimbabwe, Angola and the DRC in April 1999. Subsequent support from the other key SADC state which intervened in the Congo, Angola, in combating separatist dissent on the Caprivi strip (as well as tackling Unita's lingering presence) in 1999 and 2000, contributed to an deepening of the partnership between SADC states with traditional concerns of state security opposed by South Africa and Botswana. This security and diplomatic co-operation on the Congo intervention, especially as it manifested itself in a deeply divided SADC, paved the way for a closer working relationship on other regional issues. And, as Zimbabwe's own crisis grew in proportion, the Namibian president's position of support for his beleaguered fellow leader assumed greater importance as the land issue became internationalised.

B. Discontent at home

By 1999, the period of relative quietude on the land issue was coming to an end. Behind this change within the domestic environment were a number of factors including dissatisfaction arising from the economy, publicity surrounding the farm workers' dismissals, pressure in the communal areas as illegal enclosures continued to marginalize smaller producers and, finally, party politics within Swapo.

Though the Namibian economy performed reasonably well in the aggregate during the first decade of independence, posting growth rates of 4.2% between 1990 and 1996 and levelling off for the remaining four years, this situation disguised some serious structural difficulties within the economy that remained unaddressed.⁶⁶ (In this context it is worth noting that a single season of drought knocked GDP from 8.2% in 1992 to -1.9 in 1993.)⁶⁷ Investment continued on a path of stasis, there was little development of economic activity beyond the traditional sources of primary production, with the capital-intensive diamond mining industry accounting for 40% of GDP followed by fisheries, and the country's seminal dependence on the South African economy remained unchallenged.⁶⁸ Namibia's GDP per capita remained static as well over the ten years at N\$5,000 but more importantly these gross figures disguised the inequities in Namibian society. The UNDP's *Human Development Report 2000/2001* published figures that suggested that, in spite of a decade of independence, over 25% of the Namibian population remained in poverty.⁶⁹

Namibia's classification as a middle-income country by international organisations disguised significant distributional differences within society, with 10% of the population claiming 65% of the national income and the remaining 90% receiving only 35%.⁷⁰ Unemployment continued throughout this time to hover between 30-40% and this was especially pronounced amongst the youth and rural population. Moreover, for Namibians living in the communal areas in the south-central parts of the country, a pattern of state neglect exacerbated their already difficult economic conditions. Finally, farm workers remained amongst the poorest group in the country, with over half of them living on commercial farms in conditions of poverty and far from basic social services.

By way of contrast, the emergence black elite saw their incomes rise dramatically primarily through access to government or parastatal jobs.⁷¹ As Namibian law does not allow for an assessment of the racial or ethnic composition of social classes, it was only through inference and observation that one could assert that, along with the new black governing and business class, economic conditions remained the same for the bulk of the white population. The UNDP, using language group as a proxy for race, determined that the Human Development Index for 'European language speakers' (which included Afrikaans) was equivalent to that of Scandinavia while some sectors of Namibian society, such as Caprivian speakers, were at a level with other impoverished African countries.⁷² Dramatic improvements in education and access to health achieved through government efforts in the previous ten years masked the widening regional and urban-rural disparities. For example, per capita income in Khomas region, where Windhoek is located, stood at N\$11,359 while in rural Omaheke it was N\$3,944.⁷³ The convergence between white Namibians' private ownership of land, at 43% of the total land available and their high income, in contrast with the impoverished conditions for dwellers in communal areas, increasingly drew some observers to the conclusion that thorough-going land reform would resolve the question of poverty in the country. By the end of the first decade of independence, veteran analyst Wolfgang Werner was able to say that 'the unequal distribution of land is widely regarded as the main cause of rural poverty and economic inequities (in Namibia).'⁷⁴

The slow pace of land reform in the period from independence up to 1995, which saw fewer than 20 commercial farms purchased by the MLRR, underscored the lack of official commitment to prioritising agrarian issues at that stage. Coupled to this was the government's lassitude in developing the necessary legislation to support the land reform process. However, with the passage of the Agriculture (Commercial) Reform Act in 1995, a key pillar of the legal framework was put into place and, along with the government's annual allocation of N\$20m over five years to the MLRR, the means needed to give greater effect to land reform policy was at last in place. An important factor in raising the profile of land as well as providing the information (or at least some of it) needed to critique the government's position was the publication of a number of government reports, such as the National Development Plan (1995-2000) and 'Vision 2030'. Coming at the time of an election, these reports provided heretofore difficult to get statistics on national policy on land reform. Even though some questioned the veracity of certain figures, they nonetheless provided ammunition to critics eager to find fault with the government's slow pace on land redistribution. Furthermore, they obliged the government to commit itself to specific

targets against which their conduct could be measured, though the controversy over the government's statistics on land reform continued to be a source of obfuscation.⁷⁵

Another source of renewed criticism of the government's land policy was that of civil society. In September 1999, the NNFU, Nangof and the National Union of Namibian Workers organised a march on parliament to protest the slow pace of agrarian reform as well as their exclusion from consultation on proposed legislation on communal land rights.⁷⁶ After a visit to Zimbabwe in April 2000, the NNFU and Nangof were able to call upon the Zimbabwean experience as a stark warning to the government and the white commercial farmers that land reform was imperative to stability in Namibia, declaring, 'Let us keep in mind that today is Zimbabwe and tomorrow could be Namibia.'⁷⁷ This was coupled to the activities of international donors and foundations which, alarmed by events in Zimbabwe, supported projects and NGOs in Namibia that looked more closely at the land issue. Though relatively isolated from Swapo circles through their past ties to the DTA, the attempts by traditional Herero tribal leaders to seek financial restitution from the German government for the 1904 massacres added to international perceptions of crisis. The approaching anniversary of the massacres were increasingly portrayed as a potential flashpoint for dissent and violence, a position which German donors were to take seriously.⁷⁸

At the same time, the conduct of the white farming community brought the land issue into the forefront of national debate as well. The apparent intransigence of farmers to offer to sell suitable agricultural land to the government as well as inflating prices for that land in the process inspired public criticism by Swapo officials. In 1997, the MLRR's Deputy Secretary, John Mbango, complained that the ministry was unable to obtain enough land due to 'inflated and unrealistic' prices set by white farmers.⁷⁹ The difficulties experienced in surveying and registering commercial farms, including (as mentioned above) the establishment of closed corporations by owners, was another area of concern for the MLRR. Furthermore, the publicity surrounding the ousting (or 'dumping') of farm workers from white commercial farms in Omaheke and other parts of the country exposed the public to the dire conditions which faced many black Namibians employed in agriculture.

Within Swapo ranks, discomfort and dismay at the growing domestic criticism over land resulted in a closer scrutiny of the actions of commercial farmers. For senior Swapo ministers, the sense that white farmers were exploiting the government's policy of reconciliation became more pronounced. The rising cost of land offered up to the MLRR coupled with the difficulty in obtaining land suitable for agriculture was seen as obstructionist measures deliberately fostered by the commercial farmers to disrupt any land reform measure. Swapo MPs themselves, many of whom were able to use the Affirmative Action Loan scheme to obtain farms, found themselves unable to meet the interest payments on their loans when they came due.⁸⁰ Paradoxically, the difficulties of farming in Namibia were brought home to the black leadership (most of whom opted for part time farming), bringing them closer to a position of concern that reflected the outlook of established white commercial farmers.⁸¹ Concurrently, political opportunism and idealism drove a new generation of activists such as Swapo-affiliated trade unionists like Risto Kapenda and Ponhele Ya France as well as Swapo cadres in the Youth League, to (in the words of the Prime Minister) 'shout about grabbing land'.⁸² Older voices like Nahas Angula, began to take up critical positions against established government policy on land as well.

More broadly, constitutional issues regarding the presidency came to play a role, albeit in an indirect way, in raising the profile of the land issue as well. The 1994 elections returned a larger majority for SWAPO, with 72.7% (53 seats) at the expense of the DTA's 20.4% (15 seats).⁸³ This placed the governing party in the position of being able to re-write the constitution through the passage of amendments. In this context, the debate around Nujoma's decision to seek a third term as president, in spite of the constitutional limitations barring such a move, became linked with the possibility of altering the legal status of property rights to enhance 'fast track' land reform. With an eye to the evolving Zimbabwean situation, where Mugabe had begun to use Zanu-PF's parliamentary majority to override constitutional restrictions on action, critics voiced concern that the historic compromise embodied in the transition and its constitution would be undermined by legislative fiat. Stoking the sense of crisis has been a series of contradictory statements by Namibia's president, who issued strong warnings aimed at the white commercial sector and seemingly echoing the bellicose rhetoric of more radical politicians within Swapo and the trade union movement. In the end, Nujoma's position as the only individual able to unite the increasingly fractious divisions within the party became a major factor in winning support amongst the rank and file for an additional term in office.

C. The revival of the national debate on land

After boasting in its 1999 electoral campaign that the Swapo controlled government had exceeded land resettlement targets in its ten years in office, it was forced to admit that its figures had been wildly exaggerated. This brought the spotlight onto the MLRR and a gradual awareness that it had failed to even make full use of the funds allocated to it. In particular, the Ministry's resettlement programme was seen to be badly mismanaged and subject to corruption to the point that it had contradictory information on the number of persons and farms involved in their programme as well as expenditure involved. Little or no technical assistance had been provided to resettled farms in the years since they had been established, allowing some to degenerate into communal farms.⁸⁴

The onset of another cycle of drought in 2001, which has resulted in 640,000 Namibians facing starvation (one third of the total population of 1.8 mn) by 2004, placed additional pressure upon the government.⁸⁵ The status of farm workers, said to number anywhere between 35,000 and 50,000, has received particularly close attention since 2002. Traditionally living a precarious existence at the behest of the white farmers, complicated by their uncertain tenure status on commercial farmland, the onset of new labour legislation in 2003 coincided with further evidence of 'dumping' of farm workers off the land. This treatment, although not as widespread as media reports suggested, was nonetheless a highly emotive issue and appeared to have influenced the selection of farms to be listed for expropriation.⁸⁶

By 2001, only 97 commercial farms (totalling 568,821 hectares) had been acquired for resettlement and 1,964 black families resettled. The promulgation of the MLRR's White Paper on Resettlement in October 2001, which outlined the nature of the commitment of the government towards families settled on newly acquired land, provided a blueprint for the resettlement process which itself had come under considerable criticism. The clear absence of technical or financial support for

resettled black farms resulting in the deterioration of functioning commercial farms had been a hallmark of the programme in its first decade.⁸⁷ Complicating matters was the fact that resettle farmers had no title to the land and, consequently, no ability to borrow money for needed agricultural inputs from banks. Indeed, resettled farmers in Omaheke indicated that they had not seen an agricultural extension officer or official of the MLRR in several years.⁸⁸ Some had returned to the shanty towns of the urban areas or had leased the land out illegally. Furthermore, as opposition MP Linus Chata pointed out, the absence of clear criteria on who was selected to be resettled raised the spectacle of 'cronyism and nepotism' guiding the process.⁸⁹

At the same time, by 2001 the Affirmative Action Loan scheme had loaned N\$190m to 300 black commercial farmers to purchase and make improvements on their land. Against the MLRR's abysmal record, the Agribank's success in transferring viable commercial agriculture enterprises into the hands of the new black elite was seen by some analysts as a vindication of the 'willing buyer, willing seller' approach.⁹⁰ Yet this disguised some significant problems such as the difficulties experienced in paying off the loans as they came due (an estimated 199 out of 544 defaulted on their loans by 2004)⁹¹ as well as the original purpose of the two track approach, that was to provide poor Namibians with access to commercial farmland through government purchase and resettlement.

In 2002, at the Swapo party congress, Nujoma signalled that land would be expropriated through an accelerated process if white commercial farmers did not work more closely with the government's land reform programme especially in offering land for sale.⁹² Swapo called for the government's annual allocation for purchase of commercial farm land to be increased from N\$20 mn to N\$100 mn (in the end, N\$50 mn was allocated). The land tax, which was aimed at owners of more than one property and thereby to encourage sales, and the accompanying property valuation process was re-affirmed. Numerous public statements by Nujoma and other government officials castigating the commercial farming sectors, coupled with defensive responses by white farmers, marked the rising tempo of the debate on land in subsequent months.⁹³ The establishment of a Permanent Technical Team in 2003 to conduct an audit of agrarian reform, including the existing resettlement programme, sought to put some hard statistics in the hands of decision makers. At the same time, the German government agreed to provide N\$2 million towards developing an 'action plan' on agrarian reform.⁹⁴

Finally on 26 February 2004 Prime Minister Theo-Ben Gurirab declared that 'fast track' land expropriation would be pursued actively by the government because the white commercial sector had failed to co-operative effectively with the land resettlement programme.⁹⁵ He emphasised that the process would be 'orderly' and in accordance with the law. However, the following month the Minister of Lands, Resettlement and Rehabilitation, Hifikepunye Pohamba, seemed to imply that a more arbitrary approach was being considered when he declared 'If we identify an area (a commercial farm) as good for resettlement we will expropriate it'.⁹⁶ In all, the government said that 9 million hectares was needed to settle 240,000 deprived Namibians at an estimated cost of over N\$1 billion. With a target set of resettling them by 2010, it would appear the government had committed itself to purchasing over 150 farms a year.

As the domestic crisis in Zimbabwe spilled over into SADC summitry and other regional gatherings such as the World Social Summit on Development, Nujoma's position as a staunch public supporter of Mugabe grew in prominence. With the imposition of sanctions by the EU and the United States, as well as Zimbabwe's suspension by the Commonwealth in the aftermath of the flawed presidential elections of March 2002, the Namibian president began to speak more forthrightly in terms which directly echoed Mugabe's own analysis of the crisis. Observers suggested that the relationship between Namibia and Zimbabwe became formalised through a secret mutual defence agreement and, as evidence, pointed to the stationing of Zimbabwean military equipment in the country and joint statements by the two leaders resolving to defend their respective territories from 'imperialist and colonialist' military intervention.⁹⁷ For some observers, most indicative of the closeness of relations was the secondment of Zimbabwean experts on 'fast track' land reform to the Namibian government to provide advice and support on the process.⁹⁸

Despite growing debate both internally and across the region on agrarian reform, legislation on the other facet of the land issue – the status of communal land and on land tenure – remained stalled in parliament until 2002 when the Communal Land Reform Act was finally passed. It specifically outlined the rights of individuals and communities with respect to communal land and placed the management of this land under Communal Land Boards.⁹⁹ This built upon the decisions which informed the passage of the Traditional Authorities Act in 1995, whereby the government sought to reinforce the subordination of traditional leaders to regional and local authorities juridically as well as through financial dependency.¹⁰⁰ With its membership consisting of designated 'stakeholders' appointed by the government, these Communal Land Boards were charged with addressing issues such as transfer of rights, illegal fencing and unauthorised occupation which had contributed to the successive impoverishment of Namibians in the communal areas. Notably, the Communal Land Boards were modelled on Botswana's successful Land Boards scheme which formalised intervention into an area claimed variously to be under the sole authority of traditional leaders as well as introducing the possibility of a co-ordinated development orientation to decision making. Moreover, the new legislation put into place the legal and institutional framework necessary to achieve the government's longer term desire to harmonize commercial and communal land policy in line with the Ministry of Agriculture, Water and Rural Development's national plan for an expansion of development and resettlement into under-utilised land north of the 'red line'.¹⁰¹ A key feature of this is the Green Scheme, a multi-million dollar programme aimed at training small farmers in conjunction with improved irrigation in 27,000 hectares of Namibian territory as yet un- or under-utilised and expected to provide fulltime employment for 10,000 and temporary employment for 37,000 persons.¹⁰²

The response of the white commercial farmers to land reform since 1995 hovered between obstruction and co-operation. The National Agricultural Union (NAU), headed by Jan de Wet (a controversial figure who played a key role in administering the territory during the apartheid era), was initially critical of the government's approach, seeing it as a threat to their members' interests. This manifested itself in an unwillingness to co-operate with the national survey of commercial agriculture holdings, the inflation of land prices and offering of sub-standard farmland to the government for purchase, as well as the actions of members who sought to disguise

ownership through recourse to establishment of closed corporations and other strategies. In fact, the NAU itself went so far as to organise a collection in 2002 for beleaguered white farmers in Zimbabwe, reflecting the seminal importance of racially-designated identities for settler communities in the region in the post-independent era. This proved to be a turning point, bringing withering criticism on the white farming sector by the government who questioned the NAU's patriotism and commitment to addressing the concerns of black Namibians.¹⁰³ De Wet admitted that the farm occupations in Zimbabwe provided some stark lessons for Namibia's white farmers:

Mugabe had given the commercial white farmers ten years to position themselves, but when the election came, the vast majority of the commercial farmers joined the opposition. So, when Mugabe again won the elections, his sympathy for the white farmers was gone. Did the farmers (in Zimbabwe) regard themselves as a political or economic factor? In Namibia, the commercial farmers' union decided to withdraw from politics. We want to avoid a Zimbabwean situation, destabilisation and increased poverty.¹⁰⁴

After 2002, the NAU sought to work increasingly closely with the black commercial farmers' organisation, the Namibian National Farmers Union (NNFU), in developing a supportive approach to the land issue in conjunction with significant donor support. Technical assistance and mentoring schemes were introduced to improve the success rates of new black commercial farmers.¹⁰⁵ Pressure from the farm workers union, which targeted specific farms involved in labour disputes, produced joint agreements with NAU members as often as it did further acrimony.¹⁰⁶ The establishment of a white 'rejectionist' splinter organisation, the Namibia Farm Support Initiative (NFSI), in 2004 served to underscore how far the NAU has come in recognising the dangers to its interests posed by adopting a recalcitrant position on the land issue. Led by Sigi Eimbeck, the NFSI purported to represent the sentiments of some white farmers but it remained a minority organisation with no concrete means of reversing government policy. It cast the debate in economic terms, the classic position adopted by white farmers after independence:

The (24 listed) farms Mr Pohamba wants to take are collectively at least N\$180 mil worth; that is nett (sic) economic value. These farms generate an annual turnover of at least N\$10 mil. At least 350 Namibians benefit directly from the salaries paid by these farm owners. About 2250 Namibians will loose (sic) a livelihood (sic) if Mr Pohamba has seized these farms. The direct, indirect and value added tax these farmers pay annually is enormous.¹⁰⁷

The broader political climate in which the agrarian reform debate took place was the public speculation over a possible fourth term in office by Nujoma throughout 2004. The apparent indecision raised fears (as before) that the government's parliamentary majority would be used to alter the constitution and the implications that that held for the sanctity of property rights. In the end, Nujoma's decision, confirmed in the aftermath of a controversial Swapo Central Committee meeting in April 2004, not to seek a fourth term in office was a crucial one. In so doing, Nujoma took an important step in disentangling the politics of succession from the land issue, paving the way for his chosen successor former Minister of Lands, Resettlement and Rehabilitation, Hifikepunye Pohamba, to frame the new policy. Swapo unity, apparently threatened

with Nujoma's withdrawal, was re-affirmed through Pohamba's skilful coalition politics.¹⁰⁸ Pohamba's election to the presidency in November 2005 and Swapo's gains in the National Assembly of 55 seats cemented the stronghold that the government had over Namibian politics, consigning the fragmented opposition to the margins.

VI. Between Symbolic Politics and Substantive Agrarian Reform

The government's listing of 24 farms for expropriation in mid 2004, coupled to an increase in the MLRR's budget for farm purchases to N\$50 million per annum, has been accompanied again by a stated commitment to conduct expropriation within the framework of legality and just compensation. Having contacted the owners of the 24 properties asking them to sell their land, the Namibian government has moved to forcibly expropriate the first of these, Ongombo West, a farm fifty miles from Windhoek. The owners' involvement in a labour dispute seems to have played an important role in its selection though there were indications that mining interests were also a factor.¹⁰⁹ Reportedly, the government refused to pay the farmer's asking price of N\$9mn and offered N\$3.7mn instead, a price which a leading Namibian economist suggested was in excess of market prices and reflected improvements undertaken as well.¹¹⁰ The NAU reflected a sense of white resignation to the process, 'Even if it is difficult due to emotional and economic reasons, we have to accept that land reform is a part of the new Namibia.'¹¹¹

In spite of these very public measures, the Pohamba government's approach to agrarian reform remains tempered by a variety of considerations, including a critical reading of the sources of pressure on land, the necessity of reform in the Namibian context and the potential impact of the 'fast track' approach on economic stability. When the MLRR asked that regional governments to sign up Namibians for resettlement schemes on expropriated farms, they came up with a tally of 240,000 individuals (this figure remains, as with many such statistics emanating from the MLRR, in dispute).¹¹² Black Namibians living in the communal areas in the south-central regions, which are generally poorer in land quality and suffer from over-grazing, have often been portrayed as a significant source of pressure to accelerate land reform, as are squatters in the urban and municipal areas, who land activists claim are demanding to be resettled. There has not been contemporary national survey to support this claim and analysts suggest that, with national unemployment rates of well over 30%, the real demand among black Namibians has been for jobs.¹¹³ Furthermore, there was a sufficiently widespread recognition as to the hardships and obstacles inherent in commercial farming to dissuade a significant number for aspiring to this profession.¹¹⁴ Related to this, there is little evidence that Swapo's key rural based constituency amongst the Ovambo is interested in farming in the central or southern parts of the country, where the commercial farms are located, but rather prefer to gain access to land nearer their existing settlements.¹¹⁵ Most significantly, urbanisation continues to gather pace, with Windhoek's population alone growing at a rate of 5% per annum, and predilections are that by 2030 two-thirds of all Namibians will reside in cities and towns.

With respect to the sources of pressure, the fact that Swapo continues to gain in strength with each election only serves to have reinforced its control over the reform

process. Trade union leader Alfred Angula, himself an advocate of more thorough-going land reform, observed in 2003:

The ruling party is strong: Swapo does not need the land campaign to convince people to vote for them. If elections took place tomorrow, Swapo will win – no doubt about it. Maybe the land issue is not a top priority because every Minister has already got his farm. They can postpone this issue...until there is strong pressure from the poor. Of course the poor first have to get organised. Their patience may run out...it is just a question of time. It is all about the capacity of the political leadership to control certain explosive issues.¹¹⁶

Its unassailable position, and the concomitant failure of the opposition to capitalise on such public discontent that exists, speaks not only to the government's continued support across Namibian society, but also to Swapo party discipline as well as the fractured state of other parties. Unlike Zimbabwe, there is no credible black opposition challenge and this puts the locus of the land issue within the context of intra-party debates. In this sense, it is Swapo-affiliated organisations, particularly the NAFWU as well as the Swapo Youth League, which have given voice to disquiet over the land reform issue.¹¹⁷ The Swapo leadership's strategy has been to quell radicalism and opportunism within its ranks as it seeks to develop a solution which recognises the needs for some form of action on agrarian reform. Thus dissident voices from within Swapo like Angula's predecessor, Ya France, have been absorbed directly into the party hierarchy and effectively rendered silent in public.¹¹⁸ The opposition such as the Congress of Democrats, formed by ex-Swapo members from the internal movement with links to the trade unions, and even the DTA with its ethnic affiliation with black communities in the South, have criticised the government's land policy for its favouritism and mismanagement but have not been able to translate this into electoral victories.¹¹⁹ The overall weakness of opposition is such that, according to one academic, diplomatic representatives and foreign companies were the only force outside of government articulating critical positions which Swapo took seriously.¹²⁰

Another aspect of the land issue that has contributed to the government's underlying conservatism towards agrarian reform is Namibia's particular economic circumstances. Commercial agriculture, though not as important as other sectors, nonetheless represented just under 10% of total exports and thus the economic arguments for maintaining the status quo were convincing to the government. At the same time, by avoiding heavy borrowing from International Financial Institutions, the government has been able to maintain high levels of public spending and, through income grants and pension payments, ensure a basic livelihood for the bulk of the population. Neo-liberal strictures, whether imposed by the IMF as in Zimbabwe or internally generated as in the South African case, have had only a limited effect on the government's macro-economic policy (through Pretoria's monetary policy within SACU places certain constraints on the Namibian government). Furthermore, as avenues to enrichment still are found primarily through government itself or links to it, Swapo remains in a position to control or channel would-be dissidents. The centrality of civil service employment as an instrument of party patronage is reflected in the rising public sector spending such that government services represented nearly 40% of all expenditure.¹²¹ In this context, the slow pace of growth, undercut by the

expanding population, is the main danger for the economy as are its narrow base on mining, the prospect of over-spending by the government and persistent unemployment.

Given all of these factors, the question is perhaps not why hasn't the Namibian government done more on land but rather why has it felt the need to act at all? At the heart of Swapo's growing commitment to take action and, crucially, the form of action it has decided upon is linked inexorably to the meaning of land for the party and its activists. For the former liberation movement, the land's saliency is not primarily economic, nor is it redistributive but rather its overarching importance lies its symbolic value. Specifically, the contemporary re-emergence of the land issue touches on the seminal issue of Swapo's moral authority as a liberation movement and its concomitant right to inherit the state (and with that, the accompanying economic largesse) in the name of the people. For this reason, each travesty committed by individuals within the settler community, such as an assault by white farmers on a black farm worker in Gobabis in 2003, in effect replays colonialism's historical pageant and provides confirmation of the enduring pattern of uneven power relations and exploitation that inspired the liberation movement in the first place.¹²² In this sense, the instincts of the Swapo leadership have been to treat land as they have all vestiges of colonialism and apartheid: that is to combine assurances of political control with a policy of national reconciliation that does not fundamentally compromise economic interests. This approach conforms with Swapo's overall reluctance upon taking power in 1990 to engage in the transformation of all but the most obvious reworking of national symbols. For example, the symbolism of liberation is manifested in a new country name, flag and national anthem as well as a belated construction of Heroes Acre (based on the Zimbabwean model) but significantly has left statues and memorials to German colonialism intact. Contrast the latter with Zimbabwe and Mozambique, where statues, public names and memorials settler colonialism were systematically removed or desecrated after independence. Even name changes of streets, towns and cities – a standard feature of other post-colonial regimes – have been quite limited and further changes have been rejected by the government, arguing that it could damage tourism and investment.¹²³ Such is the government commitment to upholding this position that it is left to the opposition DTA to propose that Windhoek be renamed Otjomuise, Gobabis to Epako and Grootfontein to Otjivanda (a step rejected by Swapo).

Faced with the public outcry fostered by a coalition of activists, Swapo radicals and opportunists and the media eager to see parallels with Zimbabwe, the government has resorted to essentially symbolic utterances and acts in addressing the land issue. Ritualised public condemnation of white attitudes serves the purpose of reasserting Swapo's claim to legitimacy with the population as well as reminding settler-dominated economic concerns that their status remain beholden to the government. In this way, the attempts by farmers to gain the highest possible price for selling their land can be construed as asking 'unpatriotic prices' and a sign of colonial recidivism.¹²⁴ The address of the Deputy Minister of MLRR, Isak Katali, to the Aroab Farmers Association points to this connection:

Apparently white farmers are uncertain about their future both in farming and in Namibia. What happens to the policy of reconciliation? Have you not reconciled? The government wants to embrace the whites but you keep a

distant away (sic). Where is your loyalty to the country and to the government? The national anthem that is the symbol and your identity is not sung. How should government think about this?¹²⁵

The relative impotence of the settler community in the post-independence state, especially as it is withdrawn from active opposition party politics, allows Swapo to adopt these public stances at little or no cost to itself.¹²⁶ At the same time, the political gains with the broader population can be considerable, especially in undermining critiques produced by potential adversaries amongst the black opposition.

Much the same impetus has guided the position adopted by Namibian officials on events in Zimbabwe itself. Solidarity politics which drew together liberation movements during the anti-colonial and anti-apartheid struggle, are still important sources of political action and legitimacy for Swapo. Nujoma has been forthright in his support for his apparently beleaguered comrade in Zimbabwe and this has been reflected by such actions as Namibia's electoral monitoring team claiming that the 2002 presidential elections were 'water tight, without room for rigging'.¹²⁷ Again, the relative costs of taking this stance are small when compared with the advantages such as an enhanced stature that comes with association with what is seen across Africa (and in some sectors of Namibia) as a principled position being taken by Mugabe against neo-colonialism. In this context, the deliberate (though under-reported) emphasis on legal, constitutionally-sanctioned, means of achieving Namibia's agrarian reform are aimed as much at international donors and business as they are at local white farmers. This replicates Swapo's traditional external orientation which had guided its approach through the years in exile.

In spite of the possible gains accrued through symbolic radicalism on agrarian reform, government officials and many Swapo cadres are cognizant of the tremendous damage that a Zimbabwe-style approach to land reform has caused to that country and have expressed both publicly and privately no desire to follow suit.¹²⁸ For that reason the Pohamba government has come to the conclusion that demonstrable action of some kind must accompany verbal posturing and that the situation in Namibia is containable only in conjunction with such action. At the same time, recognition of the continuing poor capacity on part of the government as manifested in the MLRR, which has led to failures of its resettlement programmes to date, remains a concern: as the PTT report concluded, 'A danger exists that the (MLRR) resettlement programme is perceived as simply "dumping poor people in rural areas"'.¹²⁹ Thus an overriding fear of creating the conditions for communalisation of commercial farming is another key factor guiding the government's approach throughout.¹³⁰ As Pohamba himself stated in a parliamentary debate in 2003:

'It is not a policy of the government to have communal areas in the commercial area. It is not the intention. To the contrary, the government does not want to see this and prohibits this situation.'

Swapo pragmatism and willingness to forswear ideology, so much a feature of its strategy during the transitional period and the early days of independence, is cornerstone of its response to the challenges of agrarian reform. The transitional arrangements were not, as in the Zimbabwean case, seen by the liberation movement

as temporary impediments imposed by the West in collusion with the settler community to achieving the aims of the armed struggle. They were, in fact, seen as instruments that insured both national and internationally recognised political control and economic prosperity based upon the recognition by Swapo that the relatively precarious economic conditions facing Namibia. Furthermore, the constitution has not been an obstacle to Swapo ambitions: indeed, even the principle of expropriation has been an accepted (albeit reluctantly) legal instrument since the land conference of 1991 . In the long term, it is not agrarian reform as presently construed but the challenges of urbanisation and accompanying changes to the governing party's key rural constituencies, that may bring about a need by Swapo to revitalise and remobilise support. In that case, the erstwhile liberation movement may yet at some future date call upon the land issue and its links with the enduring patterns of past as a means of reinvigorating its electoral prospects.

Endnotes

¹ Richard Moorsom, *Transforming a Wasted Land: a future for Namibia* (London: Catholic Institute for International Relations 1982), pp. 11-13.

² For details on Namibia's colonial history see R Green et al, eds., *Namibia: the last colony* (London: Longman 1981); Ruth First, *South West Africa* (London: Penguin 1963). For a review of colonialism and missionary impact on the Ovambo, see Meredith McKittrick, *To Dwell Secure: generation, Christianity and colonialism in Ovamboland* (Cape Town: David Philip 2002).

³ Jan-Bart Gewald, *Herero Heroes: a socio-political history of the Herero of Namibia* (Oxford: James Currey 1999), pp. 141-191.

⁴ Estimates range between 50,000 and 80,000 killed during the war and its aftermath.

⁵ Mary Seely 'Environment: harsh constraints, political flexibility', in Ingolf Diener and Oliveir Graef, eds., *Contemporary Namibia: the first landmarks of a post-apartheid society* (Windhoek: Macmillan/Gamsberg 2001), p. 35-36.

⁶ Moorsom, *Transforming a Wasted Land*, p. 31.

⁷ Moorsom, *Transforming a Wasted Land*, p. 27.

⁸ Moorsom, *Transforming a Wasted Land*, p. 29. For an analysis of the impact of labour migration see Ruth First, *South West Africa* (London: Penguin 1963).

⁹ Wolfgang Werner, 'Land Reform in Namibia: the first seven years', NEPRU Working Paper No. 61, Windhoek, August 1997, p. 13.

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¹¹ See Christiaan Keulder, 'Traditional Leaders', in Christiaan Keulder, ed., *State, Society and Democracy: a reader in Namibian politics* (Windhoek: Gamsberg/Macmillan 2000).

¹² This was confirmed by the UN General Assembly, which recognised it as the territory's sole legitimate representative in 1973 and again in 1976. SWANU lost its status as recognised by the OAU in 1965.

¹³ United Nations Institute for Namibia, 'Namibia's Prospects for National Reconstruction and Development' (Lusaka: UNIN 1986), cited in Lionel Cliffe et al, *The Transition to Independence in Namibia* (Boulder, CO: Lynne Rienner 1994), p. 157.

¹⁴ Eric Morier...

¹⁵ For example, there was much surprise when only 3 internal Swapo leaders were given ministerial-level appointments in the first government, out of a total of 32 ministries. Cliffe, *The Transition to Independence in Namibia*, p. 215

¹⁶ James Barber and John Barratt, *South Africa's Foreign Policy: the search for status and security, 1945-1988* (Cambridge: Cambridge UP 1990), pp. 143-145.

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¹⁸ For details, see Dennis Herbstein, *Devils are Amongst Us: the War for Namibia* (London: Zed 1989).

¹⁹ Vivienne Jabri; Cliffe, *The Transition to Independence in Namibia*, pp. 67-69.

²⁰ Jabri 1990; Cliffe, *The Transition to Independence in Namibia*, p. 199

²¹ Vivienne Jabri, 1990.

²² Gerhard Erasmus, 'The Constitution: its impact on Namibian statehood and politics', in Christiaan Keulder, ed., *State, Society and Democracy: a reader in Namibian politics* (Gamsberg/Macmillan: Windhoek 2000), p. 82.

²³ For the definitive account of this, see Ken Grundy, *The Militarization of South Africa* (Oxford: Oxford University Press 1987).

²⁴ Cliffe, *The Transition to Independence in Namibia*, pp. 148-149.

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²⁷ Cliffe, *The Transition to Independence in Namibia*, p. 187. See Totemeyer... Thirion Commission 1985 and N Dollie, *A Political Review of Namibia* (..1989).

²⁸ Dollie *A Political Review of Namibia*..

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³⁰ Cliffe, *The Transition to Independence in Namibia*, p. 175.

³¹ Chester Crocker, *High Noon in Southern Africa: making peace in a rough neighbourhood* (Johannesburg: Jonathan Ball 1992).

³² Much controversy surrounds the Plan infiltration as well as the decision to authorise a South African military retaliation by the UN Special Representative. Soviet analysts' view, interestingly enough, was

that Plan 'does not always obey its leaders'. Vernon Aspaturian, 'Gorbachev's New Political Thinking and the Angolan Conflict', in Owen Kahn, ed., *Disengagement from Southwest Africa* (London: Transaction 1991), p. 40.

³³ Cliffe, *The Transition to Independence in Namibia*, p. 178.

³⁴ Cliffe, *The Transition to Independence in Namibia*, p. 221.

³⁵ AWEPA, *Consolidation of Democracy in Namibia*, AWEPA Electoral Observer Mission, December 1994 (Africa-European Institute, Amsterdam 1995), p. 9.

³⁶ Cliffe et al, *The Transition to Independence in Namibia* (Boulder, CO: Lynne Rienner 1994), p. 256-274.

³⁷ Cliffe, *The Transition to Independence in Namibia*, p. 178.

³⁸ The DTA's Dirk Mudge is reported to have said at one such session, 'If you want more of the presently white-owned farms to be bought by black people: in principle, no problem. You can have my farm, you must only pay my price.' To which Swapo's Theo-Ben Gurirab replied 'Your property is your property'. Cited in Cliffe, *The Transition to Independence in Namibia*, p. 205.

³⁹ But this did not stop both Swapo and the DTA supported the maintenance of 'preventive detention' in the constitution. Cliffe, *The Transition to Independence in Namibia*, p. 200; 205.

⁴⁰ Interview with Sam Nujoma, *New Times*, December 1988, pp. 10-11, cited by Vernon Aspaturian, 'Gorbachev's New Political Thinking and the Angolan Conflict', in Owen Kahn, ed., *Disengagement from Southwest Africa* (London: Transaction 1991), p. 41.

⁴¹ Cited in Cliffe, *The Transition to Independence in Namibia*, p. 205.

⁴² Cliffe, *The Transition to Independence in Namibia*, p. 8.

⁴³ NNFU, 'Land Reform in Namibia: meeting economic and social responsibilities', Discussion Paper, Namibian National Farmers Union, Windhoek, January 2003, p. 5. The statistics on numbers of farmers in the communal areas varies, for example, the NNFU declare there to be 138,000 subsistence farmers while the UNDP suggests that there are 144,000.

⁴⁴ The composition of farm labour had changed over the years, from 45,000 in 1956 to 40,000 in 1970 and down to 36,000 at independence. Pre-1982 data from Moorsom, *Transforming a Wasted Land*, p. 33.

⁴⁵ United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996), p. 30.

⁴⁶ Alain Dubresson and Olivier Graefe, 'The State, Accumulation and Regulation: for (sic) a political economy of Namibia', in Ingolf Diener and Oliveir Graefa, eds., *Contemporary Namibia: the first landmarks of a post-apartheid society* (Windhoek: Macmillan/Gamsberg 2001), p. 71.

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⁴⁸ Moorsom, *Transforming a Wasted Land*, p. 42.

⁴⁹ Moorsom, *Transforming a Wasted Land*, p. 40.

⁵⁰ Evidence for this was recorded in a UNDP report. United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996), p. 71.

⁵¹ Christiaan Keulder, 'Traditional Leaders', in Christiaan Keulder, ed., *State, Society and Democracy: a reader in Namibian politics* (Windhoek: Gamsberg/Macmillan 2000), p. 132.

⁵² For example, the Commission of Enquiry into Matters relating to Chiefs, Headmen and other Traditional or Tribal Leaders made no recommendations with respect to their authority to allocate land. Wolfgang Werner, 'The Land Question in Namibia', in Ingolf Diener and Oliveier Graefe, eds., *Contemporary Namibia: the first landmarks of a post-apartheid society* (Windhoek: Gamsberg/Macmillan 2001), p. 271.

⁵³

⁵⁴ United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996), p. 42.

⁵⁵ Wolfgang Werner, 'The Current State of Land Reform in Namibia: some facts and figures', background paper presented for the Consultative Conference on Land hosted by the Namibian Agricultural Union and the Namibian National Farmers Union, Windhoek, 26-27 February 2002, p.11.

⁵⁶ Communal farmers were divided into two categories: those with less than 10 ha and those, 'proto-commercial' farmers, with more than 10 ha.

⁵⁷ Government of Namibia, *Agricultural (Commercial) Land Reform Act*, 1995, section 14.

⁵⁸ Werner 2002, 'The Current State of Land Reform', p. 6.

⁵⁹ According to Fuller this represented a 250% increase in 1995-1996 over past registrations of land.

⁶⁰ Economic Intelligence Unit, *Namibia/Swaziland: Country Report, 1997-1998* (London: EUI 1998), p. 33.

- ⁶¹ See, for example, 'NGO Action on Land in Southern Africa: workshop report,' MWENGO, Sub-regional Reflection Forum, Gaborone, Botswana, 3-5 July 2000.
- ⁶² See annual reports of Ford, etc etc.
- ⁶³ Interview with Oloff Munjanu, NNFU, Windhoek, September 2003.
- ⁶⁴ NNFU, 'NNFU's position regarding Governments' <sic> resettlement scheme', draft paper for internal discussion, Windhoek, 27 October 1998, p. 5.
- ⁶⁵ Personal communication, Windhoek, September 2003.
- ⁶⁶ Dubresson and Graefe, 'The State, Accumulation and Regulation...', pp. 54-55.
- ⁶⁷ United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996), p. 33.
- ⁶⁸ Dubresson and Graefe, 'The State Accumulation and Regulation ...', pp. 56-62. An exception has been the fishing industry that has expanded considerably since 1990 though questions around its sustainability are increasingly being asked.
- ⁶⁹ United Nations Development Programme, *Namibia: Human Development Report 2000/2001* (Windhoek: UNDP 2002), p. 7.
- ⁷⁰ United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996).
- ⁷¹ Only 4 countries in the world have a higher discrepancy between GNP and HDI. Chris Tapscott, 'Class formation and Civil Society in Namibia', in Ingolf Diener and Oliveir Graefe, eds., *Contemporary Namibia: the first landmarks of a post-apartheid society* (Windhoek: Gamsberg/Macmillan 2001), p. 318.
- ⁷² United Nations Development Programme, *Namibia: Human Development Report 2000/2001* (Windhoek: UNDP 2002), pp. 32-33.
- ⁷³ United Nations Development Programme, *Namibia: Human Development Report 1996* (Windhoek: UNDP 1996), p. 9. In Ohangwena region, the area bordering Angola and the worst case, it was N\$1070.
- ⁷⁴ Werner 2002, 'The Current State of Land Reform', p. 1.
- ⁷⁵ Werner 1997, 'Land Reform in Namibia', pp. 13-14; also see Dubresson and Graefe, 'The State, Accumulation and Regulation', p. 61; Martin Adams, 'Land Reform in Namibia', Oxford, Oxfam.
- ⁷⁶ *The Namibian*, 8 September 1999, www.namibian.com.na .
- ⁷⁷ Press statement released by the Namibian National Farmers Union and Namibian NGO Forum, 24 May 2000.
- ⁷⁸ Interview with Kuaima Riruako, Herero paramount chief, Aminiis, Namibia, September 2004.
- ⁷⁹ 'Namibia moves cautiously on land deals', *Africa Recovery* 12:3 December 1998, p. 12.
- ⁸⁰ Note the ease with which a change in the Agribank's payment schedule was organised through parliamentary pressure.
- ⁸¹ Opposition MP Phillemon Moongo worried that farm workers would be allowed under legislation to claim part of his farm. National Assembly Debates 16 April 2003, pp.7-8.
- ⁸² Cited in 'Namibia moves cautiously on land deals', *Africa Recovery* 12:3 December 1998, p. 2.
- ⁸³ AWEPA, *Consolidation of Democracy in Namibia*, AWEPA Electoral Observer Mission, December 1994 (Africa-European Institute, Amsterdam 1995), p. 28.
- ⁸⁴ Author observation at Drimiopos and Vasdraai farms in Omaheke in September 2004; also see confirmation by Minister Pohamba, National Assembly, 16 April 2003, p. 10, p. 14.
- ⁸⁵ *The Namibian*, 5 May 2004, www.namibian.com.na
- ⁸⁶ Interview with NAFWU, Gobabis, September 2004.
- ⁸⁷ See, for example, the criticism levelled in parliament. Opposition MP Justice Garoeb, National Assembly, 26 June 2003, p. 220.
- ⁸⁸ Author interviews Drimiopos and Vasdraai farms in Omaheke in September 2004; also see Legal Assistance Centre critique in *The Namibian*, 10 April 2002, www.namibian.com.na
- ⁸⁹ Opposition MP Linus Chata, National Assembly, 2 July 2003, p. 271.
- ⁹⁰ According to Robin Sherbourne, 6.2% of commercial farmland had been redistributed through Affirmative Action Loans against just over 3% through MRL's resettlement programme. Robin Sherbourne, 'Rethinking Land Reform in Namibia: any room for economics?', *IPPR Opinion No. 13*, April 2004, Institute for Public Policy Research, Windhoek, pp. 5-6.
- ⁹¹ Cited in Sherbourne, 'Rethinking Land Reform in Namibia', p. 7.
- ⁹²
- ⁹³ See for example, President Sam Nujoma address to the 56th Congress of the National Agricultural Union, Windhoek, 18 September 2002.
- ⁹⁴ *The Namibian*, 25 August 2003 www.namibian.com.na .

- ⁹⁵ See Jan de Wet's address to the Kaiserstraat Boere Vereniging in November 2002. *The Namibian*, 4 November 2002, www.namibian.com.na
- ⁹⁶ *The Namibian*, 4 March 2004, www.namibian.com.na.
- ⁹⁷ *The Namibian*, 5 May 2004, www.namibian.com.na
- ⁹⁸ *The Namibian*, 16 April 2004, www.namibian.com.na
- ⁹⁹ *Guide to the Communal Land Reform Act*, Legal Assistance Centre and Namibian National Farmer Union, Windhoek, July 2003.
- ¹⁰⁰ Andre du Pisani, 'State Power and Social Forces in Namibia', in Justine Hunter, ed., *Who Owns the Land? Analysis and views on land reform and the land question in Namibia and Southern Africa*, Windhoek: Namibia Institute for Democracy/Konrad Adenauer Stiftung, February 2004, p. 38.
- ¹⁰¹ Martin Adams, 'Land Reform in Namibia', Oxford, Oxfam, p. 8.
- ¹⁰² *New Era* (Windhoek), 21 July 2005, www.allafrica.com/stories/200507210680.html
- ¹⁰³ Interview with JCoetzee NAU, Windhoek, September 2003; interview with Oloff Munjanu, NNFU, Windhoek, September 2003.
- ¹⁰⁴ Interview with Jan de Wet, Namibian Agricultural Union, 'Interviews on land Reform in Namibia', in Justine Hunter, ed., *Who Owns the Land? Analysis and views on land reform and the land question in Namibia and Southern Africa*, Windhoek: Namibia Institute for Democracy/Konrad Adenauer Stiftung, February 2004, p. 119.
- ¹⁰⁵ See for example the Emerging Farmers Support Programme, a joint project by NAU and NNFU.
- ¹⁰⁶ See for example the dispute between Harry Schneider in the Waterberg area and farmworkers, which led to calls for a land occupation by NAFWU. 'Namibian farmworkers call off land grab', Independent On-line, 18 October 2004, www.iol.co.za.
- ¹⁰⁷ See, for example, Namibia Farmer's Support Initiative, Media Statement on 2 June 2004.
- ¹⁰⁸ Robin Sherbourne, 'After the Dust has Settled: continuity or stagnation?', *IPPR Opinion No. 16*, June 2004, Institute for Public Policy Research, Windhoek, pp. 1-4.
- ¹⁰⁹ Ongopolo copper producer acknowledged this in an interview with Namibian journalists. *The Namibian* 12 July 2004, www.namibian.com.na.
- ¹¹⁰ Ben Fuller, 26 July 2005, www.africainotacountry.typepad.com/namibianews/
- ¹¹¹ *Sunday Argus*, 24 July 2005.
- ¹¹² Oddly enough, the figure appears in NFSI material produced 1 March 2004 as follows: 'The presently estimated 3800 commercial farmers employ about 37000 workers and support their families and dependents numbering about 240000.' NFSI, 'Founding of Namibian Farmers' Support Initiative', 1 March 2004, p. 1.
- ¹¹³ Interview with Christiaan Keulder, Windhoek, September 2004. Keulder provided opinion survey data from 2001 which indicated that unemployment was the top priority for 25.5% of Namibians while land reform was only important to .4%.
- ¹¹⁴ Interviews in informal settlements outside Gobabis, September 2004.
- ¹¹⁵ ~~Interview with [redacted] Windhoek, September 2004.~~
- ¹¹⁶ Interview with Alfred Angula, General Secretary of the Namibian Farmworkers Union, 'Interviews on land Reform in Namibia', in Justine Hunter, ed., *Who Owns the Land? Analysis and views on land reform and the land question in Namibia and Southern Africa*, Windhoek: Namibia Institute for Democracy/Konrad Adenauer Stiftung, February 2004, pp. 116-117.
- ¹¹⁷ This is despite their reportedly shallow representation by genuine farm workers.
- ¹¹⁸ Ya France, once considered a radical on the land issue, was made a Swapo MP in the 1999 elections and has rarely spoken out thereafter. His ambitions to be nominated Minister in MLRR were never realised (see *The Namibian* 27 March 2000, www.namibian.com.na) His frustration was evident in interviews conducted by the author. Ponhele Ya France, Windhoek, September 2004.
- ¹¹⁹ Opposition MP Phillemon Moongo, National Assembly Debates, 16 April 2003, pp. 9-10
- ¹²⁰ Joseph Diesco, 'Government and Opposition in Post-Independence Namibia: perception and performance', paper presented at Conference on Building Democracy, Namibian Institute for Democracy, 30 November 1996, p. 14.
- ¹²¹ Andre du Pisani, 'State Power and Social Forces in Namibia', paper presented at Conference on Building Democracy, Namibian Institute for Democracy, 30 November 1996, p. 30.
- ¹²² *The Namibian Economist*, 14 February 2003.
- ¹²³ Legal Assistance Centre report on resettlements, *The Namibian*, 13 July 2005, www.namibian.com.na.
- ¹²⁴ Minister Hifikepunye Pohamba, National Assembly, 25 June 2003, p. 177; Opposition MP Linus Chata, National Assembly, 2 July 2003, p. 272

¹²⁵ Address by the Deputy Minister of MLRR, Isak Katali, to the Aroab Farmers Association, 8 August 2003, p. 8.

¹²⁶ Joseph Diescho notes that the Namibian government, like other post-colonial governments, 'feels less threatened by white opposition which they do not see as dangerous as opposition emanating from their own groups. Black politicians would rather see white opposition as a temporary nuisance from which they nevertheless can draw logic and strength.' Joseph Diescho, 'Government and Opposition in Post-Independence Namibia: perception and performance', paper presented at Conference on Building Democracy, Namibian Institute for Democracy, 30 November 1996, p. 22.

¹²⁷ Cited in Henning Melber, 'From Controlled Change to Changed Control: the case of Namibia', in H Melber, ed., *Limits to Liberation in Southern Africa: the unfinished business of democratic consolidation* (Cape Town: HSRC 2003), p. 146.

¹²⁸ Almost without exception, all interviewees from top Swapo officials to youthful cadres in towns in Omaheke and Otjozondjupa expressed this point of view.

¹²⁹ *The Namibian*, 10 April 2002, www.namibian.com.na

¹³⁰ Minister Hifikepunye Pohamba, National Assembly, 16 April 2003, p. 14.