



## USAID COUNTRY PROFILE

### PROPERTY RIGHTS AND RESOURCE GOVERNANCE

# NAMIBIA

#### OVERVIEW

Namibia is a large, arid to semi-arid country with a population of just over 2 million. The country has the world's second-lowest population density and its natural resource endowment has enabled it to generate an average per capita income that puts it in the middle-income category, although Namibia has the highest income disparity in the world with basic health, poverty measures and unemployment worsening substantially over recent years. Articulated in 2004, Namibia's 2030 Vision will continue to promote the creation of a diversified, open market economy, with a resource-based industrial sector and commercial agriculture." (GRN 2004a:8) The resources in question are largely minerals (copper, uranium, zinc, gold, gemstones, and others) although fish, wildlife, and a unique landscape might also be noted as critical parts of Namibia's resource base. Extensive production of cattle (and leather) for export is the main focus of Namibia's commercial agriculture. Namibia's 2010 ranking for ease of doing business is 66<sup>th</sup> of 183 economies included in the International Finance Corporation's (IFC) assessment process.

Namibia's agricultural resources are not, however, equitably distributed among the population nor are the benefits of a successful industrial economy that is based on mineral exploitation (job creation, income generation) broadly shared. Since the country's independence in 1990, the Government of the Republic of Namibia (GRN) has taken steps to address the inequality in ownership of agricultural resources, employing market mechanisms to redistribute land from a small number of large commercial white cattle-owners to a broader group of black farmers. Due to the limited success of the willing buyer/willing seller approach, the government has considered the option of expropriation in some cases. Progress toward wider, sustainable ownership by previously disadvantaged Namibians of farmland and grazing lands, and the provision of property rights to marginalized groups (e.g., women, those affected by HIV/AIDS, the San ethnic group) has been slow, however. There have been legislative and programmatic efforts to protect and improve the rights of marginalized groups, but access to Namibia's productive agricultural lands remains highly inequitable. On the other hand, significant progress has been made in establishing wildlife tourism as a rural economic activity, with local communities exercising natural resource management rights through entities known as conservancies. Starting in 1993, USAID's support through the Living in a Finite Environment (LIFE) project contributed to this effort. The Millennium Challenge Corporation (MCC) is now implementing a four-year Conservancy Development Support Program that builds on natural resource management and governance achievements of the LIFE Project and focuses on tourism enterprise development.

#### KEY ISSUES AND OPPORTUNITIES FOR INTERVENTION

As Namibia continues to pursue its Vision 2030 plan for long-term national development, it will need to take all possible measures to increase equity of opportunity for its previously disadvantaged population by ensuring access to and sustainable use of its land and renewable natural resources and by sharing the incomes associated with exploitation of non-renewable resources. Systems to secure individual property ownership combined with well-managed communal tenure systems governing land and other natural resources will provide fundamental building blocks for future advances in sound resource governance. External support could be useful in several areas.

- **Support greater access for marginalized groups.** Namibia's land-reform initiatives require prospective beneficiaries to interact with various governmental and traditional entities, such as Land Boards and Traditional Authorities. Absent affirmative efforts, Namibia's most marginalized people, including the San, those affected by HIV/AIDS, and women are may be overlooked in land-reform programs because they lack awareness of the programs and their potential benefits, are more likely to be illiterate, and often have limited mobility. In addition, when marginalized groups obtain leaseholds and resettlement opportunities, they may require specifically targeted support to help them engage in productive livelihood activities. *Donors could assist the government's reform efforts*

*by developing programs that target these groups and ensuring that they have equal ability to receive leaseholds and resettlement opportunities.*

- **Refine and support additions to the legal framework.** Namibia’s legal framework governing land rights is generally comprehensive and up-to-date. The government is currently engaged in an effort to harmonize its communal and commercial land reform acts. As revisions to the laws are considered, donors could help identify areas in the legal framework that could be strengthened or gaps addressed, such as the need for a single, uniform inheritance and succession law that recognizes equal rights of women and all races in all regions of the country and protection for the thousands of urban and peri-urban residents with insecure tenure. Programs such as the MCC’s Communal Land Support Program, which will support verification and registration of customary land rights to promote improved land tenure in the Northern Communal Areas, and review land management policies to ensure that Namibians living in communal areas can access land and have incentives to manage land sustainably, will provide experience that can inform future refinements to the existing framework. *Among donors, USAID has expertise with legislation improving land law and policy, promoting security of tenure, particularly customary tenure for agriculture, pastoral and minority groups; and establishing rights to urban and peri-urban land. USAID could offer support for Namibia’s effort to provide an efficient cost-effective route to more secure land tenure for those whose rights are currently not formalized, recognized by statutory law, or where they are recognized but not protected.*
- **Support decentralization.** Namibia has launched several separate efforts to create institutions for decentralized control of natural resources (e.g., Communal Land Boards, water-point committees, conservancies, community forests). USAID provided substantial support and gained significant expertise through the LIFE Project that promoted community-based natural resource management, wildlife conservation, and tourism development with communal conservancies. The MCC is building on the LIFE Project to support communal conservancies to develop tourism enterprises and increase household incomes. Additionally, the MCC is working with farmers throughout the Northern Communal Areas of Namibia to develop rangeland management plans, improve the quality of rangeland resources, and increase marketing of livestock. *USAID and other donors have an opportunity to apply lessons learned from the LIFE Project and the MCC’s experience to strengthen other decentralized institutions, such as Land Boards and community forest management groups*

**FOR MORE RECENT LITERATURE:**

<http://usaidlandtenure.net/namibia>

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## SUMMARY

In 1990, Namibia emerged from a century of colonial rule with a strategy to correct the unequal distribution of land that had deprived indigenous Namibians of rights to land and resources. At Independence, roughly 4000 white commercial farmers owned Namibia's 5000 commercial farms, each averaging 7200 hectares and primarily dedicated to raising livestock. The remainder of Namibia's population of 1.5 million people (mostly black) was crowded onto Namibia's communal land, existing on a mix of subsistence farming, livestock rearing, hunting and gathering, and remittances from abroad.

Over the years following Independence, the GRN enacted a series of well-considered laws that formed a comprehensive plan of land reform. The components included a program to finance the purchase of white-owned commercial farms

by black farmers, acquisition of commercial farms through willing seller-willing buyer and land expropriation approaches, resettlement of landless households on formerly white-owned farms, and registration of communal land rights. Yet, as of 2006, fewer than 27,000 indigenous Namibians had benefited from the measures.

Low precipitation and high evaporation makes Namibia the most arid country in sub-Saharan Africa. Namibia's land is fragile and land productivity is low. The economy is heavily dependent on mining, fishing, and cattle-ranching. Namibia produces only half the grain consumption needs of its population. Sixty-five percent of food consumed by Namibians is imported. Ninety-four percent of rural households identify agriculture as their main activity, but it makes a minimal contribution to their income. Crop farming contributes no cash income to most households in Namibia.

While Namibia's extensive mineral resources and ocean-fishing access generate significant export earnings, and average per capita income topped \$4000 in 2008, almost half of Namibians live below the poverty line and 13% are extremely poor. Most of the poor live in rural areas and are dependent on access to the land, rivers, and forests for their food and fuel.<sup>1</sup>

<sup>1</sup> Other relevant statistics include:

Income disparity: Gini Coefficient of 0.74, the highest in the world (UNDP; UNDP Human Development Report); Unemployment: 51.2% broad measure, 37.6% strict measure (Namibia Labour Force Survey 2008, published by the Ministry of Labour and Social Welfare); Poverty: 35% of the population lives on less than US\$1 per day, and 56% lives on less than US\$2 per day (UN Human Development Report); 52% of students failed out of grade 10 in 2009 (Ministry of Education); Maternal mortality: 449 deaths per 1,000 live births, Infant mortality: 46 deaths per 1,000 live births, Under age five mortality: 69 deaths per 1,000 live births, Malnutrition: 29% of children under the age of five are stunted (Namibia Demographic and Health Survey 2006-2007)

### BOX 1. MACRO INDICATORS

	Year	Score
Population, total	2008	2,114,161
Population ages 0-14: 15-64: 65+ (% of total)	2008	37.4: 59.0: 3.6
Population growth (annual %)	2008	1.6
Rural population (% of total population)	2008	63.2
Population density (people per sq. km)	2008	2.6
Literacy rate, adult total (% of people ages 15 and above)	2007	88.0
Land area: Surface area (sq. km)	2008	823,290: 824,290
Arable land (% of land area)	2005	1.0
Agricultural land (% of land area)	2005	47.2
Permanent cropland (% of land area)	2005	0.0
Irrigated land (% of cropland)	2003	1.0
Forest area (% of land area)	2005	9.3
Nationally protected areas (% of total land area)	2006	5.2
Renewable internal freshwater resources per capita (cubic meters)	2007	2,961.4
Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal)	2007	71.0: 24.3: 4.7
Crop production index (1999-2001 = 100)	2005	113.6
Livestock production index (1999-2001 = 100)	2005	140.5
GDP (current US\$)	2008	8,563,878,788
GDP growth (annual %)	2008	2.7
Agriculture: industry: manufacturing: services, value added (% of GDP)	2008	8.0: 21.7: 8.2: 70.2
Ores and metals exports: imports (% of merchandise exports: imports)	2007	34.5: 0.8
Aid (% of GNI)		2.4

Source: World Bank, 2009

## I. LAND

### LAND USE

Namibia has one of the lowest population densities of any country, with a 2008 population of 2.1 million people in a total land area of 823,300 square kilometers. Sixty-three percent of the population is rural and 37% urban (World Bank 2009a).

Namibia is divided into three topographical regions: the desert that runs the length of the country's coastline and includes mobile dunes, gravel and sandy plains; the inland plateaus; and the dune and grass-covered Kalahari Desert to the east and south. Savanna covers 64% of the country's land surface, dry woodlands 20%, and desert vegetation 16%.

Forty-seven percent of Namibia's total land area is classified as agricultural land, with 1% of cropland irrigated. Forests constitute 9% of the total land mass and have an annual deforestation rate of 0.9%. Roughly 5% of land is designated as nationally-protected (FAO 2005; World Bank 2009a).

Namibia's total GDP in 2008 was \$8.5 billion. Services were responsible for 70% of GDP, followed by industry (21%) and agriculture (8%) (World Bank 2009a).

Twenty-three percent of Namibia's population is undernourished. Forty-one percent of the poor are rural residents. Nationwide, an estimated 33% of total household consumption in rural areas comes from wild foods and products. In some regions of Namibia, such as Caprivi, rural communities rely on wild foods for 50% of their sustenance.

Ninety-four percent of rural households identify agriculture

as their main activity, but it makes a minimal contribution to their income. Crop farming contributes no cash income to most households in Namibia (FAO 2005; Jones 2003; Muhato 2003; ADB 2009).

Namibia is hot and dry, the most arid country in Sub-Saharan Africa. The terrain is fragile and vulnerable to stresses from natural and human causes. Only 8% of the country receives more than 500 millimeters of rain per year, the minimum considered necessary for dryland cropping. The country has substantial land

#### BOX 2. LAND TENURE INDICATORS

	Score
<u>Millennium Challenge Corporation Scorebook, 2009</u>	
– Land Rights and Access (Range 0–1; 1=best)	0.571
<u>International Property Rights Index, 2009</u>	
– Physical Property Rights Score (Range: 0–10; 0=worst)	..
<u>World Economic Forum's Global Competitiveness Index, 2008-2009</u>	
– Property Rights (Range: 1–7; 1=poorly defined/not protected by law)	5.8
<u>World Economic Forum's Global Competitiveness Index</u>	
– Ease of Access to Loans (Range: 1–7; 1=impossible)	3.4
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>	
– Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)	..
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>	
– Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)	..
<u>Food and Agricultural Organization: Holdings by Tenure of Holdings</u>	
– Total Number of all Agricultural Holdings, Year	..
– Total Area (hectares) of all Agricultural Holdings, Year	..
– Total Number of Holdings Owned by Holder; Year	..
– Total Area (hectares) of Holdings Owned by Holder; Year	..
– Total Number of Holdings Rented from Another; Year	..
– Total Area (hectares) of Holdings Rented from Another; Year	..
<u>World Bank Group, Doing Business Survey, 2009</u>	
– Registering Property-Overall World Ranking (Range: 1–181; 1=Best)	51
<u>World Bank Group, World Development Indicators, 2009</u>	
– Registering Property-Number of Procedures	9
– Registering Property-Days Required	23
<u>World Bank Group, World Development Indicators, 1998</u>	
– Percentage of Population with Secure Tenure	..
<u>Heritage Foundation and Wall Street Journal, 2009</u>	
– Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)	30
<u>Economic Freedom of the World Index, 2008 (2006 data)</u>	
– Legal Structure and Security of Property Rights (Range 0-10;0=lowest degree of economic freedom)	7.32
– Protection of Property Rights (Range 0-10; 0=lowest degree of protection)	7.35
– Regulatory Restrictions of Sale of Real Property (Range 0-10;0=highest amount of restrictions)	6.31

degradation due to large numbers of cattle exceeding the carrying capacity of rangeland, inappropriate agricultural practices that have caused soil erosion and loss of fertility, over-extraction of water, and overuse of timber resources.

Deforestation is occurring in the Cuvelai Delta area, along the Okavango River, and around urban areas. Natural wetlands are threatened by expanding human and livestock populations (ADB 2009; FAO 2005; Jones 2003).

## **LAND DISTRIBUTION**

Eighty-seven percent of Namibia's population is black; major tribes represented include the Owambo, Kavango, and Herero. Roughly 65% of the population is concentrated on underdeveloped communal land in the northern regions of the country, a region that has low agricultural productivity and is highly vulnerable to climatic variability. Livelihoods are based on diverse mixtures of livestock-rearing, subsistence farming, wage labor, hunting and gathering, and remittances from abroad. The white minority (6.5% of population), mostly of European and South African descent, mainly resides in the commercial agricultural areas of the central and southern regions of the country. About 240,000 rural Namibians are completely landless (FAO 2005; Jones 2003; Muhato 2003; ADB 2009; Harring and Odendaal 2008).

## **LEGAL FRAMEWORK**

The legal framework governing land rights is a relatively nascent set of formal laws that are focused on the government's land reform objectives and that in many cases recognize the continuing authority of some principles of customary law.

The Constitution of the Republic of Namibia of 1991 provides that all people have the right to own, acquire, and dispose of property, individually or with others, and to bequeath property to heirs and legatees (LAC 2005).

The Agricultural (Commercial) Land Reform Act of 1995 provides for government acquisition of agricultural land for purposes of land reform and redistribution. The Married Persons Equality Act 1 of 1996 entitles women farmers to equal and independent land ownership under the Agricultural (Commercial) Land Reform Act of 1995 (LAC 2005).

The Land Policy of 1998 contemplates a range of land rights, including freehold titles, leaseholds, customary grants, licenses, certificates and permits, and state ownership of certain classifications of land (LAC 2005).

The Communal Land Reform Act 5 of 2000 regulates the powers of traditional authorities over communal land and establishes 12 regional communal Land Boards that control the allocation of customary land rights by the traditional authorities (e.g., chiefs, headmen). The Land Boards grant, record, and cancel land rights in consultation with the traditional authorities (LAC 2005).

The Traditional Authorities Act 25 of 2000 recognizes traditional authorities (e.g., chiefs, headmen) as legal entities, provides for their designation as leaders, and defines their powers and duties. Traditional authorities have the obligation to supervise and ensure observation of customary law, to assist the local government with development of land-use plans, and to ensure that their communities are using natural resources in a sustainable fashion (LAC 2005).

The National Resettlement Policy of 2001 and the Affirmative Action Loan Scheme are designed to resettle landless households on land acquired under the Agricultural Commercial Land Reform Act of 1995 (LAC 2005; Fuller 2006).

Namibia became independent at a time when customary law and the rights of indigenous people were becoming recognized on the continent. As a result, Namibia's formal laws reflect greater recognition of customary rights than the laws of other African countries. Under Article 66 of the Constitution, principles of customary law in force at time of Independence remain in force until declared unconstitutional. In most communal areas, traditional leaders continue to control the allocation and use of land, applying customary law under the oversight of the Land Boards (LAC 2005).

## TENURE TYPES

Private individuals, entities, and the state can hold land. The state owns all communal land, holding it in trust for indigenous tribes. The state also owns nature reserves, game parks, military bases, and some urban land (LAC 2005).

**Ownership/freehold tenure.** Forty-four percent of Namibia's land is privately owned. Owners of freehold land in Namibia have rights to hold the land in perpetuity, to use, transfer, and dispose of the land, and to exclude others from the land. Prior to Independence in 1990, all commercial farming land in Namibia was held in freehold, mostly by white commercial farmers with large livestock farms. Rights to this land have remained in freehold, with some black Namibians purchasing farms under subsidized loan programs. Most urban land is privately owned (Jones 2003; Kaakunga and Nadlikokule 2006; LAC 2005).

**Communal tenure.** Thirty-nine percent of Namibia's land is communal land. Communal land is owned by the state and held in trust for local communities. Traditional authorities and Land Boards administer the communal land, allocating land for residences, agriculture, and other uses recognized by the Minister. Communal land cannot be sold; transfers of use rights must go through the traditional authorities and Land Board. All communal land must be registered with the Land Board. The Land Board permits joint titling of land held by married couples (Jones 2003; LAC 2005).

**Conservancies.** Under the 1975 Nature Conservation Ordinance and its 1996 Amendment, conservancies can be established on commercial farms and in communal areas such that owners gain rights to wildlife and tourism activities on that land. Conservancies require identified boundaries, a constitution, defined membership, and demonstrated ability to manage finances. Once established they become a legal entity (Fuller 2006).

**Leaseholds.** Common law and the Communal Land Reform Act allow for land leases. Leases of communal and commercial land can be granted by Communal Land Boards and government officials for a period of 99 years and may be transferred, inherited, renewed, and mortgaged (LAC 2005).

**Occupancy in informal settlements.** Roughly 30% of urban residents live in informal settlements. In the past, local governments issued Permissions to Occupy (PTO) to residents. PTOs were licenses allowing the holder to occupy government land and apply for ownership if such rights became available. The PTO system has been phased out, and PTO-holders are permitted to seek leaseholds under the Communal Land Reform Act. It is unknown how many leaseholds have been granted by the government in informal areas. The Flexible Land Tenure Act (draft) is aimed at the 30% of urban Namibians who live in informal settlements and as backyard squatters without secure tenure. The Act provides for an alternative system to formalize land rights to existing informal settlers by establishing housing blocks on land owned by local authorities. Residents of the block can obtain "starter title," which provides the right of perpetual occupancy and can be transferred. The residents can apply for land titles, which grant all common law rights of ownership and can be mortgaged (Mooya and Cloete 2007; LAC 2005; Kaakunga and Ndalikokule 2006; LAC 2005).

## SECURING LAND RIGHTS

Most Namibians have rights to communal land, which they obtained through traditional authorities prior to adoption of the Communal Land Reform Act, 2000, or through traditional authorities working in conjunction with the Land Boards thereafter. Customary law recognizes people's need for land for a residence and for cultivation or livestock-rearing, and recognizes plots of up to 25 hectares. The National Resettlement Policy targets the landless and those with limited numbers of livestock for resettlement on land that the state has acquired. The government initially acquired land through a willing seller-willing buyer model, but progress was slow. In the first 12 years after Independence, the government purchased only 91 farms and resettled 27,000 people. The program suffered from lack of land and lack of planning relating to the resettled communities. The newly resettled communities lacked skills to make use of the land and did not receive the necessary long-term extension services and support. The resettled areas did not have schools, clinics, or markets. Often, the environmental viability of the resettlement projects was not evaluated. The land was not matched to planned uses, and most farms could not sustain the number of resettled people. In 2004 the government began expropriating land, but landowners successfully challenged the government's procedures, and the problems facing resettled communities have continued (Jones 2003; Fuller 2006).

The Affirmative Action Loan Scheme, which is managed by the Agricultural Bank of Namibia, was designed to provide support in the form of 25-year subsidized loans to resettle well-established communal farmers in formerly all-white commercial farming areas. The scheme was launched in 1992 and, as of 2004, 660 black commercial farmers had purchased farms under the program. Farm prices skyrocketed during the period of the program, loans exceeded the productive value of the farms, and the loan default rate was high, causing the bank to suspend the program (LAC 2005; Fuller 2006).

The Constitution grants all people the right to acquire property in Namibia, but Parliament is permitted to regulate foreign nationals' rights to own property. Leasehold rights to farm plots in communal areas are limited to 25 hectares (Narib 2002; Fuller 2006).

Freehold land is considered secure. Most urban and rural freehold land is registered and can be used as collateral for loans. As of 2002, the Land Boards had granted 4500 households lease rights to communal land. The rights are registered with the Land Boards and considered secure. It is unknown whether the leases have been used to obtain credit (Jones 2003).

Communities resettled on former commercial farms through land reform have five years to develop a viable farming operation. If they are successful, the state grants them a 99-year lease. The first leases were issued in 2006. The rights of those who have not met the requirement are unknown, as are the terms (e.g., transfer, heritability, and mortgage) for those who receive the leases (Jones 2003; Fuller 2006).

The Prescription Act of 1969 allows an individual to obtain ownership rights to land that he or she has openly possessed for an uninterrupted period of 30 years. The act applies without regard to the land's underlying ownership (LAC 2005).

The Communal Land Reform Act requires the recording and registration of all communal land rights, either as customary land rights or leaseholds. Registrations have been lagging far behind applications for registration of rights because of the time-intensive process. The Deeds Registry Act 47 of 1937 (amended) and the Registration of Deeds in Rehoboth Act 93 of 1976 (amended), provide for registration of all freehold titles at central registries maintained in Windhoek and Rehoboth (Fuller 2006; Werner 2008).

Land registration requires nine procedures, including: searching the Deeds Office for the correct description of the land and property identification; collecting documentation; drafting transfer documents; paying fees, and executing the deed of transfer. The process takes an average of 23 days and requires payments of fees amounting to 9.9% of the property value. In order to register communal land, staff from the Ministry of Lands and Resettlement have to visit the land with a Global Positioning System device to determine its size and boundaries; the landholders and headman must demarcate the area; the landholders must be present with identification; and the team must walk the entire boundary. Application forms for registration of communal land can only be signed by male heads of household, but the name of the applicant's spouse must appear on the form according to the regulations (World Bank 2009b; Werner 2008).

Under the formal law, land can be titled in the name of individuals and entities, jointly in the name of spouses and in the name of communities, development authorities, and conservancies. In practice, however, communal land belonging to a married couple is often registered individually in the name of one spouse (LAC 2005; Werner 2008).

Tenure remains insecure for some historically marginalized groups such as the San, women, and people affected by HIV/AIDS. The land reform programs require some degree of interface with government and thus the ability to travel to offices, complete forms, and participate in decisions. These groups suffer from higher rates of illiteracy and less mobility and often have less awareness of programs. In addition, farm worker families that have lived and worked on commercial farms for generations are vulnerable to expulsion and landlessness when farms change hands (Fuller 2006).

### INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

The National Land Policy of 1998 grants all citizens equal rights, security and opportunity, gives women the same status as men in matters of land rights, and gives

<b>BOX 3. LAND AND GENDER INDICATORS</b>		<b>Score</b>
<u>OECD: Measuring Gender In(Equality)—Ownership Rights, 2006</u>		
— Women's Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination)		0.8
— Women's Access to Property other than Land (Range: 0-1; 0=no discrimination)		0.6
— Women's Access to Bank Loans (Range: 0-1; 0=no discrimination)		0.6
<u>FAO: Holders of Land Classified by Sex, 1993</u>		
— Percentage of Female Holders of Agricultural Land		57.1

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surviving spouses the right to retain the land rights of their deceased spouses. Forty-five percent of households in Namibia are headed by women. Both women and men have rights to own land in Namibia, and statutory law provides that spouses married under civil law (26% of the population) can choose to hold their property as individuals or jointly as a couple. Civil inheritance and marital property legislation provide for equal rights of spouses during marriage, and prohibit discrimination against women on the basis of sex. Non-black persons are free to transfer their property rights by will, but old colonial legislation prohibits black women and some black men (based on residency) from passing property by will. Intestate succession laws are also relics of the colonial past and discriminate based on race, although these provide for equal inheritance rights among daughters and sons (LAC 2005).

Despite the various legislative pronouncements granting women equal rights to own land, most women obtain access to land through their fathers prior to marriage and through their husbands after marriage. In most parts of Namibia, men are generally deemed to be the owners and controllers of land, and women's access rights depend on their marital status. However, in the last decade some signs of change have become evident as women and men have increasingly agreed to joint ownership of marital property (including land), joint decision making has become more common, and women have successfully challenged assertions of sole ownership by men (Werner 2008).

Land Boards and traditional leaders provide access to communal land. The traditional leaders and Land Boards state that individuals, including single women, have the right to apply for land grants, and in some areas single women have successfully applied to Land Boards for land in their own right. Women who make requests tend to have the resources to be able to improve and farm land themselves. Despite increasing numbers of applications by women for grants of land, most communal land is granted to men at the time of their marriage, and the land remains with the man's household through his lifetime. A customary land right ends when the person holding the right dies; the land then reverts to the traditional authority, who determines if the land should go to a surviving spouse or child of the deceased. The Communal Land Act reflects this principle by giving surviving spouses a right of first refusal to a customary land right held by the deceased spouse (LAC 2005; Werner 2008).

Parts of Namibia have matrilineal societies; in these, women tend to have greater control over property. However, land rights nonetheless tend to vest with male family members, and women must actively assert their rights to obtain and retain land any time their status changes (e.g., marriage, divorce, or widowhood). In the event of divorce, traditional leaders generally meet with the parties to decide who will retain rights to land. In some communities the spouse initiating the divorce must leave the communal land (LAC 2005; Werner 2008).

Widows have historically had difficulties retaining rights to their husbands' land, especially where the land has valuable resources such as water or fruit trees. Recent studies suggest that cases of eviction of widows have fallen in number, perhaps as a result of the attention given to cases of widow evictions and the provisions in the Communal Land Act mandating that surviving spouses have a right to remain on the land they occupied before the death of their spouse (Werner 2008).

## **LAND ADMINISTRATION AND INSTITUTIONS**

The Ministry of Lands, Resettlement and Rehabilitation was established at Independence in 1990 for the planning and administration of lands. The Ministry is responsible for eradicating the disparities in land distribution and providing for the resettlement of disadvantaged Namibians. The Ministry includes the Directorate of Land Reforms, which is charged with acquiring land for resettlement and formulating rural development plans. The Ministry is responsible for the overall administration of state land, including communal areas, through the Division of Land Boards. The Ministry also includes a Division of Land Use Planning and Allocation, which is responsible for developing plans for land use for commercial and communal land, and a Directorate of Survey and Mapping, which supports land-use planning in urban areas, and a Directorate of Deeds Registry (GRN MLR 2001).

Traditional authorities and Land Boards, in consultation, are responsible for the administration of communal land. The chief or other traditional leader must notify the Board within 30 days of making or cancelling a land allocation. The Board must thereafter ratify the action, refer it back to the traditional authority for reconsideration, or veto the action. The Land Boards are also responsible for maintaining a registry of

communal land rights, issuing leaseholds to applicants, and registering leasehold interests (GRN MLR 2001; LAC 2005).

### **LAND MARKETS AND INVESTMENTS**

Freehold and communal land suitable for cultivation is extremely scarce; only 1% of Namibia's cropland is irrigated, and rainfall is erratic and insufficient most years for dryland farming. The land reform effort to move black commercial farmers to white commercial farm areas through a subsidized-loan program caused prices for farms to increase dramatically and made the program unsustainable as loans exceeded the productive value of the land purchased. As of 2006, land values in urban areas appeared to be holding steady or increasing (LAC 2005; GPG 2006).

Only freehold land is available for purchase. Rights to urban freehold land are negotiated through a real-estate agent with a lawyer preparing the deed of transfer. The seller pays roughly 8% of the property value and the buyer pays an additional 1% to 8% of the value in fees and costs, depending on the nature of the land and improvements on the land. The deed is registered in accordance with the Deeds Registry Act. Owners of commercial farms must offer them for sale to the government before putting them on the market. If the government does not purchase the farm, the owner is free to sell the land on the open market (GPG 2006; Fuller 2006).

Communal farmers desiring to purchase freehold land under the Affirmative Action Loan Scheme must obtain a bank-registered bond covering the purchase price, and will become liable for tax assessments. Some established farmers in communal areas have refused to consider moving to more productive land because of the debt burden and the increased cost of keeping the land (Fuller 2006).

### **COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT**

The Constitution permits the government to expropriate land when doing so is in the public interest, and upon payment of just compensation. The government began land expropriations under its land reform program in 2005. Three German landowners challenged the procedures the Ministry used to select their land, notify them of the selection, value the land, and seize it. The High Court ruled that while the government had the right to expropriate the land, it had not followed appropriate procedures and, having dispossessed 100 farm workers in the process of the expropriation, had failed to advance the objectives of the land reform program (Harring and Odendaal 2008).

### **LAND DISPUTES AND CONFLICTS**

Local land conflicts have erupted over access to and use of land. As some traditional authorities have lost power, outsiders have been able to take advantage of the vacuum and access natural resources such as grazing land and forests without seeking permission of the people or paying compensation. Communal land has been lost through illegal fencing that has enclosed areas as large as five square kilometers and effectively kept communal landholders from accessing grazing land and bore wells. The problem has created violent confrontation between poorer and wealthier farmers in communal areas; such conflicts are exacerbated by the difficulty of determining who has jurisdiction to resolve the disputes (Fuller 2006; Jones 2003).

Conservancies cover only wildlife and tourism and do not cover rights to grazing land, water, and forests. But the often competing uses within conservancies, especially between the needs of livestock and wildlife, can manifest in disputes. Conservancies usually attempt to negotiate with other land users and avoid escalating conflicts (Fuller 2006).

Owners of farms seized by the government since 2004 have brought high-profile cases before the formal court system. The initial consolidated cases of three landowners (*Gunter Kessl v. Ministry of Lands and Resettlement*) confirmed the state's right of expropriation but handed a victory to the landowners because the ministry had not followed appropriate procedures (Harring and Odendaal 2008).

People in communal areas tend to try to use local traditional means of dispute resolution. They consult traditional authorities and, increasingly, non-government organizations (NGOs) like the Legal Assistance Center. Communal Land Boards are authorized to hear land disputes in cooperation with local traditional authorities and serve as appellate tribunals for those contesting the ruling of a tribal leader. Consultation, negotiation, and mediation are techniques for dispute resolution (Jones 2003; Fuller 2006).

The Community Courts Act 10 of 2003 is an effort to bring the traditional system into the formal court system by recognizing and establishing community courts and allowing them to function as lower courts. The community courts have jurisdiction over any causes of action arising within the community, including matters relating to communal land and housing, and matters of customary law. The process of establishing community courts has been slow, and it is unknown whether they are operational (LAC 2005).

Namibia's formal court system, which includes magistrate courts, regional courts, the High Court, and the Supreme Court, routinely handles land cases. Namibia's formal courts are distinguished from many on the continent by their independence and attention to matters of both law and fact. In the first challenge to the country's land expropriations under the Constitution, the court criticized the Ministry of Lands and Resettlement for mismanaging the expropriation process and leaving the land-reform program in a state of disarray. The court's judgment is especially noteworthy as the criticism targeted the former Minister of Lands and Resettlement, who is the current President of Namibia (Harring and Odendaal 2008; LAC 2005).

## **KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS**

The government's Third National Development Plan (2007/08 – 2011/12) seeks to reverse high income inequality and poverty through continued implementation of land-reform initiatives. The government is addressing major environmental concerns through devolution of rights to local communities. Fifty-three conservancies have been established to allow local communities to co-manage local resources, and the government plans to increase the number to 70 (ADB 2009).

The Government of Namibia's Namibia Vision 2030, which was announced in 2004, articulates the country's commitment to development, including development of sustainable agriculture (GRN 2007).

## **DONOR INTERVENTIONS**

USAID supports Namibia's community-based resource management projects through support for conservancies, but does not appear to be engaged in other land-related projects.

The Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) provided a three-year \$6.4 million grant between 2006 and 2009 in support for Namibia's land-reform program. The World Bank is funding a government coastal conservation and management project from February 2009 to September 2010 with components for environmental assessment, creation of revenue streams, and compiling biodiversity data. The World Bank has supported several other activities in Namibia, primarily through United Nations Development Programme (UNDP), including the Community-Based Ecosystem Management Project (ICEMA). The Bank also initiated a \$1 million project in 2007 to address land degradation through improved land-use planning (World Bank 2007; ADB 2009).

The most powerful NGO in Namibia is the Namibia Agricultural Union (NAU), which is the umbrella group for regional and local farmers' associations. The NGO's membership includes roughly half of Namibia's commercial farmers. The NAU has worked with the government in developing land reform processes and procedures. In October 2002, UN-Habitat launched a Secure Land Tenure Campaign, which included a committee of government and civil society groups devoted to investigating existing housing and land legislation and providing means of securing tenure for those living in informal settlements. NGOs working on matters of land rights and housing include the Legal Assistance Centre, which runs a community-based paralegal program throughout the country and provides substantive and well-conceived reports on issues of land rights for the disenfranchised. Other groups working on land rights for the poor are the Shack Dwellers Federation of Namibia, the National Housing Action Group, and the Urban Trust of Namibia (LAC 2005; Werner 2003).

## **2. FRESHWATER (LAKES, RIVERS, GROUNDWATER)**

### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

The combination of low rainfall and high evaporation make Namibia the most arid country in sub-Saharan Africa. Mean annual rainfall averages 285 millimeters, with an 83% evaporation rate. Only 8% of the country receives 500 millimeters of rain per year (the minimum considered necessary for dryland farming) and only 2% of rainfall is runoff that can be harvested in surface storage facilities. Dams tap water from a number of ephemeral rivers. The total storage capacity of Namibia's major dams is about 0.71 cubic

kilometers. In addition to these larger reservoirs, there are thousands of small farm dams around the country's ephemeral river basins. The total assured safe yield of Namibia's water resources is estimated at 660 km<sup>3</sup> annually: 300 km<sup>3</sup> from groundwater, 200 km<sup>3</sup> from ephemeral rivers, 150 km<sup>3</sup> from perennial rivers, and about 10 km<sup>3</sup> from unconventional sources (FAO 2005).

Namibia shares five perennial rivers with other southern African countries: the Orange, Kunene, Okavango, Kwando, and Zambezi. Over half the country's external water resources come from the Zambezi River, while smaller amounts are contributed by the Orange, Kunene, Kwando and Okavango. Namibia is party to six separate international agreements governing rivers and is a member of the commissions that manage various river resources, including the Permanent Joint Technical Commission between Angola and Namibia, and the Permanent Okavango River Basin Water Commission among Angola, Botswana, and Namibia (FAO 2005).

Namibia has actual renewable water resources of 18 cubic kilometers per year, only 6 cubic kilometers of which are internally-produced. Percentages of water-use are as follows: irrigation (45%), livestock (26%), domestic use (24%) and industry (5%). Roughly 78% of irrigation water is drawn from surface water. Water scarcity in the interior of the country is routinely identified as a critical factor limiting growth in the agricultural sector (FAO 2005; Jones 2003).

Water pollution levels are relatively low, but the various kinds of waste increasingly produced by increasing urban populations are beginning to compromise water resources. Major water pollutants are agrochemicals, leachate from dumps and landfills, leakage from fuel tanks and buried hazardous waste, mining and industrial waste, and saltwater intrusion into coastal aquifers (Jones 2003).

#### **LEGAL FRAMEWORK**

Article 100 of the Constitution of the Republic of Namibia and Article 4 of the Water Resources Management Act of 2004 provide that water below and above the surface of land belongs to the state unless otherwise lawfully owned. The National Water Policy adopted in 2000 sets the stage for integrated water management. Namibia passed the Water Resources Management Act in 2004 (FAO 2005; GRN 2004b).

#### **TENURE ISSUES**

The Water Resources Management Act allows any person to use water for personal domestic use without seeking a license or permit. Extraction of water for any other use requires a license, including extraction to sell or otherwise provide to others for their domestic use. Any group of rural households using a particular water point for their water supply can form a water-point user association to maintain the water point and manage the water supply (GRN 2004b).

Individuals and entities acting in contravention to the Water Resources Management Act can lose their water rights and are subject to fine and imprisonment. Communal land holders have lost rights to bore wells and surface water as a result of the erection of unauthorized fencing on communal land (GRN 2004b; Fuller 2006; Jones 2003).

#### **GOVERNMENT ADMINISTRATION AND INSTITUTIONS**

The Department of Water Affairs within the Ministry of Agriculture, Water and Rural Development is responsible for all water management and projects, including irrigation planning and development. NamWater is a parastatal institution responsible for bulk water supply and is governed by the Namibia Water Corporation Act of 1997. The National Development Corporation implements new government programs and schemes, including those targeting water resources. The Act establishes a Water Resources Management Agency, a Water Regulatory Board, water-point user associations to manage rural water use, and a Water Tribunal for the mediation and arbitration of disputes over water (GRN 2004b; FAO 2005).

#### **GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS**

The Directorate of Rural Water Supply has undertaken steps to provide for complete community management of water points throughout the country through the establishment of water-point user associations in the communal areas. Namibia has undertaken several large studies of water demand and water management, and has adopted a series of Master Plans governing water studies and plans, such as dam

construction, water treatment, and coastal desalination projects (GRN MAWF 2006; GRN 2004b; FAO 2005).

The National Agricultural Policy of 1995 has a number of objectives relating to irrigation that reflect the government's effort to decentralize the sector, including limiting direct government intervention and investment in the sector, and creating an enabling environment that encourages the non-governmental sector to invest in irrigation development and manage operations. However, the policy also assigns the government the roles of: providing extension to smallholder irrigators; encouraging the participation of women in the irrigation sector; and providing national planning, monitoring, and evaluation of the development of irrigation. The Namibian government has been in the process of drafting an irrigation policy for a number of years. The process has stalled for two primary reasons: the need for additional capacity to draft legislation that appropriately accounts for legislation in neighboring countries; and the need for investment in irrigation infrastructure before responsibility for the systems can be assumed by local institutions (FAO 2005).

Namibia developed a green scheme program with the aim of developing 27,000 hectares of irrigated land over a period of 15 years along the country's five perennial rivers: the Zambezi, Orange, Kwando, Kavango and Kunene. The program has suffered from lack of financial resources. Nine thousand hectares were under irrigation as of early 2010. At that time, the Ministry of Agriculture, Water, and Forestry launched a program to revitalize the green scheme program by linking it with existing agronomic projects (FANRPAN 2010).

#### **DONOR INTERVENTIONS AND INVESTMENTS**

GTZ is funding a project to encourage institutions in Namibia's water sector to practice improved, integrated water resource management. The project emphasizes the development of functional institutions, capacity-building for local user groups and technical administrators, and improved coordination and cooperation between the government's technical services and social groups. In 2005, the Adventist Development and Relief Agency-Namibia (ADRA) began a project to rehabilitate inoperational and poorly-functioning bore wells in poor rural areas; the NGO Living Water International has installed dozens of wells throughout the country (GTZ 2009; ADRA 2005; LWI 2009).

### **3. TREES AND FORESTS**

#### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

Nine percent of Namibia's land is natural forest, mostly restricted to semi-open woodlands in the northeast and acacia-dominated grassy savannas in the central plateau. Namibia's woodlands are an important source of fuel, construction materials, fodder, medicinal plants, and food for people and wildlife. An estimated 33% of total household consumption in rural areas comes from wild foods and products. In some regions of Namibia, such as Caprivi, rural communities rely on wild foods for 50% of their sustenance. The forests support a wealth of biodiversity and game and maintain the environmental health of the region through soil stabilization and climate control. Forests additionally support a growing tourist industry. Namibia's forests are fragile, and clearing for agriculture, cattle-grazing, and harvesting fuelwood is resulting in deforestation at a rate of 0.9% per year (EarthTrends 2003; Jones 2003; Hailwa 2002; World Bank 2009a).

Namibia does not have a formal forest industry, and its forests do not contribute significantly to GDP. Instead, forests play a role in the livestock industry, tourism, and food and domestic energy needs (FAO 2003).

#### **LEGAL FRAMEWORK**

The post-Independence Forest Act (Act No. 12 of 2001), consolidating existing laws regarding the management and use of forests and forest products, establishes a Forest Council that recognizes the authority of traditional leaders in communal land areas and provides for the protection and control of forest land and products. The Act requires forests to be managed in a manner that conserves soil and water resources, maintains biodiversity, and uses forest produce in a manner compatible with the forest's primary role as protector and enhancer of the natural environment (GRN Forest Act 2001; Hailwa 2002).

## TENURE ISSUES

Namibia's forests are located on private land, state land, and communal land (state land held in trust for the people). Namibia did not begin establishing community-based forest management programs until after Independence, but the Forest Act provides for the creation and management of community forests on communal land. Communities can apply for rights to manage and use forest products and forest land, and collect and retain fees for use of the forest by others in accordance with management plans. Inhabitants of communal land are free to use unclassified forests and take forest products for household use in accordance with customary law. Harvesting of forest products from any forest requires a pre-harvest inventory and license (GRN 2001; Hailwa 2002).

The Minister can designate forest land as state forest reserves, including forests on communal land. The Act provides for procedural protections against arbitrary gazetting of forests, and requires compensation to anyone who, as a result, loses rights to communal land. Anyone receiving forest rights under the act can lose them for failing to follow the requirements of use (GRN 2001).

## GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Directorate of Forests within the Ministry of Agriculture, Water and Forestry is responsible for the forests. The Directorate is divided into two divisions: Forest Management and Forest Research. The Forestry Council includes Ministry staff and one person nominated by the Council of Traditional Leaders (Hailwa 2002).

## GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

Namibia's Vision 2030 policy framework seeks to improve forest tenure, management, use, and livelihood options by 2030. To that end, the government is encouraging a number of initiatives, including community-based forest management, protecting existing natural reserves by declaring them Forest Reserves, combating deforestation by encouraging development of alternative appropriate technology such as wood-efficient stoves, and developing and maintaining nurseries for indigenous species. The Directorate of Forestry, working in cooperation with and with funding from the Finnish government, has been focused on capacity-building within the public sector, integrated forest management, environmental forestry, and community forest management. As of 2004, thirteen communities had entered into Community Forest Agreements with the government (Hailwa 1998).

## DONOR INTERVENTIONS AND INVESTMENTS

In cooperation with the government of Namibia, USAID developed and implemented the USAID/Namibia Living in a Finite Environment (LIFE) Program, which included a community-based natural resource management component. The program was extended twice, for a total of 15 years (1992–2008), and USAID's contribution of \$40 million was matched by the Government of Namibia and contributions from partners such as World Wildlife Fund. USAID has linked with the United Nations Global Environmental Facility and UNDP to support protected areas through establishing conservancies, and to support community-based natural resource management in the Caprivi Strip and along the Chobe/Zambezi River (Jones 2003; USAID 2005; Chemonics 2008; WWF and NNF 2008).

The German Development Service (DED) is working with the Directorate of Forestry and the German Development Bank on community forestry as part of the government's community-based natural resource management program. The OECD's DAC has an ongoing grant (starting in 2007 with \$1.3 million) to support forest policy and administration development. Other donors working to support community-based natural resource management include the World Bank, the Finnish government, and the German Agency for Technical Cooperation (GTZ). NGOs working on forest issues in Namibia are the Namibian Nature Foundation (NNF), The Rossing Foundation, the Center for Research Information Action in Africa–Southern African Development and Consulting (CRIAA–SADC), and Development Aid from People to People (DAPP) (tree planting) (Jones 2003).

## 4. MINERALS

### RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Namibia has diamonds, gem stones, uranium, gold, copper, zinc, lead, silver and offshore natural gas reserves. Diamonds are the most important sector of the country's mining industry, accounting for 37% of total exports and 20% of GDP. The Orange River carries diamonds from the mountains of Lesotho to the coastal region of Namibia, where the mouth of the Orange River marks the center of the country's diamond reserves. Large gem-quality diamond deposits have settled on the ocean floor or been washed back onto Namibia's coastal region. The marine and coastal reserves are estimated at 1.5 to 2 billion carats, and recent exploration suggests that the country may also have significant inland reserves. Mining is responsible for most of the 31% of GDP attributed to industry, yet only employs about 3% of the population (ADB 2009; Coakley 2000; LAC 2005; Abazias 2009).

Namibia has about 2000 small-scale miners, mostly one-person operations that dig for gemstones, including tourmaline, garnet, topaz, aquamarine, heliodor, morganite, blue lace agate, blue chalcedony, chrysocolla and pietersite. Total annual production from these operations is estimated at 500 tons of rough colored gemstones. About 80% of small-scale mining operations are illegal. Small-scale mining can create opportunities for employment and encourage entrepreneurship, especially in areas that are unsuitable for agriculture. Small-scale mining is usually unmonitored and can have negative impacts on the environment and create health and safety hazards, particularly for children, who are often used for mining work (GRN MME 2003; *I dex* 2007).

Many of Namibia's mines are located in or near coastal Namibia, one of the world's oldest deserts and home to rare species of plant and animals. The ecosystem is extremely valuable and is closely monitored by national and international scientific and conservation communities. The competition for resources, especially water, between human and industrial needs is great throughout the country and creates a potential for conflict (Coakley 2000).

### LEGAL FRAMEWORK

The Mineral Act of 1992 vests ownership of all minerals in the state. The government alone can grant rights to prospect for, mine, sell or otherwise dispose of all minerals. The objectives of the Minerals Policy include: promoting and stimulating investment; encouraging local participation in exploration and mining; regularizing and improving artisan and small-scale mining; establishing educational and training facilities; and ensuring compliance with environmental policies (GRN 1992; GRN MME 2003).

The Namibian Government encourages foreign investment in its industries, including the mineral sector. Namibia's Foreign Investment Act of 1990 provides for freedom from nationalization, freedom to remit capital and profits, currency convertibility, and a process for equitable dispute-settlement. The Minerals Act allows foreign companies registered to do business in Namibia to obtain licenses and permits to explore and mine minerals (USDOS 2010; GRN MME 2003; GRN 1992).

### TENURE ISSUES

Under the Minerals Act, 1992, individuals and entities can apply for licenses to prospect for minerals, and can obtain limited rights to mining claims. Licenses and claims require registration, payment of fees, and compliance with the requirements established by the Mining Commissioner, including environmental impact studies (GRN 1992).

Before the mining or prospecting activities can begin, the owner of the land (the state, in the case of communal land) and the applicant for a mining license (usually the prospector) must reach an agreement regarding the terms and conditions of compensation. Some land (e.g., towns, villages, proclaimed roads and other public transport facilities, land used or reserved for any governmental or public purpose, cultivated land, a 100-meter strip from springs, wells, boreholes, kraal, etc.) cannot be mined (GRN 1992).

Individuals and entities acting in violation of the Minerals Act (including those who transfer a license to a claim without approval of the Minister) can lose their license or rights to a claim, and face fines and imprisonment (GRN 1992).

## GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Mines and Energy is responsible for policy governing minerals and energy. Within the Ministry, the Mining Directorate evaluates and controls mining-license applications, ensures that safety standards are met and collects, analyzes, and disseminates production statistics (Coakley 2000).

## GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

The Government's Minerals Policy of 2003 and the Namibia Vision 2030 establish a framework for the expansion of the mining industry, promoting consultation with stakeholders, facilitating good governance within the Ministry of Mines and Energy, creating indicators of performance for the sector, and facilitating the implementation of targets outlined in the policy. The industry recognizes that using minerals to build a sustainable economy requires: (1) policies that maximize resource rent generated by mining; (2) recovery of resource rent by an agency able and willing to reinvest rent; and (3) reinvestment of rent in other assets that are capable of generating income and employment – such as human capital, public infrastructure and manufactured capital – once resources are exhausted. Namibia has worked on the first two criteria and is working on ways to use the mineral wealth to contribute to long-term sustainable development (GRN MME 2003; GRN 2004a; Lange 2003).

De Beers and the GRN recently formed a joint venture, the Namibia Diamond Trading Company, which will, for the first time, allow Namibian manufacturers to buy uncut diamonds from Namibia. The joint venture is expected to benefit the country's diamond-cutting and polishing industries (Diamond Registry 2007).

## DONOR INTERVENTIONS AND INVESTMENTS

USAID has no known projects relating to Namibia's mining industry. The European Union (EU) is funding a project within the Ministry of Mines and Energy to support greater participation of indigenous people in the mining industry by giving financial and technical assistance to aspiring small-scale miners. The programs are facilitated by the System of Stabilization of Export Earnings from Mining Products (SYSMIN) project fund (the Minerals Development Fund) (*I dex* 2007).

## 5. DATA SOURCES (SHORT LIST)

Coakley, George J. 2000. The Mineral Industry of Namibia. U.S. Geological Service. <http://minerals.usgs.gov/minerals/pubs/country/2000/wamyb00.pdf><http://minerals.usgs.gov/minerals/pubs/country/2000/wamyb00.pdf> (accessed May 2009).

FAO. 2005. Aquatstat: Namibia. Water Report No. 29. Rome: FAO. <http://www.fao.org/nr/water/aquastat/countries/namibia/index.stm><http://www.fao.org/nr/water/aquastat/countries/namibia/index.stm> (accessed 29 March 2010).

Fuller, Ben. 2006. Improving Tenure Security for the Rural Poor. Namibia Country Case Study. Support to the Legal Empowerment of the Poor (LEP) Working Paper No. 6, February. [ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20\(publication%20ready\).pdf](ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20(publication%20ready).pdf) (accessed 22 May 2010).

Hailwa, Joseph S. 2002. Namibia Country Paper. Paper presented at the FAO/EC/GTZ workshop on Tropical Secondary Forest Management in Africa, December 9–13, Nairobi, Kenya. <http://www.fao.org/DOCREP/006/J0628E/J0628E58.htm><http://www.fao.org/DOCREP/006/J0628E/J0628E58.htm> (accessed 22 May 2010).

LAC. 2005. A Place We Want to Call Our Own: A Study on Land Tenure Policy and Securing Housing Rights in Namibia. Land, Environment, and Development (LEAD) Project Report. Windhoek: LAC. <http://www.lac.org.na/projects/lead/Pdf/aplaceweanttocallourown.pdf><http://www.lac.org.na/projects/lead/Pdf/aplaceweanttocallourown.pdf> (accessed 22 May 2010).

Werner, Wolfgang. 2003. Recent Development in Land Issues in Namibia. Discussion paper presented at the SARPN Inception Meeting on Land Issues in Southern Africa, March 1–2, Pretoria, South Africa. <http://www.lalr.org.za/further-resources/recent-developments-in-land-issues-in-namibia-wolfgang-werner> (accessed 1 May 2009).

Werner, Wolfgang. 2008. Protection for Women in Namibia's Communal Land Reform Act: Is it Working? Gender Research and Advocacy Project, Legal Assistance Centre (LAC), March. John Meinert Printers: Windhoek. <http://www.lac.org.na/projects/lead/Pdf/womencommlandra.pdf>

## 6. DATA SOURCES (COMPLETE LIST)

ADB. *See* African Development Bank.

ADRA. *See* Adventist Development and Relief Agency.

Abazias Diamonds. 2009. Diamonds and Namibia. <http://www.abazias.com/diamondblog/diamond-industry/diamonds-and-namibia><http://www.abazias.com/diamondblog/diamond-industry/diamonds-and-namibia> (accessed 29 March 2010).

Adventist Development and Relief Agency. 2005. Newly Opened ADRA Namibia Implements First Projects. [http://www.adra.org/site/News2?page=NewsArticle&id=5361&security=1581&news\\_iv\\_ctrl=1092](http://www.adra.org/site/News2?page=NewsArticle&id=5361&security=1581&news_iv_ctrl=1092) (accessed May 24 2009).

African Development Bank. 2009. Namibia: Country Strategy Paper: 2009–2013. <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2005-236-EN-NAMIBIA-CSP-UPDATE-2001-2003.PDF><http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2005-236-EN-NAMIBIA-CSP-UPDATE-2001-2003.PDF> (accessed 29 March 2010).

Chemonics, Inc. 2008. USAID Support for the Community Based Natural Resource Management Programme in Namibia: LIFE Program Review. [http://pdf.usaid.gov/pdf\\_docs/PDACL549.pdf](http://pdf.usaid.gov/pdf_docs/PDACL549.pdf) (accessed 1 May 2009).

Coakley, George J. 2000. The Mineral Industry of Namibia. U.S. Geological Service. <http://minerals.usgs.gov/minerals/pubs/country/2000/wamyb00.pdf><http://minerals.usgs.gov/minerals/pubs/country/2000/wamyb00.pdf> (accessed May 2009).

Diamond Registry. 2007. De Beers and Namibia Sign New Agreement. February. <http://www.diamondregistry.com/News/2007/namibia.htm><http://www.diamondregistry.com/News/2007/namibia.htm> (accessed 29 March 2010).

EarthTrends. 2003. Forests, Grasslands and Drylands – Namibia. . **Error! Hyperlink reference not valid.** [http://earthtrends.wri.org/pdf\\_library/country\\_profiles/for\\_cou\\_516.pdf](http://earthtrends.wri.org/pdf_library/country_profiles/for_cou_516.pdf) (accessed 4 October 2010).

FANRPAN. *See* Food, Agriculture, and Natural Resources Policy Analysis Network.

FAO. *See* Food and Agriculture Organization.

Food, Agriculture, and Natural Resources Policy Analysis Network. FANRPAN. 2010. Namibia: Agronomic Projects Aligned with Green Scheme. <http://www.fanran.org/news/6267> (accessed 29 March 2010).

Food and Agriculture Organization. 2003. Experience of Implementing National Forestry Programmes in Gabon, Namibia, Nigeria, Senegal, and Sudan. EC Tropical Forestry Budget Line Project B7-6201/98-08/VIII/Project GCP/RAF/354/EC. <ftp://ftp.fao.org/docrep/fao/005/AC915E/ac915e00.pdf> (accessed 29 March 2010).

———. 2005. Aquatstat: Namibia. Water Report No. 29. Rome: FAO. <http://www.fao.org/nr/water/aquatstat/countries/namibia/index.stm><http://www.fao.org/nr/water/aquatstat/countries/namibia/index.stm>

- [nr/water/aquastat/countries/namibia/index.stm](http://nr/water/aquastat/countries/namibia/index.stm) (accessed 29 March 2010).
- Fuller, Ben. 2006. Improving Tenure Security for the Rural Poor. Namibia Country Case Study. Support to the Legal Empowerment of the Poor (LEP) Working Paper No. 6, February. [ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20\(publication%20ready\).pdf](ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20(publication%20ready).pdf)[ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20\(publication%20ready\).pdf](ftp://ftp.fao.org/sd/SDA/SDAR/sard/Namibia%20case%20(publication%20ready).pdf) (accessed 22 May 2010).
- GPG. *See* Global Property Guide.
- GRN. *See* Government of the Republic of Namibia.
- GRN MAWF. *See* Government of Namibia, Ministry of Agriculture, Water, and Forestry.
- GRN MLR. *See* Government of Namibia, Ministry of Lands and Resettlement.
- GRN MME. *See* Government of the Republic of Namibia. Ministry of Mines and Energy.
- GTZ. *See* German Agency for Technical Cooperation.
- German Agency for Technical Cooperation. 2009. GTZ Namibian Water Resource Projects Management Review. <http://www.gtz.de/en/weltweit/afrika/namibia/8368.htm> (accessed 22 May 2010).
- Global Property Guide. 2006. Namibia: Overview. <http://www.globalpropertyguide.com/Africa/Namibia> (accessed 1 May 2009).
- Government of the Republic of Namibia. 1992. Minerals Act, 1992. GRN Government Gazette, No. 564. Windhoek Ministry of Justice.: [http://www.chamberofmines.org.na/fileadmin/downloads/Minerals\\_Act\\_1992.pdf](http://www.chamberofmines.org.na/fileadmin/downloads/Minerals_Act_1992.pdf) (accessed 22 May 2010).
- . 2001. Forest Act No. 12 of 2001. GRN Government Gazette, No. 2667. Windhoek: Ministry of Justice. <http://faolex.fao.org/docs/pdf/nam46518.pdf> (accessed 22 May 2010)
- . 2004a. Namibia Vision 2030: Policy Framework for Long-Term National Development. Windhoek: GRN, Office of the President.
- . 2004b. Water Resources Management Act. Act No. 24 of 2004. GRN Government Gazette, No. 3357. Windhoek: Ministry of Justice. <http://www.saflii.org/na/other/NAGovGaz/2004/233.pdf> (accessed 22 May 2010)
- . 2007. About Namibia: Vision 2030. <http://209.88.21.55/opencms/opencms/grnnet/AboutNamibia/future/vision.html><http://209.88.21.55/opencms/opencms/grnnet/AboutNamibia/future/vision.html> (accessed 22 May 2010).
- Ministry of Agriculture, Water and Forestry. 2006. Website: Ministry of Agriculture, Water and Forestry. [http://www.op.gov.na/Decade\\_peace/agri.htm](http://www.op.gov.na/Decade_peace/agri.htm) (accessed 22 May 2010).
- Ministry of Lands and Resettlement. 2001. Website: Ministry of Lands and Resettlement. [http://www.op.gov.na/Decade\\_peace/lands.htm](http://www.op.gov.na/Decade_peace/lands.htm)[http://www.op.gov.na/Decade\\_peace/lands.htm](http://www.op.gov.na/Decade_peace/lands.htm) (accessed 22 May 2010).
- Ministry of Mines and Energy. 2003. Minerals Policy of Namibia. [http://www.chamberofmines.org.na/fileadmin/downloads/Minerals\\_Policy\\_Final.pdf](http://www.chamberofmines.org.na/fileadmin/downloads/Minerals_Policy_Final.pdf)[http://www.chamberofmines.org.na/fileadmin/downloads/Minerals\\_Policy\\_Final.pdf](http://www.chamberofmines.org.na/fileadmin/downloads/Minerals_Policy_Final.pdf) (accessed 22 May 2010).
- Hailwa, Joseph. 1998. Non-Wood Forest Products in Namibia. A report produced as an output of the EC-FAO

- Partnership Programme (1998–2000). Rome: FAO. <http://www.fao.org/docrep/003/X6694E/X6694E00.htm><http://www.fao.org/docrep/003/X6694E/X6694E00.htm> (accessed 22 May 2010).
- . 2002. Namibia Country Paper. Paper presented at the FAO/EC/GTZ workshop on Tropical Secondary Forest Management in Africa, December 9–13, Nairobi, Kenya. <http://www.fao.org/DOCREP/006/J0628E/J0628E58.htm><http://www.fao.org/DOCREP/006/J0628E/J0628E58.htm> (accessed 22 May 2010).
- Harring, Sidney L. and Willem Odendaal. 2008. *Kessl: A New Jurisprudence for Land Reform in Namibia?* Legal Assistance Centre and Namibian Economic Policy Research Unit (NEPRU) Report. Windhoek: LAC. <http://www.rdiland.org/RESEARCH/Kessl-%20A%20New%20Jurisprudence%20for%20Land%20Reform%20in%20Namibia.pdf><http://www.rdiland.org/RESEARCH/Kessl-%20A%20New%20Jurisprudence%20for%20Land%20Reform%20in%20Namibia.pdf> (accessed 22 May 2010).
- I dex*. 2007. Namibia: the Land of Plenty. [http://www.idexonline.com/portal\\_FullMazalUbracha.asp?id=27923](http://www.idexonline.com/portal_FullMazalUbracha.asp?id=27923) (accessed 22 May 2010).
- Jones, Brian T.B. 2003. Selected Natural Resource Management and Limited Rural Development Assessment. USAID/Namibia. [http://pdf.usaid.gov/pdf\\_docs/PNACX276.pdf](http://pdf.usaid.gov/pdf_docs/PNACX276.pdf) (accessed 22 May 2010).
- Kaakunga, Esau and Vitalis Ndalikokule. 2006. Property Rights and Access to Credit. Bank of Namibia Occasional Paper OP-1/2006. Windhoek: Bank of Namibia. <http://www.bon.com.na/docs/pub/Property%20Rights%20and%20Access%20to%20Credit.pdf><http://www.bon.com.na/docs/pub/Property%20Rights%20and%20Access%20to%20Credit.pdf> (accessed 29 May 2010).
- LAC. *See* Legal Assistance Centre, Namibia.
- LWI. *See* Living Water International.
- Lange, Glenn-Marie. 2003. The contribution of minerals to sustainable economic development: Mineral resource accounts in Namibia. GRN Ministry of Environment and Tourism, Department of Environmental Affairs (DEA) Research Discussion Paper No. 54. <http://www.met.gov.na/publications/research/RDP54.pdf> (accessed 29 March 2010).
- Legal Assistance Centre, Namibia. 2005. A Place We Want to Call Our Own: A Study on Land Tenure Policy and Securing Housing Rights in Namibia. Land, Environment, and Development (LEAD) Project Report. Windhoek: LAC. <http://www.lac.org.na/projects/lead/Pdf/aplaceweanttocallourown.pdf> (accessed 4 October 2010).
- Living Water International. 2009. Namibia Projects. <http://www.water.cc/?s=Namibia&f=reports>, accessed May 2009.
- Mooya, Many M., and Chris E. Cloete. 2007. Property Rights, Land Markets, and Poverty in Namibia's Extra-Legal Settlements: An Institutional Approach. *Global Urban Development*, 3(1). <http://www.globalurban.org/GUDMag07Vol3Iss1/Mooya.htm><http://www.globalurban.org/GUDMag07Vol3Iss1/Mooya.htm> (accessed 22 May 2010).
- Muhato, Wanjiku. 2003. Gender Assessment Namibia Country Strategic Plan: 2004–2010, USAID Report March 5–14, 2003. <http://www.usaid.gov/na/pdffdocs/GenderAssessment-NamibiaSP.pdf> (accessed 22 May 2010).
- Narib, Gerson. 2002. Is There an Absolute Right to Private Ownership of Commercial Land in Namibia? Legal Assistance Centre publication. Windhoek: LAC. <http://www.lac.org.na/projects/lead/Pdf/privateownership.pdf> (accessed 22 May 2010).

USAID. *See* United States Agency for International Development.

USDOS. *See* United States Department of State.

United States Agency for International Development. 2005. Namibia Annual Report FY 2005. Washington DC: USAID. 16 June. [http://pdf.usaid.gov/pdf\\_docs/PDACD872.pdf](http://pdf.usaid.gov/pdf_docs/PDACD872.pdf) (accessed 22 May 2010).

United States Department of State. 2010. Background Note: Namibia, 25 January. <http://www.state.gov/r/pa/ei/bgn/5472.htm><http://www.state.gov/r/pa/ei/bgn/5472.htm> (accessed 22 May 2010).

WWF and NNF. *See* World Wildlife Fund and Namibia Nature Foundation.

Werner, Wolfgang. 2003. Recent Development in Land Issues in Namibia. Discussion paper presented at the SARPN Inception

Meeting on Land Issues in Southern Africa, March 1–2, Pretoria, South Africa. <http://www.lalr.org.za/further-resources/recent-developments-in-land-issues-in-namibia-wolfgang-werner> (accessed 22 May 2010).

———. 2008. Protection for Women in Namibia’s Communal Land Reform Act: Is it Working? Gender Research and Advocacy Project, Legal Assistance Centre (LAC), March. John Meinert Printers: Windhoek. <http://www.lac.org.na/projects/lead/Pdf/womencommlandra.pdf> (accessed 22 May 2010).

World Bank. 2007. Project Information Document: Promoting Environmental Sustainability through Improved Land Use Planning. World Bank Report No. 39095. Washington D.C.: The World Bank.

———. 2009a. 2009 World Development Indicators. Washington D.C.: The World Bank. <http://data.worldbank.org/indicator><http://data.worldbank.org/indicator> (accessed 22 May 2010).

———. 2009b. Doing Business 2009: Country Profile for Namibia. Washington DC: The World Bank. [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/10/09/000333038\\_20081009235225/Rendered/PDF/458720WP0Box331LIC10Sept29120081NAM.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/10/09/000333038_20081009235225/Rendered/PDF/458720WP0Box331LIC10Sept29120081NAM.pdf)[http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/10/09/000333038\\_20081009235225/Rendered/PDF/458720WP0Box331LIC10Sept29120081NAM.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/10/09/000333038_20081009235225/Rendered/PDF/458720WP0Box331LIC10Sept29120081NAM.pdf) (accessed 22 May 2010).

World Wildlife Fund and Namibia Nature Foundation. 2008. End of Project Report: Integrated Community Based Natural Resource Management (CBNRM) for Economic Impact, Local Governance and Environmental Sustainability for the period September 1, 2004 to June 30, 2008. LIFE Plus Report to USAID/Namibia, Project No. 690-A-00-04-00261-00. [http://www.usaid.gov/na/pdffdocs/LIFEPlusEOPReport\\_Final.pdf](http://www.usaid.gov/na/pdffdocs/LIFEPlusEOPReport_Final.pdf) (accessed 22 May 2010).