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**COMMUNAL LAND RELEASE AND IMPLICATIONS FOR
URBAN DEVELOPMENT:**

A REFLECTION FROM OMUSATI REGION, NAMIBIA

By

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Mini-dissertation submitted in partial fulfilment of the requirements
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Centre for Development Support

Faculty of Economic and Management Sciences

at the

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Study Leader: Professor Lochner Marais

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Declaration

I, Onesmus D Shigwedha hereby declare that this research is my original work. I also declare that the submission of this work to the University of the Free State is the first, as all contents of this research have not been submitted to any institution of learning in fulfilment of any qualification.

Onesmus D. Shigwedha

Date

Acknowledgement and Dedication

I appreciate the emotional support I received from my father, by encouraging me and exhibiting continuous interest in my academic journey. Without any education to his name, he still valued my education above anything else. This is a noble deed that I shall forever cherish.

I acknowledge the support of my research supervisor Professor Lochner Marais for the fast and thought-provoking guidance that immensely expanded my cognitive capacity. My academic thinking has greatly advanced, thanks to his supervision.

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Lastly, I would like to dedicate this mini-dissertation to my children and loved ones who I deprived of attention due to the demanding academic schedule. I appreciate their understanding.

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Chapter One: Research background and rationale

1.1. Introduction

Land in general is a critical resource in any form of development. All economic activities require land in order to take place, hence land remains a crosscutting issue, at all avenues and the scramble for it remains a continuous process. The rise in population pressure and environmental changes lead to scarcity of productive land and ignite conflicts (Homer-Dixon, 1994).

Urban development cannot take place in the absence of land and the expansion of urban centres increases the need for more land. In most cases, much of the land needed for such expansion is occupied and has to be released before any developments can take place (Morel, 2015). This land release process is often faced with numerous issues that need to be addressed before it becomes available for urban development.

With just over two million people living in a vast area of 825 615 hectares, Namibia is divided into fourteen political regions (Namibia Statistics Agency, 2011). Each political region has several towns, including one popularly known as a regional capital, which receives preference in terms of major commercial and administrative investments. The pace and intensity of expansion for these regional capitals, are relatively faster and bigger, compared to other urban centres in the region. After gaining independence in 1990, urban centres were the instant hubs for economic growth opportunities and thus started to sprout. For the towns within communal areas of northern Namibia, the need to acquire communally-owned, land under the traditional authorities started increasing.

It is imperative to put into perspective the population dynamics of Namibia, given that the country has a unique population size in relation to the size of the country compared to other countries in the region and beyond. The entire population of Namibia is less than that of provinces and even certain cities in neighbouring South Africa, such as Cape Town and Durban. Similarly, neighbouring Zimbabwe is about two times smaller in size than Namibia but its population is about seven times more than Namibia's (United Nations Department of Economic and Social Affairs, 2015). These population and land dynamics explain why urban centres in Namibia are sparsely dispersed around the country and quite distant from one another, as well as comparatively small and less populated. It should therefore be noted that

when an urban centre in Namibia is referred to as highly populated, it is only in the Namibian context and not when compared to situations in neighbouring countries.

The region of focus for this study is Omusati in northern Namibia, which is spread over an area of 26 551 hectares. With a population of 243 166 people, Omusati is one of the four densely populated regions in the country (Namibia Statistics Agency, 2011). There are four proclaimed towns in the region: Outapi (regional capital), Okahao, Ruacana and Oshikuku. There is also one newly proclaimed Village (Tsandi) and three settlements in the region (Okalongo, Onesi and Ogongo), as well as many small growth points dispersed around the region. Of the region's population, 13 848 (5.6%) live in the four towns. Outapi has a population of 6 437 people, Okahao 1 661, Ruacana 2 985 and Oshikuku 2 761 (Namibia Statistics Agency, 2011). The small percentage of the population living in towns is a result of the region falling in the part of the country where communal farming is highest, hence the majority live in rural areas to tend to their fields and livestock.

Unlike urban centres in the central and southern parts of the country that are surrounded by commercial farmlands, towns in the northern parts are surrounded by communal land. All communal land around such towns, therefore does not resort under concerned local authorities, but under the respective traditional authorities. The spatial expansion of these urban centres can therefore only happen when parts of communal land is surrendered to them by those rightfully occupying it. There are twelve recognised traditional authorities in Omusati region, responsible for, among others, the allocation of rights to occupants of communal land.

This study looked at the land issue in general, as well as matters surrounding the release of communal land for urban expansion. These include policy interventions, relating to urban land delivery, both at local and national government levels. The study has also interrogated the underlying challenges that come with the urban delivery process in communal areas, which involves the displacement of traditional communities, living on communal land. The study's approach takes cognisance of the fact that urban land delivery in general and communal land release in particular have implications on the affected communities, but also on urban development. It is therefore the study's aim to explore and recommend possible interventions for dealing with the challenges associated with communal land release, as well as finding a balance between urban development and communal land use.

1.2. Problem statement

Land within a proclaimed urban centre is under the custodianship of local and regional authorities, normally referred to as: regional councils, municipalities, town councils or village councils. On the other hand, the land in communal areas, in which northern Namibia's towns are located, are under the custodianship of traditional authorities that allocate portions to community members for subsistence agricultural purposes and small businesses.

The challenge arises when these urban centres start expanding, necessitating the release of more communal land under traditional authorities into the hands of local authorities. That means communal landholders have to surrender their land to become part of the urban centres concerned. Disagreements could erupt between traditional authorities and local authorities, where the former is expected to assist the latter to acquire parts of the communal land for urban development. That would mean traditional authorities would relinquish all their administrative rights over the affected land, practically reducing their area of jurisdiction. On the other hand, even if the traditional authorities agree to release land to local authorities, individual occupants of several portions of land allocated to them by Traditional Authorities may still refuse to give up their land parcels for urban expansion. They too have authentic customary or leasehold rights over the land given to them. On the other hand, surrendering communal land to local authorities for urban expansion has socio-economic effects on the farming-dependent rural communities. It these competing priorities that often lead to disagreements over the release of such land, which can go on for years and in the process derail the entire developmental plans of the affected town.

The situation can further be exasperated by the legislative frameworks and intervention mechanisms. Existing policy and legal instruments, applicable in the release of land, are to a large extent either ambiguous or difficult to implement, hence making the entire process challenging. For these reasons, the application of legal mechanisms, in releasing land for urban growth, may yield minimal success within reasonable time frames. Towns in Omusati region and many others beyond the region, have experienced deadlocks regarding land release, with some incidences dragging on for at least several years. For some, disagreements over land release were never solved completely and are, to date, on-going.

1.3. Research questions

This study attempts to answer the following four key questions:

1. What difficulties do local authorities face in the acquisition of communal land for urban development?
2. How is urban development affected by the challenges in this communal land release process?
3. What are the implications of communal land release on traditional rural communities?
4. How effective are the legislative frameworks and processes in the communal land release process?

1.4. Conceptualisation

For the purpose of this study, the following concepts, when used without a defined context, shall carry the contextual meanings provided below:

Commercial Land	Land that is privately owned with legal titles issued for it, and used for large scale production of agricultural products for selling.
Communal Land	Land owned by the state, for which occupation rights are given to individuals without issuing legal titles for the land. The land is mainly used for subsistence agricultural production.
Communal Land release	Availing communal land to be used for development projects or to be incorporated into a proclaimed local authority area.
Compensation	Payments and other forms of settlement provided to an individual or community for the land released for development purposes.
Conservation Area	An area of environmental interest, where wildlife is protected by law against unauthorised use.
Customary Law	Long-established custom, rule and tradition, practiced by a particular community, which under general law is regarded as legally acceptable.

Displacement	The uprooting or relocation of people from their place of habitual residence.
Informal Settlement	Residential area on the outskirts of urban areas, usually without or with inadequate access to urban services and where houses are mainly constructed with non-conventional, inferior standard materials.
Jurisdiction Area	An area over which a recognised body or individual has legal authority to administer.
Landholder	A person who owns or legitimately occupy a piece of land, allocated through recognised laws
Land Rights	Recognised authorisation of an individual or group to own, occupy or use a defined parcel of land.
Legal/land Title	Registered legal right in which an individual or group own the land as private property.
Legislative framework	A statutory or policy guideline.
Local Authority Area	An area declared as per section 3 of the Local Authorities Act 23 of 1992, to be a municipality, town or village.
Local Authority	A local authority council or institution that is officially responsible for all the public services and facilities in a particular area.
Local Authority Council	A municipal council, town council or village council.
Native Reserves	A territorial area designated for the confinement of indigenous people during Namibia's the apartheid period.
Traditional Authority	A traditional authority of a traditional community established in terms of the Namibian legislation.
Traditional Leader	A person who has been appointed and recognised by Namibian legislation to lead and exercise traditional authority over a

designated area, in accordance with the customs and traditions of the area.

Urban Area/Centre A settled area that is more populous and dense than rural settlement, where administrative facilities and functions are located. It is also used to refer to any proclaimed Local Authority area.

Urban Expansion Spatial growth or extension of a proclaimed urban area

Urban Land Delivery The procedure of making urban land available, with the purpose of installing basic amenities, such as water and sewer infrastructures.

1.5. Methods

This section explains the design of the study, as well as the data collection strategy employed. It also explains the sample and sampling method, as well as the data presentation and analysis.

1.5.1. Research design

Being an explanatory research, this study seeks to provide deeper insight and understanding of the problems surrounding communal land release. Even though the answers provided by the study to the research questions are not final, it increases the existing understanding and creates opportunities for further research.

In order to enable this deeper insight into the subject, the study has taken a qualitative approach. Key research questions for this study are qualitative in nature, examining the “importance...”, “effectiveness...” and “difficulties...” in various aspects of communal land release. The most appropriate way to answer these qualitative questions should therefore be through a qualitative approach, which is subjective in obtaining people’s experiences and not merely confined to numbers.

1.5.2. Data collection strategy

This study collects data by means of semi structured interviews, which are best suited for providing answers to the research questions. Semi structured interviews are not fully structured, while they are also not wholly unstructured. This helps to focus the responses on the required data, while also observing flexibility by opening up to detailed discussions.

Questions are mostly open-ended and follow up questions are enabled, hence evoking responses that are explanatory and unexpected by the researcher. Participants respond in their own words as opposed to those suggested for them to choose from, enabling the collection of detailed data.

The interviews are conducted among 4 categories of participants:

1. Category one participants: Local authority officials involved in the spatial planning of respective local authority areas.
2. Category two participants: Communal landholders whose land became part of urban land, but are only partly displaced, after choosing to be compensated only for their crop fields and continue to stay in town.
3. Category three participants: Communal landholders whose land became part of urban land and are displaced entirely, after choosing to be compensated for all their properties and get alternative land elsewhere to continue with farming activities.
4. Category four participants: Communal landholders adjacent to the town boundaries and likely to be affected by expansion of town land in the near future.

1.5.3. Sample and sampling method

Given the pre-selected criteria of participants, as indicated in the data collection strategy, the study applied two qualitative sampling methods for different sets of participants: (a) Purposive sampling and (b) Snowball sampling. Purposive sampling was used in the case of category one participants (local authority officials), who are already known respondents. Snowball sampling then became applicable through contact with the local authority officials who made referrals to suitable respondents for category two, three and four. This is because the local authority officials are best positioned to know the communal landholders affected by urban expansion.

The sample for category one participants is made up of two officials from two of the four proclaimed local authorities in the study area (one from each locality). For category two, three and four participants, the sample is comprised of two participants per category from each of the two participating local authorities, totalling twelve respondents. This sample size, though small, was deemed representative enough, given the relatively small size and population of the localities in the study area (see Section 1.1). Furthermore, the qualitative

nature of the study ensured that the selected sample size still provided data that reasonably reflect the views of the entire population in the study area.

1.5.4. Data presentation and analysis

The analysis of data for this study is qualitative, owing to the design and nature of data required for the study. A limited amount of data is however presented by means of tables and charts, in order to display and compare key elements of the findings. This however does not change the design of the study, as such data is still qualitatively analysed to provide detailed interpretations and produce explanations to the findings.

1.6. Outline of the study

The structure of this study is organised by way of five chapters, with the first chapter providing background information and the rationale for carrying out the study.

Chapter two contextualises the land phenomenon in Africa through the review of relevant literature, with the aim to provide a perspective on the importance of communal land on the continent. The chapter deliberates on multiple aspects of communal land such as the use, ownership and administration of such land. Furthermore, communal land is discussed in light of the expansion of urban areas that necessitate the need for communal land release for urban development.

Chapter three scales down the review of land-related matters to the Namibian context, by providing a general overview of how land is categorised for various uses. The main area of focus is however land use and administration, which influences communal land release. The chapter also discusses various legislative and policy frameworks that affect communal land release and urban land delivery.

Chapter four applies a qualitative approach to the presentation and analysis of data, collected through interviews with different categories of respondents as described in 1.5.2 above. The data covers a number of key focus areas of the study, including displacement and compensation of communal landholders affected by urban expansion.

Chapter five concludes the study with a detailed discussion of the main findings. The concluding discussions attempt to answer the research questions specified in the introductory chapter, hence providing closing arguments on communal land release challenges and how they affect urban development. The chapter also covers suggested recommendations to

address the said challenges, as well as recommended areas of further research that this study did not cover in detail.

Chapter Two: Land in Africa: Literature review

2.1. Introduction

This chapter explores various aspects related to communal land and occupation rights, through a literature review. It seeks to create a broad understanding of how land and communal land are viewed in Africa. The chapter appreciates the value of land, especially in traditional African societies, as well as a historical authority regarding the custodianship of land. This is firstly to create a common understanding of the context into which the land phenomenon should be understood against.

Secondly, it will help create an understanding of the relationship between people and the land, hence the extent to which people can go to keep their land. To that end, the chapter contextualises issues related to dispute over land and ownership rights, a problematic phenomenon that has been experienced in communities throughout the African continent (Kagwanji, 2009). The chapter also highlights what urban expansion means to people living around urban centres, who are known to be directly affected by the growth of urban areas (Mbuguru, 1994). This is to create an understanding of how tensions at community level and beyond, are closely related to challenges in the release of land for urban development.

It is imperative to note that disputes over land in many African communities, demonstrate how much value people have attached to land, such that they can do everything to keep a piece of their own. The scramble for land ownership and control has led to crosscutting conflicts at local, regional, national and international levels (Kagwanji, 2009). Land ownership and control has therefore been a critical aspect in the shaping of many societies and overall development of nations.

2.2. Land as part of African identity

Land in a traditional African context is more than just a piece of resource from which a livelihood can be derived. African societies strongly identify themselves with land in the same way as they identify themselves with other objects like language, culture, or ethnicity (Bekker, Dodds & Khosa, 2001). African identities such as tribes, clans, lineage, and geographical territories, are important parts of communities (Mafeje, 1971). Where the

person comes from, including who is in charge of their place of origin, is a critical aspect of a person's character.

This shows that communities throughout Africa have for years, created a sentimental attachment to land, going as far as associating ancestral spirits with their land and making it an inseparable part of their identity (Everard, 2011). With a deep rooted spiritual association with land, people's traditional claim to land is quite strong and can hardly be withered by the introduction of any modern land tenure systems that could be deemed to undermine existing customary rights (Delius, 2008). Any attempt to separate people from their ancestral land would therefore be seen as taking away a critical part of their identity.

2.3. Land use and ownership in communal areas

Up to 63% of the population in sub-Saharan Africa live in rural areas, where land is communally shared through customary land rights (Moyo, O'Keefe, & Sill, 2013). Approximately 68% of Zimbabwe's population lives in rural communal areas with compromised tenure security, so are the 59% of Zambia's, 55% of Angola's and 42% of Botswana's populations (World Bank, 2015). More than a 3rd of South Africa's population lives on communal lands as well. These are the people who make up the rural subsistence segment in the former Bantustans with fragile local economies, as compared to the large-scale commercial sector that is well connected to the mainstream economy (Ntsebeza and Hall, 2007). They are the communities of poor and vulnerable people with little influence on determining the land tenure security (Cousins, 2008.)

The ownership of land among early African nomadic communities was somewhat poorly defined, due to frequent mobility lifestyles. It was hardly practical for a frequently roaming community to be considered as legitimate owners of a specific area of land (Gilbert, 2007). As the time passed by, sustaining a nomadic life in the changing world became difficult. Communities started redefining land ownership as nomadic lifestyles started dying out and more prolonged and permanent settling patterns gained prominence (Chatty, 2006). The common means of survival through hunting of wild animals could no longer sustain increasing populations as wild animals became scarce, creating the need and prominence of crop production and domesticating animals (Martin and Sauerborn, 2013). This required people to settle longer in a specific area to work on the land, hence more organised ways of land occupation. So much value has been attached to land ever since, such that communities established methods of land acquisition and ownership rights.

Land in communal areas has been mainly used as a common resource where collective use takes place, and was owned collaboratively by village communities, since medieval times (Everard, 2011). Cooperation has therefore inevitably been an outstanding feature among communities sharing land, usually under the regulation of traditional systems (Lewis-Lettington and Mwanyiki, 2006). As times changed, commercialisation of land and natural resources gave a new direction to land ownership and land use patterns, threatening traditional ownership systems (Gebre, 2001). In various parts of Europe, the enclosure system was introduced, which came in a form of "...piecemeal fencing or hedging of strips of land from margins of common fields..." (Everard, 2011:8). This practically means privatisation of land and resources, by putting land rights under the control of several individuals, as opposed to communal rights.

Privatisation of communal land has been supported by some, on the basis of the argument that it improves productivity. Yet existing literature has also showed that the practice produces negative impacts, by excluding parts of the community from land use benefits that could be shared through communal ownership (Lane, 2013). For example, Botswana's grazing lands policy provides for the fencing off of communal grazing land, a provision that is seen to be biased in favour of a few wealthy individuals who can afford the best grazing areas (White, 1993). In the process, poor communal farmers are left with less productive land and would hence not benefit from the most arable land.

Despite the tenure system that does not allow people to hold legal land titles in communal areas, subsistence agricultural activities on communal land remain the lifeline for rural communities in Africa (Sikhweni and Hassan, 2013). Such subsistence activities are in fact the only option available to most farmers in these relatively inferior agro climatic zones, commonly known as the "periphery" (Haddad, 1997). The superior agro climatic zones are known as the "centre", and are dominated by commercial farming activities

The colonial-based centre-periphery concept is evident, to date, in the skewed distribution of productive agricultural land (Wekwete, 1992). In Zimbabwe for example, the 1930 Land Appropriation Act saw the minority white population (2% of the country's population) being allocated 78% of the best commercial farming land, "while the majority of the land allocated to Africans for subsistence farming in communal farming areas was of the lowest grade" (Grandvinnet and Schneider 1998:83). In South Africa, 90% of the land was appropriated

under the 1913 Natives Land Act, hence “confining indigenous people to reserves in the remaining marginal portions of land” (Ntsebeza and Hall, 2007:3).

This dispensation explains the current minority dominance in commercial agricultural areas, while the majority populations are constrained to subsistence farming in communal areas. Unlike in the commercial areas where better access to improved facilities increases agricultural revenue, choices for the periphery are limited to lesser agricultural output, which is nevertheless still critical in sustaining the communities’ existence (Pearce, Barbier & Markandya, 1990).

2.4. Communal land administration

Custodianship of land in communal areas is vested in an old, but favoured leadership system, spearheaded by traditional authorities, who are critical in fulfilling a variety of roles to enable organised and functioning communities (Wily, 2003). These leadership tasks include general guidance on the basis of culturally upheld community values, conflict resolution, providing assistance to subjects in times of need, such as during natural adversities, as well as allocating and administering land (Dusing, 2002). Traditional leaders, who are sometimes referred to as tribal leaders are respected individuals in the community, as the leadership positions they occupy are “...sanctified by cultural mores and values” (Adewumi and Engwurube, 1985: 20).

As a common feature in traditional leadership systems, a particular territory by some form of spatial demarcation falls under a traditional chief, and leadership is passed on through generations following an established lineage-based succession approach (Gausset, 2007). This traditional approach to leadership cuts across different regions on the continent, hence various communities in Africa generally share similarities in terms of traditional leadership structures and systems. For example, most if not all Southern African countries have traditional courts and conduct similar proceedings during the resolution of cases brought to these courts (Bekker, 1989).

The administration of land through traditional authorities is known for its prominence of customary laws as the means and basis of allocating land rights (Ntsebeza, 2000). Especially in the past, when traditional societies were strongly upheld in Africa, the customary land tenure system was dominant and “characterised by its largely unwritten nature, based on local practices and norms, and is flexible, negotiable and location specific” (Cotula, Toulmin & Hesse, 2004: 2). Land administration is therefore the principal duty of traditional leaders,

throughout various African countries, even though modern government systems are now highly involved in customary land administration. Most governments have generally formalised many aspects of customary land administration, by minimising the role of traditional leaders, even though there are still countries like Zambia and Ghana that continue to maintain strong observance of the old customary ways of land administration, through empowering traditional leaders (Wily, 2003).

The fact that communal land is under the custodianship of tribal chiefs, on behalf of the community, leads to several interrelated problems. Firstly, the inability for people to have legal titles over the land, means the inability to fully utilise the land economically, as there are no legal means to use the land as capital and leverage for business transactions (Mbambo, 2012). This makes the land to be, what is widely known as dead capital, meaning huge tracts of communal land remain outside the formal economy and are not fully utilised for economic growth (Petracco and Pender, 2009). Secondly, the absence of individual legal titles over the land, reduces accountability among community members, as nobody takes full responsibility of protecting communal resources (Mbambo, 2012). It is for this reason that incidences of uncontrolled grazing, collapse of communal water sources, and unsustainable use of other natural resources, are prominent in communal areas compared to commercial areas.

In conclusion, people throughout the continent clearly continue to manage their cultural and physical space through traditional forms of leadership, albeit with varying degrees of empowerment among different communities. Common patterns of traditional land administration systems are easily noticeable between communities, both within and between African countries. The role of traditional leaders in allocating land cannot be underestimated, as the survival of communities, particularly the farming communities in Africa's communal areas, is heavily dependent on people's access to a portion of farming land.

2.5. Conflicts over the land in Africa

Key problems surrounding land conflicts mainly relate to issues of land use, as well as land ownership and access. Whenever there are a number of interest groups seeking to use the same resources differently, conflict is likely to arise (Darkoh and Mbaiwa, 2001). For example, if conservation groups advocate for the protection of the same forests that local communities need to use for resources, such as water and pastures, clashes between the two groups are likely to happen.

Common land use concerns have been identified in Africa. Firstly, there is evidence of conflict between conservation and the needs of communities. For example, noting that Tanzania's wildlife sector provides over 40% of its foreign exchange income through tourism, more than 30% of the country's land is classified as protected areas for wildlife conservation (Ministry of Natural Resources and Tourism, 1998). Local communities around protected areas are however not in full support of such conservation projects, owing to the belief that while already being prohibited from protected areas, wildlife conservation brings no direct meaning to the fulfilment of their daily needs (Kideghesho, 2008).

The cattle rearing Maasai people, among other indigenous communities, feel protected areas are a threat to the survival of their livestock, hence to their own livelihood (Hauff, 2003). In a similar case, Botswana has designated nearly 40% of its land as wildlife areas for conservation purposes, but communities around these national parks and forest reserves are interested in using the land resources for daily survival (Darkoh and Mbaiwa, 2001). These communities therefore strongly see Botswana's Department of Wildlife and National Parks (DWNP) as "a state police department established to deny them access to wildlife use" (*Ibid*: 50). Cordoning off of large tracts of land for wildlife conservation, leaves the communities to compete for the remaining land, while also forcefully and illegally finding ways to make use of protected land. It is for such reasons that tensions ensued when government initiated the relocation of communities away from reserves in the 1980s; a sign that communities wish to use the land differently (Darkoh and Mbaiwa, 2001).

Naturally, local communities are in land use competition with conservation projects that seem not to directly benefit them (King, Lalampaa, Craig & Harrison, 2015). It is noted in literature that any facilities established to preserve wildlife, can only survive if returns from such facilities are equitably shared with the communities around them (Balyamujura and Van Schalkwyk, 1999). Involving local communities and sharing conservation benefits therefore, prove to be key in averting conflict, as communities can find the relevance of conservation if they reap benefits from it. This was evidenced in the establishment of a community-based cooperative to manage fisheries resources of Lake Victoria in Tanzania. The cooperative saw mutual conservation and utilisation of resources, because of responsibilities and benefits that were shared with community members (Bulayi, 2001). Should the conversation approaches that are not community cautious be taken, conflict might have ensued as people relied on the lake for survival.

A second point of conflict, relating to land use disputes in Africa, points to the competing interests between pastoralism and crop production, whereby communities that wish to focus on livestock production require a wide area of undisturbed grazing land, while those into crop production prefer to clear large tracts of land (Babiker, 2001). Livestock production mainly relies on natural grazing pastures, which can be severely reduced by intensified cropping activities, resulting from population pressure (Okoruwa, Jabbar & Akinwumi, 1996). The result is that neither of the two types of agriculturalists will have enough land for their desired agricultural activities. This is quite common in the eastern parts of Africa where communities engage in extensive pastoralism, while at the same time livestock pastures are threatened by the increasing demand for crop production in the region (Ahmed, 2001). Such competing land use intents can easily, and often so, lead to conflict within and between communities, as well as between communities and authorities.

Thirdly, issues related to land ownership and control have the potential to manifest into conflicts, given that African people's wealth and survival capacities are largely measured by the ability to own land (Sakah, 2009). Ownership of land has been at the centre of festering conflicts between different ethnic groups in various parts of Africa, with disputes over boundaries and entitlements to land parcels (Kagwanji, 2009). In the quest to take ownership and control of land resources, any means including aggressive measures are often engaged in, to seize possession of such land (Pantuliano, 2009). Warlords or government authorities at times disregard people occupying the land, when taking charge of the land for resources exploitation, hence the people living on it could easily be seen as "a mere inconvenience" (De Waal, 2009: 12). For example, at the establishment of what came to be known as peace parks for trans-frontier conservation and economic development purposes in southern Africa, the role of local communities affected by the initiative was initially not considered (Van Riet, 2003).

Fourth, the problem of land ownership in African communal areas, is further complicated by the vague meaning of ownership (King, 2005). Land ownership in these areas falls short of the true sense of the word, as an individual occupying land through customary rights only has "hereditary rights to a piece of land, who can bequeath it to kin, and who can let others have temporary use rights through either a formal lease or an unwritten agreement" (Lund, 2008: 49). This means people in communal areas are only said to be land owners, but such ownership is in actual fact "never absolute nor is it constant over time" (p 49). The absence of

secure and stable ownership arrangements therefore leaves room for imminent conflicts over land, with interested parties using whatever means of gaining control over the land.

Fifth, access, particularly equitable access to land is yet another key problem surrounding land related conflicts in Africa (Le Meur, Hochet, Shem & Toure, 2006). Among other factors, competing for access to land and land resources is quite commonly attributed to land disputes (Ballard and Banks, 2003). Political and economic factors also come into play in reduced access to land, as many African communities that had free and unlimited access to land resources in the past, are now subjected to limited access to the same resources (Gebre, 2001). Such land accessibility problems surely increase resource competition and spark fights over territorial control. It therefore comes as no surprise that Africa is said to have recorded the most intra-national violence in conflicts over land, owing to land resources that continue to be scarce and difficult to access (Derman, Odgaard & Sjaastad, 2007).

Sixth, from an administrative perspective, land conflicts related to ownership and access, are a result of dysfunctional land administration systems, lack of appropriate land policies, as well as ambiguous, controversial or unenforceable laws (Pantuliano, 2009). Furthermore, land administration structures and institutions in many African countries, also lack the necessary competencies to successfully carry out their responsibilities (Deininger, 2004). The ability to access land rights is therefore largely influenced by the effectiveness of administrative processes involved in the acquisition of land, as well as the implementation of land policies. Property rights in communal areas of countries like South Africa, for instance, prove to remain controversial in a variety of ways, including the question of how and who should administer such rights (Cousins, 2010). Individuals and communities bear the lengthy, inconsistent and cumbersome administrative processes in order to secure rights over a piece of land.

Finally, environmental factors too can cause land use competition and fuel land conflicts as evidenced in various parts of Africa (Mohammed, 1997). Direct causes of land use competition relate to various changes to the environment, including man made changes that destabilise the ecosystem, making it unable to sufficiently support human survival activities (Libiszewski, 1995). Climate change and global warming for instance, affect various resource outputs from the environment, limiting what is available for communities' utilisation and leading to possible resource-based conflicts. In Ethiopia, the Karrayu and Argobba communities had conflicts over territorial expansion, but it became clear that the fundamental

cause of such conflicts was the reduction in land resources, due to environmental factors that caused the continuous drying up of the area (Gebre, 2001). Declining rainfalls led to limited water and natural pastures for the two communities' livestock, which subsequently increased the need for expanded territory, in order to secure more grazing land.

2.6. Urbanisation and urban growth

Though related, urbanisation and urban growth is not entirely the same thing, as urbanisation is broadly understood to be the increase in proportions of people living in urban areas (Bilsborrow, 1996). More explanatory delineations define urbanisation as “a process of growing population concentration whereby the proportion of the population which is classified as urban is increasing” (Drakakis-Smith, 2011: 8). Urban growth on the other hand refers to “absolute increase in the physical and total population of urban areas” (Potter, 1992: 5).

These definitions show that urbanisation comparatively takes into account the rural proportion of the population, while urban growth only concentrates on the urban set up. That means if the population growth rate between the rural area and the city is the same, there is no urbanisation, regardless of how big the city grows (Tacoli, McGranahan & Satterthwaite, 2015). Urban growth is however certainly taking place. In the same vein, if a country's population is not growing, but the percentage of those living in urban areas is increasing, urbanisation is taking place.

Both urbanisation and urban growth however, go together and have a direct influence on urban environments, as well as implications on communal land use (Spence, Annez & Buckley, 2009). An increased proportion of urban population necessitates urban expansion and brings about rural contraction. The need for extended physical sizes of specific urban areas to accommodate growing populations, means expansion into neighbouring areas, as more of the adjacent land becomes part of the urban centres (Hart, 1976). In cases of communal areas, such urban growth reduces the size of remaining communal land and impacts land use activities.

Urbanisation has been on the increase around the world, and it is not surprising that the world is becoming predominantly urban. The United Nations has projected that 60% of the world's people will be living in urban areas by the year 2030 (UNFPA, 2007). The world population in general, is said to have increased by two billion between 1970 and 2000, and expected to grow by another two billion by 2030 (Allen and You 2002). Of interest too is the expectation

that almost all this two billion people are likely to be added to developing countries' populations, and mostly to urban areas. According to the World Bank, urbanisation will see more than half of the world's poor people residing in urban areas by the year 2035, with several regions including Latin America – which is over 75% urban – already at this level in the year 2006 (Buckley and Kalarickal, 2006). By the year 2050, it is predicted that 60% of Africa's population will be in urban areas (UN-Habitat, 2010) - search UN-HABITAT: State of African Cities 2010.

While natural population increase is the key factor associated with population growth, rural-to-urban migration is one biggest contributing factor attributed to urbanised cities, especially in the developing world (Hancock and Bilham-Boult, 2007). Rural to urban migration involves the movement of people leaving the countryside into the cities, usually due to a variety of economic and non-economic reasons (Fischer, 2011). Factors that drive people out of rural areas are called push factors and include unemployment, famine, conflicts, poor living conditions in terms of housing, healthcare and education, to mention but a few (Fiedler, 2014). On the other hand, factors that attract people into urban areas are called pull factors and include prospects for employment, due to high demands for labour, as well as better living conditions in terms of healthcare, education, and other urban services.

Given the stark disparity between urban and rural areas in terms of public and private investment in the mentioned services, hordes of people leave rural areas in the hope for alternative lifestyles, through various opportunities in urban areas (Khadu, 2006). This is especially true for those in the active age groups, because young adults are believed to have a positive return on migration, because they have much able bodies to work, as well as a longer period to live (De Haan and Rogaly, 2002).

Unlike rural areas, urbanised areas are generally considered as recipients of preferential treatment, in terms of various government services such as infrastructure development, health and education (Hope and Edge, 1996). This urban bias creates a concentration of economic opportunities in urban areas and hence employment prospects for urban dwellers.

Better opportunities in urban areas, whether real or perceived, continue to attract optimistic rural dwellers with hopes to enhance their standards of living, even though many of them do not necessarily attain this dream in the end (Bryant, 2004). Statistics on the dynamics of urban life in Africa confirm the fact that not everyone taking part in the rural-to-urban migration finds satisfaction on their expectations of the urban areas. The Afro-barometer

indicates that nearly half of urban Africans described their living conditions as “fairly bad” or “very bad” in 2015, while according to the Multi-Disciplinary Poverty Index, 26% of Africa’s urban population lives in poverty (Mo Ibrahim Foundation, 2015). This however does not mean all migrants end up worse off in cities, as there are indeed many educated and employable people who migrate to urban areas.

Urbanisation has positive and negative implications for both the rural and urban areas. These positives and negatives can be interpreted in two ways: the departure of migrants from rural areas, as well as the arrival of migrants in urban areas. Implications emanating from the departure of migrants to urban areas, mainly centre on agricultural production (Satterthwaite, McGranahan & Tacoli, 2010). The departure of productive young people from rural areas means scarcity of labour and decreased agricultural output (Cohen and Garrett, 2009). Household sustenance thus becomes difficult as both rural and urban food security are threatened. This certainly has a long term implication on people’s nutritional related health conditions, which in turn leads to lower life expectancies and an increased rate of child mortalities (Tolossa, 2010).

The arrival of people into urban areas on the other hand, has its advantages and disadvantages too. Economic benefits of urbanisation are well represented in the literature, with consenting inferences that urbanisation, among other factors, is an important enabler of sustainable economic growth for a country (World Bank, 2009). Larger urban centres, especially in high income countries, are much more economically productive than smaller ones, and this is true for the reason that clustering of many people at one hub makes is cost effective for large-scale production and delivery of goods (Kurgman, 1991, 2011). When rural to urban migration takes place, it indirectly means the people’s needs and demands are also shifted from rural to urban areas. Government see this as an opportunity to provide public services, because per capita costs are much lower in clustered settlements as compared to isolated rural households (Foster and Briceno-Garmendia, 2010).

Without underrating the said advantages, the negative implications of migration to urban areas are also worth pointing out. First, the reduction of rural labour through migration, already poses a challenge in satisfying the urban food demand, noting that the biggest amount of food consumed in urban areas is produced outside the area (De Haen, Stamoulis, Shetty & Pingali, 2003). This inevitably means that the country in general, and urban areas in particular, will have to rely on food imports to feed the inhabitants.

Secondly, the concern for, especially lower income countries in Africa, is the capacity to cope with the fast pace of urbanisation. Governments of these countries are often hardly in a sound financial position to address urban needs, as argued that there is a “tendency for urban governments in Africa to have relatively small revenues...” (Tacoli, McGranahan & Satterthwaite, 2015: 10). These small revenues inhibit successful handling of the consequences of rapid population growth, which fuels migration to urban areas. Urban governments and service providers are therefore subsequently challenged in terms of infrastructure, services, housing, as well as addressing environmental issues, resulting from overcrowding and congestion (Stren, 2014).

When a variety of social factors are considered, together with the monetary poverty lines, it is established that there is a substantial number of poor urban dwellers living in overcrowded informal settlements and temporary shelters (Mitlin and Satterthwaite, 2013). These are usually the poorly served settlements on the fringes of urban areas, which, due to their illegal and uncontrolled nature of establishment, are deprived of security. High levels of crime, health and even livelihood risks, worsened by illegal means of raising an income, are common in such settlements, owing to the lack of policing (Krishna, Siram, & Prakash, 2014).

In conclusion, it is quite certain that world urbanisation predictions are a sign of imminent challenges for urban development in general, and urban land availability, in particular. From the historical statistics and future estimates, it is safe to deduce that the need for urban land will inevitably keep increasing. The needs of a particular urban centre will keep increasing with the expansion of both the economy and the physical space of such urban centres. More businesses and more development projects attract more inhabitants, hence increasing the need for more houses, more health and social service needs, more transport networks, sports facilities and all amenities. Urbanisation and urban growth therefore comes with the need for land to enable urban services and accommodate people.

2.7. Urban expansion and displacement of communities

In general, most development projects necessitate the need for occupied land to be vacated, whether they are deliberate projects or disaster-driven projects (Cernea, 1993). Development-induced projects can include among others: mining, irrigation, power plants, road networks and transformation of urban space, through physical expansion. When these projects take place in agricultural areas, people involved in agrarian activities on the affected land are

expected to surrender part of their land to the project or permanently vacate the entire area and settle elsewhere (Terminski, 2015). This type of displacement is called development-induced displacement, which is one of the three major causes of displacement, in addition to conflict and disaster-induced displacements (Tesfaye, 2007).

Involuntary resettlement of people for major projects is known to have moved affected people to new surroundings, at times with different cultures and lifestyles from their own. When Lake Kariba in Zambia was built in the 1950s, disruptions to valued family relations were recorded as one of the key problems, experienced by thousands of relocated people, alongside a reduced output from agricultural production (Mbuguru, 1994). For the affected people, development-induced relocation is surely not only disruptive in the immediate, but it also has "...serious long-term risks of becoming poorer than before displacement, more vulnerable economically, and disintegrated socially" (Cernea, 1996: 304). A high risk of impoverishment is therefore likely to occur when someone's long existing way of making a living is interrupted.

The World Bank Environment Department (WBED) estimated that up to 60% of displacements, caused by development projects worldwide, are a result of urban infrastructure and transportation projects (WBED, 1994). The Bank also makes the estimation of ten million displaced people every year, due to among others, urban infrastructure development. In Africa, the construction of dams has been a popular cause of displacements, with Zambia's Kariba Dam displacing 57 000 people, Ghana's Akosombo Dam displacing 80 000 people and Aswan High Dam of Egypt displacing over 100 000 people, to mention but a few (Chambers, 1970 and Fahim, 1981).

Displacement, as a result of urban related development, was quite substantial, having accounted for over 22% of people who were displaced by the World Banks' projects in 1993 (Stanley, 2004). Urban related developments include expansion of urban areas, urban water supply networks and development of urban transport infrastructure. Urban expansion is mainly a result of urbanisation and urban growth, although there are also economic activities, such as solar or wind farms that can expand the physical space of an urban centre without necessarily major increases in population (Mengistu, 2016).

On a broader scale and in comparison to other causes of displacements however, the number of relocations caused by the expansion of urban areas is relatively smaller, given that most people around the urban areas typically get immersed into the urban area as it expands

(Terminski, 2015). Urban centres located within communal areas however, displace many people during expansion, given the fact that people's routine agricultural activities, onto which they heavily rely, become highly constrained or cease completely.

Urban expansion comes with both positive and negative consequences, affecting both the urban centre itself and the communities surrounding it (Ewing, 1994.) The benefits of a particular development project, vis-a-vis the disturbance and displacement of communities, are therefore key issues that need to be taken into consideration in understanding the consequences of urban expansion. More often than not, most emphasis is placed on the benefits of development, than its implications for the affected communities. A number of environmental impact assessments often exclude the element of social impacts, which in the end leads to the approval of development projects without considering key social consequences (Hoban and Tsunokawa, 1997).

The ensuing benefit that comes with the expansion of urban boundaries, is the accelerated growth of the locality's economy, which by implication is expected to concurrently address a number of socio-economic problems like poverty (Adams, 2002). Firstly, an increased supply of urban land means more houses can be build, which in return reduces prices and creates affordability in the housing market. Secondly, expanding the urban area also means more businesses can be established and employment opportunities are created. Research shows that entrepreneurship is one of the key catalysts of job creation in sub-Saharan Africa (Moreno, 2015). Availing more land for businesses therefore, increases the number of households with access to income, while also enabling city authorities to collect more revenue for investment in socio-economic development projects.

Given that most cities in Africa are a result of "...rapid, spontaneous and massive rural-urban in-flows and natural population growth" that exceeds the cities' capacity to provide services, relocations for urban expansion are faced with difficulties (Cernea, 1993: 11). At the heart of expansion is the expropriation of neighbouring land from mostly agricultural communities, an issue that is often faced with refusals, as the displaced would have to start over with their lives elsewhere (Morel, 2015).

The decision to allow one's land to be appropriated for urban expansion can be influenced by traditional or economic factors. Firstly, the strong association of African people with land already makes it difficult to let go of a piece of land that a family has occupied for ages. This is linked to the fact that land, including all its natural features, has over the years naturally

become a permanent territorial possession for families and communities, hence it is passed on from one generation to the next (Mbuguru, 1994). It is a generational wealth that can hardly be relinquished for monetary gains at the expense of profound socio-cultural values and respected kinship systems in African societies (Cernea, 1993).

Secondly, the hesitation to release the land can be motivated by the fact that the value of land around urban centres naturally increases when the centre starts expanding (Satterthwaite, McGranahan & Tacoli, 2010). This creates a tendency of land holders turning down compensation offers from the local governments, rather opting to keep it for a longer time in expectation of better returns (El-Hefnawi, 2005). Some would go as far as subdividing their land into portions and selling it on the market to maximise returns, creating uncontrolled land invasions.

This does not come as a surprise because most relocations in Africa are often known to be problematic in terms of compensation, compared to Europe and other developed regions, where legal institutions are more effective and compensation amounts are greatly satisfactory (Terminski, 2015). A study conducted in Ethiopia's Bahir Dar city in 2015, indicated that displaced people were offered only one residential plot of land, measuring 105 square meters per individual as compensation, with no monetary compensation offered by project planners (Ambaye and Abeliene, 2015). It is certainly not logical and inconsiderate if a displaced household is compensated less than what is required to cover the loss.

With this in mind, it is imperative to note that any amount of disturbance, caused by relocation, can be enough to permanently disadvantage a community or individual. History has it that even in relocation plans where the affected population seem to be small, it would be erroneous to think the disruptive effects are minimal (Cernea, 1988). Protection of a traditional identity is critical for African societies; therefore there is a feared loss of a substantial part of people's identity when they are resettled at a different place.

2.8. Local authorities versus traditional authorities

African countries have adopted modern local government structures, with local councils as political bodies, representing central government, overseeing the operations of cities, municipalities, towns, or whichever urban set up is applicable (Taabazuing, Armah, Dixon & Luginaah, 2013). The participation of traditional leaders on these government structures still

exist, but minimal in counties like Ghana, while non-existent in most other countries across the continent (Ayee, 1994).

While traditional authorities around urban centres generally prefer to keep their traditional customary rights to govern their communities and administer their land, urban authorities often see it as an “obstacle to development” (Sullivan, 1996: 8). Local authorities advocate for contemporary built up areas and hence are perceived to be modernists, while traditional authorities support the preservation of customs and are seen as traditionalists. Modernists therefore view traditional systems as obstructions to democratic development on one hand, while traditionalists on the other hand view modern political systems as destructive of traditional institutions that society cannot survive without (Logan, 2008). This exposes the nature of reasoning that underlies scuffles between local authorities in charge of urban centres, and traditional authorities in charge of the surrounding communal land.

Elected political leaders, especially at Local Authority level, seem to be at rival ends with traditional leaders, competing to win over the people’s support and to take charge of community resources (Oomen, 2000). Traditional leadership structures in most African societies are however, much more respected at grassroots level, as studies indicate that “popular perceptions of traditional leaders are slightly more positive than those of elected leaders” (Logan, 2008:1). Illustrating the traditional communities’ preference of traditional, over modern leadership structures, Chief Linchwe of Botswana is notably quoted stating that, the people of Botswana would rather throw their support on a chief than on a politician (Logan, 2008). Also, a 14 countries’ survey that asked “To whom would you turn to for help to resolve a violent conflict between different groups?” had results indicating that more respondents would turn to traditional leaders than those who would turn to the police, let alone those who would turn to local administrators (Logan, 2008).

Traditionalists argue that even when their leaders are not democratically elected, the decision making processes are based on consensus through community gatherings, where everyone’s opinion is voiced (Keulder, 1998). This is as opposed to modern political systems where a few selected individuals serve as the representative voices of all community members. Traditional governance procedures are deemed to be simpler and leaders are highly accessible than any other system of government, given the proximity to their subjects, as they live in the same surroundings (Keulder, 1998). Similarly, traditionalists also have more confidence in

customary land administration systems under traditional leaders, which they deem to be more protective of vulnerable community members in the absence of legal titles over the land.

With the fast changing world, modern political leaders need both the support and the influence of traditional leaders on community members, to effect any change (Williams, 2004). Elected political leaders know well that strong community belief and trust in traditional structures of governance, can easily weaken their support, such that it may ruin their political opportunities. The need for co-existence is therefore inevitable, as it is difficult for local authorities to execute modern development projects within Traditional Authority areas, without the backing of traditional leaders (Mawere and Mayekiso, 2014).

2.9. Conclusion

In most of Africa's traditional communities, land is a revered resource that extends beyond just a means of production. Communities associate and identify themselves with land in similar ways as they religiously identify with other objects. Any decision by a traditional African community or individual to give up possession of their land therefore, does not only consider the socio economic factors, but also the spiritual factors.

Land in communal areas of Africa is occupied and regulated through customary laws, under the custodianship of Traditional Authorities. Traditional leaders are highly respected and entrusted to perform a variety of duties, of which the administration of land is critical. The land, under customary laws, belongs to the community and all individuals only have the right to use it as allocated by the authorities. Key factors at the centre of land related disputes include competing for land use needs, with regard to natural resources, land access and ownership, as land legislative and administrative frameworks,.

The fact that population growth is on the increase in Africa and worldwide, has led to increased rural-to-urban migration, consequently increasing the demand for urban land and causing urban expansion. While the migration of man power to urban areas reduces the capacity of rural areas to produce food, a multitude of environmental and socio-economic problems also ensue in urban areas. Squatter settlements, pollution, crime and urban poverty are some of the many consequences.

The benefits of urban expansion clearly come at the expense of people living on the surrounding communal lands, who are in the process of being forced to relocate elsewhere.

Displacements are known to destroy traditional value systems of communities, while also disrupting people's ways of survival and drive them into impoverishment. Communities that have lost land to urban expansion, face the inability to rebuild their lives if not appropriately assisted, both financially and otherwise. Even though compensation for displacement is often offered, it has been time and again contentious in Africa.

Modernists' versus traditionalists' perspectives of development, influence the understanding of urban expansion and the need to harmonise the two viewpoints for sustainable urban development. Modernists in the form of local authorities are advocates of urban expansion, to accommodate more urban development projects, while traditionalists in the form of traditional authorities find the expansion as an invasion of their areas of jurisdiction. In the event of a local authority, planning to expand its area into traditional communal land, the rural communities' strong belief in traditional governance structures cannot be taken lightly. If for some reasons the traditional leaders are against the release of land to local authorities, members of the traditional communities too are likely to support their leaders. Attending to the interests of both local and traditional authorities is therefore critical for communal land release and urban development.

Chapter Three: Land in Namibia

3.1. Introduction

As is the case in other different countries of Africa, land in Namibia is critical to the functioning of communities. Land use and ownership arrangements in Namibia, resonates those in the rest of the continent, hence similar land administration provisions. Namibia's colonial experience too has greatly influenced the current land ownership and administration structures, which are strongly aligned to systems inherited from the colonial governments (De Villiers, 2003).

During the pre-colonial era, land and natural resources were communally owned and no fixed boundaries existed among communities (Muenjo, 2010). The German colonial policies and treaties, organised indigenous communities on the basis of their tribes; expropriated and controlled land use activities in the country (Amoo, 2001). Namibia was then divided between northern and southern parts, with the latter dubbed the Police Zone and extensively protected for its rich economic resources and arable agricultural land (Muenjo, 2010). The northern part consisted of the Kaokoland, Owambo, Kavango and Caprivi (now Zambezi) regions and movement between the two parts was highly restricted (Legal Assistance Centre, 2005). The separating fence is still in existence and known as the veterinary cordon fence or the red line. All land that is north of the Red Line has been generally classified as communal land.

With the takeover of Namibia by South Africa as a Great Britain protectorate, the Native Administration Proclamation 11 of 1922 was introduced to set aside areas as "native reserves" for indigenous black people within the Police Zone (Legal Assistance Centre, 2005). Even though the commission, established under the Native Administration Proclamation, recommended in 1922 that five million hectares of land in the Police Zone should be set aside for black natives, only 2,8 million hectares were set aside for 11 740 blacks, compared to 7,4 million hectares set aside for 1 106 white settlers (Emmett, 1999). These historical facts shape the land question in Namibia today and have direct implications on land use.

This chapter first gives an overview of land ownership and administration, in order to create an understanding of how land is generally categorised and on what basis it is occupied. With the primary focus being on communal land, the role of traditional authorities in the

The ownership of land is inseparably linked to wealth, especially among the farming communities. Equitable access to this wealth has however been negatively influenced by colonial systems throughout Southern Africa, resulting in "...extremely inequitable land distribution, mainly along racial lines" (Cotula, Toulmin, & Hesse, 2004: 8). Being a vital aspect in the exploitation of the country's resources, the racially-biased land distribution, deprived black Namibians of access to land and forced them to rather provide wage labour to commercial farmers (Werner, 1993).

To date skewed ownership of land exists as commercial agricultural land in the former Police Zone (south of the red line), which is still dominantly owned by the white Namibians. Black individuals whose commercial land was mainly acquired after independence, represent an ownership of only 2.6% of economically viable agricultural land, as compared to 24.7%, owned by their white counterparts (Legal Assistance Centre, 2005). This unequal distribution of land continues to be a popular justification for poverty statistics in the country, as well as being a key factor in placing Namibia among the countries with the highest income inequalities in the world (Jones, 2003).

With the exception of conservation and urban areas, all the land north of the red line is communal land and the majority of the country's population live there, which also explains the fact that 95% of the country's farming population is directly supported by communal areas (Kruger and Woehl, 1996). Landholders do not have ownership rights in communal areas, but are rather allowed to use the land through either customary land rights or the rights of leasehold. Even though individuals often claim to own the land, "...it is clear that this concept of ownership refers more accurately to a lifelong lease" (Legal Assistance Centre, 2005: 73). Customary rights holders retain their rights to the land for life, or until they relinquish such right to another person. Right to leasehold, on the other hand, is awarded for small commercial activities in communal areas, where the holder is given the right to use the land for business purposes for a lease period of 99 years (Communal Land Reform Act, 2002). Both the rights to lease and customary land rights can be transferred to another party, subject to approval by the respective traditional leader (Cotula, Toulmin, & Hesse, 2004). This however still does not mean individuals can claim absolute legal ownership of the communal land parcels they occupy.

The land tenure system in communal areas is widely considered insecure, but government recognises and made provision for the registration of all customary land rights, including

those that existed before the Communal Land Reform Act came into being (Meijs and Kapitango, 2009). This is a drive to provide increased security of tenure in communal areas, despite the absence of legal titles over communal land. The land remains the property of the state, but the tenure system allows the erection of fences around land parcels and lifelong utilisation of land parcels for crop production (Vigne and Whiteside, 1997). Grazing land however is meant to be left open and shared by all community members, unlike in commercial areas where it is fenced off as private property.

Administration of communal land in Namibia broadly resorts under the Ministry of Land Reform, although this task is entrusted with the communal land boards (Cotula, Toulmin, & Hesse, 2004). These boards are established in all political regions that have communal land, with appointed members representing the interests of various stakeholders like government, farmers and Traditional Authorities.

Traditional Authorities, the immediate custodians of communal land have the primary power through the Communal Land Reform Act No.5 of 2002 to deal with land matters in communal areas. This means the allocation, adjustment of land parcels, changing land rights between holders and any other related land dealings start at the traditional authority level, hence the importance of traditional leaders in land administration. Their role is recognised by government and their powers as per the Traditional Authorities Act No. 25 of 2000 are legitimate. The customary laws they apply are accepted and protected by Article 66 of the Namibian constitution, which stipulates that customary laws that do not contravene statutory laws and were operational at the date of Namibia's independence shall remain valid (Constitution of the Republic of Namibia, 1990).

A typical traditional authority in Namibia is traditionally characterised by its demarcated area of jurisdiction, as well as a hierarchical, mostly patrilineal based leadership structure. An opposing standpoint however maintains that traditional leaders are not restricted to a demarcated territory but rather to their subjects, regardless of where they are (Keulder, 2000). Although the latter argument is in line with the Traditional Authorities Act, the territorial confinement of traditional leaders has practical prominence in communal areas north of the red line, especially with regard to land administration matters.

Kingdoms and chieftainships are known to be the traditional leadership models that existed in Namibia before colonialism, while *headmanships* were later introduced during colonialism (Keulder, 2000). Upholding the colonial order in the first place, required colonial authorities

to work with those at the grassroots level, hence introducing smaller clusters in the communities, led by headmen, worked well for colonial policies of indirect rule (Mamdani, 1996). Secondly, successful political control over the native reserves, through the appointment of indigenous headmen in the colonial system, enabled a stable supply of labour for commercial farms in the Police Zone (Werner, 1993).

All three traditional leadership models mentioned above exist to date, even though various changes have taken place, with regards to their structures and operations. Some traditional authorities for example, are now not only headed by kings but by queens too; others by chiefs, with various subordinates leading smaller areas demarcated within the general area of jurisdiction (Williams, 1994). These can be senior and junior councillors, senior headmen/women or village headmen/women, down to village secretaries.

The allocation or withdrawal of land rights within a communal area therefore, begins with a village headman/woman, who measures and allocates a land parcel to an individual before elevating the allocation process through senior traditional authority structures. The communal land board then gets involved to scrutinise the allocations or withdrawals of land rights, and should then validate the traditional leader's decision to allocate or withdraw such land rights (Cotula, Toulmin, & Hesse, 2004). Registration and surveying of land parcels by the Ministry of Land Reform follows, and a certificate is then issued to the rights holder.

3.3. Development-induced displacement of communities

This section discusses the major causes of community displacements, with the main focus being on development-induced displacements. The section will also explain the difficulties of relocating communities whenever specific development projects require people to surrender their occupied land.

During the pre-colonial times, the key cause of displacement for the communities in Namibia was natural factors relating to the natural means of survival. The main reason that people in various parts of the country got displaced from places of habitual settlement was when natural calamities like drought and diseases broke out (Werner, 1993).

The colonial times were characterised by widespread conflict-induced displacements of communities, with people continuously relocating due to war and prejudiced land policies (Lischer, 2007). Communities that lived within the police zone were forced out of the agricultural and mineral-rich land parcels and pushed into small isolated settlements, to

enable the colonial government's utilisation of commercial agricultural land and exploitation of minerals (Katjavivi, 1988). In the same vein, communities that lived in the native reserves during the war of liberation, especially those close to the Namibia-Angola borders were forced to relocate further south, away from the war zone, due to continuous destruction of their dwellings and livestock.

The post-colonial era naturally experienced fewer conflict-induced displacements, but rather had a number of disaster and development-induced displacements. Persistent droughts created seasonal relocations of especially communal farming communities of northern Namibia, with the common practice of moving with their livestock deeper into forests in search for better pastures (Sweet, 1998). In the Zambezi (former Caprivi) region, the Zambezi and Chobe Rivers overflow during rainy seasons and flood the neighbouring communities, causing the displacement of many households every year. The 2009 floods were the worst in decades and did not only affect the Zambezi region, but also all other neighbouring regions in central northern Namibia, causing among other damages, the loss of 102 human lives and displacing 50 000 people (Post-Disaster Needs Assessment Report, 2009).

Development-induced displacements gained prominence in Namibia after independence, given the country's drive to implement development programmes for socio-economic empowerment of communities, through the expansion of infrastructure and the extension of services (National Planning Commission, 2012). A number of projects being implemented to achieve the objectives set out in the country's development plans have caused the relocation of people from their places of residence. For example, the recent construction of the Neckartal Dam on the Fish River in Southern Namibia, has displaced more than 10 households and took up about 5 000 hectares of communal land when it commenced in 2013 (Shiku, 2013). Implementation of other infrastructure projects around the country equally involve varying degrees of disturbance to people's habitats. Expansion of gravel road networks, for example, lead to loss of crop fields, while some people may be forced to relocate homesteads that are exposed to dust and noise pollution.

Like anywhere else around the world, relocating communities for development purposes has been faced by refusals of affected communities in various parts of the country. Notably, communities affected by development projects tend to be more receptive and willing to avail land when such development projects will in return directly benefit them. For example, the establishment of green scheme projects for agricultural production in the Kavango region was

not opposed by traditional communities, because hundreds of local people are to be employed on the projects (The Namibian Newspaper, 2013).

Even though incidents of refused relocations in the country are rarely recorded in published academic literature, many are widely reported in mainstream media. Communities in the Zambezi region, for example, have been urged by government to stop rejecting development initiatives, following refusals to allow the construction of roads in the area (Namibian Broadcasting Corporation, 2017).

In another prolonged and widely reported protest, the deeply traditional Ovahimba community in the Kunene region have, since the mid-1990s, cited destruction of their ancestral place of residence as the reason for rejecting the construction of a hydro power station in their area (Mail & Guardian, 1997). Over a decade later, traditional leaders of the Ovahimba and most of their community members still insist that the construction of the hydropower station is the government's way of robbing them of their traditional land (New Era Newspaper, 2015). The project would generate much needed electricity, but its implementation would also see the displacement of 110 homes, loss of grazing land and most critically, the loss of 160 graves of the indigenous people (Corbett, 1999). Clearly, the psycho-social aspect of displacement plays a major role in this case, as Ovahimba communities consider their tradition as sacred and non-negotiable. Research has also established that from a psychological perspective, no form of compensation would permanently alleviate the emotional stress of displacement in a highly traditional community (Cook, 1994).

3.4. Urbanisation and displacement in communal areas

This section deliberates on urbanisation as an inducer of displacement, particularly of communities occupying communal land around expanding urban centres. It first looks at the causes of urbanisation in Namibia, and its effects on urban planning and provision of urban services. Lastly, involuntary relocation and resistance towards it by the affected communities will also be discussed.

As urbanisation and urban growth increases in Namibia, expansions of urban areas have also become a development-related trigger of displacements especially for communities living around towns in northern communal areas of the country. Namibia's population living in urban areas, stood below 30% at the country's independence in 1990, but 21 years later the figure increased to 42% (Namibia Statistics Agency, 2012). Windhoek being the capital city

and by implication the biggest attraction of migrants, had a population increase of 39.5% between 2001 and 2011. The coastal towns of Walvis Bay and Swakopmund had similar rates. Outapi, the biggest urban centre in the area of this study, recorded a population increase of 143.8% in the same period.

With the changing dynamics, regarding settlement patterns in Namibia, it is not surprising that more people have started to live and settle in towns than villages. In the past, the ultimate purpose of many Namibians, who migrated to towns for employment purposes, was only to work and invest in their places of origin (Niikondo, 2010). It is a matter of principle among rural communities of the developing world that those moving to cities, especially men, have to work and remit most of their earnings to their families in the rural areas where they have traditional homesteads (Lall, Selod & Shalizi 2006). Remittances have been critical in stabilising the families' volatile incomes and have been the key enabler of stable rural livelihoods (Cox, Eser & Jimenez, 1997). In modern day Namibia however, a permanent urban residence and workplace has become a sought after dream, as many people aspire to work and live in urban centres for most of their time.

The fact that poverty is most prevalent in Namibia's rural areas makes rural poverty the key push factor, forcing people out of rural areas (Schmidt, 2009). A combination of urban attractions however, is also responsible for pulling people into urban areas countrywide. Figure 3.2 below is adopted from a study conducted in semi-formal and informal settlements, outlining the main reasons for rural-to-urban migration in Namibia.

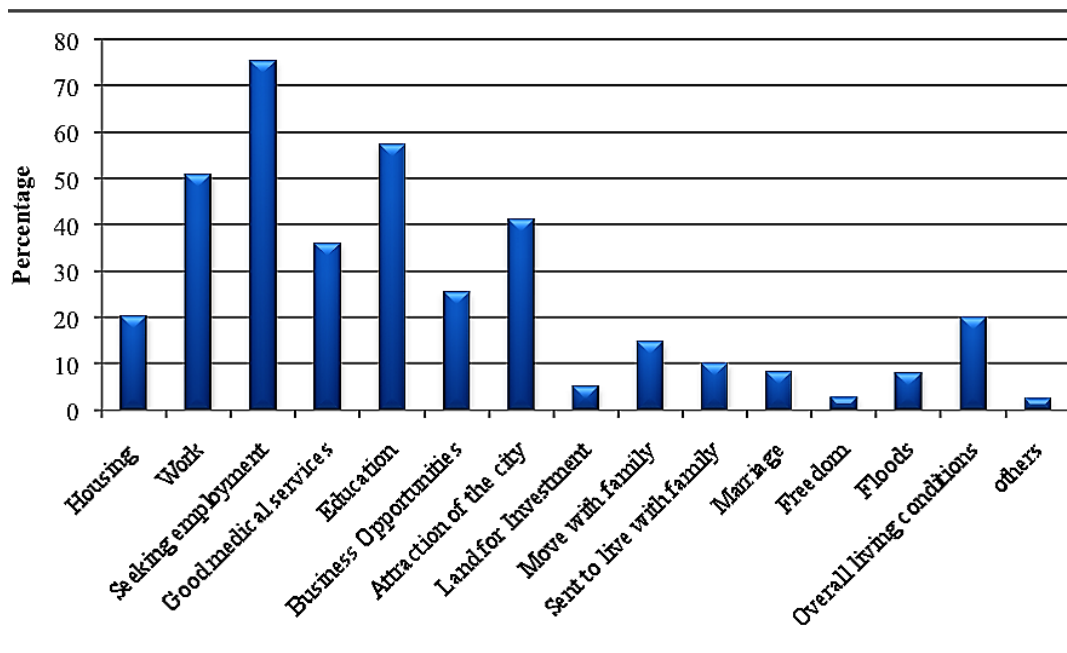


Figure 3.2: Main reason for rural-urban migration (Source: Indongo, Angombe. & Nickanor, 2013)

The Figure indicates that Namibians moving to towns from rural areas are mainly doing so because of work, seeking employment opportunities, as well as education. Others are seeking good medical services, while there is also a substantial number of those simply just attracted to the city. This therefore shows that the majority of Namibians leaving rural areas for urban areas, see urbanisation in a positive light, as they anticipate better chances of accessing modern facilities and services.

The effects of urbanisation and urban growth in Namibia are visible in nearly all urban centres, specifically through the number and sizes of informal settlements. The pace at which people flock to towns creates a challenge for economic and spatial planners, who struggle to manage continuous sprouting of settlements and businesses in unplanned areas with no basic urban services (Augustijn-Beckers, Flacke & Retsios, 2011). Furthermore, authorities are challenged by spin-off effects, emanating from illegal occupation of unplanned and unserviced urban land, such as increased crime, pollution and environmental health risks (Wakefield and Tait, 2015).

Coupled with urbanisation, poorly established urban land use planning and management frameworks, have a role to play in rapidly growing informal settlements in most developing countries (Kironde, 2006). In most cases, predictions about urban population growth are known, but the delivery of planned and serviced land, remains a challenge to authorities if planning tools are not in place. Windhoek had a total population of 350 000 in 2011, with

30% to 40% of it living in informal settlements, as a result of being unable to afford proper houses and services (Namibia Statistics Agency, 2012). Given the estimated 10% annual informal settlement population increase, not less than 170 000 people would be living in Windhoek's informal settlements in 2017.

Persistent and rapid urbanisation in many developing cities, exerts pressure on the urban land delivery process, as more land becomes speedily required to meet the demand for housing, business and various other urban services (Thuo, 2013). For urban centres that are surrounded by communal land, such as those in northern Namibia, urbanisation creates the need to convert agricultural land from its initial use to that of urban use (Jayne, Anriquez & Collier, 2013). Communities traditionally farming on such land are expected to surrender most or all their agricultural land to local authorities, an expansion practice that has direct implications on their livelihoods. Ideally, development programmes in Namibia's communal areas should as much as possible circumvent the relocation of households (Ministry of Lands & Resettlement, 2012). Only when it is not possible to avoid relocation, are Cabinet guidelines to be followed to apply "participatory compensation procedures" in paying those who are affected (*ibid*: 5).

Shilongo (2010) questioned if Local Authorities abide by the principles of administrative justice when displacing communities to pave way for urban expansion. Her study in Oshakati and Helao Nafidi towns of northern Namibia, revealed that in most cases communities are not necessarily opposed to urban development and can give up their land to pave way for it if properly consulted. In Oshakati for example, forty families agreed in 2007 to be relocated from the communal land they occupied for years, on the peripheries of the town (Sibeene, 2007). Agreements like this are however subject to the provision of adequate assistance for the families to restart their lives elsewhere, in recognition of legitimate customary or leasehold rights they had, before the land became part of the proclaimed urban centre.

Local Authorities speak greatly of cash payments as the ideal and conclusive way of compensating displaced people, but uniformly applied monetary compensation has proven not to be sustainable to all, as it entices some beneficiaries into "...rapidly melting away their cash compensation and making many of them homeless and landless"(Cernea, 1993: 31). Without other support mechanisms in place to ensure sustainability, displaced communities will have more livelihood problems to shoulder after displacement.

It is therefore not uncommon that the bone of contention in the releasing of land is often about whether affected communities consider the assistance they get from local authorities to be adequate. Judging from reported disagreements, it appears what is offered for lost land, both in kind and monetary forms as per the compensation policy guidelines, is often considered inadequate by affected communities (see Section 3.4.6). For example, a family of two siblings had for five years, since 2009, refused the monetary compensation of N\$ 950 777.00 offered by Ondangwa Town Council in northern Namibia to pave way for expansion, rather demanding more than threefold the offered amount (Haidula, 2015). Disagreements of this kind that drag on for many years, render the expansion processes of especially towns in northern Namibia, stagnant. Urban authorities would hence not be able to implement spatial planning frameworks that they have put in place, to guide urban development.

3.5. Legislative and policy frameworks

Urban development in most developing countries “...has frequently been characterised by inappropriate policy” (Allen and You, 2002: 8). Uncontrollable rural-urban migrations, land grabbing and outbursts of squatter settlements, are often linked to replicated, ineffective policies that fail to proactively guide urban development. With significant differences between cities of the developed and developing countries, “simple extrapolations of past trends in developed countries will be of limited value for the formulation of urban policies for developing countries” (Renaud, 1987: 60). Ideal urban policies are therefore those that speak to the circumstances of specific localities.

A number of Namibian legislations and policies are critical in regulating matters relating to land, including communal land and urban land delivery process. This section analyses and compares several legislative and policy frameworks in Namibia, relating to urban land delivery as the key theme.

The constitution, which is the country’s supreme law, provides for the establishment of local and regional government structures through Articles 102 and 111. These regional and local authorities are responsible for overseeing the development of rural and urban areas, including land delivery. Article 100 of the constitution gives the State ownership and control of all land that is not otherwise lawfully owned privately by individuals or groups. Earlier into the constitution, Article 16 in two of its sub-sections, firstly gives people the right to own properties anywhere in the country, in accordance with set regulations. These could be movable properties, or immovable properties like land. Secondly the Article gives the state or

its authorised organs the right to expropriate properties if it serves the interest of the public, but subject to reasonable compensation.

Given the constitutional authority of the state and its organs, with regards to land administration, one expects the delivery of urban land to be a seamless exercise. This ought to be so because state organs, custodians of state land and private land owners, all operate under the provisions of the constitution. The practical application of constitutional provisions however, makes the urban land delivery process more difficult than it supposed to be.

Apart from the constitution, other legal frameworks, as will be discussed below, influence the handling of both communal and urban land. Such frameworks therefore, have implications on communal land release and urban land delivery.

3.5.1. Urban and Regional Planning Bill

The current planning process for urban development is often labelled as ineffective, mainly due to out-dated ordinances. The Urban and Regional Planning Bill that has recently been passed by parliament has replaced these regulations. The ordinances in reference are the *Town Planning Ordinance 18 of 1954* and the *Township and Division of Land Ordinance 11 of 1963*, which have become hard to administer in the current urban dispensation. The passed Bill is thus expected to provide relief in the urban and regional planning environment, when it becomes law.

The *Town Planning Ordinance 18 of 1954* and the *Township and Division of Land Ordinance 11 of 1963* are the two legislative pieces attributed to the lengthy urban planning processes, including establishment and proclamation of townships. The former established the Namibia Planning Advisory Board (NAMPAB), which provides advisory services on town planning issues. Urban planning tools, such as town planning schemes and spatial development frameworks for all local authorities in the country have to be approved by NAMPAB, a process that takes time. The latter ordinance is behind the establishment of among others, townships and proclamations of towns, yet another cumbersome process.

The significance of this Bill to urban land delivery lies in the elimination of the lengthy, cumbersome, bureaucratic urban planning process. Creating a township through the existing process, established by these out-dated ordinances, can easily take several years to complete, from planning to proclamation (Shinguto, 2015). This is mainly due to inadequate finances, as well as the failure of

Local Authorities formulate spatial development frameworks, which are long term structural plans that map out the future utilisation of urban space, extending far beyond the existing town boundaries. For towns in northern Namibia, a 20 year spatial plan would include a substantial part of communal land around the urban centre. The current lengthy urban planning process creates uncertainty and local authorities hardly know when to start engaging traditional authorities and occupants of communal land about land release.

Once enacted into law, the urban and regional planning bill is expected to achieve effective coordination of urban and regional planning activities and shorten the planning processes. The Bill would merge the current legislative bodies (Township Board and NAMPAB) to scale down the bureaucracy in urban planning. The shorter it is to plan and establish townships, the faster it can be to deliver on urban land.

3.5.2. Communal land reform Act, 2002 (Act No. 5 of 2002)

This Act provides, for among others, the allocation of communal land rights and the establishment of communal land boards. Of importance to urban land delivery is the fact that the Act also provides for the powers of chiefs and traditional authorities, who are at the centre of allocating customary land rights and rights of leasehold in communal areas.

When a proclaimed urban centre extends its boundaries, the land that is needed, resorts under traditional authorities. The Communal Land Reform Act does not give local governments, like town councils, the power to cancel existing customary rights or rights of leasehold in the communal area. On the other hand, traditional authorities know well that any piece of communal land they release to the local government becomes part of the urban centre and their customary powers and jurisdiction over that piece of land, ceases. That also means the end to whatever incomes they drew from the released land through levies. This, in communal areas, complicates urban land delivery, as urban centres cannot extend boundaries without reaching an agreement with traditional authorities and landholders.

Section 16 of the Act gives power to the country's president to withdraw portions from the communal land areas for any purpose in the public interest. This would mean, should it be deemed of public interest to take a portion of communal land and make it part of a specific urban centre, the power of the President could be used. The challenge is however that those occupying such land at the time are legally allowed to do so by Traditional Authorities. Section 16 therefore stipulates that any withdrawal of a portion from communal land by the president is subject to fair compensation to the rights holder.

3.5.3. Local Authorities Act, 1992 (Act No. 23 of 1992)

This is the most instrumental legislation in the overall operations and administration of local authority areas in Namibia. The Act stipulates all key elements of the setup of local authorities and the powers vested in local authority councils to oversee the developments within their areas of jurisdiction. As per the Act, the minister responsible for local government declares local authority areas to be municipalities, towns or villages, subject to various requirements, such as approved townships and revenue generation capacity.

The Act also empowers local authorities to undertake development projects and execute duties, related to the provision of urban services to residents, such as water, sewerage infrastructure, road networks, electricity and housing development. In order to fulfil their mandate as per the above responsibilities, local authorities highly need easy access to land.

The local authorities Act is however silent on the powers of local authority councils in extending town boundaries further into traditional authority areas. Even though Section 4 (1) (b) gives power to the minister, responsible for local government, to extend boundaries of local authority areas from time to time, it does not clearly stipulate how it should be done. Without the legal powers over the land surrounding the urban centre, a local authority council's role in urban land delivery is only limited to its area of jurisdiction. When the need to expand the boundaries arises, it is again left at the mercy of landholders and the traditional authorities. This is despite that fact that the Regional Councils Act of 1992 (see Section 3.5.4) has given Regional Councils considerable legal powers in matters related to communal land administration.

3.5.4. Regional Councils Act, 1992 (Act No. 22 of 1992)

The Regional Councils Act empowers regional councils to plan the development of the region, including establishing, managing, and controlling settlement areas as per Section 28 (1) (b) of the Act. Effectively, regional councils are primarily charged with the responsibility to oversee development in all areas, outside proclaimed urban centres.

In addition to declaring settlement areas, The Act authorizes regional councils through Section 31 (1) and (3) to specify settlement boundaries and even alter such boundaries as deemed necessary. This requires regional councils to plan for future expansion of settlements well in advance, which will in all likelihood be proclaimed into villages or towns at some point. Urban land delivery is likely to be much easier when provision for future expansion is proactively planned, even before settlement areas are declared.

Of importance to urban land delivery, is Section 28 (1) (f) of the Act, which tasks regional councils to assist Local Authorities within the region in performing their duties and functions. Considering that communal land, within the region, is under the developmental jurisdiction of the Regional Councils, the Act, by implication, has given power to regional councils to assist local authorities in acquiring urban land. Ideally, a regional council ought to be the facilitator of land release from traditional authorities to local authorities, whenever urban expansion is to take place. This is not only because Regional Councils are closer to Traditional Authorities, which are the primary custodians of communal land, but also because Regional Councils have a legal obligation as per their governing Act.

3.5.5. Traditional Authorities Act, 2000 (Act No. 25 of 2000)

Recognised traditional leaders are in charge of all that has to do with their area of jurisdiction, from conflict resolution to land related matters and the administration of customary laws of the community. The Traditional Authorities Act No. 25 of 2000 tasks them to preserve cultural and traditional values, which is critical, because culture and tradition are known to exist within demarcated areas of specific traditional communities. It therefore goes without saying that any urban development, that is to occupy the space of traditional communities, could naturally be seen as an infringement on cultural and traditional values.

Section 3 (2) (b) of the Act directs traditional authorities “to assist and co-operate with the government, regional councils and local authority councils in the execution of their policies and keep the members of the traditional community informed of developmental projects in their area” (p:5). Section 16 further cautions traditional authorities to refrain from undermining the authority of government, regional councils and local authority councils. The Act however did not specify the consequences of traditional authorities’ failure to assist or cooperate with government and its agencies. This would mean a locality’s expansion and urban land delivery still depends on whether traditional authorities are willing to assist and cooperate in releasing land for urban development.

Taking cognizance of the provisions of the Act, traditional authorities could easily withhold their assistance and cooperation in land release, under the guise of cultural preservation. Urban land delivery can therefore suffer due to the difficulty in drawing the line between possible undermining of the authority of government and traditional authorities fulfilling their mandate.

3.5.6. Compensation policy guidelines for communal land (2008)

Owing to the constitutional provision to compensate properties, expropriated by the state, Compensation Policy Guidelines for Communal Land (2008) were formulated to be used in determining the settlement value of properties and land lost through the process of urban development or expansion. The policy guidelines cater for monetary and in kind, compensation to affected people, to ensure that they are put in a position that is as close as possible to how they were before displacement. Provision is made to compensate for an individual's land, improvements on the land, all fruit bearing trees, as well as a disturbance allowance, calculated at a proportion of the total compensation amount.

According to the compensation policy guidelines, there are generally two options for those to be compensated for displacement. With one option, the affected person would choose not to relocate completely, hence would receive two serviced residential erven, measuring at least 500m², freely transferred to their name by the local authority. One of the two erven shall be where their homestead is already located, while the other can be anywhere and the recipient can also sell it. Given that the entire homestead becomes part of the first erven, everything and all improvements inside the homestead would not be compensated for. Their cultivated land, grazing land within their fence, improvements on their land and fruit bearing trees, outside the homestead, would however be compensated as per the rates stipulated in the policy guidelines.

With the second option, the affected person would choose to relocate completely and hence everything, including the homestead, would be compensated for. They would not receive two serviced erven in town as per the first option, but they ought to be given alternative land of similar size to continue their farming activities elsewhere. The government would ideally, as first preference, try to provide this alternative land to the displaced person within the area of jurisdiction of the same traditional authority, but only when sufficient land is available.

Table 3.1 below summarises by way of comparison, three key elements of each legislative/policy framework discussed above.

Table 3.1: Key Elements of legislative and policy frameworks (2017)

Key Elements				
Legislation/Policy Framework	Namibian Constitution	Provides for the establishment of Local and Regional Authorities	Gives State the power to own and control land	Authorises State to appropriate land, with compensation
	Regional Councils Act (Act No. 22 of 1992)	Empowers Regional Councils to oversee development in the Regions	Tasks Regional Councils to assist Local Authorities in performing their duties	Empowers Regional Councils to establish and manage settlement areas in the regions
	Local Authorities Act (Act No. 23 of 1992)	Empowers responsible Minister to declare Local Authority areas	Empowers responsible Minister to extend boundaries of proclaimed areas	Empowers Local Authorities to oversee development in proclaimed areas
	Traditional Authorities Act (Act No. 25 of 2000)	Tasks Traditional Authorities to preserve tradition and culture	Empowers Traditional Authorities to administer customary laws	Directs Traditional Authorities to assist government in implementing policies
	Communal land reform Act (Act No. 5 of 2002)	Establishes Communal Land Boards to approve communal land rights	Recognises Traditional Authorities' power to allocate communal land	Empowers the President to withdraw portions of communal land, upon fair compensation
	Urban and Regional Planning Bill	Aims to replace out-dated Land and Town Planning Ordinances	Aims to merge the two bodies in urban land delivery process (Township Board and NAMPAB)	Aims to shorten the bureaucratic urban land delivery process
	Compensation Policy Guidelines for Communal Land (2008)	Directs how compensation for communal land should be determined	Stipulates compensation options available to displaced people	Strives to avoid impoverishment of displaced people

3.6. Conclusion

This chapter highlighted the role played by colonialism, in shaping the land subject in Namibia. Much of the country’s productive land was appropriated during colonial occupation of Namibia by Germany, leaving indigenous communities with less productive land.

Land is currently categorised into communal, commercial, as well as state land that includes national parks. Unlike communal land, commercial land is privately owned by a minority and makes up nearly 60% of all land in the country. Communal land on the other hand, cannot be legally owned by individuals, but is the primary source of livelihood for, especially agricultural communities, in the northern parts of Namibia. It is administered through customary laws, under the custodianship of recognised traditional authorities.

In the event of major development projects being implemented in communal areas, communities are often expected to pave way and displacements occur in the process. Urban expansion is one of such projects that require people to release their land to local authorities to be incorporated into urban areas. With increasing urbanisation, towns in the northern

communal areas experience an increasing need to extend into people's farming lands, hence frequent disagreements with these communities.

A number of policies and legislations are in place to regulate urban land delivery, including addressing the urban-induced displacement of communities. The compensation policy guidelines are used in determining the value of affected people's properties and specifying the compensation options available to them. Local Authorities however still face difficulties in acquiring much needed land from those occupying it under customary laws and depending on it for survival.

Chapter Four: Data presentation and analysis

4.1. Introduction

This study takes a qualitative approach to investigate and explain the challenges in the release of communal land for urban development. As explained in Chapter One and Three, communal land and urban land in Namibia resort under different authorities. Traditional Authorities promote subsistence land use activities, by allocating land to community members in communal areas, while Local Authorities spearhead urban land use, through the implementation of urban development activities.

The expansion of urban centres necessitates the release of communal land from landholders with traditional rights to it. This study narrowed in on the process of communal land release from three perspectives: landholders, local authorities, and a legislative point of view. Customary and leasehold rights awarded by traditional authorities, over the affected communal land, cease after the land is taken over by local authorities. This also means a stop to the agricultural activities that took place on it, prior to release. This land release process has implications on both parties.

The data collected through this study provides an overview of how the release of communal land affects the livelihoods of landholders on one hand, and on the other hand explains how the hold up in communal land release affects urban development. Landholder respondents are grouped in three categories: those who are affected, but opted to stay in town, those who are affected, but opted to relocate completely and those who are not yet affected, but are likely to be affected, due to close proximity with the urban centres.

The interpretation of data presented in this chapter is based on the following five key themes that stood out as critical aspects of the communal land release. Firstly, communal land use and ownership is a prominent theme, given the fact that agricultural activities taking place on affected communal land are central to the communities' daily survival. Given this importance, plans to change the use and ownership of communal land, influence the release of such land from landholders.

Secondly, the displacement of communities from their communal land parcels comes with a number of socio-economic implications. How displacement is likely to affect people and the type of assistance they expect from the authorities, inform their decision to release the land

for urban expansion. It is therefore important to qualitatively analyse the impacts of displacement on the affected landholders.

Thirdly, a number of important compensation concerns came out of the data collection process. On one hand, compensation of lost communal land and properties is one of the key determinants of whether or not affected landholders would support urban expansion. On the other hand, the ability of local authorities to acquire land for urban development heavily depends on their ability to compensate and relocate those affected.

Fourth, the study has established a number of difficulties that Local Authorities experience, which directly affect their efforts to acquire land from communal landholders. Their success or failure to secure land, gives shape to urban development. Analysing collected data, therefore broadens the understanding of how communal land release affects the entire urban development process.

Lastly, part of the aims of the study was to evaluate the effectiveness of legislative frameworks, which in one way or the other, affect the communal land release process. Apart from reviewing the provisions of the various statutes and policies, it was also important for the study to seek understanding of legislative implications from the perspectives of Local Authorities and communal landholders.

4.2. Communal land use and ownership

Communal land, throughout rural Africa, is occupied under customary tenure, mainly used for subsistence livestock farming and crop production. In Namibia's communal areas, each household has a fenced crop field and a household on land, allocated by Traditional Authorities. Those with livestock have free access to open communal grazing land. Current ownership was assessed in terms of the type of land rights, as well as on the time lived on the land.

As indicated earlier in Chapter Three, landholders in communal areas do not own the land and as such, they have no legal titles over their crop fields and homesteads. Customary rights however, entitle them to occupying and using the land for life. Figure 4.1 provides an overview of the number of years the respondents have occupied their current land. This is important in the sense that having the right to occupy a piece of land for life gives one a sense of ownership, despite the absence of a legal title. The length of time lived on a land parcel

also gives an idea about how attached the occupant is to such land, and how hard it is to letting go of it.

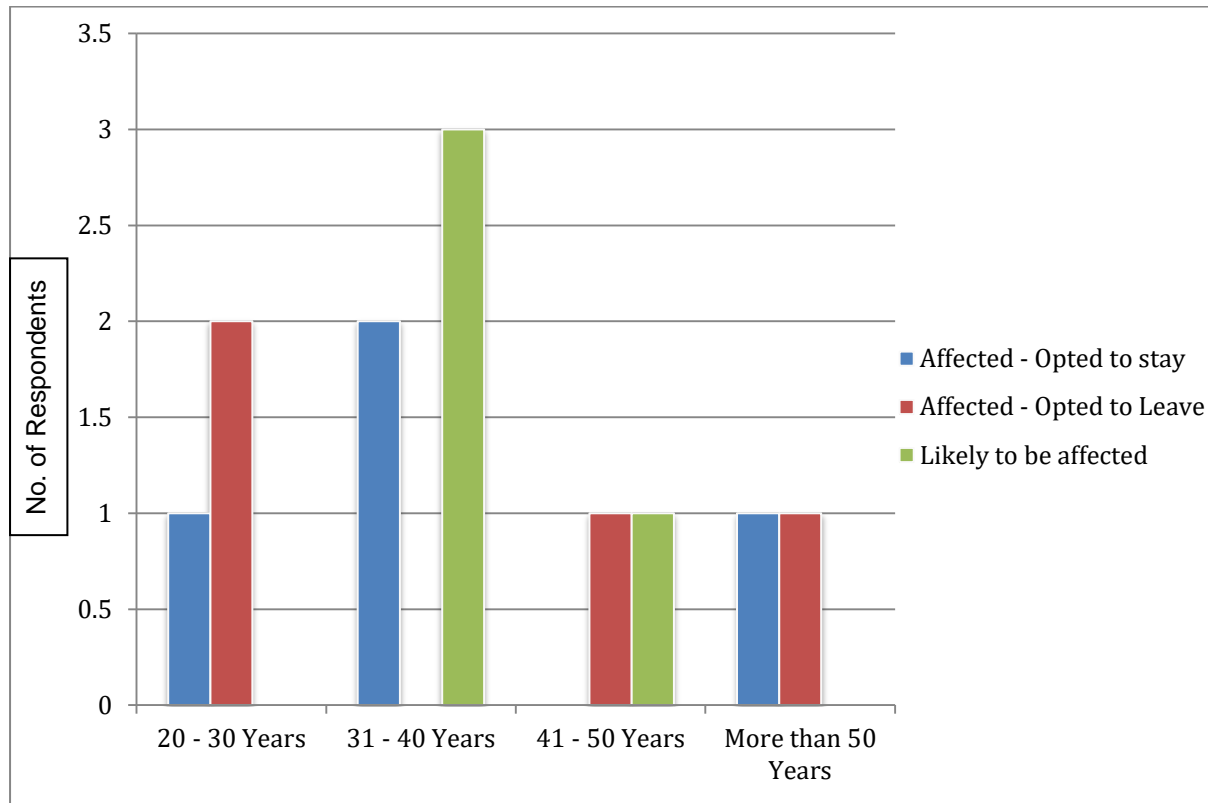


Figure 4.1: Communal landholders' period of occupying the affected land - Okahao and Outapi (2017)

The results show that 75% of landholders have occupied and used their land parcels for periods between 30 to over 50 years, after they took it over from their parents or relatives through inheritance. One landholder remarked: *“my father was the last born so he inherited the house and field from his father, who lived on it for many years before he died”*. This shows that traditionally acquired land in communal areas is considered a possession of the immediate and extended family, therefore passed on from one generation to the next. Given its recognition, customary land ownership is an important factor in communal land release and validates the claims of landholders. The long periods of time lived on the land shows how valuable the land has become to the landholders, who indicated that it takes time and energy to make the land productive, in terms of agricultural output. A landholder with a relatively big crop field commented about what it took to attain productivity on the land: *“A lot of fertilizers from cattle manure go into this land every year in order to keep it fertile to improve the output”*. He affirms that this is one of the things to consider before releasing land for other development purposes.

Following the length of occupation, the question is what the land is being used for (see Figure 4.2).

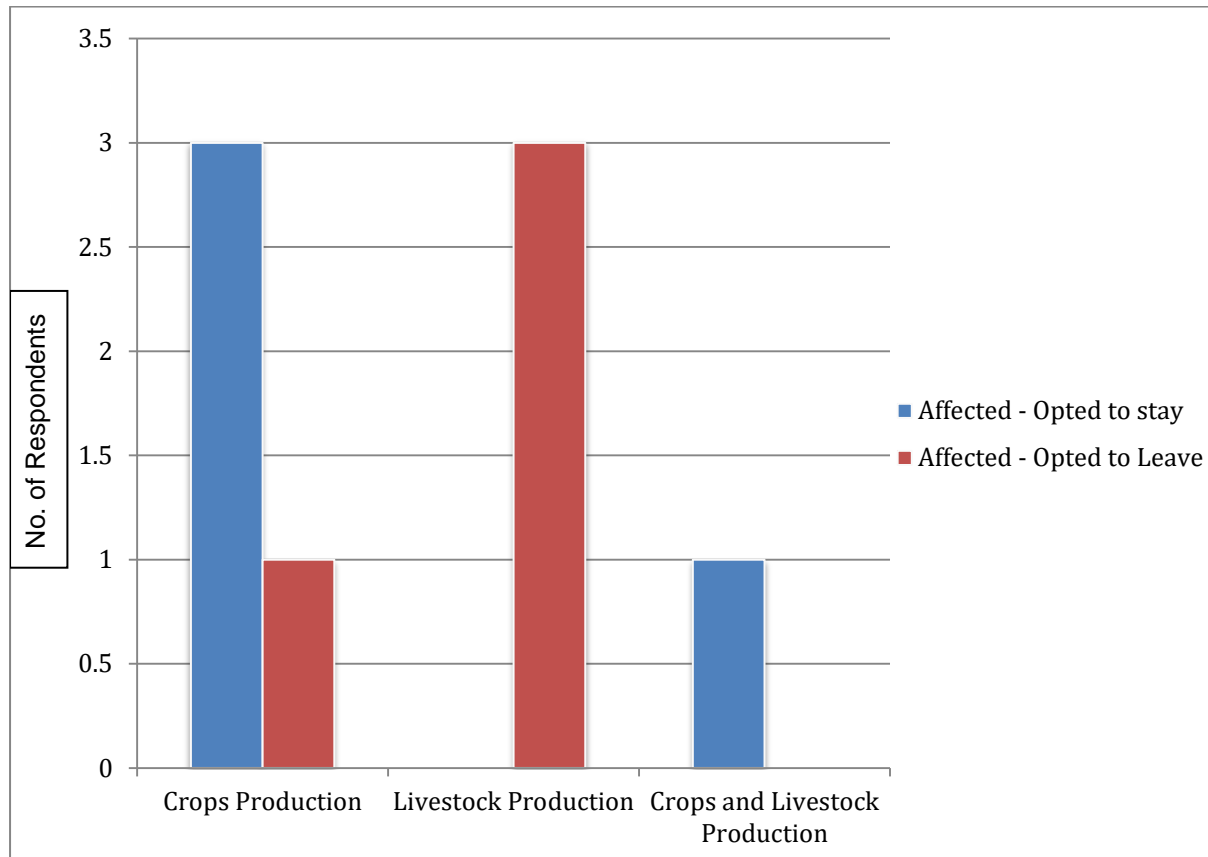


Figure 4.2: Main Source of livelihood for communal landholders - Okahao and Outapi (2017)

Results show that crops and livestock production represent the main source of livelihood for communal landholders, who rear several livestock and seasonally grow crops for own use, and to a smaller extent for income. This is an important factor in the communal land release process, as any landholder’s decision to release land for urban development depends on their ability to make a living without the released farming land. The majority of affected landholders indicated that they would only advice anyone to release land, if they have other alternatives. An elderly landholder asked in conclusion: *“People don’t farm in town, how will we survive without another piece of land?”* Another parcel of farming land is a must, if releasing the current one is anything to go by.

Without alternative farming land, one needs a stable and sustainable income to provide for one’s needs. It was therefore important for this study to establish what affected landholders do for a living, apart from subsistence agricultural activities. Figure 4.3 below shows the occupations of landholders in the study area.

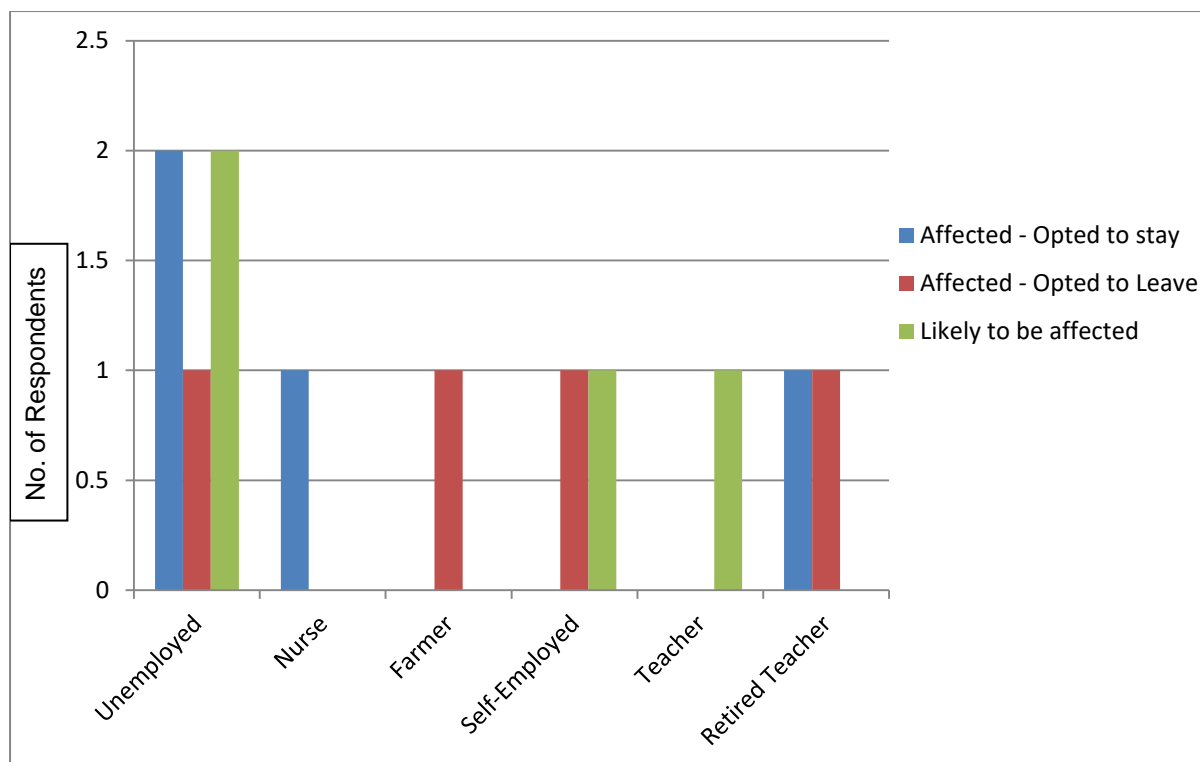


Figure 4.3: Occupations of communal landholders - Okahao and Outapi (2017)

The results show that with the exception of few, most landholders do not have formal employment. This reaffirms that subsistence agriculture in communal areas remains a critical source of livelihood, therefore communal land is an inseparable part of the rural communities' lives. It follows therefore that the release of communal land to local authorities, puts many people's livelihoods at risk, if there is no substitute arrangements made for the continuation of agricultural activities.

The study found that despite being in the minority, there are in fact communal landholders who have alternative land parcels elsewhere. The description given to these alternative land parcels however, suggests that they are less preferable, as landholders have little desire to make them their permanent places of residence. "That land parcel is too far, and also too small", remarked a landholder about why they do not prefer the alternative piece of land they have elsewhere. Results show that most of these alternative land parcels are more than 70km south of Okahao town and 125km south of Outapi town. There, landholders keep most of their livestock, due to better pastures in thicker forests; hence referred to as "kOkuti" or "kOhambo". Loosely translated, the phrases mean "at the forest" and "at the cattle post" respectively. The distance to these land parcels is critical, because moving there also means one has moved far away from services and infrastructure. One respondent articulated the problems with the alternative land, as follows: "Water is drawn from wells and mostly salty,

there is no mobile network reception, finding transport is difficult, there are no clinics, and schools are far". These are some of the reasons why landholders, who have alternative land parcels there, are still not entirely keen to release their affected land to local authorities.

In conclusion, the results show that communal land use and ownership are influential factors in the release of communal land for urban development. The fact that subsistence farming communities heavily depend on land for survival has a critical impact on urban land delivery, particularly for towns in communal areas. This is because agricultural activities sustain many households in the communal areas. For affected communal landholders, who have no formal employment and reliable sources of income, a sustainable livelihood is only possible if comparable farming land parcels are made available to substitute the ones lost to urban expansion.

4.3. Displacement problems

Urban expansion is one of the various development activities that can induce the displacement of people. Like with other spatial development activities, those whose land is affected, experience disruption to their way of life, due to relocation. This has short and long term implications on the affected peoples' lives and therefore requires careful consideration. As Cernea (1996) rightfully puts it, displaced people do not only face immediate disruptions, but also possible risks of becoming impoverished in the long term. Displacement that puts affected people in a worse position than before is therefore in bad faith, as it is inconsiderate of the people's future wellbeing.

The results show that communal landholders who are not yet affected, but likely to be affected by urban expansion, exhibit fears of being impoverished after displacement. Some said they have over the years observed with little impression, the lives of those affected by urban expansion. One of the landholders likely to face displacement is convinced that urban expansion is actually: *"only good for the town council that gets the land they need, but people also need the land they (Town Council) are taking"*. He also highlighted the advantage of finding alternative land within close proximity to current homesteads, saying people are: *"already accustomed to the environment in which they lived for years and relatives live around the same areas too"*. Productive, unoccupied farming land is however hard to find anywhere near their current residences, something that Local Authorities have also confirmed. According to officials, this lack of alternative land in the surrounding areas forces

those willing to release land to either: *“stay in town without land for agricultural activities, or relocate further deep in the forests/ to cattle posts”*.

As indicated by findings in the previous section, the cattle posts are far and disconnected from the modern world, but affected people move there if their choices are limited. They are however still forced to frequently, travel to town in search of various administrative and commercial services. A self-employed respondent who initially relocated to the cattle post after displacement indicated that: *“shops and offices that we need are all here in town”*. A few years after relocation, he found himself back in the urban area after buying a house in town for convenience purposes. He now only travels occasionally to the cattle post to tend to his livestock and crops.

Opting to remain in town comes with its own challenges too, and landholders weigh their options before deciding to stay. The results show that each individual has their own circumstances that affect their decisions. One of the landholders, who opted to stay in town, relates that not wanting to settle deep in the forest is one reason, but his decision was also influenced by the fact that he has school-going grandchildren that should stay in school. He however pointed out that it is expensive to live in town, compared to communal areas, saying: *“we only used to pay N\$ 20 per household every year, but one pays hundreds of dollars every month here in town”*. This is supported by another landholder who is a nurse and opted to stay in town, saying urban services are accessible but come at a cost. *“For pensioners and the unemployed, staying at the village is advisable”* she concluded.

In conclusion, results point to the fact that the consequences of displacement play a role in the release of communal land and urban expansion. Affected landholders fear releasing their main source of livelihood, while uncertain about their futures. A number of reasons, such as broken family and community ties, as well as the unavailability of alternative land for relocation, contribute to the fears of being worse off after displacement. These are but some of the factors that influence landholders’ decisions to release their land for urban development.

4.4. Compensation concerns

Featuring prominently in the communal land release discussions is the compensation that comes with the process. As earlier discussed in Chapter Two, compensation for development is a contentious issue in Africa and the developing world, compared to developed regions. African communities’ strong association with land makes it even more difficult to expropriate

land from deeply traditional societies if compensation packages are not considered good enough. Namibia is not an exception, and this study confirmed how all challenges in communal land release in, one way or another, boil down to compensation.

Results from the local authorities indicate that compensation offers, made to affected landholders are, often met with rejection. An official expressed concern about landholders making *“unreasonably excessive compensation requests in order to release the land”*. He added that some landholders use the dire need of urban land to unfairly cash in on compensation. The official in charge of planning and technical services at Okahao town council indicated that affected landholders at times, make demands for *“exorbitant cash payments contrary to the provisions of the compensation policy”*. These demands are made on the basis of what other landholders were offered, while in fact the values of lost properties are different from one household to another.

According to the compensation policy guidelines, the types of construction materials used to build a house, the number of fruit bearing trees, the size of the land and all other variables, are responsible for the differences in compensation packages between landholders. On the question whether compensation rates outlined in the policy document are competitive, local authorities stated that the compensation rates in use are out-dated and not competitive. An official explained that: *“the policy guidelines are nearly 10 years old and thus not market related”*. This immensely contributes to the length and commotions surrounding the process of communal land release.

Figure 4.4 below shows what communal landholders think are the main reasons for prolonged land release processes.

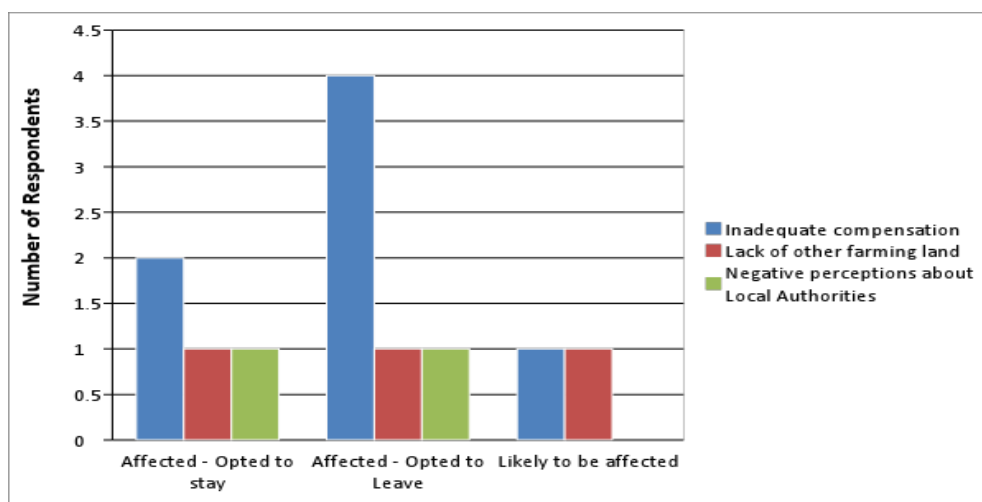


Figure 4.4: Communal land holders’ opinions on reasons for prolonged release of land – Okahao and Outapi (2017)

The results indicate that the majority of affected landholders mentioned “inadequate compensation” as one of the reasons why communal land release takes time to finalise. Ideally, compensation is to be considered adequate when it can enable displaced people to rebuild their interrupted lifestyles and “replace the lost land and other assets at full replacement cost in local markets” (World Bank, 2012: 6). Results from some affected landholders indicate that there are lost items that they could not fully replace with monies compensated, an issue that was also confirmed by Local Authorities. One landholder related an incident where he refused to vacate the land, because: *“the cost of re-installing water and electricity at my new village residence was too high than what I was offered in compensation because the water line was too far from the new homestead”*.

The issue of compensation is further aggravated by a number of factors. Firstly, local authorities indicated that they do not have finances from their own sources to compensate communal landholders (see Section 4.5.) An official responded that they: *“barely have enough money for operations, let alone millions of dollars to compensate households”*. As a result, they rely on central government for compensation funds, which, according to officials, are released in insufficient portions every other financial year. An official indicated that: *“at times landholders agree to release land but by the time the funds come, they have changed their mind”*.

Lastly, a local authority official brought forward a perspective, linking the absence of legal titles over communal land to challenges, in the land release process. He emphasised the importance of legal titles by saying: *“titled land is more valuable than communal land, even banks accept it as collateral”*. Local Authorities, according to officials and as stated in the policy guidelines, measure and compensate affected communal land per hectare, while urban land is serviced and sold per square meter. This practically means that communal land is acquired at a lower cost and sold at a higher cost after it is serviced. The official said landholders know about this: *“and they feel compensation robs them, and as a result drag their feet on releasing the land”*. As a result, officials indicated that they have noted a consequent trend of communal landholders, privately subdividing and selling portions of their land to individuals, after realising that their land will soon be part of the town land. Even though the practice is illegal, its popularity in the study area is encouraged by two reasons, according to officials: the normal land acquisition process takes long, and secondly, landholders get more from illegal sales than from compensation.

In conclusion, results show that multiple concerns, surrounding compensation of communal land, negatively affect urban land delivery and development. The adequacy of compensation, offered by local authorities, is a source of dispute. Landholders make their own demands that are outside the policy guidelines, putting pressure on already financially squeezed Local Authorities. Subsequent to compensation deadlocks, landholders resort to illegal sales of communal land by subdividing their crop fields into portions, owing to lower compensation offers and slow land delivery process.

4.5. Implications for urban development

The growth of urban areas, both in physical size and population, comes with developmental demands for the provision of goods and services. With urban development come institutions such as banks, schools, as well as government ministries and agencies. These changes are meant to improve people’s access to services and make their lives easier. Local Authorities are therefore tasked to execute and oversee the development of their respective urban spaces, which requires land before anything else.

Increased urbanisation and urban growth, as discussed in Chapter Two and Three, heightens the demand for urban land and therefore requires local authorities to acquire land at a fast pace. Local Authorities in the study area are however faced with challenges in the urban land delivery process, worsened by the fact that they are surrounded by communal land. Land acquisition is thus a difficult process for local authorities, because it is preceded by the release of communal land from the landholders who are currently using it for agricultural purposes (see Table 4.1).

Table 4.1: Summary of Local Authorities’ responses on land acquisition difficulties - Okahao and Outapi (2017)

Challenges in the acquisition of communal land for urban development
- Limited financial resources for compensation
- Unfair compensation demands from affected landholders
- Ineffective laws and out-dated compensation policy guidelines
- Lengthy township establishment process
- Lack of alternative land for relocation

The first hindrance is the inability of local authorities to generate their own funds, which officials say makes compensating and relocating affected communal landholders difficult. One official said: *“dependence on the ministry for funds makes our planning difficult because you never know how much you expect to receive, if anything at all”*. Results indicate that up to 30 households can be up for relocation in one financial year, but only a few landholders can be accommodated, given about N\$ 10 million disbursed by government to a particular Local Authority for compensation. Officials confirmed that: *“some homesteads are costly and up to N\$ 2 million can be spent on a single homestead”*.

The second challenge is the lengthy compensation negotiations, coupled with strong resistance from affected landholders. As earlier revealed, landholders often refuse compensation offered by Local Authorities and demand for their own cash amounts (see Section 4.4). Results indicate that some negotiations have dragged on for years without agreements reached between Local Authorities and affected landholders. In one of the towns, compensation negotiations according to officials started in 2012 but have reached a deadlock to date. An official noted that: *“not all people are uncooperative, but the whole exercise can easily be affected by several uncooperative ones”*. As a result, the establishment of new townships on the land in question has been on hold for more than 5 years and continuing.

The third challenge is the ambiguous legislative frameworks, including the compensation policy guidelines. Results from local authority interviews, indicate that the applicability of legislations that are supposed to help them acquire land, is somewhat unclear. According to officials, there are no provisions in the relevant statutes that: *“realistically address issues surrounding land acquisition. In fact, even the Local Authorities Act says nothing about how we can acquire communal land from traditional authorities”*. Despite being a commonly used and important document in communal land release, the compensation policy has its challenges too (see Section 4.6.) Both the officials and affected landholders responded that the rates stipulated in the policy are fixed and non-negotiable. In response to whether displaced landholders are involved in the valuation of their affected properties, one respondent confidently said: *“we do not have a say in determining the values of our properties”*. Officials on their part concluded that silent and ineffective legislations not only make it difficult for local authorities to acquire land, but also difficult to pro-actively plan for development.

The last challenge is finding alternative farming land for relocating affected people. In Part C of the compensation policy guidelines, it is stated that: *“The government shall strive to provide the affected person with alternative land of similar size as the one which has been taken away from him, but subject to availability”*. Results from both the officials and landholders show that local authorities merely issue letters to affected landholders to make it easy for them wherever they will seek alternative land from traditional authorities. A landholder confirmed this by saying: *“I was only given a letter to take to traditional leaders but it was still up to me to find the land”*.

Landholders that are not yet affected by urban expansion made it clear that alternative land has to be availed to them first before releasing their current land. A respondent said: *“if I am fairly compensated and given another land for cultivating, I will release the land”*. Local Authorities on their part, bemoan the difficulty in helping affected people to find alternative land as a critical barrier in their land acquisition efforts. One official concluded: *“The most we can do is just the letters we give to them confirming that they are affected by expansion and should be assisted, but going to search for alternative land is impractical for us”*. .

In conclusion, the impact of these challenges on urban development is far-reaching. Results have shown that limited funds disable local authorities to meet compensation obligations and secure the most needed urban land. With prolonged negotiations and unsupportive legislatures, communal land release remains an uphill battle. The difficulty for both local authorities and affected landholders to find alternative farming land, threatens the process further, contributing to the general stagnation of local authorities, in terms of fulfilling the needs of growing urban populations.

4.6. Legislative issues

Land delivery for urban centres, particularly those within communal areas, is influenced by several statutes, including those that are not necessarily relating to urban areas. The fact that a town is surrounded by communal land means that laws and authorities, dealing with communal land, have implications on the town too. The development and expansion of such a town infringes on communal land and therefore legislations, applicable to communal land, become relevant to the local authority.

This study looked at a number of legislative frameworks that directly affect the operations of local authorities, with regards to urban land delivery, with the view to establish their impacts on the communal land release process. The study also gathered input from landholders and

local authorities within the study area, regarding the applicability of these legal frameworks in the delivery of urban land.

The results from interviews with local authorities indicate a number of statutory limitations that makes it difficult for them to obtain land from communal areas. Firstly, the silence of the Local Authorities Act on acquisition of communal land leaves local authorities with a continuous battle. Officials indicated that even though the responsible Minister is empowered through Section 4 (1) (b) of the Local Authorities Act (Act 23 of 1992), to extend town boundaries and make communal land part of an urban area, doing so is still only possible if traditional authorities agree to it. An official explained that: *“Traditional authorities want to be paid to allow extension of boundaries, but that is not provided for in any law”*. Most local authorities end up paying traditional authorities because it is *“the only way”* to get their approval.

Once traditional authorities approve town boundary extensions and individual land parcels become part of the town land, officials said local authorities are still not entirely empowered by the law to appropriate land from the individual landholders. On the other hand, communal landholders are also not legally compelled to release land to local authorities. An official concluded by lamenting the lack of clear statutory guidance on communal land release: *“we can only negotiate with landholders on compensation but if they decline, there is no explicit legal alternative”*.

Secondly, the results show that local authorities are let down by the long coming urban and regional planning bill that is still surrounded by uncertainty as to when it will be finalised and become operational. As indicated in Chapter Three, the Bill is expected to shorten the urban land delivery process by cutting the current bureaucratic requirements of planning and establishing townships. Officials indicate that the time taken in the urban planning process affects their land acquisition efforts, due to uncertainty as to when township applications would be approved. One official commented that: *“landholders may even change their minds on releasing the land after several years of waiting for township approvals”*. Results from affected landholders also indicate that they are thrown into uncertainty for a number of years, with one of them stating that she was told not cultivate her field after agreeing to release her land, but she only relocated 3 years later.

Lastly, results from both officials and landholders indicate the ineffectuality in the compensation policy guidelines in terms of its legality, flexibility and relevance. Firstly,

officials confirmed that the compensation policy guidelines are not practically binding in legal terms, because they are only a guiding document and not a law. Commented an official on the compensation guidelines: *“We only use this document as a guide to compensate affected landholders, but cannot enforce it if there is no mutual agreement. Any decisions based on these guidelines can be challenged by landholders in a court of law”*.

Secondly on the flexibility of the compensation policy, results show that the document is rather dominated by rigid provisions that are hardly negotiable. Affected landholders indicated that the rates stipulated in the policy guideline are fixed, a position that was also confirmed by local authority officials. An official said: *“the rates as per the policy are already final and cannot be negotiated at local authority level”*. He noted that inflexibility is problematic whenever a disagreed item is not explicitly covered in the policy guidelines.

Lastly, the relevance of the policy guidelines came into question, with one local authority official indicating that the guidelines are out-dated and not in touch with reality. He said: *“These guidelines were developed nearly 10 years ago; hence some provisions no longer speak to the current socio-economic circumstances. A lot has happened to the economy over the last 10 years, warranting the review of the policy guidelines so that compensating affected landholders is based on current situations”*.

In conclusion, the results confirmed that there are indeed shortcomings in the statutory and regulatory frameworks, dealing with urban land delivery, particularly with regard to their implications on the release of communal land for urban development. The statutes, such as the Local Authorities Act and the Traditional Authorities Act, are ambiguous and lack specific guidance on how Local Authorities and Traditional Authorities should go about the release of communal land. The results have also exposed the weaknesses of the compensation policy guidelines, which were confirmed to be legally unenforceable, inflexible and out of touch with current realities. These legislative shortcomings have negative implications on the ability of local authorities to acquire land, and as a result slow down urban development. With the current set of legislative frameworks therefore, the process of communal land release remains challenged. Urban development requires the support of dynamic policies that respond to the changing urban environments.

4.7. Conclusion

Urban areas continuously need land to accommodate the socio-economic needs of their growing populations. On the other hand however, the incorporation of communal land into

urban areas threatens the livelihoods of communities that rely on subsistence agricultural activities. The release of communal land for urban development leaves landholders with the options to either surrender the field crops and remain in town, or surrender all possessions and relocate entirely to a different place.

This chapter considered a number of focus areas to help explain the various perspectives of communal land release and its implications to urban development. Firstly, the results presented, indicated that the existing land use and ownership in communal areas has a role to play in the release of communal land for urban development. The majority of households make a living from agriculture, and therefore require alternative land to continue farming, if they are affected by urban expansion. The difficulty in securing alternative land, contributes to a prolonged land release process, thereby affecting urban development.

Secondly, socio-economic problems that comes with displacement of landholders slow down the release of communal land. Affected landholders find it difficult to break down the long established family and community ties by relocating to new places. This is in addition to fears towards the possibility of being economically worse off, in the event that productivity levels in terms of agricultural output decline after relocation.

Thirdly, results showed how compensation of communal land is a central issue in the release of land. The monetary and other forms of compensation offered by local authorities are often considered insufficient by affected landholders. With compensation demands that local authorities cannot meet, the much needed land becomes hard to acquire and urban development programs stay on hold for long periods of time.

Fourth, local authorities are faced with a multitude of challenges that affect their land delivery efforts. Their limited budgets do not allow them to meet compensation obligations, while their inability to help affected landholders to get alternative farming land, adds to the list. Furthermore, unsupportive statutes and the lengthy, cumbersome urban planning and township establishment processes, also form part of the factors that negatively affect land delivery.

Lastly, the results confirmed the limitations in the legislative and policy frameworks affecting urban land delivery. Both the Local Authorities Act and the Traditional Authorities Act are non-committal and therefore unhelpful towards the release of communal land. The compensation policy too is marred by weaknesses that affect its full applicability.

Chapter Five: Conclusions and recommendations

5.1. Introduction

Given the inevitably increasing urban populations around the world, land has become a critical feature in every aspect of urban development. This study undertook to investigate the urban land delivery for towns within communal areas of Namibia. The aim was to identify and explain challenges relating to the release of communal land for urban expansion, as well as their implications on urban development. The study area for this research is Omusati region in northern Namibia, with data collected in two of the four proclaimed towns in the region.

The study first contextualised the land phenomenon in Africa, in order to put into perspective the value generally attached to land in various parts of the continent. This helped to expose similarities in communal land ownership and administration systems in Africa, whereby the allocation of customary land rights is done by esteemed traditional authorities. With land being a part of the traditional Africans' identity, the study demonstrated how increased urbanisation and urban growth threaten the customary land value in communal areas.

The importance of Namibia's past political experience, in shaping the current land dynamics, was discussed through the review of literature on land-related aspects, which include ownership and tenure structure. The study partly linked urban land delivery difficulties to features of the colonial dispensation that were designed to uphold the colonial agenda. These are such as the formulation of land-related ordinances, as well as the introduction of headmen in traditional leadership structures.

The fact that communal land around northern Namibia's urban centres is administered by traditional authorities means local authorities have no jurisdiction over it. Communal landholders hold the customary right to individual land parcels and this puts the compensation subject at the centre stage of urban land delivery. The study therefore holistically investigated the subject of communal land release to establish firstly: difficulties faced by northern Namibia's local authorities, in obtaining land from communal landholders, and secondly: the implications of these difficulties on urban development. Thirdly, the study investigated the implications of communal land release on the affected landholders, and lastly: the effectiveness of legislative and policy frameworks in the communal land release process.

5.2. Key findings

Of the various outcomes of the study, the following five are the identified as the main findings, regarding communal land release and urban development.

5.2.1. Lengthy urban planning processes negatively affect urban land delivery

Urbanisation and urban growth, as explained in Chapter Two, have direct implications on the urban environment and communal land use. Urban planning processes therefore ought to respond to this environment, as dictated by the current rates of urbanisation and urban growth. It was discussed in Chapter Three that the current system of planning urban areas in Namibia is based on out-dated ordinances that established two approval bodies: the Township Board and the Namibia Planning Advisory Board. Both the two entities operate at national level and applications for all local authorities in the country have to go through them, which increases the time required to complete the work. Furthermore, bureaucrats sitting on these boards are mostly senior government officials who hardly make time for scheduled meetings, delaying important urban planning decisions. As a result, it takes local authorities a number of years to plan and establish townships.

The results presented in Chapter Four pointed out that, by the time local authorities finish the administrative works of establishing a new township on a piece of communal land, some affected landholders no longer want to release the land or have already illegally sold portions of the needed land. The length of the process frustrates not only local authorities, but landholders too, who spend several years under uncertainty and speculations about when they are expected to relocate.

5.2.2. Compensation for communal land is critical for land release

The displacement of communities, due to development programmes, was earlier discussed in Chapter Two, whereby urban expansion was cited as one of the inducers of such displacements. As further discussed in Chapter Three, Namibian urban centres that are within communal areas, need to relocate people from communal land in order to acquire land for urban development. Compensation has to be paid in this regard and alternative farming land is needed for the affected landholders, given that these are subsistence farming communities. The study found that compensation of affected households comes at a huge financial commitment. Local authorities however, barely collect enough revenues for their operations, let alone for compensation.

As indicated by the results in Chapter Four, dependence on central government funding comes with uncertainty and hence makes it difficult for many local authorities to plan ahead. The proclamation of many small localities as towns across the country through Regional Councils creates a financial burden to the government in fulfilling the financial needs of such towns, including availing funds for acquisition of town land. Central government is responsible for availing compensation funds for local authorities throughout the country, therefore not meeting the compensation needs of all local authorities at the same time. This, compounded by excessive compensation demands by affected landholders, makes the acquisition of communal land more difficult for local authorities. Officials at local authorities have indicated, as shown in Chapter Four, that even when compensation for losses is reasonably fair, landholders can still turn down compensation offers and make their own demands.

Lastly, part of the compensation package, as per the policy guidelines, is the assistance in acquiring alternative farming land for displaced landholders who wish to continue with agricultural activities. The study found, as presented in Chapter Four, that this is one of the biggest challenges to local authorities. The compensation policy guidelines stipulate that this alternative land should preferably be in the same traditional authority area, whenever possible. Communal areas around the concerned local authorities are in most cases already totally occupied, which discourages most landholders from accepting compensation and releasing the land.

5.2.3. Ineffective legislations and policies affect communal land release

Chapter Two has explained how land in general is a conflict-charged commodity, with widely known disputes, related to land use and ownership. Disagreements are also common between stakeholders in the release of communal land for urban development, which in some cases result in legislative interventions. As indicated in Chapter Three, appropriate policies are critical to the success of urban land delivery efforts, especially where disputes exist over communal land.

The study findings presented in Chapter Four conclude that weaknesses in the legislative and policy frameworks have negative implications on the release of communal land for urban development. Legislations, related to urban land and those related to communal land, make no explicit mention of how local authorities should acquire land from communal landholders. As a result, there is nothing that legally bounds landholders to release land to Local

Authorities. Similarly, there is no legal authorisation for local authorities to appropriate land from landholders. The findings of the study also point to the fact that the much used compensation policy document is not only out-dated, but has also no legal basis in terms of the law. The communal land release process is therefore not guided by clear provisions of enforceable legal instruments.

The study results do not infer that communal land release challenges can all be addressed by means of legal instruments, but suggests that well-crafted legislations immensely contribute to the success of the communal land release process. This is because good laws eliminate room for unfair practices towards affected communal landholders, while on the other hand also protect local authorities from unfair demands from landholders.

5.2.4. Communal land release negatively affects landholders' livelihoods

It was discussed through the review of literature in Chapter Two and Three that people affected by any type of displacement face challenges in rebuilding their lives. The immediate consequence of urban expansion to communal landholders is the ceasing of farming activities, following the absorption of crop fields into municipal land. Study findings in Chapter Four indicate that subsistence farming is a key source of livelihood in communal areas, hence land is a common denominator for household survival. The release of communal land is therefore positive from an urban development point of view, but also negative from the landholders' perspective, on the basis that it takes away the means of survival.

Affected landholders, who choose to stay in town after displacement, eventually become part of the urban inhabitants, paying for various municipal services that come with living in proclaimed townships. The study found that for people, without stable incomes and not used to monthly bills, the cost of living in town is a burden and may drive them into poverty in the long run. Landholders who opt to relocate away from town face the difficulties of finding productive land to continue farming. The study found that such landholders are only assisted with referral letters from local authorities to help them acquire alternative land elsewhere. This does not guarantee them any allocation of such land by traditional authorities, which are also not legally obliged to do so. Without alternative farming land, landholders are deprived of a livelihood and face the risk of destitution.

5.2.5. Communal land release challenges negatively affect urban development

Difficulties in securing land for development projects have significant implications on the successful implementation of such projects. As discussed in Chapter Two, urban

development projects in communal areas are heavily dependent on the willingness of landholders to pave way for urban expansion. It was mentioned in Chapter Three that local authorities have a responsibility to meet various urban demands, in order to fulfil the needs of inhabitants. The success in communal land release is therefore a key enabler of urban development. As presented in Chapter Four, the study found that various challenges in the land release process, such as the shortage of compensation funds and lack of alternative farming land for affected landholders easily disable local authorities to perform their core functions. Such challenges prolong the urban land delivery process, which affects the local authorities' execution of primary responsibilities, such as building infrastructures, attracting economic investments and housing provision for the ever increasing urban populations.

Notwithstanding the importance of addressing genuine concerns of affected landholders, a prolonged communal land release process, remains a critical setback for urban development. Significant development projects are often put on hold, redirected or completely called off, whenever local authorities are unable to secure the needed land.

5.3. Study recommendations

Tables 5.1 and 5.2 on the following pages indicate the recommendations of the study, based on the main findings presented and analysed in Chapter four. It is hoped that the recommendations contribute to addressing challenges in the communal land release process, as well as legislative provisions related to urban land delivery. Ultimately, local authorities should be able to implement urban development programmes with minimum difficulties.

Table 5.1: Recommendations on the key findings (2017)

	Key Findings	Recommendations
1	Lengthy urban planning processes	The recently passed Urban and Regional Planning Bill needs to be effectively implemented in order to speed up the urban land delivery process. Merging the Township Board and NAMPAB into one body, as stipulated, can simplify approval of townships and eliminate cumbersome bureaucratic requirements, which will consequently reduce the time local authorities take to plan and establish townships
2	Compensation for communal land	<p>Affected communal landholders are critical stakeholders in communal land release and urban development. Issues raised by them, regarding compensation, should therefore be taken into consideration, and a flexible approach to compensation negotiations should be adopted. It is also recommended to task the Ministry of Land Reform with the property valuations of all affected homesteads in order to eliminate disagreements between local authorities and affected landholders. Addressing compensation related concerns including valuations leads to minimised resistance on the part of affected landholders.</p> <p>The compensation policy guidelines should be frequently updated and aligned to prevailing socio-economic trends. Fairness in compensation cannot be realised with obsolete provisions that do not consider contemporary factors affecting people’s livelihoods. It is also necessary that the due process should be undertaken to transform the compensation policy guidelines into a law, in order to give it legally binding power and eliminate provisions that are not statutory-based.</p>
3	Ineffective legislations and policies	The Regional Councils Act, Local Authorities Act, and the Traditional Authorities Act should be explicit about urban land delivery, clearly stipulating what every stakeholder is expected to deliver. Harmonised legislations, with clear roles, help to simplify the communal land release process.

Table 5.2: Recommendations on the key findings (2017)

	Key Findings	Recommendations
4	Landholders’ livelihoods negatively affected by communal land release	<p>Local authorities, together with traditional authorities, should be obliged to genuinely assist displaced landholders and ascertain that their former socio-economic positions are restored. Ensuring livelihood security for displaced landholders encourages those to be affected in future, to timely release land to local authorities. If the alternative land allocated, provides better or equal productivity levels as the released land, displaced households have reason to be cooperative.</p> <p>Capacity building programmes in areas, such as financial literacy and small income generating projects should be made available to communal landholders, displaced by urban expansion. Financial literacy programmes will ensure that the displaced utilise their compensation monies sustainably to avoid falling into impoverishment. Similarly, income generation projects enable them to diversify their means of earning a living in order to stay in a stable socio-economic position. These are some of the ways to address fears and challenges of communal landholders affected by expansions of towns. The elimination of impoverishment after relocation encourages other communal landholders to avail land to Local Authorities.</p>
5	Urban development negatively affected by challenges in communal land release	<p>Coordinated planning of urban centres, particularly those within communal areas, is required. The government needs to commit itself in terms of resource allocation, for both proactive urban planning processes and compensation of affected communal land. Long before the growth points in communal areas are proclaimed as urban centres, it is known that land availability will be a challenge after proclamation. Action plans regarding the acquisition of land from traditional authorities should therefore be put in place beforehand. Regional councils, as custodians of settlement areas, that are yet to be proclaimed, should work with traditional authorities to secure land for future urban development. Securing urban land earlier through regional councils, could drastically minimise challenges that Local Authorities would face, especially potential deadlocks with communal landholders over the release of land.</p>

5.4. Recommendations for further research

Notwithstanding the research findings and conclusions made, this study has also created interest in several areas that could require further research. Below follows the recommended possible areas of further research. These are in one way or the other related to land release and compensation, displacement and relocation, as well as urban housing.

There is an opportunity to conduct additional research on land release challenges for towns within commercial areas. Urban areas that are south of the Red Line are surrounded by commercial farms, which unlike in communal areas, are private properties. As established in this study, the type of land use and ownership has a role to play in the delivery of urban land. It is thus important to establish how the same attributes influence urban land delivery when the land in question is for commercial use and privately owned. The fact that commercial landholders have legal titles and farm for business purposes makes their land superior in terms of value compared to communal land. This gives a totally different context to land release, in terms of matters related to compensation and applicable legislations. Additional research in this regard is therefore recommended, as it could yield stimulating findings that can be compared with those of this study.

Further research can also be conducted among relocated households to assess their productivity levels in terms of agricultural output, as compared to the times before displacement. Relocation of those affected by urban expansion is often considered successful when alternative land is found for them, but follow up is seldom done to establish how the land is used. This study only deliberated on the difficulties faced in finding alternative farming land for affected landholders, but did not establish agricultural productiveness after relocation. Conducting further research can therefore help closing-in on the consequences of relocation from the perspective of livestock and crop productivity.

In the same vein, additional research is recommended on the psycho-social impacts of displacement on affected people, which according to literatures can be overwhelming. Emotional stress as a result of one being disconnected from their place of birth or long habitation can lead to emotion-related health problems, and worse to death, especially among elderly people (Cook, 1994). This study fell short of a detailed investigation of the implications of displacement on the affected landholders' social and mental status. There is therefore room for a better detailed follow up study on the psycho-social state of people displaced by urban expansion.

Lastly, there is a need to do additional research on the impacts of lengthy urban land delivery processes, on the provision of urban housing. Housing has become a critical issue in most urban areas, with local authorities battling with the mushrooming of informal settlements. One of the findings of this study is that land release challenges prevent local authorities from delivering on their responsibilities, which include providing for the housing needs of inhabitants. Further research can thus be conducted in the study area to establish relationships between prolonged urban land delivery and the escalation of informal settlements, land grabbing incidents and illegal sales of communal land.

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Annexures

Annexure one: Interview Guide - Local Authority Officials

Self-administered by researcher

Interview Date _____

Town _____

Respondent personal Details (optional)

Name _____

Job Title _____

a) About the town

1. When was the town proclaimed?

2. How long did the process of expanding town boundaries take?

3. How much communal land was affected by the extension (area)?

b) Challenges faced in communal land release

1. Are the affected communal landholders involved in planning for urban expansion? If yes, how are they involved?

2. What are the key challenges in the acquisition of land from communal landholders?

c) Implications for urban development

1. In what ways is urban development affected by challenges in the release of communal land?

d) Legislative/Policy Framework

1. How supportive is the Local Authorities Act to the Town Council in acquiring land?

2. How does the current urban planning process affect the release of communal land for urban development?

3. How effective is the Compensation Policy with regard to communal land release?

4. Does the Town Council honour the provisions of the policy to provide serviced land to landholders who opt to stay in town?

5. Does the Town Council assist displaced landholders to obtaining alternative land to continue their farming activities? If yes, How

6. Does the Town Council offer transport assistance to displaced landholders who opt to relocate completely? If not, Why?

7. How is the value of affected communal land comparable to that of proclaimed urban land?

8. Are the compensation rates stipulated in the policy negotiable? Explain

9. In your opinion, how competitive and reasonable is the compensation offered?

e) Conclusion

1. Is there anything in general you would like to share about how the issue of urban expansion into communal land is being handled?

Annexure two: Interview Guide - Communal landholders affected but opted to stay in town

Self-administered by researcher

Interview Date_____

Town_____

Respondent personal Details (optional)

Name _____

Occupation_____

a) Implications of communal land release on landholders

1. How long have you occupied the released land?

2. Who allocated the land to you?

3. Did you have alternative farming land elsewhere before releasing this land? If so how far away?

4. What is your current main source of livelihood?

5. How do you compare living within town to when you lived outside town?

6. What in your opinion are the main reasons why communal landholders take long to release land to the Town Council?

7. How long did it take from the time you were informed about displacement to the time you were actually compensated to relocate?

b) Legislative/Policy Framework

The compensation policy makes provision for monetary and in kind assistance to affected communal landholders

1. Were you satisfied with the compensation you received? If not, why?

2. Were you involved in determining the value of your compensated properties? If yes, How?

c) Conclusion

1. Do you think expansion of urban areas is good or bad, why?

2. Is there anything in general you would like to share about how the issue of urban expansion into communal land is being handled?

Annexure three: Interview Guide - Communal landholders affected and opted to relocate entirely

Self-administered by researcher

Interview Date_____

Town_____

Respondent personal Details

Name (optional) _____

Occupation_____

a) Implications of communal land release on landholders

1. How long have you occupied the released land?

2. Who allocated the land to you?

3. Did you have alternative farming land elsewhere before releasing this land? If so how far away?

4. What is your current main source of livelihood?

5. What in your opinion are the main reasons why communal landholders take long to release land to the Town Council?

6. How long did it take from the time you were informed about displacement to the time you were actually compensated to relocate?

b) Legislative/Policy Framework

The compensation policy makes provision for monetary and in kind assistance to affected communal landholders

1. Were you satisfied with the compensation you received? If not, why?

2. Were you involved in determining the value of your compensated properties? If yes, How?

3. What assistance did you get from the Town Council to acquire alternative land elsewhere to continue with your farming activities?

4. Did the Town Council assist with transportation of your goods to where you relocated?

c) Conclusion

1. Do you think expansion of urban areas is good or bad, why?

2. Is there anything in general you would like to share about how the issue of urban expansion into communal land is being handled?

Annexure four: Interview Guide - Communal landholders not yet affected but likely to be affected in the near future

Self-administered by researcher

Interview Date_____

Town_____

Respondent personal Details (optional)

Name _____

Occupation_____

a) Implications of Communal land release on landholders

1. How long have you occupied this land?

2. Who allocated the land to you?

3. Has the Town Council approached you regarding town expansion and possible loss of your land?

4. Do you have alternative farming land elsewhere if you are to be displaced? If yes how far away?

5. Under what conditions would you release your land to the Town Council if asked?

6. What in your opinion are the main reasons why communal landholders take long to release land to the Town Council?

b) Legislative/Policy Framework

1. Are you familiar with the compensation policy guidelines and options offered when communal landholders are affected by urban expansion?

2. If you are to release your land to the Town Council, would you choose to stay in town or relocate completely? Why?

c) Conclusion

1. Do you think expansion of urban areas is good or bad, why?

2. Is there anything in general you would like to share about how the issue of urban expansion into communal land is being handled?
