

**DEMOCRATIC PARTICIPATION IN THE FORMULATION OF THE
COMMUNAL LAND POLICY IN NAMIBIA**

by

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CERTIFICATION

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I declare that this study is my work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

.....

M J Marthinussen

Dated: **01 May 2013**

DEDICATION

This dissertation is dedicated to my late parents, Frederick and Dolly Feris for they have shaped my life immensely. Was it not for their love, support and commitment to guide me throughout my life I would have not been able to do this study.

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ABSTRACT

This dissertation examines the democratic participation in the formulation of the communal land policy in Namibia. The degree to which Government institutions allow public participation, cooperation with other sectors within government, and cooperate with other stakeholders such as Non-Governmental Organisations, is examined. Data were collected using questionnaires and interviews and literature research. The analysis of data integrated both qualitative and quantitative methodologies.

Chapter One describes the background to the study, focusing on the history of democratic participation and land policies in Namibia. The literature review in Chapter Two gives a review of the relevant literature that exists on democracy, democratic participation and policymaking. Chapter Three provides a theoretical framework where the most important issues regarding policies relating to communal land were introduced. Chapter Four identified the tools and processes of conducting the study. Three regions in Namibia namely, Oshikoto, Hardap and Otjozondjupa were randomly selected to participate in this study. The findings of the study are discussed in Chapter Five and Chapter Six concludes the study.

The study concluded that democratic participation in the formulation of the communal land policy in Namibia is very low. The major challenges that remain are to encourage public and inter-sectoral debate and to improve the ability of the relevant stakeholders to support development in Namibia and to clarify Namibia's vision for democratic public participation.

Key terms

Democratic participation, public participation, policy-making.

LIST OF ABBREVIATIONS

CBO	Community-Based Organisations
CO	Civic Organisation
GRN	Government of the Republic Of Namibia
LPD	Land Policy Development
MAWRD	Ministry of Agriculture, Water and Rural Development
MLRR	Ministry of Lands, Resettlement and Rehabilitation
MRLGH	Minister of Regional, Local Government and Housing
NA	National Assembly
NC	National Council
FNDP	First National Development Plan
NGO	Non-Governmental Organisation
NID	Namibia Institute for Democracy
NPC	National Planning Commission
NUDO	National United Democratic Organisation
OPO	Ovambo People's Organisation
PTO	Permission to Occupy
RSA	Republic of South Africa
SWA	South West Africa
SWANU	South West Africa National Union
SWAPO	South West Africa People's Organisation
UNIN	United Nations Institute for Namibia

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CHAPTER 1

GENERAL INTRODUCTION

1.1 INTRODUCTION

The indigenous people of the Republic of Namibia still display fair uniformity in aspects such as religion and approaches towards political and social organisations. With regard to land matters, the genesis of the land problem in Namibia was caused by the skewed land policies of the erstwhile pre-1990 German colonists (1884 - 1915) and the South African apartheid colonial administration (1915 – 1989) which created imbalances in the land tenure systems of Namibia. These land policies were skewed because ownership of land and land rights were structured in such a way that it discriminated against the indigenous people of Namibia in that they did not have access to all the land rights that were available. In order to avoid a situation where there would not be any law governing the existing situation and in the spirit of compromise, the formulators of the Constitution of Namibia, 1990 (Namibian Constitution, article 100 and schedule 5(1)) decided to grant legitimacy to the existing land tenure systems at the time of Namibia's independence in 1990. This compromise, however, has not resolved the issue about most of the land being in the hands of a few White and Black Namibians. Hence the need for land policy reform leads to an argument developed in this study that land reform in Namibia could only be meaningful if racial and social class issues are sufficiently addressed.

The study focuses on the democratic participation of all citizens in the land policy making process in Namibia. The process of democratic participation in such policy making has been investigated so as to identify the advantages and the basic problems of such a process. Attention has been given to the meaning of the concept “democratic participation”, clarification of democratic participation in policy-making and the role of democratic participation in policy-making.

This chapter provides the background to and motivation for the study. The problem statement, research questions and purpose of the study and the significance of the study are

also provided. A research scope and a conceptual analysis of key concepts used are provided. The data collection methods, analysis and interpretation are also provided. The study includes a discussion of the sampling method and the limitations to the study. This chapter concludes with a sequence of chapters and the ethical requirements for the study.

1.2 BACKGROUND TO AND MOTIVATION FOR THE STUDY

Article 1 of the Namibian Constitution provides for the establishment of a representative and democratic state with administrative, legislative and judicial mechanisms as well as checks and balances. Namibia is a country with a long history of land appropriation spanning over a period of 100 years. It is generally recognised that the majority of the Black people of Namibia were deprived of the land rights as were available to the White people of Namibia and therefore at the time of independence in 1990 were relatively landless (Amoo & Haring, 2009:90). Black people had rights as occupiers of communal lands but these rights had inherent limitations. They were and still are considered as the indigenous people. Denial of access to land meant deprivation of economic empowerment. The majority of the indigenous people of Namibia were settled on the communal land after the German occupation. These were recognised at the time of independence by articles 16 and 100 of the Namibian Constitution and the Communal Land Reform Act 2 of 2002. The rights were the construct of the colonial design calculated to deprive the indigenous people of their allodia rights to their ancestral land. The rights of usufruct (a right that enables an occupier to derive profit or benefit from property that belongs to another person or institution) granted to occupiers of the communal land have been recognised under the provisions of the Communal Land Reform Act 2 of 2002 as customary land rights. This implies, therefore, that most of the occupiers of the communal land are not entitled to use their titles as security or collateral for a loan. This tremendously limits their access to economic empowerment (Amoo, 2001:98).

At independence, Namibia was faced with strong political pressure to redistribute land to include the formerly dispossessed people, because land distributions during successive colonial powers were racially biased and land was taken from Black Namibians without any compensation (Hunter, 2004:110). The National Conference on Land Reform and the Land question held in Windhoek in 1991 provided broad guidelines for the formulation of the land

policy, but were not binding on the Government. The most significant resolution was that claims to ancestral land would not be entertained because under article 100 of the Namibian Constitution the State is vested with sovereign right over the natural sources, such as land, of Namibia (Werner, 2008:9). The policy of the Namibian Government at the time with respect to the ownership of the communal land was that the state held the communal land in trust for the tribal communities (Amoo, 2001:107). In terms of land relationships, therefore, the beneficiaries of the land must be involved in the process of policy formulation relating to the communal lands. The process of democratic participation confers legitimacy and also ensures the protection of economic, social and cultural rights. This is essential for promoting and sustaining the future of democracy in land matters in Namibia.

The researcher was prompted to undertake this research in an attempt to trace the democratic participation in the formulation of communal land policy. The study aims to determine the degree of democratic participation (see Chapter Two of this dissertation) by all citizens in the formulation of the communal land policy in order to establish the extent to which the Communal Land Policy of 1998 of Namibia represents the wishes of the people of Namibia. The study also explores the challenges faced by the Ministry of Lands Resettlement and Rehabilitation in implementing the envisaged changes in land administration in the period between 1990 and 1997. The study makes proposals that will enhance the principle of democratic public participation in land reform in Namibia.

1.3 PROBLEM STATEMENT

At the time of independence on 21 March 1990, the new Namibian Government was faced with a serious problem of land reform that required the implementation of a process of democratic participation for legitimacy. While a number of documents, policies and Acts have been produced since 1990 the people of Namibia should not be content with very good documents, without more actions taking place on the ground. The process of communal land and commercial land redistribution can rightfully be regarded as being too slow.

There is a gradual, but increasing tension among the people of Namibia when it comes to the question of land ownership. A significant aspect of this tension is the continued denial

of economic, social and cultural rights caused by the legacy of the colonial rules. The challenge in Namibia today is to cross the racial boundaries by combining the communication and co-ordination skills, ethical values, knowledge of society and expertise that are necessary in communal land policy formulation and implementation (both politician and administrator) (Namibia Institute for Democracy, 2007:26).

Many organisations such as civic associations, trade unions and cultural organisations do not get involved in the formulation of communal land policies and avoid political controversies. While few are pro-active in lobbying, many organisations do send representatives to government sponsored workshops on policy matters and give feedback when asked to comment on a draft Bill or policy, although they are rarely the initiators of such consultations (Hopwood, 2008:99). In order to formulate a better communal land policy and to build a better future for Namibians, the Namibian Government should endeavour to recreate a public forum or an assembly where citizens can participate in issues that affect them such as land, health and education.

The process of formulating the communal land policy for Namibia should involve scientific research and intensified focus on localised communal land problems to understand communal land utilisation. This can be followed by field visits and discussions with traditional leaders, government officials, private sector and Non-Governmental Organisation's (NGO's). These are issues that need to be determined through democratic processes.

Therefore, the research problem for this study is to examine the process of communal land reform in Namibia since independence in 1990 and assess its comprehensiveness, effectiveness and inadequacy in order to suggest possible interventions. Chapter Three of this dissertation will discuss communal land policy in detail. In undertaking this, the study will assess the extent to which the communal land policies and guidelines were formed by the democratic participation process and whether the people of Namibia were given the opportunity to democratically participate in the formulation of the current Communal Land Policy of Namibia.

1.4 RESEARCH QUESTIONS

Through the application of primary and secondary sources and research methods, the following questions are to be dealt with:

- What is the level of information availed to the people of Namibia, particularly in the Oshikoto, Hardap and Otjozondjupa regions and is the amount of information given adequate to allow effective public participation in the formulation of the Communal Land Policy?
- How satisfied are the people of Namibia with the current Communal Land Policy?
- What role should stakeholders play in enhancing democratic public participation in relation to communal land policy making?

The importance of the study is that it will add knowledge to communal land policy reform in Namibia in general and on democratic public participation in land policy formulation in particular.

1.5 SIGNIFICANCE OF THE STUDY

Communal lands were deprived of basic economic and infrastructural development since they were meant to serve as a source of cheap labour for the White farmers and factories in the urban centres of Namibia. They were characterised by over-crowdedness and unemployment. This in effect meant the marginalisation of the indigenous population and denial of basic economic, social and cultural rights. As mentioned in the background section of this study, the occupiers of the communal lands did not have the right of ownership over the lands and therefore lacked security of tenure.

This study will propose workable and effective options of social intervention which could reduce these problems in order to formulate a better communal land policy and contribute to economic growth and development. The study will endeavour to identify and justify various interventions that could assist the government and stakeholders in the communal land reform process. An examination of the communal land policy issue is essential and even if the stated

intervention will only provide a better understanding of the communal land reform process, it may serve as a reference source for other researchers and policy makers.

The Republic of Namibia is an independent, democratic and unitary state which is based on democracy, the rule of law and justice for all (Namibia Institute for Democracy, 2007:21). Citizens play the most important role in a democracy. Involvement of the citizens early in the decision-making process can improve the likelihood that decisions will be regarded as legitimate and could reduce the potential for challenges that might forestall precautionary action. Therefore citizens should participate in land policy making.

In advancing democracy in the country, the researcher needs to determine whether Namibia as a pluralist and democratic country has allowed its people to actively and democratically participate in the decision-making process on communal land related matters. In doing this, the researcher's major aims are to:

- Encourage the government to realise the need for democratic public participation and the way to achieve true empowerment of its people.
- Ensure that information available on communal land policy formulation in general and on democratic public participation in communal land policy in particular is reaching the entire nation.

Much has been researched on democratic public participation but the researcher, after examining research databases such as post graduate research data and information depositories in universities and research agencies, observed that there is no study done in connection with the democratic public participation during the formulation of communal land policy in Namibia.

1.6 RESEARCH SCOPE

It is the aim of this study to conduct an in-depth examination of the process followed in connection with the formulation of the communal land policy of Namibia and the democratic involvement of the people of Namibia in the formulation of their communal land policy at grassroots level (villages, settlements and districts) with reference to communal land reform

in general and particularly in the Oshikoto, Hardap and Otjozondjupa regions. The study will identify criteria that can ensure that all regions are broadly represented and that all Namibian citizens are provided with a scope for addressing the key issues on communal land reform.

1.7 CONCEPTUALISATION

Conceptualisation refers to both the clarification and the analysis of key concepts in the study, and also the manner in which the research is integrated into the body of existing theory and research. The following terms are pertinent to the study and are therefore defined:

1. “Democratic government” refers to a government in which all the citizens of a nation together determine public policy, the laws and the actions of their state.
2. “Participation” means taking part in a deliberate and goal orientated activity of government institutions. This is because activities in which people participate with various institutions are goal-orientated.
3. “Democratic Participation” means the engagement and collaboration of civil society and public officials (including legislators) during the process of the formulation of the Communal Land Policy to jointly produce the Communal Land Policy of Namibia, April 1998.
4. “Public participation” means the sum total of all citizens and communities – deliberately taking part in a goal-oriented activity. Public participation involves the participation of members of the public who are interested in solving issues in question.
5. “Policy formulation” means the development of a pertinent and acceptable proposed course of action through a rule to guide decisions for dealing with a public problem.
6. “Communal land” means the section of land comprising the northern and north-east parts of Namibia where reserves or homelands were created for the indigenous population.

7. “Policy “” means a principle or rule to guide decisions and achieve rational outcomes.
8. “Public policy” means a conscious action initiated in a local government institution by top public functionaries and/or political office-bearers for dealing with a situation in such a way that a particular goal can be achieved. In public policy, government plays a major role and the policy is processed by public institutions.

1.8 METHODS OF DATA COLLECTION, ANALYSIS AND INTERPRETATION

A literature study is aimed at contributing towards a clear understanding of the nature and the meaning of the problem that has been identified (De Vos & Fouche, 1998: 64). A literature study is essential in the sense that -

- (i) it may disclose whether someone has already performed essentially the same research;
- (ii) it provides a substantially better insight into the dimensions and complexity of the problem; and
- (iii) it equips the investigator with a complete and thorough justification for the subsequent steps, as well as with a sense of the importance of the understanding (De Vos & Fouche, 1998: 65).

Building on the results of the Consultative Conference which took place at the Safari Hotel in Windhoek on Communal Land Administration in 1996, the study endeavours to achieve the specified aims and objectives through a combination of desk research and broad-based consultations. For a successful formulation of the land policy, related literature on policy formulation will be reviewed and analysed accordingly to enrich the study and to give it an acceptable theoretical framework. A substantial volume of published and unpublished documentation will be collected, utilised and appraised in compiling the main report. Minutes of meetings, policy documents and the annual report of the Ministry of Lands and Resettlement will be reviewed as a signpost into subsequent work, the latter building upon and extending the former. A careful examination of the documents may suggest a number of directions worth pursuing in order to help interpret prior findings to choose between alternative explanations.

For the purpose of this study two sets of questionnaires were used as discussed in Chapter Four of this dissertation. Though the term *questionnaire* suggests a collection of questions, an examination of a typical questionnaire will probably reveal as many statements as questions. This is not without reason. Often the researcher is interested in determining the extent to which respondents hold a particular attitude or perspective (Babbie & Mouton, 2001:233). The role of the interviewer is indispensable as data collection is one of the most crucial phases in the research process. The survey interview is a social interaction and like other human interactions, it involves specific norms, expectations and social roles (Babbie & Mouton, 2001:249). Interviews and questionnaires were used to obtain information that was integrated with theoretical knowledge to further elucidate the key concepts and assumptions. The interviews consisted of unstructured and open-ended questions that are few in number but according to Cresswell (2003:188) intend to elicit views and opinions from the participants. The interviews were conducted with government officials in the Oshikoto, Hardap and Otjozondjupa regions in order to validate the data from the questionnaires.

Data analysis was done by the use of the Statistical Package for Social Sciences (SPSS) software version 12.0. The data collected were both qualitatively and quantitatively analysed and compared against the objectives of the study. From this analysis the final findings were determined.

The parameters of interest identified in this study were those helpful in meeting the objectives and they particularly addressed the following: -

1. The extent of the involvement of the people of Namibia in the formulation of the Communal Land Policy.
2. Views of citizens on democratic participatory processes in Namibia.

The interpretation involved making sense of the data collected. The researcher formed judgments in the situations where data were collected and explanations were given of the phenomena data were collected about.

1.9 SAMPLING METHOD

The probability sampling method was used in this study. According to Nachmias & Nachmias, (1987:187), probability sampling techniques are known to ensure that each sampling unit is included in the sample in a single draw from the population. To ensure this the cluster sampling was used. With the cluster sampling method the researcher draws pre-existing heterogeneous groups, called clusters and the members of the selected clusters are the eventual sample (Welman & Kruger 1999:60). Clusters were determined and the regions with their estimated citizens were divided into four categories. Citizens were placed numerically and numbers were assigned to each of the villages to ensure that each village has the same chance of being included in the sample. The sample included government officials as well.

1.10 LIMITATIONS TO THE STUDY

This researcher does not claim to be an expert on either Namibia's communal land problem or the issue of land distribution. The study attempts to indicate certain dysfunctional patterns in Namibia's communal land history. The study is also by no means an exhaustive exploration of the theme democratic participation in Namibia. The focus of this research was limited to the process of democratic participation in policy formulation by looking at the communal land policy. The study, therefore, endeavours to analyse the effort made to involve citizens in public policy. The analysis focuses on and is limited to citizens from the Oshikoto, Hardap and Otjozondjupa regions in Namibia.

1.11 SEQUENCE OF CHAPTERS

The study consists of six chapters.

Chapter One comprises the general introduction to the study. It states the problem of the study and also discusses the objective of the study. It explains the problem statement, research questions, significance of the study and the research scope. The conceptualisation of

terms is given and the method of data collection, the sampling method used and the limitations to the study are also explained. It concludes with a brief discussion of the sequence of the chapters and the ethics approach.

Chapter Two gives a review of the relevant literature that exists on democracy, democratic participation and policymaking. It shows what is already known about the issue at hand and how the study extends the existing knowledge on the issue.

Chapter Three provides a brief outline of the past and present communal land policies in Namibia

In Chapter Four a detailed exposition of the research methodology is provided. It gives a complete description on how the study was conducted and why it was conducted that way.

Chapter Five contains the data analysis of the gathered information. This chapter gives the findings of the study.

Chapter Six comprises the conclusion and recommendations. The chapter starts with a concise summary of the research. The conclusions are discussed and the chapter ends with proposals for new and additional research efforts that should be attempted by other researchers. The researcher also recommends new actions for communal land policy formulation.

1.12 RESEARCH ETHICS

The researcher conducted the research objectively, honestly and with integrity. The sources of the secondary data are acknowledged. When using questionnaires and interviews to obtain data, personal information of respondents was kept anonymous. Respondents could participate voluntarily and choose to withdraw at any stage without any penalty being imposed. The researcher did not use the research and information obtained in a manner that is detrimental to UNISA or other persons or outside institutions, unless it was scientifically-academically justified. The researcher familiarised herself with UNISA's policy on research

ethics, 2007. The researcher ensured that all data and references to participants are protected where necessary.

1.13 CONCLUSION

This chapter introduced the study and identified the background and motivation for the study. It explained the problem statement, research questions, significance of the study and the research scope. The primary purpose of this study is to describe the extent to which the people of Namibia are democratically involved in the formulation of the Communal Land Policy. The conceptualisation of terms was then given. The chapter also explained the method of data collection, the sampling method used and the limitations to the study. It concluded with a brief discussion of the sequence of the chapters of the study and the ethical considerations of the study.

The next chapter provides a literature review on the nature, processes, and practice of democratic participation in general, and more specifically on democratic public participation with regard to the formulation of land policies.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

Chapter One introduced the study and identified all the relevant aspects on which the study is based. This chapter provides a foundation for subsequent chapters in this dissertation. An analysis of the core concepts of the research problem is done in such a way that the measurable parts become obvious. Concepts discussed in this chapter are however not the only concepts that exist in this field of study. The boundary of knowledge regarding democratic participation is frequent changing as new scientific and theoretical knowledge is constantly being added to that which exists. This makes the field more challenging and interesting to study than it would have been if the same concepts were studied all the time. Chapter Two is dedicated to two interrelated issues, namely, the meaning of democracy as applied in Namibia and the concept of democratic participation in relation to communal land policy making. The researcher relied on local as well as international literature to obtain opinions and approaches and scientific and intellectual claims regarding these issues.

The purpose of a literature review is to familiarise the researcher with studies that are similar to the one being undertaken. More specifically, it assists to link the study to the broader discussions following on the subject matter, filling in gaps and referring to other studies; and the provision of a benchmark upon which results of the study can be compared with other findings (Creswell, 1994:21). In this study, the literature review provides relevant information on the nature, processes, and practice of democratic public participation in general and more specifically information on democratic public participation with regard to the formulation of communal land policies. The importance of communication in democratic public participation as well as the communication barriers in democratic participation is examined. The chapter proceeds to discuss the ways in which citizens could be encouraged to take part in democratic public participation. The strategies available for democratic public participation are also discussed and the chapter concludes with a discussion on the relationship between democratic public participation and communal land policy formulation.

2.2 MEANING OF DEMOCRACY

The word “democracy” is now analysed and discussed for the purpose of obtaining a meaning relevant to democratic participation. The word “democracy” means “rule by the people”. A democracy is a system where the people can effect change in a peaceful manner and the government is given the right to rule because the people say it may (Namibia Institute for Democracy, 2007:6). A literature review on the concept of democracy in Namibia reveals a common thread that the edifice of Namibia’s democracy is underpinned by liberal precepts. As such, a democracy is most commonly associated with procedures to guarantee political competition and political participation (Blaauw, 2007:2). Schmitter & Karl (1996:50) and Huntington (1991:7) conceptualise democracy which caters for the above as “a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives”. The definition given by the afore-mentioned authors suggest that democracy protects the rights of citizens and limits the power of government. Bratton & Mattes (2001:452) argue that “democracy is a system of rules and procedures by which leaders, groups and parties compete for power, and in which citizens elect representatives to make binding decisions” based on the principle of universal adult suffrage (Blaauw, 2007:3).

There are many forms of democracy created by the rule of law. These include direct democracy, representative democracy and multi-party democracy. Direct democracy is a type of government where people make the decisions for themselves rather than to have the decisions made by representatives. Such a system is only practical with relatively small numbers of people. Representative democracy is a type of government where people elect their leaders and allow the leaders to rule and make laws. Today, the most general form of democracy is representative democracy. Officials can deliberate on complex issues in a thoughtful and systematic manner that requires an investment of time and energy that is often unachievable for the vast majority of citizens. Citizens of a democracy can add value to their day-to-day lives if they use the opportunities that are provided by their political system. For this, citizens need to be informed about “how the system works”, the actors that make up the system, and the agendas that are set or avoided. Citizens need to know about the policies and strategies that are set to guide their well-being and the day-to-day public issues which they, the government and the country are faced with (Keulder, 2002:33). Multi-party democracy is

a manifestation of representative democracy. It is the antithesis of any party political system. It allows for representation of the views of the people in an organised party system. The parties become the channels of the expressions of the views of the citizens on national issues. The ideal is for a party to have representation in the legislature to articulate and enforce the interests of the members of the party in the legislative process.

Namibia has a constitutional democracy and its public sector functions according to the written constitution that has its tenet and objective as the promotion of democracy and human rights (Namibia Institute for Democracy, 2007:7-12). When democracy operates in accordance with a constitution, it limits the powers of the government and guarantees fundamental rights to all citizens. This form of government is called a constitutional democracy. In such a society the majority party usually forms the government and the rights of the minorities are protected by law and through the principles of constitutionalism and the rule of law.

A democracy is set up by a constitution. A flawed constitution cannot guarantee a full democratic society. Namibia obtained independence in 1990, and since then the country has often been described as one of the most stable multiparty democracies on the Africa continent. It has one of the most liberal constitutions with an entrenched bill of rights, an independent judiciary, a functioning three-tier system of government, a fairly well institutionalised political party system, and an economy that is growing, albeit slowly (Keulder, 2002:1).

The strength of a real democracy depends on certain fundamental rights and freedoms being available to citizens. These rights and freedoms must be protected to ensure that a democracy will succeed. Rights and freedoms in Namibia are listed and protected in the Namibian Constitution. The Namibian Constitution, articles 5 – 21 and 25 entitles all Namibians to specific basic rights and ensures that the government cannot interfere or change those rights (Namibia Institute for Democracy, 2007:12). Namibia has one of the highly applauded constitutions in the world. The challenge is to appropriately interpret this constitution to ensure that the majority of the people are able to enjoy the democratic rights accorded to them. To achieve this, democracy must become institutionalised among elites, organisations and ordinary citizens alike, and it must become the norm (Linz & Stephan, 1997:15).

For democracy in Namibia to be institutionalised the key role actors and the institutions of government should be transparent and accountable. A democratic system is meant to engender systems in which citizens freely make political decisions by majority rule (a doctrine by which a numerical majority of an organised group holds the power to make binding decisions). The rights of minorities are protected by the Constitution, article 5, because laws and institutions protect the rights of all citizens. For example democracy does not imply a limitless diversity within society. It needs a foundation not only of shared values, but also of shared experiences, so that people identify with the political system to which they belong, and can trust its procedures and outcomes. This means that those procedures are not only seen and felt to be fair, but it is also necessary that no significant minorities should feel themselves to be permanently excluded from power or influence. The modern and practical concept of democracy in Namibia is majority rule with the protection of minority rights.

It is the view of the researcher that democracy implies public participation in national affairs especially, in the policy making process. It is also a truism that democracy means the views of the majority taking precedence over the views of the minority. It is in this context that the researcher strongly believes that the protection of the minority right should be an equally important concept in the nature and definition of democracy.

Mayor (1995:42) cautions that democracy is a vulnerable process and it is particularly vulnerable when those who should be committed to it and those who should be concerned about its survival are demobilised by a sense of exclusion. In such circumstances, the politics of a community, of individual respect and tolerance among people becomes the politics of rage, prejudice and violence. A democracy is therefore the only political process which cannot be imposed from the top or the centre down because its culture only grows from the bottom up, from neighbourhoods and villages - the grass roots where people live and work. It is also the only political system that celebrates its own vulnerability to interference, prejudice, mass hysteria, confusion, paralysis and even collapsed (Mayor, 1995:39).

In a democracy, it is rather the rules and methods of decision making and political competition that matter most. Since the rules and matters are effective tools in ensuring adequate public participation in the decision making process such rules and methods will include representation, levels of participation and voting procedures. The nature of the state and society determine the

level of democracy of a country (Keulder, 2000:2). These two forms of democracy of a country are according to Linz & Stephan (1997:97) consolidated by five conditions,

- the existence of conditions to develop a free and lively civil society;
- the political society must be relatively autonomous;
- all (leaders and followers) must be subject to the rule of law;
- must be a state bureaucracy that is usable by the government of the day; and
- an economic society must be institutionalised.

The success or failure of democracy is determined by the ability and the preparedness of the people to interact constructively with their rulers. If the people fail to object to autocratic activities and indulge in worship of charismatic vote-catchers, they will deserve the malenactments, the misgovernment and the maladministration to which they will be subjected (Cloete, 1993:1).

Viewed over the long course of history, democracies do indeed appear weak, even from the vantage point of a decade of democratic revival. Democracies have by no means been immune to the tides of history; they have collapsed from political failure, succumbed to internal division, or been destroyed by foreign invasion. But democracies have also demonstrated remarkable resilience over time and have shown that, with the commitment and informed dedication of their citizens, they can overcome severe economic hardship, reconcile social and ethnic division, and, when necessary, prevail in time of war (<http://usinfo.org/mirror/usinfo.state.gov/products/pubs/whatsdem/whatdm8.htm>).

The processes of debate, dissent, and compromise that some point to as weaknesses are, in fact, democracy's underlying strengths. Certainly, no one has ever accused democracies of being particularly efficient in their deliberations. Democratic decision-making in a large, complex society can be a messy, grueling, and time-consuming process. But in the end, a government resting upon the consent of the governed can speak and act with a confidence and authority lacking in a regime whose power is perched uneasily on the narrow ledge of military force or an unelected party apparatus (<http://usinfo.org/mirror/usinfo.state.gov/products/pubs/whatsdem/whatdm8.htm>).

Within the entire vocabulary of political science, there is probably no single word which has been given more meanings than “democracy”. At the present time, the word has a rather magical connotation and a somewhat tranquilising effect (Roskin M. G. Cord R. L. Medeiros J. A. Jones W. S. 1998; 66). Namibia is reputed to be one of the countries in Africa that aims at achieving democratic governance. However, no one can be sure whether the people do understand what democracy is. The word “democracy” is not always used correctly. Most politicians often use the word “democracy” to attract political support in the country and around the world. Democracy is today hailed by many throughout the world; it is a political structure which allows for regular constitutional opportunities for changing the governing officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among the contenders for political office (Roskin *et al.* 1998:67).

Furthermore, democracy entails free public contestation concerning governmental priorities and policies. If democracy never produced policies that generated government-mandated public goods in the areas of education, health, and transportation, and never provided some economic safety net for its citizens and some alleviation of gross economic safety inequality, democracy would not be sustainable (Linz & Stepan, 1997:101).

Petrus Damaseb, the Judge President of Namibia said the following about the extent to which legislative sovereignty defined and limited the application of democratic principles in pre-independence Namibia on the 18th of September 2008, at the Commemoration of the International Day of Democracy:

Democracy is the very anti-thesis of colonialism and apartheid. Therefore, to speak of democracy in a pre-independence Namibia is a contradiction in terms. In pre-independence Namibia, there was no equality before the law. No respect for human rights. No equal access to social services. No equal opportunities in employment and pursuit of one’s chosen career. All that changed when Namibia attained statehood and adopted for itself a sovereign, autochthonous constitution, adopted by the peoples’ chosen political representatives. A constitution, that ordains political pluralism and the peoples’ right to freely choose their representatives”. A constitution that contains justiciable Bill of Rights, Namibia boasts a legislature and executive chosen freely by the people of this country. Unlike Namibia of the old, in present-day

Namibia both the executive and the legislature are required to comply with the constitution and the law and if they fail to do so an independent judiciary exists to review their actions.

Namibia chose democracy to be the pillar stone of the day to day living, with independence in 1990. Democracy is a system of government in which the peoples of a particular country freely make political decisions by rule of the majority (Namibia Institute for Democracy, 2007:44). In this study, democracy in Namibia means the free and equal right of every citizen to participate in any system of government. The aspect of democratic participation is discussed next.

2.3 CONCEPT OF DEMOCRATIC PARTICIPATION

Participating in the democratic processes is seen to be an essential aspect of citizenship. Every citizen should have a broad knowledge and understanding of his/her rights, responsibilities and duties. The concept of democratic participation is discussed to assess the extent to which both the constitution of Namibia and the political structures and realities on the ground engender or foster democratic participation.

Democratic participation is characterised by free and equal participation in government or in the decision-making processes of an organisation or group. According to Jennings (2002:1), democratic participation is the involvement by a local population and, at times, additional stakeholders in the creation, content and conduct of a programme or policy designed to change their lives. Built on a belief that citizens can be trusted to shape their own future, participatory development uses local decision making and capacities to steer and define the nature of an intervention. Participation in the democratic process should not begin and end with casting a ballot. There are a variety of options for civil society groups and individuals to bring their views before parliamentarians. In order to understand how parliament works and to see how key issues are being addressed, members of the public can attend sittings of the National Assembly and the National Council. In addition, civil society groups and individuals can also make representations of public hearings organised by the standing committees of parliament. Such hearings, which can be held in parliament or sometimes at

various locations around the country, give the public an opportunity to comment on draft legislation and other issues of national importance that might have been referred to a committee (Hopwood, 2008; 27). In the case of Namibia it is safe to say that all these options are available to the citizens.

Democratic public participation is seen as something more than voting or limited to a particular political view. It encourages full participation in all aspects of political decision-making that impacts on someone's life, has a goal of equal access to justice, equality and resources, implies a challenge to power that calls for shared power and accountability, and is about taking power to create a full and functional democracy. Democratic public participation should thus be viewed as a method by which citizens learn to develop a common will. Public participation is important because it is, or can be, the method of democracy (Warburton, 2000:4).

From the above discussions, democratic public participation may thus be defined as the full participation of citizens in all aspects of decision-making that impact on one's life and calls for shared power and accountability. This definition is used in discussions throughout the dissertation.

For democratic public participation to be effective there should be a collective effort from the public as well as from all stakeholders to encourage democratic public participation. For the achievement of full democratic public participation, there are certain pre-requisites that must exist in the body politic. Firstly there must be constitutional and legal provisions that promote democratic public participation. Secondly, the civil society must be prepared for such participation, and thirdly, the state must avail the citizens with equal facilities, both financial and technical, to enable the citizens to effectively exercise their constitutional and democratic rights. Democratic participation also needs to be encouraged, and this is discussed next.

2.4 ENCOURAGING DEMOCRATIC PUBLIC PARTICIPATION

There are several ways to encourage democratic public participation in the formulation of policies. It is a collective effort from the government as well as from the public. Conditions should be created under which collaborative dialogue can occur around critical issues to the community. All viewpoints should be heard and all citizens should have an equal chance to participate in the political decision-making process (Hibbard & Lurie, 2000:193-194). Developing critical consciousness about sustainability provides a platform for democratic public participation. Stakeholders' education for sustainability becomes a key component in facilitating public empowerment within the participatory development process (Cuthill, 2002:81-83). For this reason, democratic public participation cannot be proclaimed; it has to be developed. Many work with a commitment to participate but with only limited guidance on how to put such commitment into practice (Oakley, 1991:220). When the public is aware of the issues at stake they will be more willing to participate (Laurian, 2003:12).

According to Warburton (2000:5), there are four basic reasons why government might want to get the public engaged in a particular process:

- Improved governance: to do with democratic legitimacy, accountability, trust, citizens' rights, and empowerment;
- Social capital and social justice: to do with tackling exclusion and increasing equity, and building relationships, networks and ownerships;
- Improved quality of service, projects and programmes: more efficient and better services that meet needs and reflect broad social values; and
- Capacity building and learning: to build confidence, skills, understanding, awareness, knowledge.

One way to encourage democratic public participation is through the combination of public/community/private/government partnership built on existing organisational strengths. If the public is to enter into a partnership with local government for the implementation and management of local economic development and infrastructure projects, the capacity to sustain these partnerships will need to be created (Swilling, 2004:8).

There does not appear to be a “best strategy” for democratic public participation. Democratic public participation refers to acts that are intended to influence the behaviour of those empowered to make decisions. In a society where participation is a value, inability to participate represents a severe deprivation (Verba, 1967:53). Popular participation in the development of public policies will only occur in states which allow the existence of strong mass organisations. This is commonly called civil society. There must not be laws or policies that prevent groups, whether supportive or opposed to the ruling regime from becoming part of the political process. Civil society comprises social formations relatively independent from the state, for example, civic associations, trade unions, cultural organisations or university students. This explains the importance of establishing and maintaining excellent people relationships between the government of Namibia and its citizens. Government officials and members of the community should understand each other better and, in addition, could have a common vision of what they want to achieve in future. It is the researcher`s opinion that democratic public participation cannot be effective in a culture of inordinate intolerance or any form of interaction, if the people feel that the government does not respect their views and feelings. Therefore, respect for core values in promoting democratic public participation must be observed.

2.5 CORE VALUES FOR THE PRACTICE OF DEMOCRATIC PUBLIC PARTICIPATION

The International Association for Public Participation is an international leader in public participation. It has developed the following core values for the use in participatory interventions in democratic public participation which will assist in better decision making with regard to the interests and concerns of the public:

- The public should have a say in decisions about actions that affect their lives;
- Public participation includes the promise that the public’s contribution will influence the decision;
- The participation process communicates the interests and meets the process needs for all participants;

- The participation seeks out and facilitates the involvement of those potentially affected;
- The participation process involves participants in defining how they participate;
- The participation process communicates to participants how their input affected the decision; and
- The participation process provides the participants with the information they need to participate in a meaningful way (<http://iap2.org/corevalues/index.shtml>).

A continuous effort should therefore be made to ensure that all members of the public contribute to decision-making affecting their lives. In order to enhance inclusive decision-making by the community, communication processes have to be put in place right from the start of the project.

2.6 IMPORTANCE OF COMMUNICATION IN DEMOCRATIC PUBLIC PARTICIPATION

One of the goals of democratic public participation is to improve communication between stakeholders in order to facilitate better decision making and sustainable development (Integrated Environmental Management Information Series, 2002:2). Participation is a political process that affords the individual the opportunity to be involved in national activities and to contribute to the formulation of national policies. To achieve this, information must flow from governments and external supporters in ways that genuinely support people's informed participation. In the same way, it is also necessary for information to flow from citizens, community-based organisations and NGO's to the government. The objective of information sharing, therefore, is to ensure that all affected individuals or communities receive adequate information in a timely and meaningful manner (World Bank, 1996: 174). That is why continuous efforts should be made to improve communication and to engage stakeholders in repeated interactions (World bank, 1996:129). Communities should feel free to transmit their views, wishes and interests in order to participate meaningfully. Effective communication keeps the various players in contact with each other and can affect a desirable and sustainable result. Poor communication often leads to chaos and uncertainty (Community Participation, 2005:2).

Communication is used to organise activities, plan work and share information. Effective communication is crucial in democratic public participation because it enables people to achieve a mutual purpose. It helps to -

- identify, establish and promote community development principles and goals;
- develop, implement and assess plans;
- coordinate resources, both human and financial;
- lead, direct, motivate and create a climate in which members will collaborate, contribute and participate towards mutual goals;
- ensure that a range of participants is included; and
- encourage ongoing public participation (website: <http://mcawa.gov.bc.ca>).

It is essential to create conditions under which a sustaining collaborative dialogue can occur around issues that are important to the members of a community. Planning processes should aim to communicate all proposals to the community, but also to provide meaningful opportunities to respond. Listening to all viewpoints is crucial and all community members should have an equal chance to participate in decision-making (Hibbard & Lurie, 2000: 192).

It is furthermore essential for communities to be fully capacitated and to be able to transmit their words in order for them to participate meaningfully. Right from the beginning of a project – when it is identified by communities, through processes of planning, designing and preparation – up to its eventual implementation, communication processes need to be in place. Processes should ensure that sufficient community mobilisation for inclusive community decision-making has taken place (Kellerman, 1987:53,59). A lack of communication between the different stakeholders can result in unnecessary misunderstandings. Through effective communication people will be able to share their wishes and feelings. There will be fewer misunderstandings and therefore the time spent on dissolving conflicts will be reduced. In the context of this dissertation, such a reality is likely to occur given that the processes available ensure that communities have access to a free flow of information.

Effective communication is thus crucial and the public and government should communicate in such a way that they will understand each other. In this way, trust can be built between the

government, community leaders and the members of the community which in the long run will lead to more effective public participation. Democratic public participation is one of the key ingredients of an empowered community and is critical to community success. For democracy to be successful, citizen engagement and participation is important.

2.7 IMPORTANCE OF PUBLIC PARTICIPATION IN A DEMOCRACY

It is difficult to implement a project successfully when there is no public participation in the community. Democratic public participation contributes to the proper formulation of policies and at the same time promotes democracy. The importance of public participation in a democratic community is now discussed.

According to Follet (1998:142), democratic public participation is important for democracy because of the intrinsic importance of democratic values. Follet argues that democratic public participation is important because it is, or can be, the method of democracy. She further states that democracy is the “will of the whole” (Follet, 1998:156). There are some common elements to sound democratic public participation that will be found in all communities. These elements are, according to Idasa:

- Democratic public participation is critical to representation. If the public does not participate in elections, it will not be possible to constitute a democratic government. Democratic public participation is essential for transparency and accountability. If people merely vote and show no interest in the affairs of the state, democracy could easily be threatened by a lack of transparency and accountability. Public participation in government between elections is essential to ensure that leaders do not abuse their powers and that the interests of citizens are advanced.
- Democratic public participation is vital for a government in touch with its people: It enhances the quality of democratic governance by constantly bringing diverse needs, concerns, views and perspectives into the decision-making process. This helps to inform government about what citizens wish to see happening in their country.

- It enhances implementation: Citizens do not only strengthen democracy by engaging with formal law-making or policy development. Democratic public participation may also take place through community structures, such as school governing bodies or community policy forums. The planning, management and implementation of local initiatives can similarly benefit from active involvement of citizens through consultative and co-operative processes
(http://www.idasa.org.za/FAOs_Details.asp?RID=61).

The Constitution of Namibia, Article 17, provides for democratic public participation and therefore government has the duty to include the public as well as the media in its meetings. Citizens are thus able to be aware of what is happening in the legislature. Communication is a process beginning with a message passes through some channel to a receiver who interprets the message. This study argues that communication is only successful if the receiver interprets the message the same way as the sender. If there is a difference in the interpretation of the message, the message is not delivered successfully. This kind of wrong interpretation of a message is called a communication barrier. For the purpose of this dissertation the communication barriers in a democratic participation are important and are discussed in the next paragraph.

2.8 COMMUNICATION BARRIERS IN A DEMOCRATIC PUBLIC PARTICIPATION

Effective communications among individuals with different backgrounds and interests can be very difficult and it is therefore possible to experience some communication barriers in democratic public participation. The following are some factors that can create barriers to effective communications (Municipal Research and Service Centre of Washington, 1999:26):

- **Power needs** – Legislators and interest groups need to show that they are doing a good job for their constituents. Sharing credit is one of the most important things government officials can do to win support. Sometimes it is important to broaden the scope of the overall effort in order to find a “win” for an important interest.

- **Political irrationality** – This may see staff as inflexible because they appear to hide behind the technical standards of their professions. It helps to understand the needs of the other parties to carry out an effective dialogue.
- **Different perspectives** – We see problems differently, experience the same event differently, hold different approaches to solve problems, and have different communication styles. People should try to understand where others are coming from and to see things in their terms.
- **Part time versus full time** – Part time officials have limited time to spend on issues that staff may be paid to address while full time staff have much more time available. Those who have less time to spend on an issue may feel disadvantaged.
- **Technical experts versus citizens** –Some experts may see citizens as lacking the knowledge and skills to participate effectively. Citizens on the other hand, may feel that technical experts are suspect, especially if they work for the government.
- **Public apathy and feelings of powerlessness** – Some officials believe that the majority of citizens are distrustful and apathetic about the functions of government. That may leave them wondering about how representative the participants are. On the other hand there are citizens who feel powerless to influence government.
- **Formal proceedings** – Rules of order are needed, although formality can get in the way of open communications.

This study argues that when people understand the essence and importance of democratic public participation in the formulation of policies, their attitudes can change and they will be more willing to participate. This means they can be encouraged to participate in the policy making process because they understand the importance of doing so for their own benefit. One effective method of public participation in a democracy is by voting in elections. There is however a diverse range of democratic public participation strategies that range widely in creativity, complexity and the type of technology used, available for citizens to play an active role in a democratic government. This is dealt with in the next paragraph.

2.9 DIFFERENT STRATEGIES OF DEMOCRATIC PARTICIPATION

Public participation strategies should not be looked upon as “blueprints”. Each situation calling for a public participation intervention will require a specific, relevant combination of strategies. There is no “best” strategy available in the development marketplace (Theron, 2005b:125). There is no right method or one single set of techniques that guarantee success. A genuine willingness to be open, to listen and to explore options and issues identified by the public will implant faith in the process. According to Theron (2005b:126-128), the various strategies for democratic public participation can be classified into a variety of groups depending on one’s interest, for example information sharing, consultation, and empowering. The following strategies of democratic public participation are in use in Namibia.

2.9.1 Information Sharing Strategies

Information is referred to as a “participation as a means to an end” because participation is generally short-term. Emphasis is placed on achieving the objective and not so much on the act of participation itself (Theron, 2005b:117-118). Examples of information sharing strategies include exhibitions, media coverage and audio and visual material (Kok & Gelderbloem, 1994:65-66). Other forms of information sharing includes legal notices, advertisements, exhibits and displays, websites, field trips, press conferences, radio and television talk shows and expert panels and educational meetings (Theron, 2005b:126-127). It is however important to note that in this type of strategy there is no provision for feedback.

2.9.2 Consultation Strategies

One form of consultation strategy is the referendum which is an inexpensive strategy and which allows for democratic public participation, especially between elections. Other forms of consultation strategies include questionnaires, surveys as well as in-depth and focus group interviews (Kok & Gelderbloem, 1994:69). According to Theron (2005b:127), public meetings, public hearings, open days and open house, briefings and telephone hotlines or complaint registers are also forms of consultation strategies. With these types of strategies there are however no share in decision-making.

2.9.3 Empowering Strategies

Workshops, focus groups and key stakeholders' meetings, advisory committees and panels and tasks are forms of empowering strategies (Theron, 2005b:128).

Conducting an effective democratic public participation process can be hard work and it can also be very frustrating because there can be tension between the goals of democracy and the desire to make decisions quickly and efficiently. However, a truly participatory process can be rewarding. Goodwill generated by this process ensures ownership of decisions and thereby can provide the required momentum to implement a difficult decision. The community will gain experience, knowledge and skills at working together to create a better future. It is crucial to know which democratic public participation strategy works the best for policy formulation because a strategy that was a success in one project could easily fail in another project.

In Namibia it is not easy to determine the average Namibian's level of awareness of the policy-making process. The policy-making process is not by any means to be a secret from the public, and yet few people really know what and who makes it work. It is thus not uncommon for people across Namibia to be confused about the relationship between democratic public participation and the policy-making process.

2.10 RELATIONSHIP BETWEEN DEMOCRATIC PUBLIC PARTICIPATION AND THE FORMULATION OF POLICIES

Policy formulation is the development of policy alternatives for dealing with problems on the public agenda. Policy formulation occurs in government bureaucracies, interest group offices; legislative committee rooms; meetings of special commissions; and policy-planning organisations, otherwise known as "think tanks". The details of policy proposals are usually formulated by staff members rather than by their bosses, but staff members are guided by what they know their leaders want (Dye, 2002:40). If policy-making should start with people then it must empower them. Policy must not be handed down to people and engraved in stone with no room for people to make decisions. Policy makers should create conditions in

which people could articulate their needs. The real challenge for land policy is to look beyond the labels and tangibles. People could also be empowered through speaking plainly. The process must empower those denied of their needs in the past, especially women and children. Women are the backbone of communities and children the future of the country. People are judges of the success and failure of the policy. Policy makers must develop sophisticated evaluation tools for judging the effectiveness of policy not only if or not 20% of land was distributed in ten years, or if there was an increase in the number of indigenous farmers, but to ask if the process respected them, if their quality of life had improved and are they happy with the outcome. The tasks of policy making are exceedingly difficult. Because the world is so complex, human understanding so limited and organisational life so complicated and problem-ridden, it is reasonable to suppose that public officials might not be able to perform to the satisfaction and expectations of members of the public. Even after absorbing a large measure of realism, it remains true that the policy making process too often is insufficiently intelligent and insufficiently responsive to ordinary people (Lindblom & Woodhouse, 1993:150). The Constitution of Namibia gives the people of Namibia the right to participate in the policymaking process and to raise their voices regarding policies. Public officials should therefore continuously make the people of Namibia aware that it is their democratic right to be part of the process. One way of doing this is to make the environment conducive to enable the people of Namibia to participate in the policy making process.

Policy makers should have the widest and latest information available to them on research and best practice and all decisions should be demonstrably rooted in this knowledge. Whatever the level of government, all policymakers must make rules and laws in accordance with the Constitution. First and foremost, public policymakers in Namibia must do things by the broad guidelines prescribed by the Constitution. The influence of public opinion over government policy has been the subject of great philosophical controversies in the classic literature on democracy. Eighteenth-century philosopher Edmund Burke believed democratic representatives could serve the interest of the people, but not necessarily conform to their will when deciding questions of public policy (Dye, 2002:33). Strengthening relations with citizens is a sound investment in better policy-making and a core element of good governance. It allows government to tap new sources of policy-relevant ideas, information and resources when making decisions. Equally important is its contribution to build public trust in government, raise the quality of democracy and strengthen civic capacity. Through

democratic public participation people share in, belong to, establish dignity and self-esteem, and own the policy-making process (Bryant & White, 1982: 205-228; Theron, 2005b:121). The sharing is not done in isolation but it is a dynamic social learning and capacity building process (Theron, 2005b:121).

Women, including those from the poor and indigenous people, are often the exact stakeholders whose interests are critical to the success and sustainability of projects. This is why the designers and sponsors of projects should make special efforts to address and overcome these barriers in order for the voices of the poor to be heard. The benefits of participating should thus be very clear to them. There are however, cultural, economic and political barriers that prevent people from doing this. This is especially the case with women. Women are overrepresented among the poor and they usually do not participate unless specific steps are taken to ensure that they participate and benefit. That is why designers and sponsors of projects should make special efforts to address and overcome these barriers in order for the voices of the poor to be heard (World Bank, 1996:121-179).

People will not participate unless they believe it is in their interest to do so. All too often public participation is seen as a way of getting poor people to carry out activities or share in their costs, when the benefits are not clear to those expected to participate (World Bank, 1996: 147). It is important for the citizens of Namibia to know that it is in their best interest to participate in policy making because these policies almost invariably will impact on their rights. It is also important for government officials and community leaders to share information with the citizens regarding issues concerning the formulation of policies.

2.11 CONCLUSION

This chapter reviews the literature on theoretical and empirical framework concerning the concepts of democratic public participation in general and more specifically on democratic public participation with regard to the formulation of communal land policies as presented by various writers. As stated in the introductory paragraph of this chapter the purpose of a literature review is to familiarise the researcher with studies that are similar to the one being undertaken. By doing the literature review the researcher is provided with a benchmark upon

which she could compare the results of this study with other findings. This chapter focused on the definition and elements of the term *democracy*. The concept of democratic public participation, the importance of democratic public participation, the relationship between democratic public participation and policy formulation and the communication barriers in democratic public participation were also highlighted.

It is concluded that government policy plays an important role in offering additional support to effective democratic public participation. This is why the government of Namibia should do its best to ensure that policies are implemented in the best ways possible, because policy in itself does not effect change. Only action is capable of achieving it. At the same time, personal development of the stakeholders in policy-making is crucial. People should realise right from the start the importance and benefits of democratic public participation. Learning and reflecting on past mistakes are crucial, because in this way, we can share our experiences and avoid repeating mistakes in the future (Theron, 2005b:124).

Democratic public participation is viewed differently by different authors and other individuals, which explains why the concept is so ambiguous. Despite this ambiguity, democratic public participation makes an invaluable contribution to sustainable development. A continuous effort should be made to understand the concept and process rather than to focus on ambiguity. Democratic public participation is more focused than participation in general because it refers specifically to stakeholders who have a specific stake in a development project. A continuous effort should be made to make the people of Namibia aware of the benefits that could be reaped from democratic public participation and how resources can go to waste without it. Namibia being a young democracy has limitations on the extent to which democracy can be employed.

The next chapter will give a general overview of the Namibian land reform processes. It will show what has been the experience with the land reform programmes during pre-independence and post-independence eras.

CHAPTER 3

LAND POLICIES IN NAMIBIA

3.1 INTRODUCTION

The aim of this chapter is to give an overview of the Land Policies of Namibia before and after independence in 1990. First, a description is given of the demography of Namibia. This is followed by a discussion of the land policies before and after independence in 1990. Thereafter an explanation is given of the land policies during the period 1990-1996 with reference to the conferences preceding the introduction of the National Resettlement Policy in 1997 and the National Land Policy in 1998.

Although policy-making was oriented towards urban and commercial farming, there was a lack of appropriately skilled people to deal with these issues. Not surprisingly, the land question and calls for land reform were raised within the first month of Namibia's first independent National Assembly sitting (Werner, 1997:2). This chapter shows that despite a promising start, little progress has been made with land reform since 1990. An explanation is given of the processes that were followed to formulate the National Land Policy of Namibia of 1998. This chapter concludes with a discussion of the legal perspective of land reform in Namibia.

3.2 DEMOGRAPHY OF NAMIBIA

There is little evidence of any European presence in the territory now known as Namibia prior to 1484 (UNIN, 1988: 23). Namibia is situated on the south-western tip of the African continent and is 834 000 square kilometers in size (Shipanga, 2000:2). It has a total population of slightly more than 2.1 million. More than half of the population lives in the rural regions of the north (www.namibia-travel.net/.../people.html)

Before the German colonialists arrived in Namibia, the history of land dispossession in Namibia can be dated back to the 17th century when the so-called Khoi Afrikaner tribe, under the leadership of Jan Jonker Afrikaner, migrated into Namibia and acquired land by subjugation conquest. This tribe, related to the Hottentot>Nama living in the Cape, migrated northwards across the Orange River and entered into wars over land with the Herero and even the Ovambo tribes of the more northern parts of Namibia. From 1840, when Jan Jonker Afrikaner settled at what today is Windhoek, the Afrikaner tribe dispossessed all the land of the indigenous people they encountered in that region (Vermeulen, 2009:37).

The available socio-economic evidence shows that land in Namibia in the pre-colonial period was considered to be a *res communes* (chosen intentional community), or common property, resources to which every member of the community had access to make a living by means of hunting, gathering *veld* food, fishing, depasturing livestock, cultivating crops, mining, and other similar activities. All this was done in line with the prevailing property regime and authority systems of those communities (Hangula, 1998:14). The land policies of that time and before the independence of Namibia in 1990 are discussed next.

3.3 LAND POLICIES BEFORE INDEPENDENCE IN 1990

Prior to the colonial era (before 1884) and during the early period of settlement, the areas which are now incorporated into the country of Namibia were divided as follows:

- The southern part of the territory now known as Namibia consisted of the Great Namaqualand or Namaland.
- The central parts consisted of Hereroland and Damaraland which later included the coloured peoples.
- The northern part consisted of Kaokoland, Ovamboland and the Okavango.
- The far north east belonged to the middle Zambezi Bantus, that consisted of the Masubya (Bekuhane), Yei (Koba), Mabukushu (ha Mabukushu) as major groups and later a tribe known as the *Mafwe* (Hangula, 1995:3).

Throughout pre-colonial Namibia (before 1884), government authority was usually decentralised. Only in the larger settlements had hereditary rulers emerged; they controlled the allocation of land, levied labour and cattle taxes from their subjects, resolved conflicts and performed important agricultural functions such as the maintenance of dry season wells, setting the start of the planting season, and supervising the annual cattle drive (UNIN, 1988:27). Prior to colonial occupation in 1884, most communities were governed by autonomous chiefs or kings. The authority of a chief or king was hereditary, and almost all-political, economic and social power was vested in him. In most parts of Namibia, the chiefs were assisted by senior headmen who were in charge of districts, and together with the chief, they formed the government of the day in their area (Keulder 1998:34). During this period land ownership differed from contemporary types of landownership. In the area today known as “communal land”, people lived a pastoral life due to scarcity and unpredictability of pastures for grazing their livestock. In order for them to have sufficient grazing, land and water resources they had to be mobile or migrate. Historically, land was never individually owned by the indigenous population, but held and used as communal property. The open spaces of communal land known as rangeland were freely shared by neighbouring communities for a variety of economic activities including animal grazing and hunting (Hangula, 1995:6).

The land was vested in the tribal communities of a particular tribal area and one characteristic feature of this land tenure system was that land was held in trust for the entire tribal community as the titleholder. In a study conducted by the Legal Assistance Centre in Windhoek and presented at the National Conference on Land Reform in July 1991, it was reported that all the tribal communities that researchers had visited had their own customary law of land tenure prior to the colonial era (Amoo, 2001:88).

The land question was one of the main challenges facing the new government of Namibia at independence in 1990. Landless and destitute people expected that the land policy would be easy to solve since the country gained independence. However, although this process requires urgent attention, it had to be approached with caution so as to avoid making costly mistakes. The new Namibian government after independence in 1990 inherited a ‘bloated’ state. The colonial state was ‘overdeveloped’ because of its past policies of ethnic (homeland) administration (Keulder 1998:54).

In 1990, when Namibia was granted independence, 42 percent of Namibian agricultural land was in the possession of White Namibian farmers. White people, while being a very small part of the total population, possessed more than 34 million hectares of land, mainly devoted to livestock farming. In contrast, Black people who constituted more than 90 percent of the population only owned 40 percent of all agricultural land, mainly oriented towards subsistence farming under customary tenure systems. In 1990 Black farmers owned less than a million hectares of commercial land (Ministry of Agriculture, Water and Rural Development [MAWRD], 1991). The political economy of Namibia indicated that approximately 80% of productive and fertile land was in the possession of the minority white farmers. The remaining 20% of the land was shared amongst the black section of the population. Vast land areas occupied by white people were utilised for commercial purposes whereas Blacks engaged mostly in communal farming.

The Namibian government has attempted to address the skewed land policies of the past. The discussion that follows includes land policies adopted after independence and the process followed to formulate and implement the Namibia National Land Policy.

3.4 LAND POLICIES AFTER INDEPENDENCE IN 1990

The immediate post-independence period, 1990-1996, was characterised by a land policy and institutional vacuum. In particular, ethnical defined Representative Authorities that administered tribal homelands and the corresponding legislation were abolished. Regardless of whether the concept of tribal homelands was accepted or not, it could be argued that these homelands provided communal farmers with a certain sense of security, albeit defined along ethnic and tribal criteria. Many traditional authorities were unsure of how political changes introduced after independence would affect their powers generally and more specifically with regard to land allocation and administration (Werner, 2000:3).

At independence on 21 March 1990, Namibia was faced with three options of resolving the land issue. The first option was to nationalise the commercial land. The second option was to complete the process of alienation and privatisation of all communal land in the country. The third option was to continue with the unpleasant status quo of the dual tenure system.

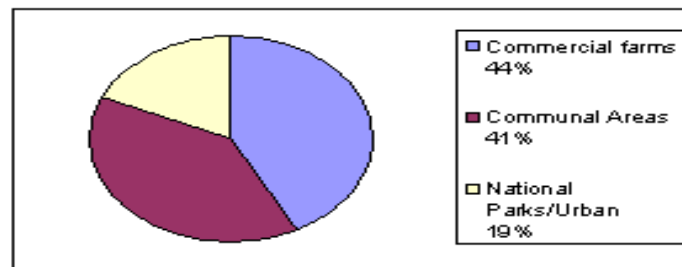
Indeed, none of these choices offered a comfortable policy option for the government because each one of the options had far-reaching implications. For example, nationalisation would have created panic and destabilisation of the commercial subsection of Namibia's Agriculture. This sub-sector employs more workers than the total number of workers at all the mines (Werner, 2000:7). As such, its massive destabilising would have resulted in a large scale of retrenchment; also, there would possibly have been many acts of sabotage to destroy the viability of commercial farming as an important source of revenue. The second option of turning communal lands into private properties, on the basis of a freehold system of land tenure and destitution, would have made the majority of those living on communal lands destitute and created a state of landlessness leading to widespread socio-economic insecurity and political instability. It is against this background that the Government opted to continue with the status quo of a dual system of land tenure, at least, temporarily, and then introduce a process of gradual reform of that system (Hamutenya, 1996:32).

In terms of the land policy, Namibia employed the incremental policy model. According to Anderson (1990:113), incremental decisions involve limited changes or additions to existing policies. This policy enables government to reduce uncertainties associated with nationalisation or privatisation of land in Namibia. In an attempt to bring about a more equitable distribution of land, the government embarked upon a programme of national consultation with traditional authorities with regard to the land issue. Land administration and management in Namibia, are in the Directorate of Land Reform in the Ministry of Lands, Resettlement and Rehabilitation. The Directorate of Land Reform was established in 1990. The primary function of this Directorate is to administer the Agricultural (Commercial) Land Reform Act no. 6 of 1995 and the Communal land reform Bill when published. The objectives of the directorate are as follows:

- To acquire land for resettlement purposes;
- To guide the formulation of rural development plans to ensure optimum beneficial use of human beings of scarce and fragile natural resources;
- To allocate communal land for farming and business purposes;
- To coordinate and integrate various sectoral land uses; and
- To survey and monitor government farms. (MLRR, <<http://op.gov.na/Decade>>)

Given the extremely skewed distribution of land and the promises made by the SWAPO Party during the resistance war and during Namibia's first electoral campaign, the land reform process started immediately after the formation of President Sam Nujoma's inaugural government (Tapia Garcia, 2004: 44). Colonialism left many people landless even after independence since Namibia inherited a highly skewed distribution of land at independence in 1990. Some 4 500 commercial farmers owned about 43% of all the agricultural land, while more than 150 000 households had access to 42% of this land (Werner,1997:1). Due to its colonial history, Namibia was left with a dual and unequal land tenure system at independence. The unequal land ownership between the commercial farmers and the communal farmers is illustrated in Figure 3.1 below.

Figure 3.1 Land ownership in Namibia at independence 1990



Compiled from GRN (1995:205) Pankhurst (1996:14) (Karuuombe, 2003:7)

Other countries of Sub-Saharan Africa have also gone through the process of land policy development. These include Senegal, Niger, Gambia, Mali, Eritrea and Ethiopia, to mention the most obvious ones. In some countries such as Ethiopia, Tanzania, Uganda, South Africa and Zimbabwe, land policy development has been treated as such an important issue that it has resulted in debates for radical constitutional reforms.

It is therefore not surprising that land rights remain at the centre of contemporary politics in Sub-Saharan Africa. What is surprising is that besides Kenya, Namibia and South Africa, it has taken decades to confront the land issue in many countries in the region such as Zimbabwe. The need to preserve and reconstruct indigenous institutions has nonetheless been paramount in countries falling within this exception. It is possible, however that as the effects of the current economic approaches to land policy development become clear and

widespread, policy makers will develop more appropriate and effective land policies to address the various land issues.

Land distribution and ownership has a direct bearing on the level of poverty in communal areas. In periods following the independence of any country, expectations of the majority of the landless for equitable redistribution of land are normally high (Kabajani, 1993:3). This is particularly so in Africa where land is an economic asset for the majority of the people. A preliminary assessment of the existing literature on land issues in Namibia indicated that the problem was deeply rooted in the country's pre-colonial and colonial history.

When discussing the issue of communal land, two main aspects generally emerge. These are land reform and agrarian reform. Land reform refers to the redistribution of communal land to ensure equitable access to land, while agrarian reform involves the organisation of structures in the rural areas for efficient land use and enhanced productivity in agriculture (MLRR, 2002:3). Access to land and its efficient utilisation therefore are two factors that need to be balanced. Consideration of these two issues of land reform has dominated much debate and literature. The fact that more people need land is real, and no one would disagree that land is definitely a factor in poverty alleviation (Tapscott, 1993:34). Ignoring this fact can lead to unrest among the majority of the indigenous people, as has been the case recently in Zimbabwe. This is due to the fact that the Zimbabwean government failed to carry out a thorough process of land redistribution mainly because of what Nyoni (1993:2) refers to as political timidity.

In accordance with the provisions of the Lancaster House constitutional agreement (signed in December 1979), the government of Zimbabwe launched the Resettlement Programme in September 1980 on land bought from large-scale commercial farmers on the basis of "willing buyer-willing seller" (Nyoni, 1993:153). Namibia appears to face the same problem. Several years after adopting the policy of "willing-seller, willing buyer", little progress has been made with land reform, and communal farmers are calling for a different approach as tension mounts. There is a need for a speedy land distribution programme, workable land acquisition process and an increased resettlement of the landless people (*The Namibian*, 2002). Access to more land by the majority of communal farmers has though not been a guarantee for increased productivity, and in most cases the opposite is true. This is because of the contrast

between the poor methods and techniques employed by subsistence communal farmers as opposed to the exceedingly high performance of commercial farmers who can afford modern and highly advanced farming techniques. This requires a paradigm shift in policy formulation which will include the reconsideration of the functions of role players and the restructuring of structures of authority.

The suggestion would be that traditional leaders should be incorporated into the administrative restructuring of the Namibian society. A role change is however, advisable which would include the change from decision-making to advisory functions. Within the spirit of the Namibian Constitution, attention needs also to be given to the membership of women in traditional authority structures (Totemeyer, 1993:23). To prevent commercial farming in communal areas from creating an imbalance in land access, traditional leaders should be vested with the authority to approve an application for rights to engage in commercial farming over communal lands.

The Namibian Constitution protects property rights (Article 16(1)), and therefore the government cannot merely expropriate the land without complying with constitutional requirements. This ensures security and stability in the country. To deal with the land issue, the government commenced with the drafting of the Namibian National Land Policy. This was however preceded by three conferences which are discussed next.

3.4.1 The Land Reform Conference, 1991

After independence, on 1 June 1990, a motion was passed requesting the Namibian Government through the Prime Minister then Mr. H Pohamba to call a national conference on the land question and land reform under the auspices of the President of the Republic of Namibia to decide on the future of this very important question. The objective of the national conference was to “achieve the greatest possible national consensus on the land question” (De Villiers, 2003:33). The land conference, the only one of its kind in the region, was shaped by Namibia’s policy of reconciliation and the provisions in the Namibian Constitution, 1990 (Breytenbach, 2004:55; Werner, 2001:5). The main theme of the conference was “what should the basis for land reform and in particular the restoration of land rights be?” (De Villiers, 2003:33).

The conference was held from 25 June to 1 July 1991 under the auspices of the Office of the Prime Minister of Namibia, with the view to reconciling different and opposing perceptions on the land question. It provided a platform for the citizens to air their grievances and concerns related to land aspects in Namibia. The conference debated policy and strategic options on land reform, particularly with regard to distribution of land. Views expressed at this conference served as guidelines and subsequently provided the basis for the formulation of the land policy. Participants at this conference were drawn from various organisations, such as trade unions, NGO's, community-based organisations, churches, religious organisations, political party and academic institution's representatives, regional and local government representatives. It was proposed that communal areas should be retained, developed and expanded (Werner, 2001:6). There was general consensus that the farm workers and women in agriculture rights were protected under labour codes. The farm workers had the right to reside on farms after retirement and they were granted grazing rights as well. Women were given rights to own the land they cultivated and inherited land and property (Werner, 2001:6). The conference did not have the authority to make binding decisions, but formulated 24 resolutions which formed the basis of the land reform programme (Werner, 2004a:109). It however seems that the momentum of a consultative reform programme was lost after the initial enthusiasm.

3.4.2 People's Land Conference, 1994

It was only in 1994 that non-governmental organisations initiated another conference called the People's Land conference. This conference took place in Mariental, a town 250km from Windhoek. The Namibia Non-Governmental Organisation Forum (NANGOF) was delegated to lobby government for draft legislation and policies (Werner, 2004a:116). NANGOF was invited to assist in drafting the Communal Land Bill, but while civil society organisations debated the land issue in Mariental, the Agricultural (Commercial) Land Reform Bill was tabled in the Namibian parliament without the opportunity for stakeholders to consider the draft legislation (Werner, 2001:6). The Bill was passed and became an Act in 1995. Due to the reluctance from Government and the fact that civil societies at that stage were not very strong, there was very little consultation between government and stakeholders. This process did not develop much further.

3.4.3 Second National Traditional Authority Conference, 1996

In 1996 the Namibian Ministry of Lands and Resettlement and Rehabilitation, together with the Centre for Applied Sciences, organised another conference called the Consultative Conference on Communal Land Administration. The Conference took place from 26 to 28 September 2006 in Windhoek. The participants at this conference were mainly delegates of traditional authorities and representatives of regional councils. This conference was the first of its kind in Namibia where various stakeholders in communal matters gathered to discuss issues pertaining communal land. This conference was organised with the view to discuss and find a way forward in including communal land in the mainstream of the national development programme.

Following the above-mentioned conferences, the Government of the Republic of Namibia introduced the National Resettlement Policy in 1997 which deals with guidance on the resettlement of eligible persons, followed by the National Land Policy in 1998 which deals with the problem of dispossession, discrimination and inequitable distribution of land (Werner, 2000:11). One of the responsibilities of government is to address the socio-economic conditions which adversely affect the individual. In the context of communal land tenure system, the Government of Namibia had to develop adequate policies, in order to address the injustices and imbalances created by the skewed land policies and laws of the previous regimes. Since a policy of such nature impacts tremendously on the rights of the individual especially the holders of communal land the degree of acceptability of such a policy will be determined by the process used to formulate the policies. The degree of Democratic public participation ensures ownership of a policy. The researcher's contribution is that a policy of such nature will only be successful if the ordinary person is associated with its formulation and ownership. The following paragraph will give an overview of the National Land Policy, 1998 to highlight the differences between the pre- and post-independence land policies in Namibia.

3.5 NAMIBIAN NATIONAL LAND POLICY (POST 1997)

The existence of a land policy is an important indicator of a government's seriousness in addressing issues related to land management in general and land reform in particular. The Namibian Land Policy 1998 document sets out a list of objectives and programmes which the Government wishes to see fulfilled through the overall national Vision 2030. Visioning is an important aspect which the Namibian Government has given full reign in its Vision 2030.

The Namibian Land Policy, 1998 includes a set of social, historic and legal indicators by which it can be evaluated in terms of achievement of goals set. It is equitable and responds to the needs of society by taking into account the nation's history as well as the future needs of the people in as far as land redistribution is concerned. Given the historic context of the land question in Namibia, the land policy debate has been informed by the social, political, economic, environmental and cultural characteristics and values attached to the land by stakeholders. The 1991 National Conference on Land Reform and the Land Question as discussed in paragraph 3.3 of this chapter was a uniquely Namibian initiative that gave rise to a host of policy, legislative and institutional interventions that have a bearing on land reform in Namibia. The Namibia National Land Policy 1998 (GRN, 1998) is divided into four main topics, namely, fundamental principles, urban land, rural land and general considerations. The principles guiding the different parts of the policy are derived from the Namibian Constitution and national commitment to redress the economic injustices inherited from the colonial past. These are equity before the law; a mixed economy based on different forms of ownership such as public, private, cooperative, small-scale, family, unitary land system; focus on the poor and rights for women; security and protection; sustainable use of land and natural resources; public accountability and transparency; land as a renewable natural resource; and multiple forms of land rights.

3.5.1 Fundamental Principles of the National Land Policy

Namibia's National Land Policy 1998 articulates issues of equality before the law and the rights of women. These permit women to have the same status as men with respect to all types of land rights, either individually or in a group (GRN, 1998:1). The policy also addresses issues relating to the land tenure system. Previously land tenure systems were

categorised into first class and second class. To date it is a unitary land system as provided for in the Namibia National Land Policy, 1998, that all people have equal opportunities, rights and security over land tenure and management system. The policy emphasises the importance of empowering disadvantaged members, like women and the poor, of the society.

The policy also provides a wide range of land ownership such as private, public, cooperative, joint public venture, co-ownership and small scale family. The policy retains mixed economy principles as enunciated in the Namibian constitution. In the past women were not recognised as producers in their own right but merely as farmers' wives, no matter how irrespective of the amount contributions to the subsistence and sustenance to the family. In Africa 80% of domestically produced food is provided by women. Women's production and productivity is constrained by restrictions on their access to land, commercial fertilizers, credit, education, extension services and technological improvements (Andima, 1993:102). The policy now empowers women in all respects and they are now entitled to receive land allocations and bequeath and inherit land. Government transformed customary laws that impeded women to have titles over land. Those persons who legally own land irrespective of the form of tenure, gender, income and race, are fully protected and secured by the state.

On the issue of public accountability and transparency, the policy asserts that government will ensure that all aspects of land administration by Government and other agencies are open and transparent, all financial transactions involving land and public funds are audited on a regular basis in accordance with generally accepted accounting principles, and finally all proceedings of regional and local boards shall be open to the public and the minutes of such meetings open to public scrutiny. Touching on the ownership of communal land, the policy refers to Article 100 of the Namibian Constitution which provides that land belongs to the state if it is not otherwise lawfully owned. Lawful land tenure refers to all forms of land rights defined by this policy and the law. The policy provides multiple forms of land rights and holders of these rights are equal before the law. Land rights types are customary grants, lease hold, freehold, licenses, certificates, or permits and state ownership. Land rights holders are classified as individuals, legal family, legally constituted bodies and institutions to exercise joint ownerships, duly constituted co-operatives and the state. The government will expedite statutes indicating the forms and conditions of ownership and associations as specified above (GRN, 1998:2).

The National Land Policy 1998 also provides for the land administration, surveying and mapping, land tenure, land registration, financing of land and taxation of urban land. On the aspect of rural land, the land policy deals with land ownership, land administration, multiple land tenure, customary grants, land taxation and user fees, land redistribution, underutilisation of land by foreign nationals (“absent foreign landlords”), subdivision of land, land use planning and land use environmental board.

3.5.2 Urban Land

Towards the independence of Namibia in 1990, many urban areas emerged but due to discriminatory policies, they were not proclaimed townships or municipalities. As a result, local authority administration did not develop. The National Land Policy provides for the establishment of urban areas as municipalities and townships where necessary (GRN, 1998:4). This is intended to promote decentralisation and bring government closer to the people. Land administration continues to be a prerogative right of local authorities. The government begins to develop human capacity in order to decentralise land administration in regions. This will lead to the establishment of Regional Land Registries or Registration. Hence complicated issues will be directed to the Ministry of Local Government and Housing’s head office. In future, when human resources are adequate, land officers will be posted to regions. The government also prioritizes and promotes surveying and mapping in order to plan and manage land effectively.

On the aspect of land delivery, Namibia, like most other developing countries, is experiencing rapid urbanisation and population growth. The current land delivery system in urban areas under local authorities and the Namibian Ministry of Local Government and Housing previously concentrated on providing serviced land, for whatever purpose, to middle and upper income individuals and business concerns. Today, town planning takes into cognisance the interests of the poor. In the past the poor have been neglected in respect of town planning. At an early stage of the implementation of the policy, town planning studies will be conducted in regions to ensure that municipalities, towns and villages develop according to flexible guidelines which consider multi-sectoral inputs and community consultations (GRN, 1998:6).

Namibia's Land Policy 1998 identifies the need for and importance of the accessibility of urban land and redress of inequalities prevailing between the poor and the rich. Due to the scarcity of land and rapid urbanisation in Windhoek, a second national city will be established in the northern part of the country, in order to reduce the degree of over concentration of business activity in Windhoek.

On land tenure, freehold title is the only form of secure, registerable title in urban areas which affords the holder ownership that is transferable, inheritable and provides collateral against a loan. The Government endorsed the idea that urban dwellers, particularly in informal settlements, should be entitled to hold rights to urban land on the basis of group tenure (GRN, 1998:7). The government introduced various types of secure titles that may be held by groups or individuals. The introduction of the new land tenure system (starter title) is meant among other things, to reduce the cost of undeveloped land. This will be done through amendments to the existing titling and registration procedures. Customary tenure will exist in particular urban areas and will be accorded equal status to other forms of tenure in line with the unitary land system.

The Land Policy 1998 provides for urban permission to occupy (PTO) which is defined as "permission in writing granted or deemed to have granted in the prescribed form to any person to occupy a specified area of trust land for arable and residential purposes or for any other purposes prescribed by the Bantu Affairs Commissioner after consultation with the tribal or community authority (Hinz, 1995:30). PTO Certificates were issued to government landholders. This document licensed landholders to occupy government land. PTO Certificate holders had no rights to claim ownership but could secure title when the land becomes available. To date, with the introduction of 12 communal land Boards, 1061 new customary land rights, 3095 existing customary rights, 60 new household rights and 17 existing household rights were allocated under PTO certificates. The PTOs have been phased out and freehold titles are now granted to previous holders of PTO certificates.

Currently Namibia has only two Deeds Offices situated in Windhoek and Rehoboth. Due to this and the multitude of land transactions throughout, Government will establish registries in other parts of the country as and where the number of transactions dictates. Capital for land acquisition and development is well organized through financial institutions. Government

will ensure that access to finance to acquire land is available. In proclaimed areas land and property taxation exists in the form of rates levied against land and improvements located on freehold land. In un-proclaimed and newly proclaimed urban areas, private developments exist on non-freehold land and thus escape taxation. The significant rapid urbanisation in the country and the ineffectiveness of the land administration to meet the demands for land has resulted in peasantisation (squatters) of urban areas. The Government continues to support those agencies and sectors responsible for squatters and informal settlement upgrading and development. The National Land Policy 1998 provides for the sustainability of multi-sectoral efforts to increase employment by making industrial and commercial land available in areas identified for such development (GRN, 1998:9).

Environmental concerns are not the sole concern of rural areas but also of urban land use and management. Financial and tax incentives are provided to promote the use of renewable energy resources and promotion, protection and rehabilitation of natural environments. Abandoned and under-utilised land may be expropriated by the state for resettlement and redistribution.

3.5.3 Rural Land and Communal Land ownership in Namibia

Communal land ownership is vested in the Government of the Republic of Namibia according to Article 5(1) of the Namibian Constitution. The Government undertakes to administer this land in trust of the benefit of traditional communities occupying such land for the purpose of promoting the economic and social development of the Namibian people (GRN, 1998:11). Land administration in communal areas is vested in Land Boards and Traditional Authorities. Surveying and registration of approved land title is the responsibility of Land Boards in the area of jurisdiction. Occupiers of communal land are entitled to all forms of tenure system pertaining to the communal land adopted by the policy. All people in rural areas are offered equal access to all forms of tenure endorsed by the National Policy 1998 and to be specified under subsequent legislation. All these land tenures are given equal status, security and protection (GRN, 1998:11). Moreover, the sharing of land and natural resources of mutual benefit among neighbours will be pursued, especially in times of drought and other natural disasters. Customary grants are the sole responsibility of Traditional

Authorities, such as the allocation of customary land rights for residential and subsistence farming purposes (GRN, 1998:12).

With regard to communal areas, the general consensus at the 1991 National Conference was that these should be retained and developed. During the conference one participant rightly mentioned that communal areas are the farms of the poor. Resolutions taken sought to protect the rights of small communal farmers by pleading for democratisation of land allocation and administration; requesting that payment for land particular in the far north be stopped except if such land was to be used for commercial purposes; that unauthorised fencing be removed. In addition the conference resolved that large communal farmers should be encouraged to acquire land outside the communal areas to alleviate land pressure in the communal areas, and that once commercial land had been acquired, such farmers should not be allowed to retain their rights to communal land (Werner, 1997:3).

The authority to grant land rights is normally the lowest authority such as the Chiefs and Traditional Authorities which exists in the traditional hierarchy. Only when the applicant comes from an area outside the territory administered by these lowest authorities, the matter of granting is referred to the higher and highest authority such as the Communal Land Boards and the Minister for a decision. However, in all cases of allocating land, the consent of the people living in the area affected by land allocations is necessary. Ownership of the communal land is vested in the State in trust for the benefit of the traditional communities residing in those areas and for the purpose of promoting the economic and social development of the people of Namibia, in particular the landless and those with insufficient access to land who are not in formal employment or engaged in non-agricultural business activities. It is therefore not possible for communal land to be alienated for the vesting of freehold titles. This concept is also valid for rural or communal land which is allocated for game parks and forest reserves. Occupiers of communal lands are vested with various land use rights. Under conditions which differ from community to community, land reverts to the traditional authorities for re-distribution. This also applies to land for which rights to use were granted under PTOs. In view of the many government projects established (before independence and after) in communal areas, it appears important to note that the concept of communal land was not used to prevent government from establishing projects as such. It

was applied in a flexible way through consultations, negotiations and agreements (Hinz, 1995:63).

All approved forms of land tenure in communal areas will be given equal recognition, status and rights. Hence, land in communal areas will be entitled to inventory and/or registration with the appropriate Land Board or other approved authority. The Namibian Ministry of Land, Resettlement and Rehabilitation offers finance and recurrent costs of establishing staffing and operating Land Boards all over the country. The National Land Policy 1998 of Namibia allows citizens the right to freedom of movement, residence and settlement in line with Articles 21 (1) and (2) of the Namibian Constitution. This fundamental freedom does not refer to land ownership and/or property rights. Freehold is the only form of land property right covered by Article 16 (1) of the Namibian Constitution, which allows every citizen to acquire own or dispose property anywhere in Namibia. Likewise, Namibians may acquire communal land anywhere in the country through purchase of land or freehold or by application to, and on approval by the Land Boards in terms of the policy. Land in communal areas may be availed for agricultural purposes in lease form. Dual grazing rights is prohibited; persons with exceptional access to grazing land are prohibited to have access to areas of communal grazing land, except by express permission of the communities holding rights to such communal land. In proclaimed areas, only freehold and lease hold titles can be sold, bought or granted (GRN, 1998:13).

Persons, families, groups or communities with forms of land rights other than customary rights are entitled to use these rights as collateral when applying for credit from lending institutions. Government supports the development of institutions that recognise these forms of collateral. The Regional Land Board introduced fees for particular resources, such as grazing land. A tax on freehold agricultural land is also available. The collection of fees and management is the responsibility of Regional Councils with financial supervision from the Ministry of Finance. Land rights restitution abrogated by the colonial regime towards independence is excluded from the National land Policy. However, the National land Policy ensures commitment to support all landless and historical disadvantage persons and communities.

Government promotes justice and fairness in the distribution of agricultural land to the benefit of formerly disadvantaged Namibians through the implementation of land reform. This includes compulsory acquisition of excessive landholdings by the State. Land Boards will be authorised to take similar actions against holders of other informal land rights where their landholdings are considered to be in excess on advice of Ministry of Agriculture, Water and Rural Development. Such actions by Land Boards are subject to the approval of the Minister. Those affected by the exercise of this policy may be compensated either in terms of money or by the provision of alternative land. The Namibian Ministry of land, Resettlement and Rehabilitation may expropriate abandoned or under-utilized land, as provided for by the Agricultural (Commercial) Land Reform Act, 2005. Foreign nationals may not acquire land or any other property rights, unless approved by the Minister (GRN, 1998:15).

3.5.4 General Consideration and Implementation of the National Land Policy 1998

The implementation of the National Land Policy 1998 is the responsibility of the Ministry of Land, Resettlement and Rehabilitation. The task is fulfilled in joint consultation with other ministries, such as the Ministry of Agriculture, Water and Rural Development, the Ministry of Regional, Local Government and Housing and the Ministry of Trade and Industry. The objective of the National Land Policy is to serve the community as a whole and therefore stake holders are advised and encouraged to be involved in the decision making process (GRN, 1998:1).

To date, two laws have been promulgated to provide for legal sources for implementation of these policies. These are the Communal Land Reform Act 5 of 2002 that deals with land matters in communal land (GRN, 1999) and the Agricultural Commercial Land Reform Act 6 of 1995 which governs the acquisition and expropriation of commercial land for resettlement purposes (GRN, 1998:18). The Namibian government has also developed the National Resettlement Policy (GRN, 2001). The primary objective of the Resettlement Policy is to provide guidance on the resettlement of eligible persons in ways which are institutionally, sociologically, economically and environmentally sustainable and which will allow the beneficiaries to become self-supporting.

Government bases its policy on the consensus resolution taken at the landmark 1991 National Conference on Land Reform and Land Question in Windhoek. “The Communal areas sustain the great majorities of Namibian Farmers, especially poor farmers”. The National Resettlement Policy, 1997 addresses the prioritisation of beneficiaries in its resettlement programme. In the programme, specific target groups have been identified and a set of selection criteria has been advanced for allocation of land. Three main types of resettlement provided are: individual holding, group holding and cooperative holding. One of the arguments against the National Resettlement Policy, 1997 is whether this policy can contribute to the economic development when most of those resettled depend heavily on government assistance. Since independence in Namibia land reform and resettlement have proceeded slowly and cautiously. The 1991 National Conference on Land Reform and the Land Question paved the way for land reform to commence. In 1995 the Agricultural (Commercial) Land Reform Act 6 of 1995 allowed the government to accelerate their acquisition of land so that by 1997, 39 farms had been purchased for resettlement. However, the initial government target of 14 000 households resettled on 150 000 ha of land by 2000, has not been met. The cost of purchasing farms and resettling families has slowed the pace of land reform. By 2002 the government had purchased 118 farms totaling 710 000 ha. With an estimated 6 600 families or 37 000 people resettled by November 2003 (<http://www.nied.edu.na/divisions/projects/SEEN/SEEN%20Publications/Environmental>).

3.6 LAND IN NAMIBIA: THE LEGAL PERSPECTIVE

Namibia as mentioned in paragraph 3.2 of this chapter is a relatively large country and land in Namibia, is currently divided into the following categories:

- Commercial farms;
- Proclaimed urban areas; and
- State land (which includes unproclaimed communal areas).

Primary legislation governing land ownership in Namibia is discussed in the next paragraph.

3.6.1 Land Survey Act, 1993 (Act No 33 of 1993)

The Land Survey Act 1993 regulates rights within the survey of land. The legislation provides *inter alia* that no property or rights in Namibia, whether by way of full ownership, long term leases or leaseholds, are registerable unless the property has been surveyed and such diagramme or general plan has been approved by the Surveyor General. The Minister shall appoint a Surveyor-General to carry out the tasks specified in section 3 (sect. 2). Section 4 makes provision for the establishment of a Surveys Regulations Board. Section 10 provides for the rectification of title deeds after the determination of boundaries disputes by an award of the court or arbitrators.

3.6.2 Deeds Registries Act, 1937 (Act No 47 of 1937)

The purpose of the Act is to consolidate and amend the laws in force in the Republic relating to the registration of deeds. The registration of immovable property in proclaimed and communal areas is governed by the Deeds Registries Act 1937. Details of all private owners of land are recorded in the Deeds Offices in Windhoek and Rehoboth. All land owned by the state is also recorded in these offices. Bond finances are only available to owners of land that has been registered in terms of the Deeds Registries Act 1937. The Act sets out the laws by which the deeds office has to abide by with regards to: registration of Antenuptial Contracts, Mortgage bonds and registration of immovable property

3.6.3 Communal Land Reform Act, 2002 (Act No 5 of 2002)

Ownership of communal land in terms of the current framework, (Schedule 5 of the Namibian Constitution) vests in the State (section 17 of the Act 2000) and is administered in trust for the benefit of the traditional communities who reside in those areas. The rationale behind the provision of rights to communal land for communities is to promote the economic and social development of the people of Namibia in particular those who do not own land and who are not engaged in formal employment. The right to communal land is intended to serve communities as a whole, as opposed to individuals and as a result a right conferring ownership is not capable of being granted or acquired by any person in respect of any piece

of land deemed to be communal land. Freehold property rights are currently only granted to persons in proclaimed areas.

3.6.4 Communal Land Rights under Act No 5 of 2002

The rights granted in terms of the Communal Land Reform Act, 2002, section 21 are of a personal nature. The following customary land rights may be allocated in respect of communal land:

- a right to farming;
- a right to a residential unit; and
- a right to any other form of customary tenure that is recognised and described by the Minister in the *Gazette* (GRN, 2002:11).

3.6.5 Right of Leasehold.

In terms of section 20 of the Communal Land Reform Act 2002, the primary power to allocate or cancel any customary land rights in regard to land within a communal area, vests in the chief of that traditional community, or in the traditional authority of that traditional community. The Act, 2002, section 2, provides for the establishment of boards that have certain powers conferred upon them including but not limited to the allocation of customary land rights and considering applications for rights of leasehold. In terms of section 30 of the Act, 2002, a board has the power to grant rights of leasehold in respect of any portion of communal land, but this right of leasehold (for agriculture purposes) may only be granted if the traditional authority of the traditional community in whose communal area the land is situated, consents to the right of leasehold (GRN, 2002:19).

It appears that rights of leaseholds generally cover situations that resort to outside customary allocations of communal land, such as the allocation of grazing rights and the allocation of land for residential or farming purposes. This interpretation would cover aspects such as tourism. The Act, 2002 section 30, draws a distinction between rights of leasehold for non-agricultural activities and for agriculture purposes. A right of leasehold for agriculture purposes may only be granted in respect of land that is situated within a designated area. A designated area is an area specified by the Minister in the *Gazette* in respect of which a

Communal Land Board may grant rights of leasehold for agriculture purposes. This land is identified after consultations with the relevant traditional authority and the Communal Land Board.

Applications for rights of leasehold are governed by section 31 of the Act, 2002, and in terms of section 32 of the Act, 2002, the Communal Land Board may impose certain conditions on the said rights of leasehold.

In terms of section 33 of the Act 2002, the Board must, after the leasehold has been granted:

- Ensure that the right in the prescribed register is in the name of the application in accordance with regulation 16.
- Issue a certificate of leasehold to the application, either in the form of part A of Form 7 (for a purpose other than agricultural purposes outside a designated area of part B of Form 7 (agricultural purposes in a designated area).
- If the land in question has been surveyed under the Land Survey Act, and the duration of the lease is for ten years or more, the right of leasehold must be registered under the Deeds Registries Act, (Act No 47 of 1937) (GRN, 2002:20).

In terms of section 34, the maximum period for which a right of leasehold may be granted is 99 years, but the period for which the lease is actually granted will be subject to agreement between the applicant and the Board. Leases granted for periods longer than ten years are subject to the prior approval of the Minister. In addition to the rights to cancel as set out in the Deed of Leasehold, section 36 of the Act, it is noted that:

“In addition to the grounds for cancellation set out in a deed of leasehold, a right of leasehold may be cancelled by a board if the leaseholder fails to comply with the requirements or to adhere to any restrictions imposed by or under any other law pertaining to the utilisation of the land to which the right relates”.

The transfer of customary land rights or rights of leasehold is governed by section 38. Subject to such exemptions as may be prescribed, or unless any condition attaching to a customary land right of leasehold under this Act provides otherwise:

- a customary land right may be transferred only with the written consent of the Chief or Traditional Authority concerned; and
- right of leasehold may be transferred only with the written consent of the Minister concerned (GRN, 2002:21).

Land in Namibia is besides the Constitution governed by the afore-mentioned legislation. The Namibian legislature has since independence in 1990 promulgated these pieces of legislation with the aim of addressing the injustices and imbalances of the colonial past. Without proper legislative instruments the policies of the government of land reform in Namibia will not have the legal authority for their implementation. At best they remain at the level of policies.

3.7 CONCLUSION

This chapter dealt with the history of land policies and the formulation of the National Land Policy of Namibia. It gave a brief overview of the demography of Namibia and the pre- and post-independence policies and the legal issues with regard to land in Namibia. The literature that exists on Namibia's land reform illustrates the emotional nature of land reform and different expectations from different groups of people in Namibia. It is clear that the landless of Namibia are interested in equity while for the commercial farmers it is about the economic gain. There is still a long road for Namibia to go as far as communal land is concerned. It is now the responsibility of the Government of Namibia to make sure that the process of land allocation and land administration is fair and transparent as well as to advance security of land tenure in the communal land areas.

In the next chapter the research methodology and the research design is described. The population sample for this research project and reasons for the preferred population sample is discussed. The preferred research instruments shall be explained and an analysis of the data collection procedure is given.

CHAPTER 4

RESEARCH METHODOLOGY

4.1 INTRODUCTION

The first part of this study reflects the theoretical framework where the most important issues regarding democratic public participation with regard to the formulation of the communal land policy were introduced. A literature review study was undertaken in Chapter Two which served as a theoretical and experimental base for the conceptualisation of this study. The purpose of a literature review in social research is to familiarise the researcher with studies similar to the one being undertaken. More specifically it helps to connect the study to the broader discussions continuing on the subject matter, filling in gaps and referring to other studies; and to provide a benchmark upon which results of the study can be compared with other findings (Creswell, 1994:21). As mentioned in Chapter One, paragraph 1.5, much has been researched and written on democratic public participation outside Namibia but in the case of Namibia, a study of this nature has not been conducted before. There was therefore no provision for benchmarking with other studies of the same nature in Namibia. The literature review on democratic public participation in Namibia in Chapter Two highlighted the gaps that could be filled in this dissertation. It also helped to identify the prevailing values, potential obstacles and opportunities in democratic public participation. The theoretical framework provided the basis for the research design and methodology employed in this study. In this study, the literature review provides relevant information on the nature, processes and practice of democratic public participation in general and more specifically information on democratic public participation with regard to the formulation of the communal land policy in Namibia.

In this chapter the research methodology explained the research design is described and reasons for the selected research design is highlighted. The population sample for this research project is highlighted and reasons for the preferred population sample are provided. The preferred research instruments are explained and their advantages and disadvantages are

highlighted. Finally, an analysis of the data collection procedure and an explanation of the data analysis plan are given.

4.2 CHOICE OF RESEARCH METHODOLOGY

The nature of research, the unit of analysis, the data sources and the academic field in which a specific study is undertaken, are instrumental in selecting the appropriate research methods (Brynard & Hanekom, 1997:129). The function of a research design is to help to obtain clear answers to meaningful problems (Oppenheimer, 1992:7). The design describes the procedures for conducting the study to enable the researcher to anticipate what the appropriate research decisions should be in order to get the most out of the legality of the final results. The purpose of this research is to describe the extent to which the people of Namibia, particularly in the Oshikoto, Hardap and Otjozondjupa regions were democratically involved in the formulation of the Communal Land Policy. These regions were chosen using the random sampling method. The cluster sampling method was used to determine the sample (250 communal farmers from the Hardap, Oshikoto and Otjozondjupa regions) in the study. Since the study was of an investigative nature the researcher used a combination of the qualitative and quantitative forms of data collection in the form of questionnaires that were distributed to farmers in the chosen regions, unstructured interviews with traditional leaders and structured interviews with government officials.

4.3 QUALITATIVE RESEARCH

The goal of qualitative research is to produce intensive, authentic and descriptive accounts of experience and action (McLeod 1993:32). Qualitative research is referred to as naturalistic research into everyday living. Direct observations are made of human behaviour in everyday life (Taylor, 1975:121). Among the most cited criticisms of qualitative research are the presumed lack of reliability and validity of its findings. With regard to field research, critics question the ability of qualitative research to replicate observations (reliability) or to obtain correct answers or correct impressions of the phenomenon under study (validity) (Kirk & Miller, 1986:176). Other criticisms concern the reactive effects of the observer's or the

interviewer's presence on the situation being studied and selective perception or bias on the side of the researcher. The issues of reliability and validity were addressed in this study by the addition of structured questionnaires to approach the same topic of investigation. The research took both the advantages and disadvantages of qualitative research in consideration before she decided to use this method. The advantages and disadvantages of qualitative research are discussed below.

4.3.1 Advantages and Disadvantages of Qualitative Research

The following are a few general advantages to using qualitative research:

- (i) Qualitative research tends to be more flexible since there are no set questions or answers and the researcher can change questions as the data collection progresses;
- (ii) Data collection is more spontaneous in its natural environment or context;
- (iii) Qualitative research tends to allow for a more in-depth data collection.

The disadvantages of qualitative research are:

- (i) Qualitative data collection tends to take more time; and
- (ii) Qualitative data collection tends to cost more money.

The other form of data collection used in this study is quantitative research and is discussed in paragraph 4.4.

4.4 QUANTITATIVE RESEARCH

Quantitative research is the systematic scientific investigation of quantitative properties and phenomena and their relationships. Quantitative research is also known as nomothetic research which literally means that the method aims at establishing laws. Quantitative research is widely used in both the natural sciences and social sciences. It is also used as a way to research different aspects of education. Charles (1988:3) adheres to the notion that the consistency with which questionnaire items are answered or individual's score remains relatively the same and can be determined through the test-retest method at two different times. This attribute of the instrument is actually referred to as stability. If we are dealing

with a stable measure, then the results should be similar. A high degree of stability indicates a high degree of reliability, which means the results are repeatable. Below are some of the advantages and disadvantages of quantitative research which are directly in contrast to those in qualitative research.

4.4.1 Advantages and Disadvantages of Quantitative Research

Quantitative data collection tends to take less time, cost less money, and can be generalised to the entire research population. Quantitative research can however be less flexible since there are usually set questions or answers and the researcher cannot change questions as the data collection progresses. Data collection is less spontaneous and not in-depth.

After considering the advantages and disadvantages of quantitative research the researcher strongly believes that the best way to gain more information with regard to the extent of democratic public participation in the formulation of the Communal Land Policy in Namibia was to add a questionnaire to the study. The questionnaire will be discussed in the following paragraph.

4.5 QUESTIONNAIRE

A questionnaire is a standardised listing of questions which a researcher requests a respondent to answer. Usually, a questionnaire is given to a large number of people and the data computerised and statistically analysed for similarities and differences between the responses of the respondents. One of the objectives of a questionnaire in research is to engender a discourse between the researcher and respondent. A questionnaire attempts to standardise the questions answered by different respondents so that the answer or response can be comparable.

The administration of a questionnaire is the most commonly used research method in quantitative research and the advantages and disadvantages are reflected in Table 4.1.

Table 4.1: Advantages and Disadvantages of questionnaires.

ADVANTAGES	DISADVANTAGES
They tend to take the least amount of time and money	They tend to be inflexible in questions and answers
Data collected can be generalised to the entire research population	Respondents may feel forced into an answer when the answer they want is not available to them
There is less of a change for researcher bias	Data do not always give an in depth understanding of the problem.

The researcher argues that since questionnaires provide the best way of obtaining information for a wide range of research problems, it would be best to use a questionnaire in this study. A structured questionnaire, using the literature survey as basis was therefore compiled and administered to chiefs, farmers and headmen involved in communal land issues.

The researcher acknowledge the fact that the use of questionnaires alone will not provide all the answers to the research questions and therefore decided to make use of interviews to supplement the questionnaires. The interview process followed during this study is discussed in the paragraph below.

4.6 INTERVIEWS

An interview is a conversation between two people (the interviewer and the interviewee) where questions are asked by the interviewer to obtain information from the interviewee. According to Babbie (1998:264), in order to capture the insider’s perspective, the most appropriate interviewing strategy is that which is less formally structured and flexible enough in keeping with the interest of the respondent. Interviews involve human interaction; hence the potential problem is greater than with questionnaires, because personal characteristics of researchers and respondents must be considered. The interview can vary from a brief structured session to a lengthy, complicated, unstructured session lasting a few hours. The structured interview uses a schedule, which is mainly a questionnaire that is read to the

respondent in a specific order. The structured interview is easy to score, reduces interviewer bias, is more easily replicated and is more reliable than an unstructured interview. Government officials were interviewed to determine how they regard the extent of democratic public participation by the people of Namibia in the process of the formulation of the Communal land policy. The interview schedule, like all other measuring methods has both advantages and disadvantages which are discussed in the paragraph below.

4.6.1 Advantages of the Interview Schedule

The researcher has identified the following advantages of the interview schedule with regard to this study (Bailey, 1996: 174):

- It probes for specific responses resulting in increased response rates.
- Persons who cannot read or write are able to respond adequately in an interview situation.
- The interviewer is present to observe non-verbal behaviour and to assess the validity of the respondent's answer.
- There is a better control over the environment such as noise and privacy.
- The question order can be maintained.
- The responses are spontaneous.
- It ensures that all questions are answered.

Complex questions can be probed in an interview by a skilled, experienced and well-trained interviewer.

4.6.2 Disadvantages of the Interview Schedule

According to Gochros (1988: 269–274), and Bailey (1996:175) the disadvantages of the interview schedule are:

- It often represents the least common denominator in assessing people's attitudes, circumstances and experiences.

- It does not allow anonymity.
- This method is costly, both in money and time.
- Many persons are reluctant to talk to strangers.

After considering the advantages and the disadvantages of the interview schedule the researcher is of the opinion that the advantages outweigh the disadvantages and therefore have decided to use it as one of the methods of obtaining information for this study. The structure of the interview schedule used in this study is discussed in the next paragraph.

4.6.3 Structure of the Interview Schedule

One set of interview schedule which aimed at targeting government officials was used. The interview schedule comprised four broad categories of research questions with both mixed open ended and closed ended questions. Table 3.2 below highlights the layout of the interview schedule:

Table 3.2 Interview schedule

Section 1:	General information
Section 2:	Government policy on democratic public participation Role of government in democratic public participation The extent of democratic public participation in the formulation of the communal land policy

Section 1 comprises 4 questions to obtain general information with regard to the respondent's position in government while section 2 consists of 6 questions to determine the following:

- Government's view on a policy of democratic public participation.
- How government officials see their role in promoting democratic public participation in the process of policy formulation.
- How government officials regard the extent of democratic public participation by the people of Namibia in the process of the formulation of the Communal land policy.

4.7 POPULATION AND SAMPLE

According to Le Compte & Preissle (1993:60), population is a term commonly used to refer to potential human respondents or participants in a study. McMillan (2000:103) argues that many quantitative studies need to generalise results to a well-defined larger group of individuals. This group is also referred to as the target-population or universe. According to Le Compte & Preissle (1993: 60), a sample is a subset of a larger population. Le Compte & Preissle also state that the term sampling denotes extracting systematically from a larger group some smaller portion of that group so as to represent adequately the larger group. The purpose of sampling is to obtain a group of subjects who will be representative of a larger group of individuals in the case of quantitative research (McMillan, 2000:102). Since a number of technical terms will be referred to in the process of describing the sampling process each term will be defined as follows:

4.7.1 Population

The word “population” encompasses the entire collection of cases or units about which the researcher wishes to make a conclusion (Welman & Kruger, 1999:18). A population is defined as the theoretically specified aggregation of study elements (Babbie, 1998:201). The idea of a survey research is to collect data from part of the population, namely a sample in order to interpret relations between the variables that are measured. The first step in obtaining a sample is to define the population. This means identifying characteristics, which members of the universe have in common and which will identify each unit as being a member of a particular group. The population, universe, or aggregate comprise the totality of units having certain defined characteristics in common. The members or units of a population are always alike in some significant aspects. A population will however also consist of sub-groups which are an important consideration at the sampling stage in research. In this study all the communal farmers of Namibia constitute the population. The subgroups that make up the samples are the 250 communal farmers of the Oshikoto, Hardap and Otjozondjupa regions, which is fairly representative of the study area.

4.7.2 Survey Population

Babbie (1998:200) defines a survey population as the aggregation of elements from which the sample is actually selected. In this study, the farmers of the Oshikoto, Hardap and Khomas regions are the survey population. Lor (in Dalton, 1991:123) has pointed out that for practical reasons, certain elements of the study population can be excluded from the survey. In this study farmers from all other regions except the farmers from the above mentioned regions were excluded from the survey population in this study. The reason being that the large volumes of collected data which have to be analysed in the end might be confusing. In this study, the survey population comprises farmers from the Oshikoto, Hardap and Otjozondjupa regions.

4.7.3 Sample

A sample is a subset of the parent population. To obtain a good sample, that is one, that is a replica of the parent population or that, which represents a good idea of the target population, is called a representative sample. A representative sample is a smaller unit that depicts to a very good extent, the characteristics of the parent population. According to Line (1982:31), a sample is a “limited number of items or people from whom generalisations can be made about the whole number”. The subject of the whole population which is actually investigated by a researcher and whose characteristics will be generalised to the whole population is called a sample (Bless & Higgins-Smith, 1995:86). Brynard & Hanekom (1997:43) however stated that a sample is a small group or portion selected from the population. A sample that is not representative of the population is not good enough for testing because it cannot be generalised to the population. Population in this study means the farmers in the different regions of Namibia. From the population a sample was drawn using the cluster sampling method. The researcher selects a sample that is as small as it needs to be to give an adequate description of the whole. The sample in this study was the 250 farmers from the Oshikoto, Hardap and Otjozondjupa regions.

4.8 SAMPLING METHOD

Sampling theory distinguishes between two types of sampling methods, namely probability sampling and non-probability sampling (Bless & Higson-Smith, 1995:88). When the probability of including each element of the population can be determined it is called probability sampling. When the probability of including each element of the population is not sure it is called non-probability sampling. The probability sampling method was followed in this study.

4.8.1 Probability Sampling

According to Welman & Kruger (2001:46), there are four methods of probability sampling, namely:

4.8.1.1 Simple Random Sampling

The subjects are selected from the population so that all members of the population have the same probability of being chosen. For example, a common type of simple random sampling is drawing names out of a hat. This sampling method is used when the population is small.

4.8.1.2 Systematic Sampling

In systematic sampling every n^{th} element is selected from a list of all elements in the population, beginning with the random selected element.

4.8.1.3 Stratified Random Sampling

In stratified random sampling the population is divided into subgroups on the basis of a variable chosen by the researcher such as gender, level of education or age. Once the population has been divided, sub-samples are drawn from each stratum (subgroup). When these sub-samples are combined they form the sample.

4.8.1.4 Cluster Sampling

Cluster sampling is similar to stratified sampling in that groups of individuals are identified from the population and the subjects are drawn from these subgroups. In cluster sampling, the researcher identifies group units such as regions and not individual subjects, and then randomly selects some of these units for the study.

For this study the cluster sampling method was used. This method was chosen because it is the most appropriate research tool to gather information not only from the regions but also from the villages within the regions. A region in Namibia consists of villages and using other methodologies apart from the cluster sampling method will not be adequate to capture information for this study. The procedure followed to determine the cluster sample is discussed below.

4.8.2 Cluster Sampling

Sometimes it is not feasible to make up a list of every person living within a particular area and, from that list select a sample for study through normal randomisation procedures (Leedy, 1985:158). According to Neuman (1991:211), a researcher who uses cluster sampling must decide on the number of clusters and the number of elements within clusters. Cluster sampling can be full of errors, especially when the researcher decides “how many clusters to select” and “how many elements within each cluster”. This is a more complex problem than when determining the sample size in the simple random case. A good rule when engaging in cluster sampling is to increase the number of clusters to be selected relative of the selection of elements within selected clusters. That is, try to select as many clusters as is feasible, given your resources. With cluster sampling there is a greater possibility of errors than with any other type of probability sampling because there are errors at two stages, namely

- at the stage of sampling clusters; and
- at the stage of sampling elements within each cluster.

The procedure followed in this study to determine the clusters was as follows:

Firstly, since the regions with their estimated citizens were already known, the regions were divided into four categories. Regions with their estimated citizens were categorised as follows;

Category A Oshikoto Region

1. Villages: 14
2. Citizens

Category B Hardap Region

1. Villages: 24
2. Citizens

Category C Otjozondjupa Region

1. Villages: 74
2. Citizens

Category D Government Officials

Secondly, the citizens were placed numerically. Numbers were assigned to each of the villages to ensure that each village has the same chance of being included in the sample.

Thirdly, an entry number to the sample was determined. Number three in category A was chosen as an entry number and thereafter every fourth village was chosen and included in the sample. Government officials were also included in the sample. Therefore the sample included 250 farmers plus 40 government officials. This totals to 290 possible respondents.

4.9 DATA COLLECTION TECHNIQUE

There is only one legitimate reason for selecting a certain data collection method over another, namely that the selected method has more advantages and fewer disadvantages than

the others. In this study the first step that was taken to collect data was the literature review technique in Chapter Two. A questionnaire to collect data was used in the second step of this study. The development and design of the questionnaire is now described

4.9.1 Questionnaire Design

The *questionnaire* is the *data collection instrument* used to gather *primary marketing data* in all survey-based studies. The *design* of a questionnaire is critical to ensure that the correct research questions are addressed and that accurate, relevant and valid data for statistical analysis are collected (Wegner, 2000:25). For the purpose of this study a structured self-administered questionnaire and an interviewer questionnaire were designed. The self-administered questionnaire was used for the farmers in the regions and the interviewer questionnaire was used for the government officials, chiefs and headmen. The official language used in Namibia is English and for that reason the questionnaire was in English. Interpreters were however used with farmers especially in the Oshikoto region, since some of them were not conversant in English.

4.9.1.1 Length of the questionnaire

The self-administered questionnaire was divided into four sections and comprised of 29 questions. The interviewer administered questionnaire was divided into two sections and comprised of 8 questions.

4.9.1.2 Types of questions

The types of questions used in this study were open-ended, closed-ended and dichotomous questions. In open-ended questions the respondents are free to answer in their own words and to express any ideas they think apply. Choices or alternatives are offered. Among the major drawbacks of open-ended questions are that they allow a considerable degree of bias on the part of the interviewer and that they demand a difficult and time consuming tabulation of responses. Free response questions also known as *open-ended questions*, ask the participant a question and either the interviewer pauses for the answer (which is unaided) or

the participant records his or her ideas in his or her own words in the space provided on a questionnaire (Cooper & Schindler, 2006:401).

Closed-ended questions also referred to as multiple choice questions, offers specific alternatives from which the respondent must choose one. Closed-ended questions are very popular because they provide a greater uniformity of response and are more easily processed (Babbie & Mouton, 2001:233). Multiple choice questions are appropriate where there are more than two alternatives or where gradations of preference, interest, or agreement are sought: the latter situation also calls for rating questions. While such questions offer more than one alternative answer, they request that the participant make a single choice. Multiple choice questions can be efficient, but they also present unique design and analysis problems (Cooper & Schindler, 2006: 402 - 403). These types of questions simplify the recording, tabulation and editing process considerably.

The third type of questions that was used in this study is the dichotomous questions which allow for responses that indicate an unmistakable division, e.g. “yes” or “no”. Respondents are offered a choice between two alternatives only. The advantages of this type of questions are very similar to those of multiple choice questions.

There were instances where the researcher completed the questionnaire on behalf of the respondent because the respondent could not read. That however creates a possibility of misinterpretation. However, due to the clarity and unambiguity of the questionnaire the margin for misinterpretation was not large enough to have polluted the findings.

4.9.1.3 Instructions

According to Babbie (1998:158), it is important to begin every questionnaire with basic instructions for completing. For the self-administered questionnaire an introductory part informing the respondent how to complete the questionnaire was included. The researcher also took very good care during the pre- and pilot testing as discussed in sections 4.9.3 and 4.9.4 of the study, that the instructions were clear and unambiguous.

4.9.1.4 Questionnaire Structure

The researcher should arrange the questions in the questionnaire so that they flow smoothly (Neuman, 2000:251). Researchers should preferably group their questions that are related to the same aspect so that respondents do not repeatedly have to switch their focus (Welman & Kruger, 2001:170). According to Dilman (1978:51), the wrong choice of words can create any number of problems – from excessive vagueness to too much precision, from being misunderstood to not being understood at all, from being too objectionable to being too uninteresting and irrelevant. The questionnaire used in this study comprised of four sections namely sections A – D.

Section A Questions 1 – 9 comprised of general questions to get a general background of the respondent.

Section B Questions 10 – 20 comprised of questions to assess to what extent the people of Namibia were involved in the formulation of the Communal Land Policy.

Section C Questions, 21 – 26 comprised of questions to establish to what extent the people of Namibia have access to information regarding the Communal Land Policy.

Section D Questions 27 – 29 comprised of questions to establish to what extent the people of Namibia are satisfied with the Communal Land Policy.

As mentioned earlier in this paragraph, the disadvantage of the questionnaire is the possibility of misinterpretation of questions by the respondents. To minimise this, questions were formulated in such a way that the respondents could understand it clearly.

4.9.3 Pretesting the Questionnaire

After designing the questionnaire, the next crucial step is to subject the questionnaire to a validation process. According to Babbie & Mouton (2001:244) there is always a possibility of error no matter how carefully a researcher may design his/her questionnaire. The surest

protection against such errors is to pretest the questionnaire in full and/or in part (Babbie & Mouton, 2001:244). This is a very important exercise that cannot be skipped in the development of any research.

Since the researcher is not such an experienced researcher, copies of the questionnaire were given to a panel of 2 experts in research namely, Mr. J Shilongo a lecturer at the Centre for External Studies of the University of Namibia and Prof S Amoo a Senior lecturer at the Faculty of Law of the University of Namibia for validation. To ensure the effectiveness of the exercise, the experts were provided with clear guidelines on what they were expected to do. The purposes of the study as well as the research questions were included. There were specific instructions to the experts to review the items in terms of their clarity, the appropriateness of the language and expressions to the respondents including the appropriateness of the instructions to the respondents. The researcher preferred to use this method of validation to ensure the validity of the questionnaire. The experts were given seven days to return the completed questionnaire to the researcher.

4.9.3.1 Response

Both questionnaires were returned after seven days. The questionnaires were fully completed with a few comments. The suggested comments were taken into consideration with the finalisation of the questionnaire. After that the questionnaire was sent to my promoter, who at that stage was Prof J Mafunisa, to further critique it, he recommended some refinement of the questionnaire. Individual questions were redrafted and the questionnaire was remodeled into its final form. Items that were irrelevant to the study were eliminated. Other questions were added and sentences of the questionnaire were restricted, reordered and regrouped.

4.9.4 Pilot testing

The final stage to prepare the questionnaire was the pilot testing. The questionnaire for the pilot testing contained the same wording, format and sequence of the final questionnaire. According to Neuman (2000:250), a researcher should pretest a questionnaire with a small set of respondents similar to those in the final survey. A pilot test is conducted to detect weaknesses in research methodology and the data collection instrument, as well as to provide

proxy data for selection of a probability sample (Cooper & Schindler, 2006:88). Pilot testing identifies shortcomings which can be resolved before the full study. This will avoid regrets after data collection concerning unusable data, or incorrect data forms or misspecified data requirements (Wegner, 2000:95). A preliminary draft of the questionnaire was given to seven colleagues from different qualification levels in the Hardap and Oshikoto regions with the request to indicate the time they took to complete the questionnaire and comment on the clarity of the questions.

The purpose of the pilot testing was to see how the subjects will react to the questionnaire: whether the items are clear enough and easily understood, whether there was a need to include more items in certain areas, or whether there were some items to which they would not like to respond. Therefore, besides responding to the questionnaire items, provision was made for their comments on the issues. They completed the questionnaire in their own time and forwarded it to the researcher after completion.

4.9.4.1 Results of the Pilot testing

The seven farmers who completed the questionnaire reported that they completed it in less than 15 minutes. They understood the questions and did not experience any difficulties with the completion of the questionnaire. As a result no modifications were made to the questionnaire. The data from the pilot testing were analysed to help the researcher to determine whether the methods of data analysis, proposed for the main study, were workable.

4.10 DATA COLLECTION PROCEDURE

Data collections are concerned with the design of the questionnaire, while the data collection technique, explains the administering of the questionnaire to gather the survey data (Dalton, 1991:136). At first a letter in English and signed by the researcher was written to explain the purpose of this study and to inform the respondents that permission to undertake this study was granted by the Ministry of Land and Resettlement. To ensure anonymity the respondents were asked not to write their names on the questionnaire. The deadline for the return of the

questionnaire was also included in the letter. The procedures followed by the researcher to collect data, are now described.

4.10.1 Method of Data Collection from the farmers at the regions

The researcher decided that the most appropriate method to collect the data from the farmers at the regions would be to distribute the questionnaire personally. The different regions were visited on different periods. A period of one week was set aside for each region as follows:

Otjozondjupa	03 – 07 February 2009
Oshikoto	18 - 22 August 2009
Hardap	27 - 31 October 2009.

Contact was made with the traditional leaders in the region and they guided the researcher through the regions. Questionnaires were distributed to the selected citizens on Mondays and collected on Fridays of the periods indicated above. It was done in this way to give the respondents the opportunity to answer the questions in their own time and at their own pace during the course of the week.

A total number of 250 questionnaires were distributed and 243 questionnaires were returned. The response rate was thus 97.2%.

4.10.2 Method of Data Collection at the Regional offices

During the periods mentioned in paragraph 4.10.1 the regional offices were visited and permission was requested from the Chief Regional Officers of the different regions to involve the officials of that particular office in the research. At all the offices questionnaires were distributed as follows:

Otjozondjupa Region	02 February 2009
Oshikoto Region	19 August 2009
Hardap Region	29 October 2009.

The morning of these days were used to distribute the questionnaire to the officials and a short explanation on how to complete the questionnaire was given to them. Officials were informed that the completion of the questionnaire was voluntary and that the questionnaire could be completed in 15 minutes. The questionnaires were then collected on the following dates:

Otjozondjupa Region	02 February 2009
Oshikoto Region	19 August 2009
Hardap Region	29 October 2009.

A total number of 40 questionnaires were distributed at these offices. All questionnaires were returned and the response rate was thus 100%.

4.10.3 Data Analysis

After the respondents completed the questionnaire, the questionnaires were checked for completeness and record numbers were manually assigned to each questionnaire. Coding of the responses was then done manually. Coding involves assigning numbers or other symbols to answers so that the responses can be grouped in a limited number of categories (Cooper & Schindler, 2006:493). In relation to this study the numbers were assigned according to the question numbers on the questionnaire. The closed-ended questions were coded according to the options given on the questionnaire, e.g.

Section A, question 1: What is your home language?

- A1.1. Afrikaans
- A1.2. English
- A1.3. Damara>Nama
- A1.4. Herero
- A1.5. Oshiwambo
- A1.6. Other

The open-ended questions were coded using common key words and terms from the respondents. The questionnaires were then handed over to the Department of Computer Science of the University of Namibia for data capturing and analysis.

4. 11 CONCLUSION

In this chapter the research methodology and sampling for this study were explained. A description of the procedure that was followed in order to do the survey was given. An illustration of how the sample was selected and the questionnaire constructed and administered was also given.

Two different procedures were followed for the collection of data. The researcher decided to use questionnaires as one of the data collection methods because the advantages of using the questionnaire outweigh the disadvantages. Questionnaires were administered personally by the researcher, as it was cheaper and less time consuming. Data were collected at the different regions within a period of one week per region. The response rate at the regions where questionnaires were distributed to the citizens was 97.2% and at the regional offices the response rate was 100%. The procedure followed after the administration of the questionnaire was also described. After collecting the questionnaires the coding of responses was done and then the questionnaires were delivered for data capturing and analysis.

The data analysis and interpretation will be discussed in the next chapter.

CHAPTER 5

RESEARCH FINDINGS

5.1 INTRODUCTION

The main objective of this study is to assess to what extent the people of Namibia were democratically involved in the formulation of the Communal Land Policy. Linked to the objectives of the study and in line with the methodology engaged in the study, the discussions below present the findings of the study.

In this chapter, the answers on the questionnaires are analysed by using bar and pie charts to summarise the information. Some answers will also be summarised to highlight the main points and responses.

5.2 ANALYSIS OF THE QUESTIONNAIRES

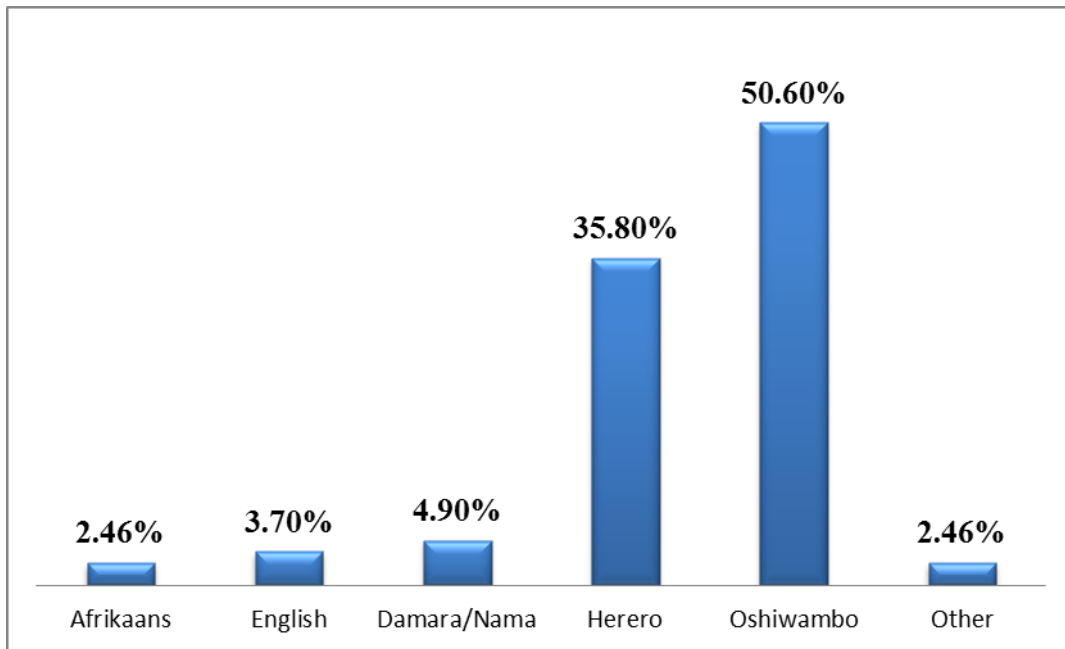
The review questions are contained in Annexure A and B.

SECTION A

GENERAL INFORMATION

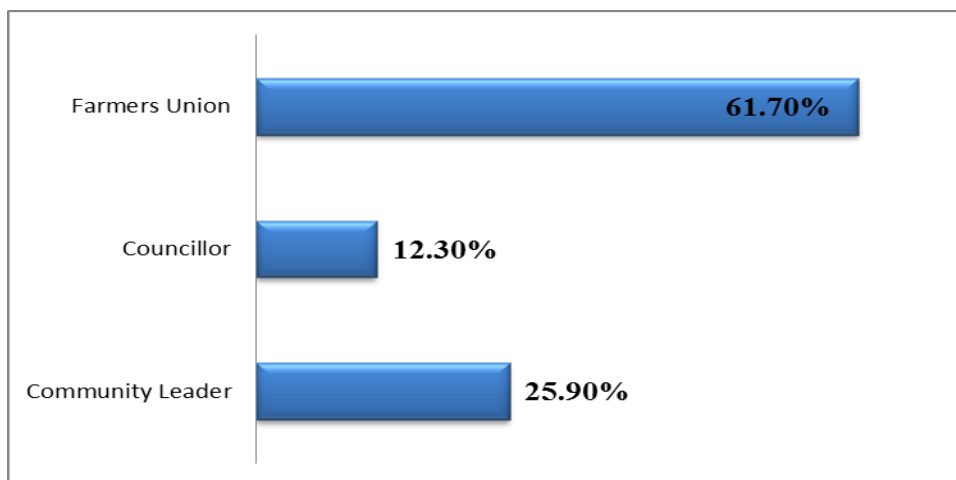
In this section 9 questions were asked to get some biographical information of the respondents.

Question 1: Home language of the respondents



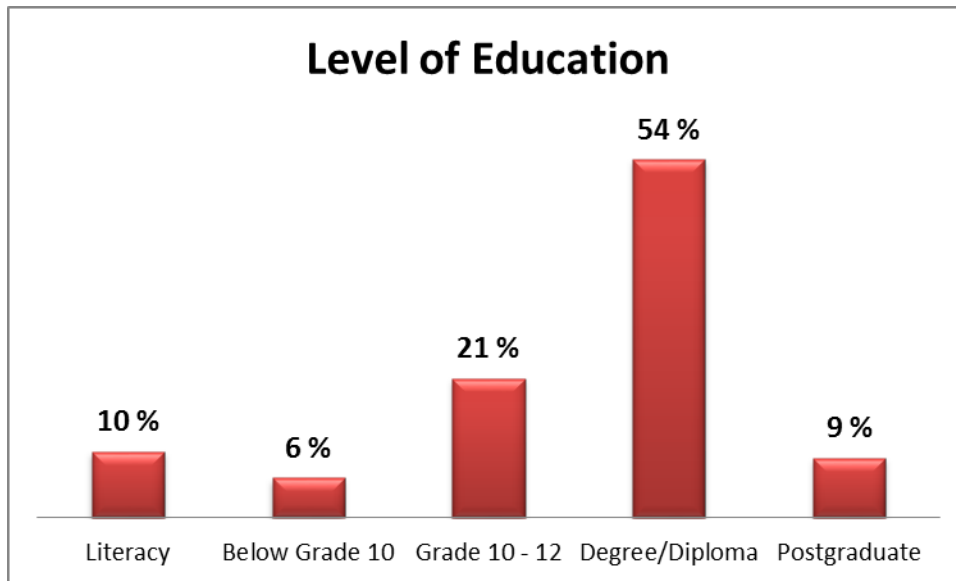
One hundred and twenty three of the respondents stated that their home language is Oshiwambo. The reason might be that the Ovambo's are the biggest tribe in Namibia. Eighty seven of the respondents were Herero speaking while 12 respondents' home language is Damara/Nama. From the list above, it is clear that only 6 respondents' home language is Afrikaans. English, which is the official language of Namibia, is the home language of only nine respondents.

Question 2 Category



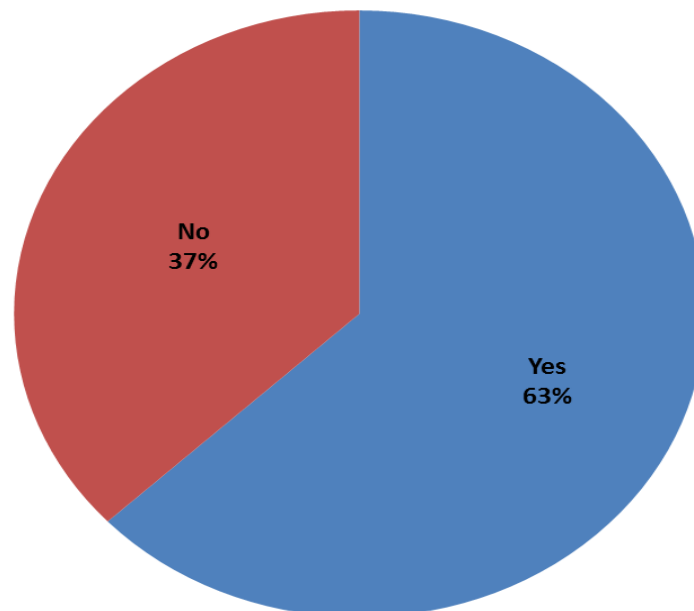
The majority of the respondents are farmers while 63 of them are community leaders. Only 30 respondents are councillors.

Question 3 Level of Education



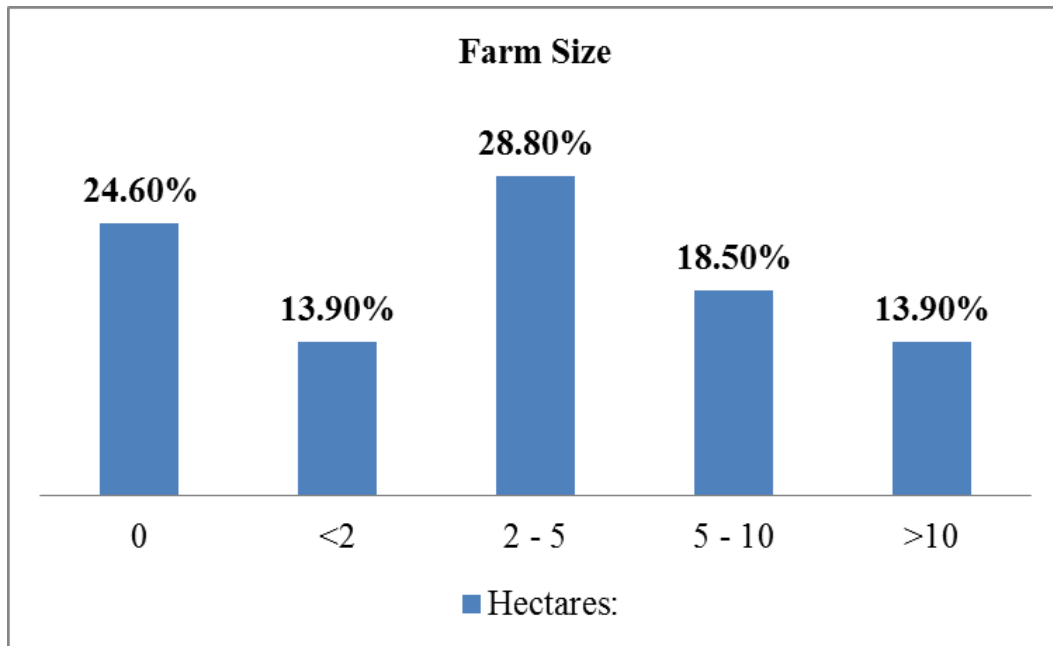
A total of 54% of the respondents are qualified up to a degree/diploma level while 10% of all the respondents are literate only. 21% completed either Grade 10 or Grade 12. Those who completed Grade 10 to Grade 12 formed 21% while 9% completed postgraduate studies.

Question 4 Farmer or not



65% of the respondents are farmers and 35% are not farmers

Question 5: Land Ownership (Hectares)

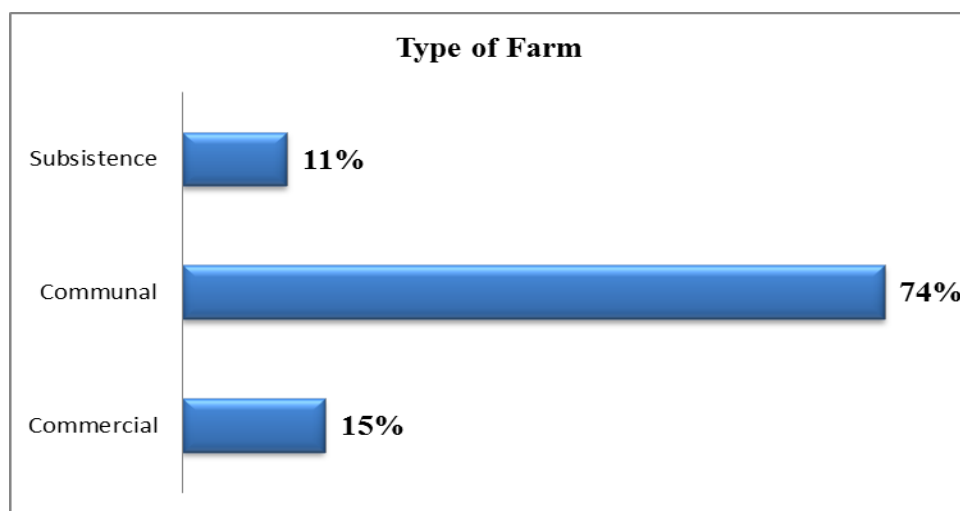


The majority of the farms of the farmers interviewed are between 2 and five hectares in size.

The others are as follows:

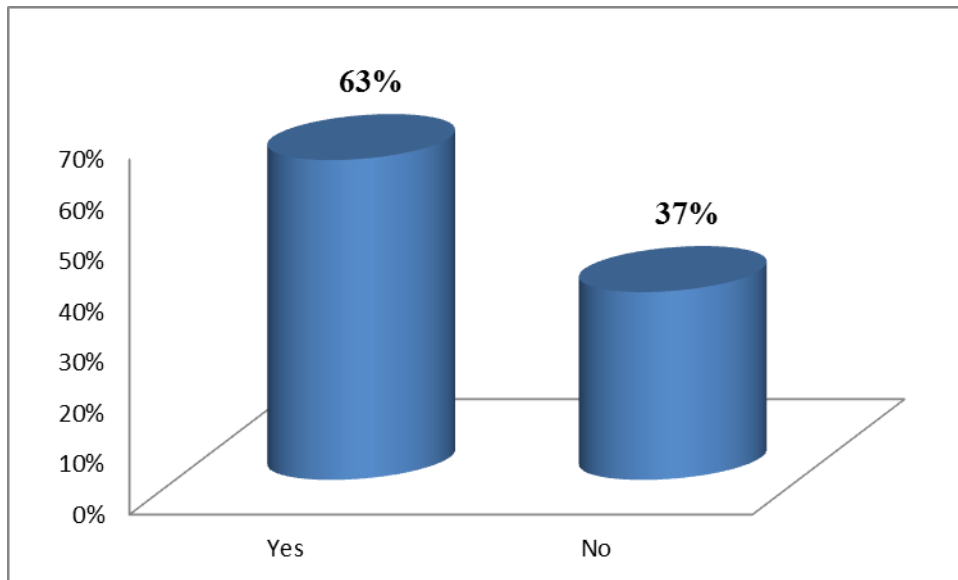
No Farm	60
Less than 2	34
Between 2 and 5	70
Between 5 and 10	45
More than 10	34

Question 6: Type of farm



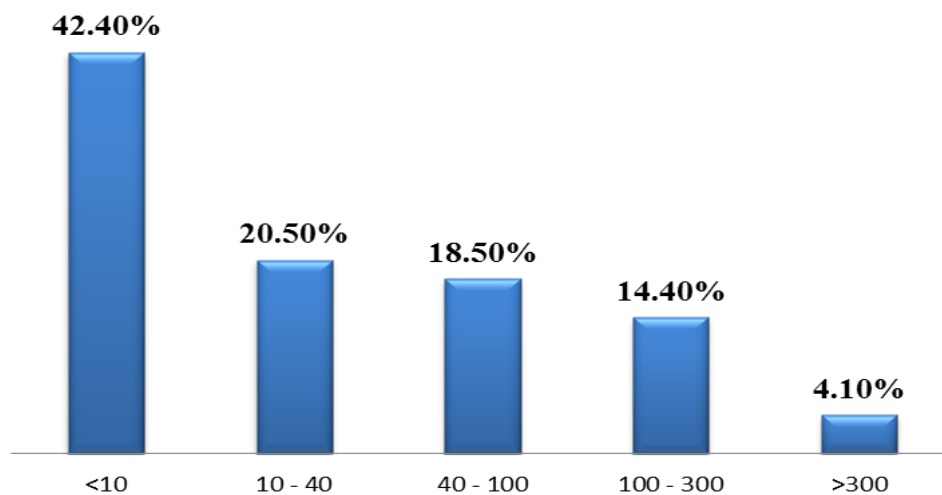
74% of the farms are communal farms. A communal farmer operates on communal land. A subsistence farmer owns a farm but it does not operate it on a commercial basis, as it is just for subsistence. 15% own communal farms and 11% farm have subsistence farms.

Question 7: Cattle ownership



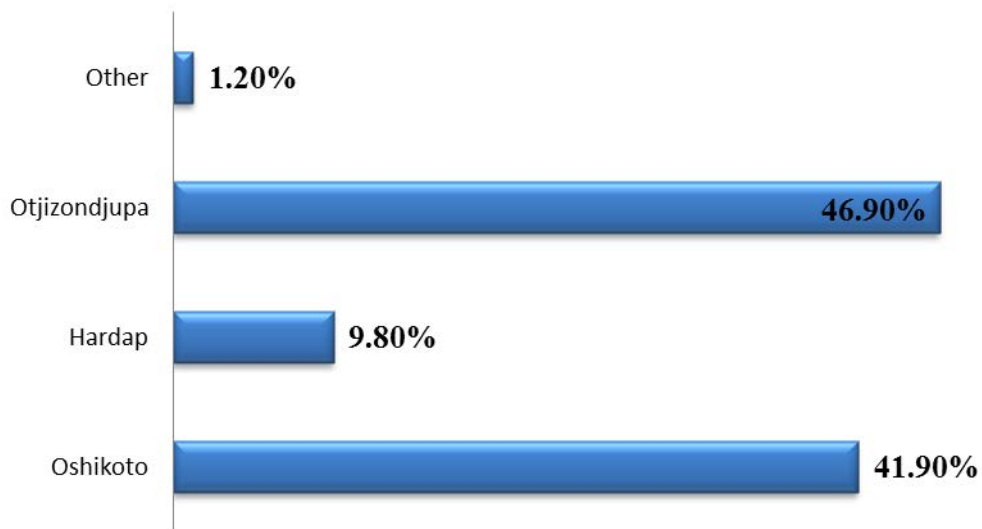
153 of the respondents own cattle.
90 of the respondents do not own cattle.

Question 8: Heads of Cattle



The majority of the farmers own less than 10 heads of cattle.

Question 9: Regions



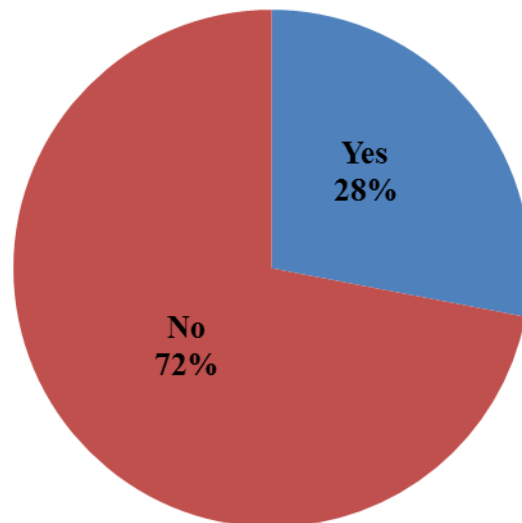
47% of the respondents are from the Otjizondjupa region while only 10% are from the Hardap region. 102 respondents are from the Oshikoto region and only 3 are from other regions.

The aim of this section was to get the biographical information of the respondents. The responses confirmed that the majority of the respondent's home language is Oshiwambo and that they are farmers. Only 10% of the respondents did not complete either Grade 10 or 12. The average of most farms was between 2 and 5 hectares and the majority of the respondents were from the Oshikoto region.

SECTION B

EXTENT OF INVOLVEMENT IN THE FORMULATION OF THE POLICY

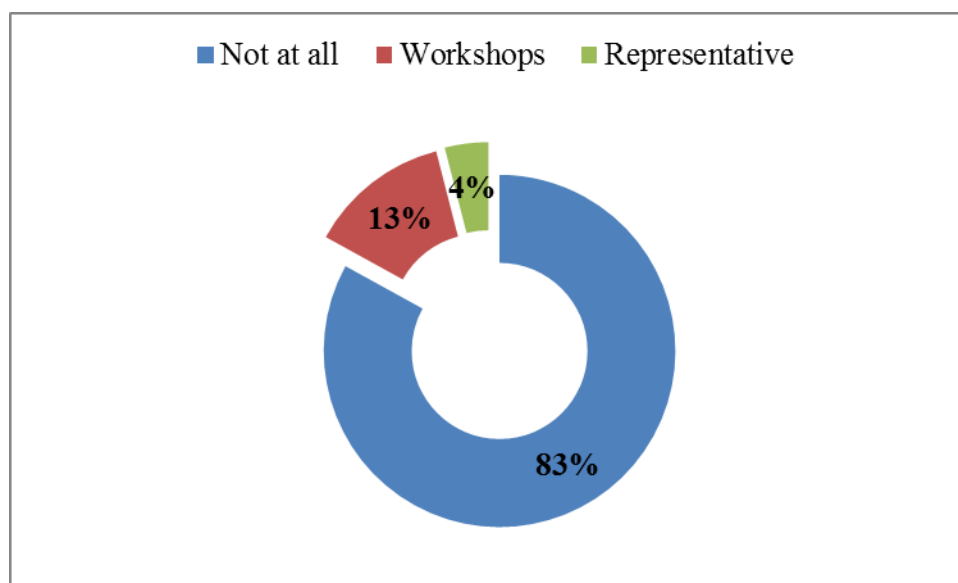
Question 10: *Awareness of the drafting of the Communal Land Policy*



28% of the respondents were aware of the drafting of the communal land policy.

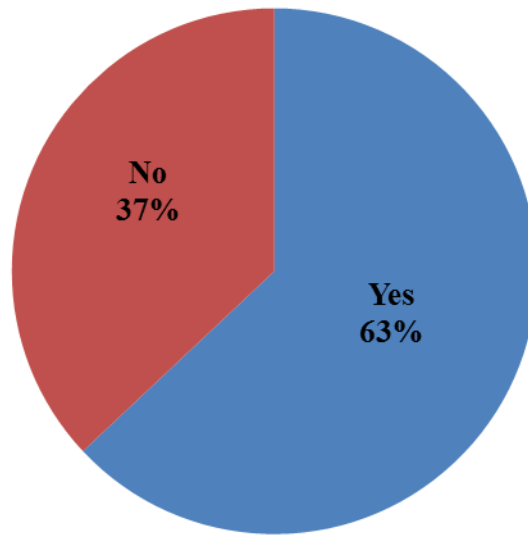
72% were not aware that the policy was drafted.

Question 11: *Involvement in the drafting of the policy*



A total of 201 (83%) of the respondents stated that they were not involved in the formulation of the Communal Land Policy. Only 42 respondents were involved in the drafting of the policy.

Question 12: *Respondents participating in community meetings*

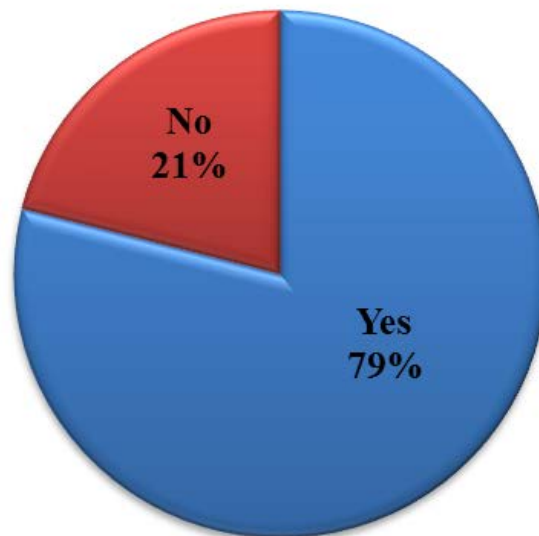


One hundred and fifty three of the respondents (63%) participated in community meetings while 37% of them did not participate in community meetings on account of reasons given below.

Question 13: *Reasons why respondents did not participate*

Some of the respondents who did not participate in community meetings stated that they did not have the time to participate while others said they were not informed of the meetings or they were not invited to the meetings,. Another reason for not participating is that they were not interested in the meetings because they had the impression that the leaders did not like their ideas. Some of them also regarded community meetings as a waste of time.

Question 14: *Willingness of respondents to participate in meetings where policies are discussed.*



79% % of the respondents stated that they would like to participate in meetings where policies are discussed. 21% of them would not like to participate in the meetings for reasons given below.

Question 15: *Reasons why respondents did not participate in meetings where policies are discussed.*

Most of the respondents stated that they do not participate in meetings where policies are discussed because they were not informed of or they were not invited to the meetings. Others said that that these meetings were held during working hours and some also argued that the meetings are a waste of time because their ideas are not taken seriously.

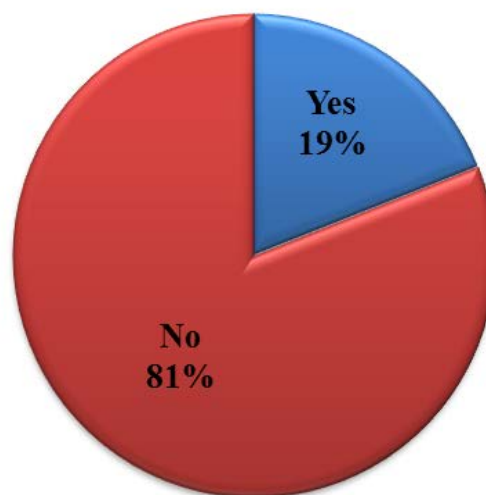
Question 16: *Mechanisms to motivate respondents to take part in meetings where issues regarding policy formulation are discussed.*

The following are mechanisms mentioned by the respondents to motivate them to take part in meetings where issues regarding policy formulations are discussed:

- Invitations in time;

- Meetings being held when everyone is available;
- Meetings being held at the workplace;
- Announcement of meetings through all media available;
- Invitations by cellular phones;
- Share information regarding policies with everyone;
- Workshops;
- Community meetings; and
- Representatives in all villages.

Question 17: *Encouragement to take part in the drafting of the Communal Land Policy*

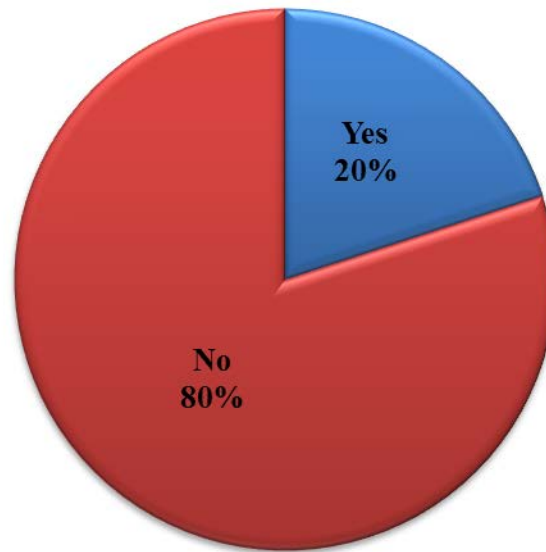


The majority of the respondents (81%) stated that the Government did not encourage them to take part in the drafting of the Communal Land Policy while 19% indicated that government encouraged them to take part.

Question 18: *How did the government of Namibia encourage the respondents to take part in the drafting of the Communal land Policy?*

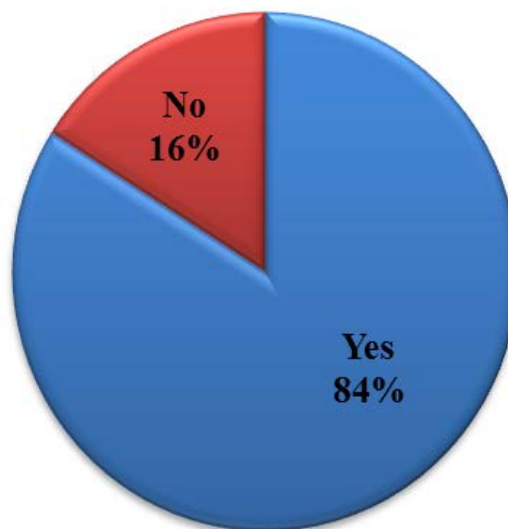
Some of the respondents who mentioned that they were encouraged to take part said that government officials came to community meetings to explain the drafting of the policy. Others said that the constituency councilors told them to take part and some also said that the formulation of the policy was advertised.

Question 19: *Were the respondents ever consulted to give their views on communal land problems?*



Only forty nine (16%) of the respondents stated that they were consulted to give their views on communal land problems while 84% were never consulted to give their views.

Question 20: *Was there more need for consultation during the formulation of the Communal Land Policy?*



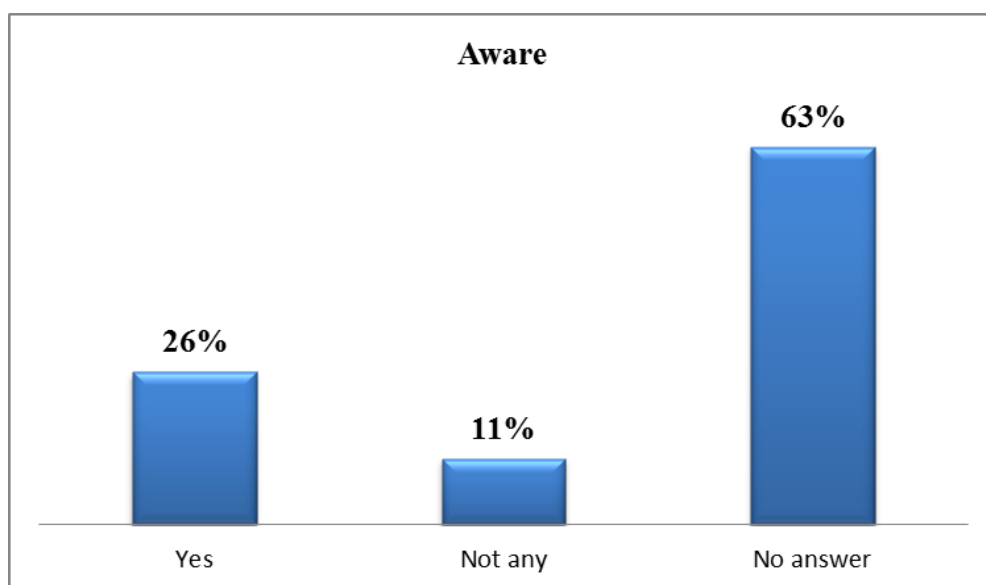
The majority of the respondents (84%) felt that there was definitely more need for consultations in formulating the Communal Land Policy. Only 16% of the respondents indicated that they do not think that there was a need for more consultation during the formulation of the Communal Land Policy of Namibia.

The purpose of this section was to determine the extent of public involvement in the formulation of the Communal Land Policy in Namibia. It is clear from the responses that most of them were not aware of the formulation of the policy and were not consulted to give their view. The respondents also mentioned that they not always get information with regard to community meetings in time. It is a fact that Namibia's radio services cover almost all parts of the country and should be used more efficiently and effectively to inform the people of Namibia about any meetings that are to take place. The cellular phone is also a good instrument to be used for this purpose. The conclusion drawn from the responses in this section is that not much public consultation took place during the formulation of the Communal Land Policy.

SECTION C

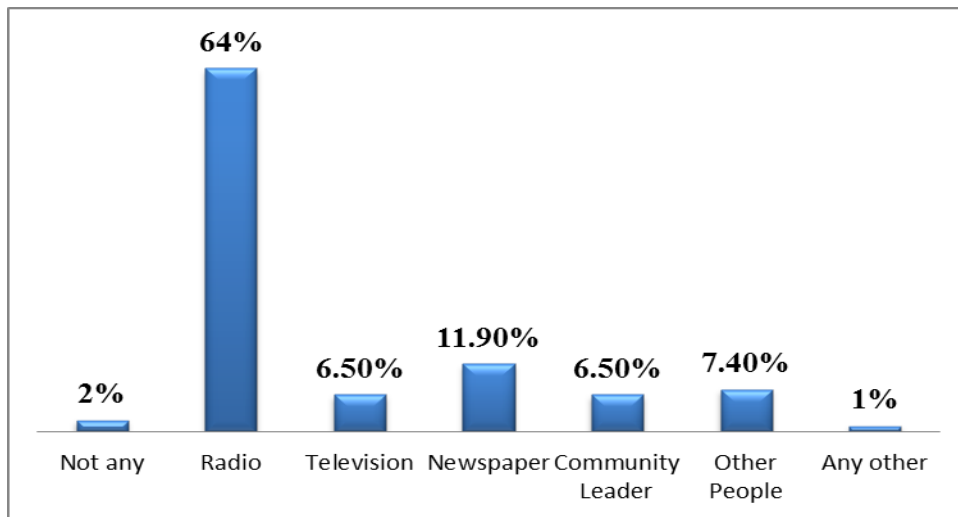
AWARENESS OF LAND REFORM ISSUES

Question 21: *Current efforts on land reform*



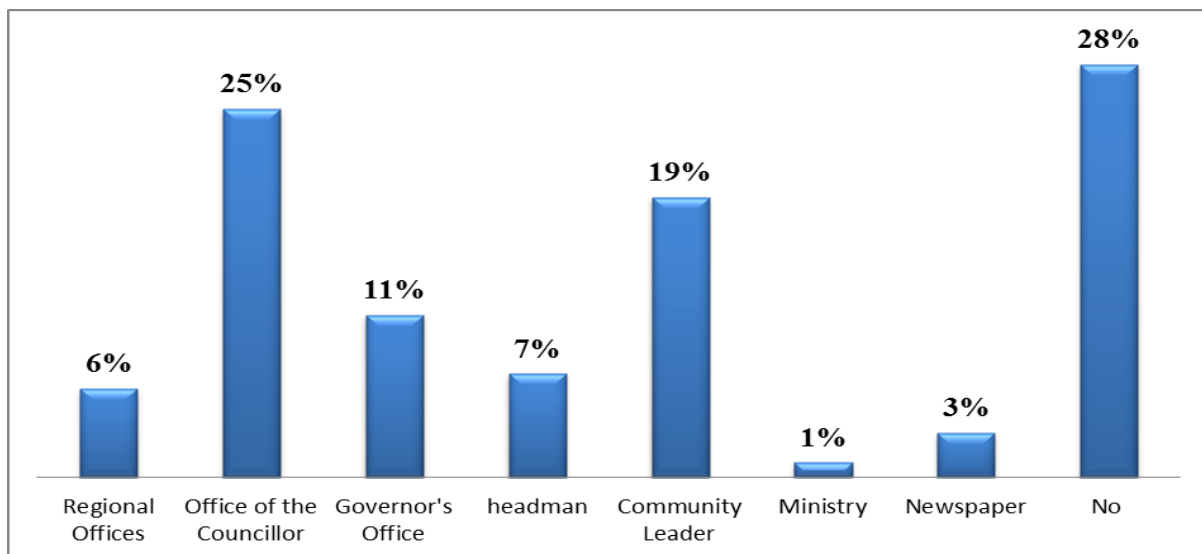
A total of 62 of the respondents mentioned that they are aware of the resettlement programme and 27 of them stated that they are not aware of any efforts by the Government on land reform. 39 indicated that there are no efforts on land reform while 43 did not respond to this question.

Question 22: *Ways of receiving information*



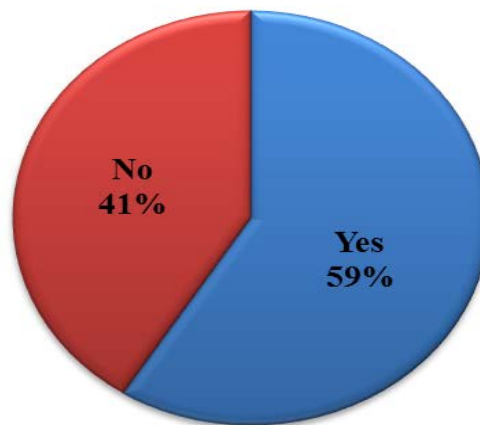
A total of 156 of the respondents mentioned that they receive information regarding land reform over the radio. The other ways of receiving information mentioned were the television, newspaper and community leaders. Some were informed by other people.

Question 23: *Where to take ideas to be considered in formulating policies*



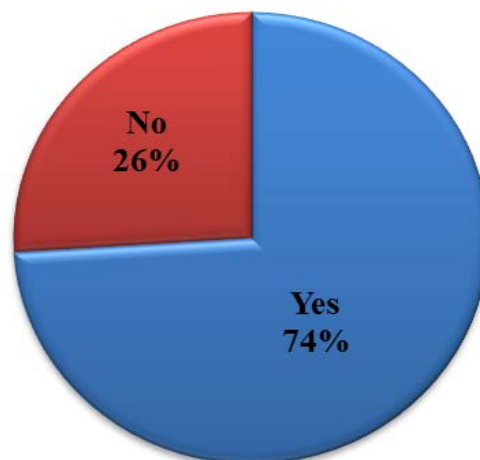
Respondents mentioned that they could take their ideas to regional offices, governor's office, community leaders, Ministry of Land and Resettlement, office of the councillor, headmen and newspapers. 28% of the respondents mentioned that do not know where to go with ideas on land reform.

Question 24: *Knowledge of the respondents of the reasons for the existence of communal and commercial lands*



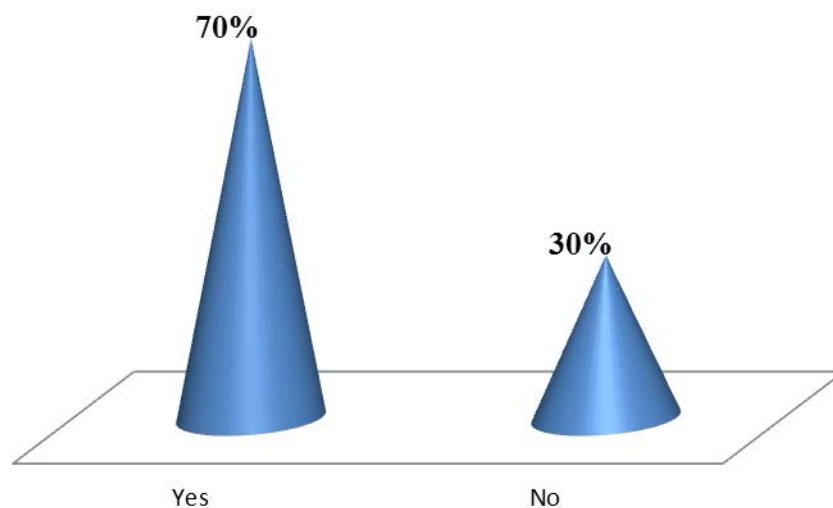
On communal land and commercial land 41% of the respondents mentioned that they do not know the reason for the existence of communal and commercial lands and 59% responded that they know the reason.

Question 25: *Knowledge on how rights in respect of communal land are acquired*



On the question of rights, 74% of the respondents know how to obtain the rights in respect of Communal land; 26 % of the respondents did not know how to obtain the rights in respect of communal land.

Question 26: *Knowledge on the functions of the Communal Land Boards*



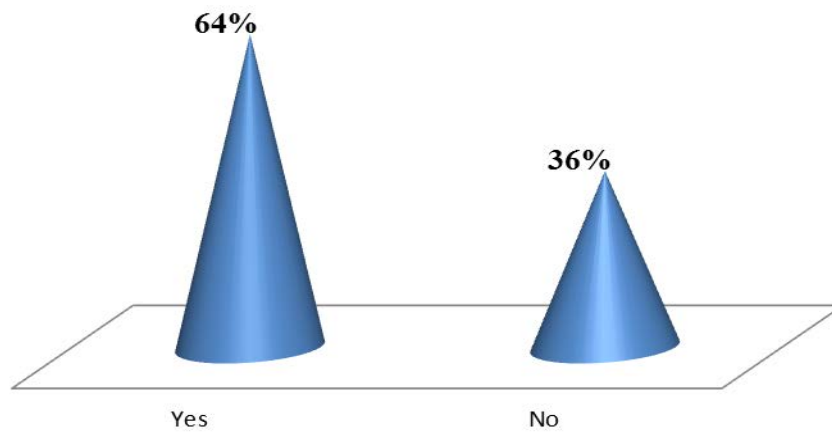
A total of 171 of the respondents knew what the functions of the Communal Land Boards are, while only 72 of the respondents did not know what the functions of the Communal Land Boards are.

The purpose of this section was to determine if the people of Namibia are aware of land reform issues in Namibia. The conclusion drawn from these responses is that people are aware of land reform issues in Namibia and that they do know their rights with regard to land reform.

SECTION D

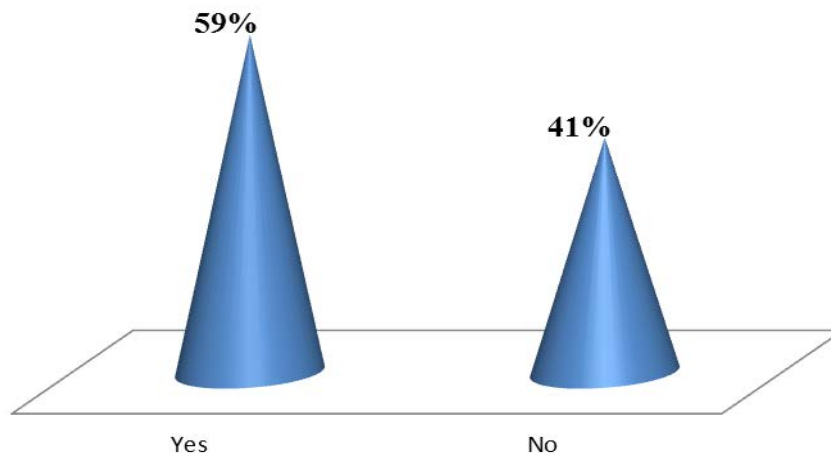
SATISFACTION AND DISSATISFACTION WITH THE EXISTING COMMUNAL LAND POLICY

Question 27: *Satisfaction with the arrangement that Communal Land Boards were introduced to advise and control land rights by chiefs*



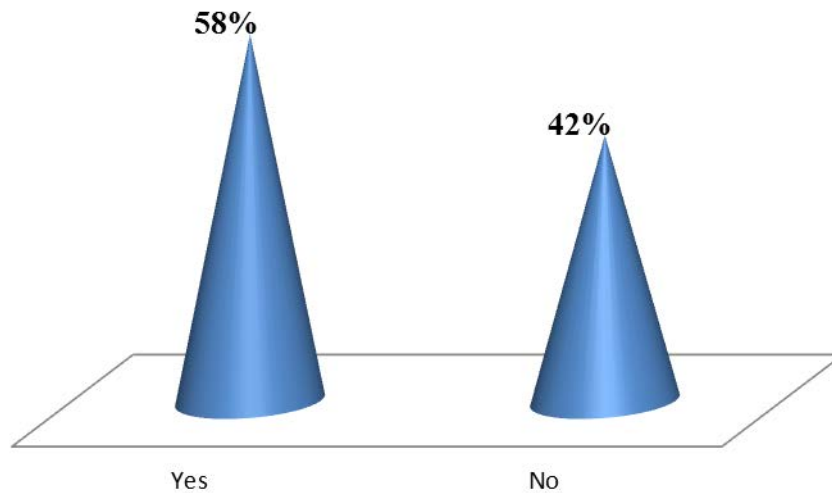
On Communal Land Boards, 64% of the respondents are happy with the arrangement that Communal Land Boards were introduced to advise and control land rights by chiefs, while 36% were not satisfied at all.

Question 28: *Satisfaction with the efforts Government has undertaken in land reform, including communal land*



A total of 144 of the respondents are happy with the efforts the Government has undertaken with land reform; 99 of them were not happy with the efforts.

Question 29: *Is the prohibiting of fencing in communal areas a good idea?*



On the question on fencing, 141 of the respondents stated that prohibiting fencing in communal areas is a good idea; 102 did not believe that it is a good idea to prohibit fencing in communal areas.

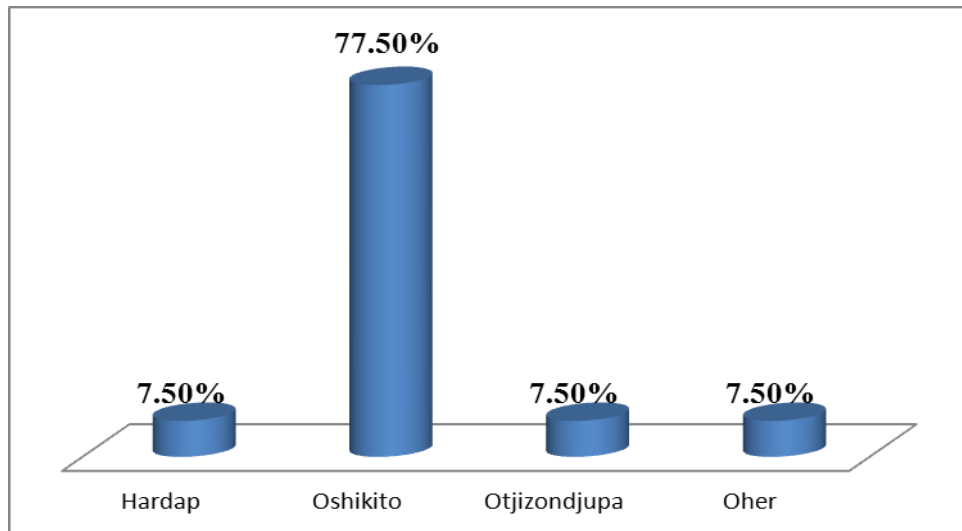
The purpose of this section was to determine how satisfied the people of Namibia are with the Communal Land Policy. It is concluded that they are happy with the Communal Land Policy and that they are also satisfied with the efforts the Government has undertaken with regard to land reform. Most of the respondents think that fencing in communal areas is not a good idea.

5.3 ANALYSIS OF THE GOVERNMENT OFFICIALS' RESPONSES

SECTION 1

GENERAL INFORMATION\

Question 1 *Region*



Respondents were from the following regions:

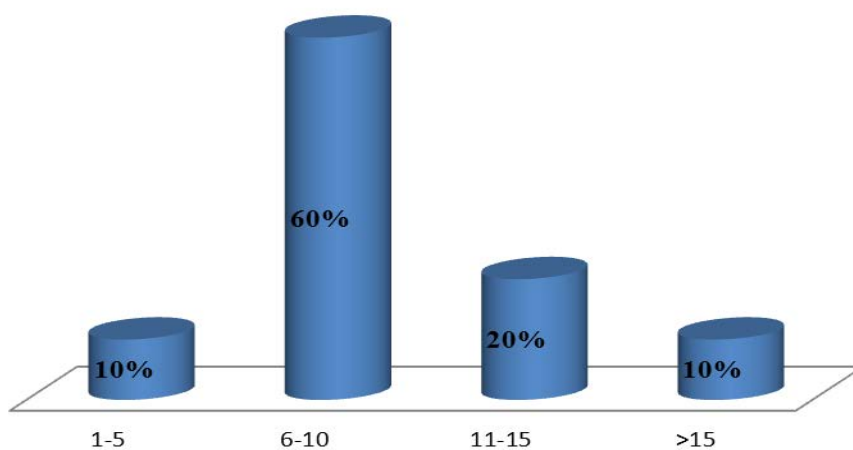
Oshikoto 77.5%

Otjizondjupa 7.5%

Hardap 7.5%

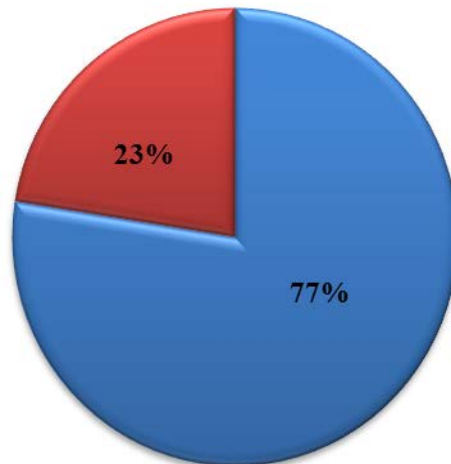
Other regions 7.5%

Question 2 *Years in position*



Most of the respondents (24) have been in their current positions for periods ranging from 6 to 10 years

Question 3 *In any other position*



Considering working experience, only 23% of the respondents said they had previous experience while 77% did not have.

The aim of this section was to get information with regards to how long the respondents are working at the Ministry and also how involved they were with the formulation of the Communal Land Policy in Namibia. The responses confirmed that the majority of the respondents were not working at the Ministry of Lands and Resettlement at the time of the formulation of the Communal Land Policy. The majority of the respondents are from the Oshikoto region

SECTION 2

POLICY ON CITIZENS' PARTICIPATION

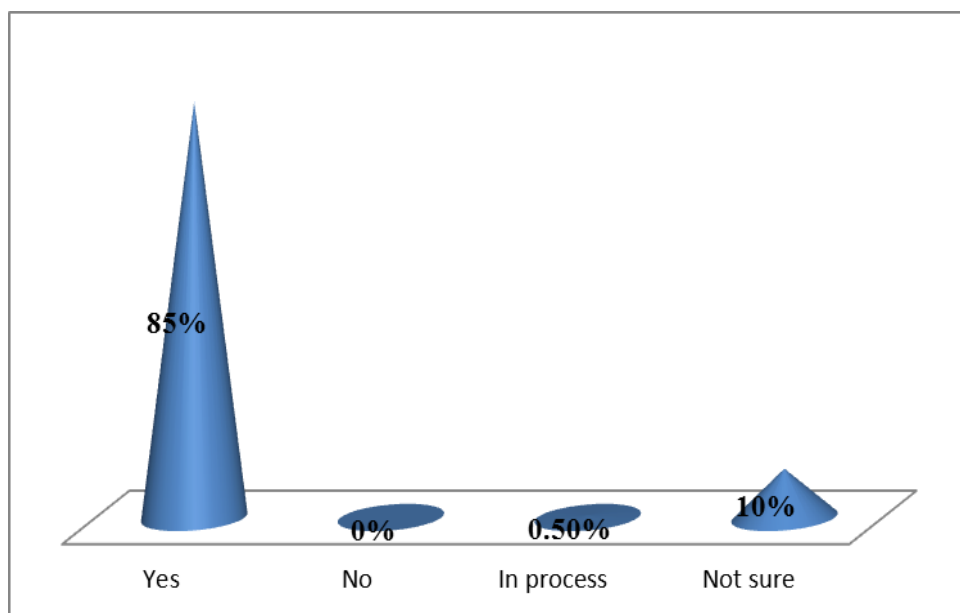
Question 4 *Define democratic public participation*

The Government officials gave the following different definitions of democratic public participation:

- Self-governing country where the people share the same idea to achieve a common goal;
- Improve and enhance the quality of life of the Namibian people;
- Citizen participating in decision making process; and
- People have the right to discuss matters in their community without any fear.

The researcher defines democratic public participation in Chapter Two, paragraph 2.3 as the full participation of citizens in all aspects of decision-making that impacts on one's life and calls for shared power and accountability. This definition is based on aggregate of positions and definitions from the various authorities in literature referred to in this study and are used in discussions throughout the dissertation.

Question 5 *Government of Namibia policy on democratic public participation*



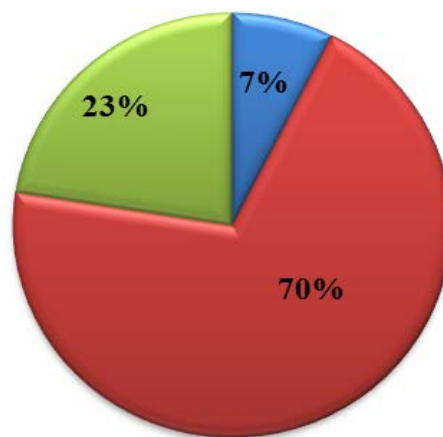
The majority (85%) of the respondents mentioned that the Government of Namibia does have a policy on democratic public participation. Only 5% indicated that the policy formulation is in process and 10% were not sure if there is a policy on democratic public participation.

Question 6 *Reasons for no policy*

None of the respondents could provide a reason for there being no policy on democratic public participation.

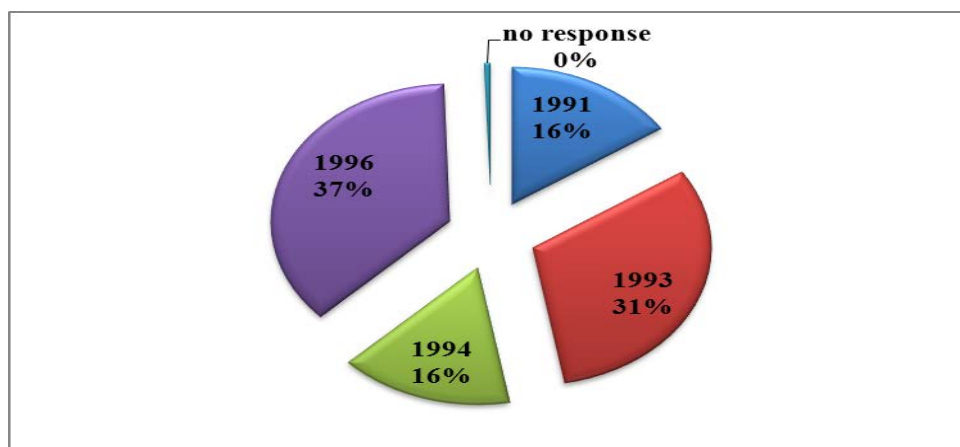
Question 7 *Extent to which the people of Namibia participated in the formulation of the Communal Land Policy*

■ No ■ Great ■ No Response



On the question of participating, 70% of the respondents said that there was great democratic public participation during the formulation of the Communal Land Policy while 23% did not respond on the question. Only 7% indicated that the people of Namibia did not participate in the formulation of the Communal Land Policy.

Question 8 *Attendances at Conferences*

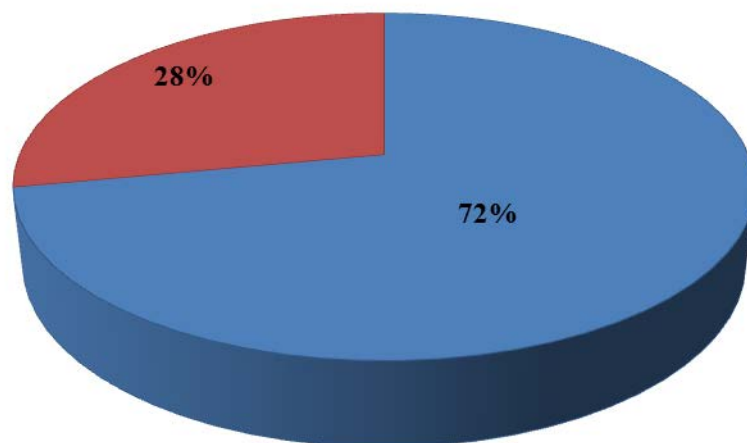


The conferences in 1996 and 1993 (37% and 31% respectively) were well attended compared to the rest of the conferences:

1991 Conference 16%

1941 Conference 16%

Question 9 *Any other consultations*



According to 72% of the respondents, other consultations did take place; 28 % mentioned that other consultations did not take place.

Question 10 *Other conferences attended*

Only 2 respondents mentioned that they took part in a Youth Conference in 2001 where the Communal Land Policy was also discussed.

The purpose with this section was to determine what government officials views are with regard to citizens' participation in the formulation of policies. Although 70% of the respondents indicated in their responses that there was great democratic public participation in the formulation of the Communal Land Policy of Namibia, one can question this, because according to the responses in the section one of this questionnaire the majority of the respondents were not working at the Ministry during the formulation of the policy. This

information raises a serious question with regard to the extent democratic public participation took place at the time of the formulation of the Communal Land Policy.

5.4 MAJOR RESEARCH FINDINGS

As stated in Chapter 1, the study focused on democratic public participation in the formulation of the Communal Land Policy of Namibia. The aim of questions 11 – 21 in the questionnaire (refer to annexure A) was to assess the extent to which the people of Namibia participated in the formulation of the Communal Land Policy.

In order to measure democratic public participation the following criteria was used:

- 80 – 100% = Very meaningful democratic public participation
- 65 – 79% = generally meaningful democratic public participation
- 50 – 64% = meaningful democratic public participation
- 21 – 49% = less meaningful democratic public participation
- 10 – 20% = low democratic public participation
- 0 – 10% = very low democratic public participation

The percentages below indicate to what extent the people of Namibia participated in the formulation of the Communal Land Policy:

Question	Percentage	Extent of democratic public participation
11	28% were aware of the drafting of the policy	Less meaningful
12	17% were involved in the drafting of policy	Low
18	19% were not encouraged to take part in the drafting of the policy	Low
20	16% were consulted to give their views on communal land problems	Low

Average:

$$\frac{28 + 17 + 19 + 16 + 16}{5}$$

$$= \frac{96}{5}$$

$$= 19.2\% = \text{Low democratic public participation.}$$

The conclusion is that there was a low democratic public participation in the formulation of the Communal Land Policy. Although 70% of the government officials taking part in the study indicated in their responses that there was great democratic public participation, the results of the data analysis of the farmers indicated otherwise.

5.4.1 Respondents' views on Democratic Public Participatory Processes in Namibia

Assessing the responses in the questionnaires, it is clear that the people of Namibia, particularly in the Oshikoto, Hardap and Khomas regions, were not to a large extent, democratically involved in the formulation of the Communal Land Policy. Although most of the government officials responded that there was a high level of democratic public participation in the formulation of the policy, this was not confirmed in this study. Most of the respondents criticise the way in which community meetings take place. Some also mentioned that they are afraid to raise their voices at meetings because if community leaders do not like what they say, they might change their attitude towards them. Most of the respondents also mentioned that they were not informed of or they are not invited to meetings. Others said that meetings are held during working hours and some also argued that the meetings are a waste of time because their ideas are not taken seriously. This finding suggests that democratic public participation did not take place at the time of the formulation of the Communal Land Policy. It also confirms that given the opportunity the public would like to participate in the formulation of policies.

5.4.2 Threats to democratic public participation

Most of the respondents mentioned that community meetings were not held on a regular basis and also that their opinions were not regarded as important by the community leaders. This is regarded as a threat to democratic public participation. Others mentioned that they have

repeatedly raised issues which they are not happy with at community meetings, but nothing has been done. This threatens democratic public participation because it discouraged people from participating in any meetings that took place. They also mentioned that they have asked before that meetings should take place at a more convenient time, but still meetings took place at times when they could not attend. It is important that the entire community takes part in community meetings, but if they are held when others cannot attend, it threatens democratic public participation and the respondents feel their needs are not taken into consideration. Respondents in this study support democratic public participation in the formulation of policies. This finding suggests that the community sees the need for participation through regular meetings with government officials and regional councils. This finding also suggests that there is a great need for capacity building programmes so that democratic public participation is not skewed across the communities.

5.4.3 Government's Policy on Democratic Public Participation

One of the objectives of the study was to assess whether government officials are committed to democratic public participation. According to the government officials, there is a policy on democratic public participation available in Namibia. The only policies in this regard that the researcher could find were the Government of the Republic of Namibia Civic Organisations Partnership Policy that was introduced in December 2005, and the Decentralisation policy which was adopted in 1992, but was only put in practice from 2007. Since there was no policy on democratic public participation available at the time of the formulation of the Communal Land Policy, it is reasonable to conclude that participation did not take place the way it should have and that the Government of Namibia has not done enough to ensure that the amount of information regarding the formulation of the Communal Land Policy given to the people of Namibia was adequate to allow effective participation in all the communal land issues. The fact that policies were introduced at a later stage is a positive development and may mean that democratic public participation might take place in future policy formulations.

5.4.4 Satisfaction with the Communal Land Policy

Another objective of the study was to establish how satisfied the people of Namibia are with the existing Communal Land Policy. The aim of questions 22 – 29 in the questionnaire (refer to annexure A) was to establish how much the respondents know about the Communal Land Policy and also to establish how satisfied they are with the existing Communal Land Policy. According to the responses in the questionnaires, it is reasonable to conclude that the knowledge of the participants in this study about the Communal Land Policy is average; and that respondents are happy with the existing Communal Land Policy.

5.5 CONCLUSION

This chapter introduced the findings of the study. The different answers to questions and sections of the questionnaire were analysed and the major research findings were discussed. The role of Government regarding democratic public participation should not be overlooked. The Government of Namibia is responsible towards all people in Namibia and it should play a major role in ensuring that proper democratic public participation takes place and to solve the challenges regarding democratic public participation faced by stakeholders such as the Ministry of Lands and Resettlement. Government officials should identify the challenges they face regarding democratic public participation and find solutions to those challenges. The Government as well as other stakeholders like community leaders, traditional leaders and farmers unions should also ensure that legislation regarding the issues raised is in place and at the same time be pro-active in dealing with these challenges.

The next chapter concludes the study and provides recommendations for future actions and research purposes.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

The primary purpose of this study was to assess the extent of democratic public participation in the formulation of the Communal Land Policy of Namibia. This chapter gives an overview of the study conducted. In this chapter the study is summed up by drawing the conclusions reached by means of the study and thereafter recommendations will be made based on the findings of the study. The researcher has attempted to respond to the overall aims and objectives as indicated in Chapter One, paragraph 1.6. The next paragraph provides the conclusion to this study.

6.2 CONCLUSION TO THE STUDY

The researcher generated data which were used to answer the questions indicated in Chapter One, namely, what is the level of information availed to the people of Namibia, particularly in the Oshikoto, Hardap and Otjozondjupa regions and is the amount of information given adequate to allow effective public participation in the formulation of the Communal Land Policy of Namibia.

In Chapters Two and Three clear descriptions and analyses of democracy and land policies in Namibia were given. The literature study undertaken in Chapter Two and the discussion of the land policies of Namibia in Chapter Three concluded that the non-governmental sector in Namibia is too weak to exert significant pressure on Government to meet its policy and other national land policy obligations. After the Land Conference farmers and community organisations were not able to drive the process. In the absence of Government initiative, the process of consultation and public participation thus came to an end (Werner, 2000:13). The National Conference on Land Reform and the Land Question established a process of consultation on the land question, but the process was not continued during the following five

years (Werner, 1997:6). The development of Namibia's land policy and legislation on communal land was characterised by a number of consultative conferences in which a large cross-section of stakeholders participated. It is thus reasonable to conclude that the interests of Government and traditional leaders were strongly represented at these conferences. The same cannot be said about the representation of the general public of Namibia.

According to the data analysis in Chapter Five, paragraph 5.3 of this study, the government officials stated that several workshops were held to inform the general public, especially in the communal areas, about the formulation of the policy, the researcher found that very few people were in fact aware of the formulation of the Communal Land Policy. The majority of the respondents as mentioned in Chapter Five, paragraph 5.2 indicated that they had never been informed about the policy and very little input was received from the public at large. This study confirms that democratic paragraph participation in the formulation of the Communal land Policy was very low.

The Government of Namibia acknowledges the fact that previous administrators did not promote public participation in the development of any policy. There was no system of public participation in which the views of the citizens could influence the design of a policy. The Constitution of Namibia, 1990 makes provision for the promotion of public participation. The researcher could not find any policy on democratic public participation that was in existence before 1998 when the Communal Land Policy was introduced. In 1997 the government of Namibia however adopted a Decentralisation Policy where functions and responsibilities of line ministers were handed over to regional councils and local authorities. Regional councils were established in 1992 to govern and develop the regions, but their role has been limited to administering formal settlements and drawing up regional development plans. It was only in 2007 that the regional councils received more responsibilities and resources. They became responsible for delivering basic services to their respective areas.

On the basis of the research findings in Chapter Five paragraph 5.4, the researcher concludes that democratic public participation in the formulation of the Communal Land Policy of Namibia was low and in the next paragraph recommendations are made and areas for further research suggested.

6.3 RECOMMENDATIONS AND SUGGESTED FURTHER RESEARCH

Based on the conclusions reached in Chapter Three, Four and Five of this study, it is clear that there is room for improvement for the government officials and the community leaders with regard to democratic public participation in Namibia. Communication between the different stakeholders should be improved to ensure that proper democratic public participation takes place. The major challenges that remain are to improve the ability of Government and all other stakeholders to support development in Namibia, and to clarify Namibia's vision for democratic public participation. In some circumstances, this will mean encouraging more public debate and providing information to the public. Improving co-operation between institutions is vital since many development and policy initiatives can only be initiated by government departments.

A programme could be introduced that will encourage the Government of Namibia, community leaders and all the citizens of Namibia to work together. Communities should practically engage their local and regional government structures to lobby central government on policy matters of their interest. This calls for a partnership-in-planning approach. Namibians should seize the opportunity to exercise their rights by actively participating in debates on a wide range of developmental issues. This, together with the correct mix of coordinating institutions and appropriate policies, should improve the chances of democratic public participation. The people of Namibia should therefore be encouraged to:

- Make use of their constituency councillor and constituency office;
- Attend regional council meetings;
- Keep development committees informed of their development needs and priorities;
and
- Be active in civil society groups.

By participating in the activities of the regional councils, the people of Namibia can influence the future of their community and the area in which they live. The main reason for decentralisation is that the regional and local government institutions are closer to the communities than central government. They are, therefore, more familiar with the needs and

priorities of the people. It is thus important to make Namibians aware that it is important for them to participate in the activities of the regional councils in order to:

- **Influence regional development.** They must inform their councillors of what their needs are. In this way the councillors can take their needs to the regional council, or to the relevant ministry.
- **Ensure that political and administrative officials perform properly.** When political and administrative officials know that people are taking an interest in regional council activities, they will be further encouraged to perform efficiently.
- **Keep track of what is going on in the region.** Through participation, Namibians can keep track of what is happening in their region and what services are available through the regional council.

The study leaves room for the inclusion of the remaining 10 other regions of Namibia to give a more realistic picture of the democratic public participation in the formulation of policies in Namibia. A study can be undertaken to identify the other areas in Namibia that are most affected by the lack of information flow and what form of support is needed to remedy the situation.

6.4 CONCLUSION

This chapter concludes the study. In Chapter One the main purpose of the study was introduced followed by the literature study in Chapter Two. In Chapter Three clear descriptions and analysis were given on the land policies in Namibia. Chapter Four presented the research methodology followed in this study and Chapter Five introduced the findings of the study. For the purpose of this study, a structured self-administered questionnaire and an interviewer questionnaire were designed and used for data collection. The self-administered questionnaire was used for the farmers in the regions and the interviewer questionnaire was used with the government officials, chiefs and headmen. A literature study was also done in Chapter Two to supplement the data collected and to analyse the findings. This chapter also provides recommendations for future actions and research purposes.

The study concluded that the democratic public participation in the formulation of the Communal Land Policy of Namibia was low. Democratic public participation in Namibia remains a challenge not only to the Government of Namibia, but for all institutions which value the principle of democratic public participation. It is thus important to have proper communication between the different stakeholders.

The late Josef Brodsky, Russian-born poet and Nobel Prize winner, once wrote, "A free man, when he fails, blames nobody." It is true as well for the citizens of democracy who, finally, must take responsibility for the fate of the society in which they themselves have chosen to live. In the end, we get the government we deserve.

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ANNEXURES

ANNEXURE A



PROFESSIONAL ENGLISH EDITING CONSULTANCY CC

“The End Crowns The Work”

PO Box 40529 Ausspannplatz, Windhoek, Namibia

Phone: +264-61-309784, Cell: +264-81-3096571

Email: englishediting09@gmail.com

8 November 2012

University of South Africa
Pretoria
South Africa

RE: LANGUAGE EDITING: M. J. MARTHINUSSEN’S THESIS – Student number 40159493

My name is Professor Jairos Kangira, Head of the Language and Literature Studies Department at the University of Namibia, and a professional editor with more than 20 years of experience.

This is to confirm that I edited Ms M. J. Marthinussen’s thesis titled “Democratic participation in the formation of the communal land policy in Namibia”.

Thank you.

A handwritten signature in cursive script, appearing to read 'Kangira', written over a horizontal line.

Prof J. Kangira

PhD (UCT); MPhil (UZ); BA Hons. (UZ); BA (UNISA); Dip. J&PW (TWTC-UK); CE (UZ)

ANNEXURE B

THE CONSTITUTION OF NAMIBIA

The constitution also sets out the structure and function of the government. Namibia is known as a *constitutional democracy* because it functions according to its written constitution (Namibia Institute for Democracy, 2007:12). With regard to the policy and regulatory framework for democratic participation in policies relating to land ownership the Constitution of Namibia provides as follow:

Article 16 **Property**

- (2) *all persons shall have the right in any part of Namibia to acquire, own and dispose of all form of immovable and movable property individually or in association with others and to bequeath their property to their heir or legatees: provided that Parliament may be legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens*

Article 17 **Political Activity**

- (1) *All citizens shall have the right to participate in peaceful political intended to influence the composition and policies of the Government. All citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, participate in the conduct of public affairs, whether directly or through chosen representatives.*

Article 21 **Fundamental Freedoms**

- (1) *All persons shall have the right to:*
(a) *Freedom of speech and expression, which shall include freedom of press and media.*

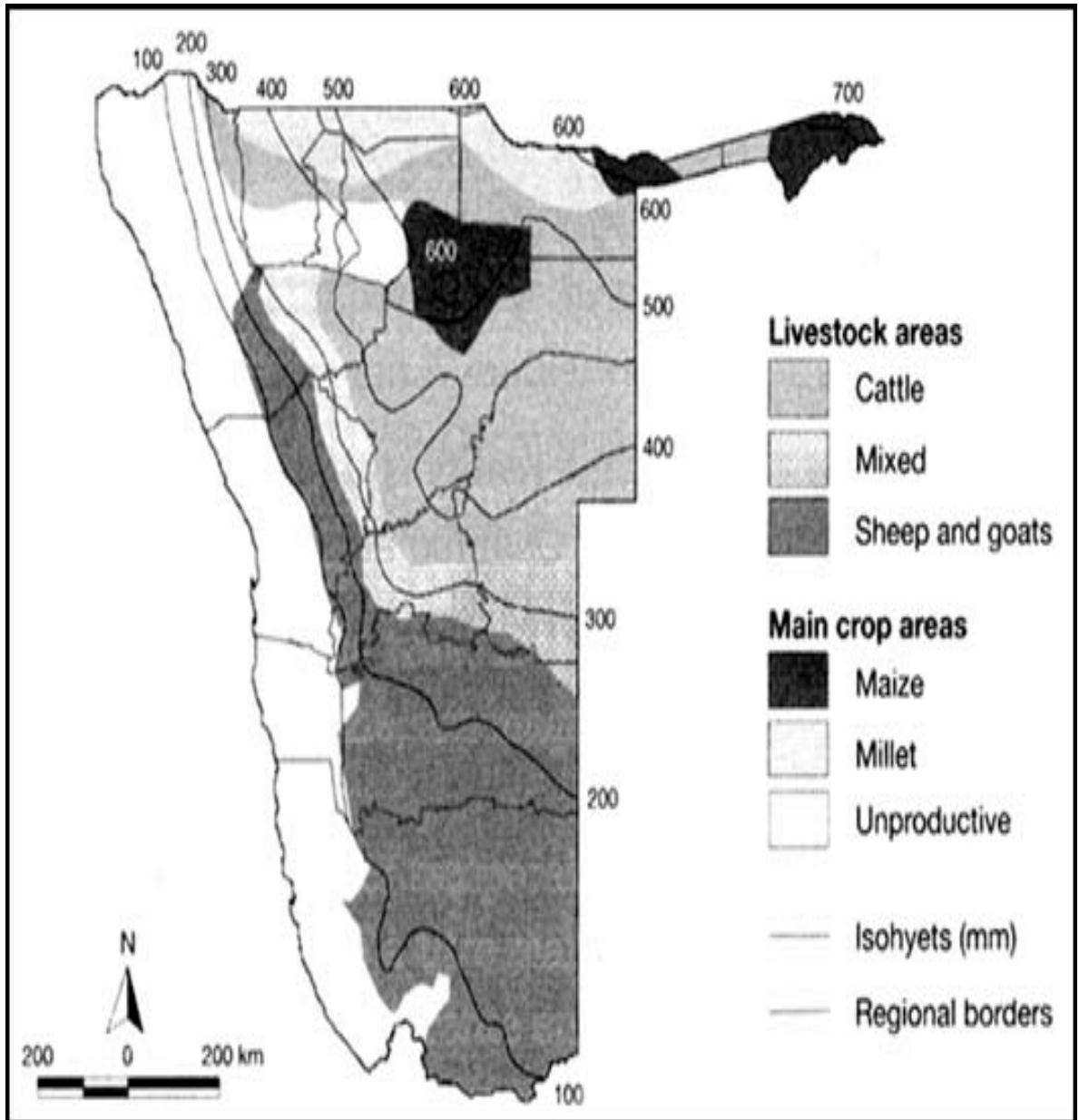
Article 45 **Representative Nature**

The members of the National Assembly shall be representative of all people and shall in the performance of their duties be guided by the objectives of this Constitution, by the public interest and by their conscience

The Constitution further acknowledges the fact that the people of Namibia have the right to scrutinize public policy. This gives the people of Namibia the right to participate in the policymaking process and to raise their voices regarding policies. The challenge is to make people continuously aware that it is their democratic right to be part of the process. One way of doing this is to make the environment conducive to enable the people of Namibia to participate in the policy making process. (GRN, 1990)

ANNEXURE D

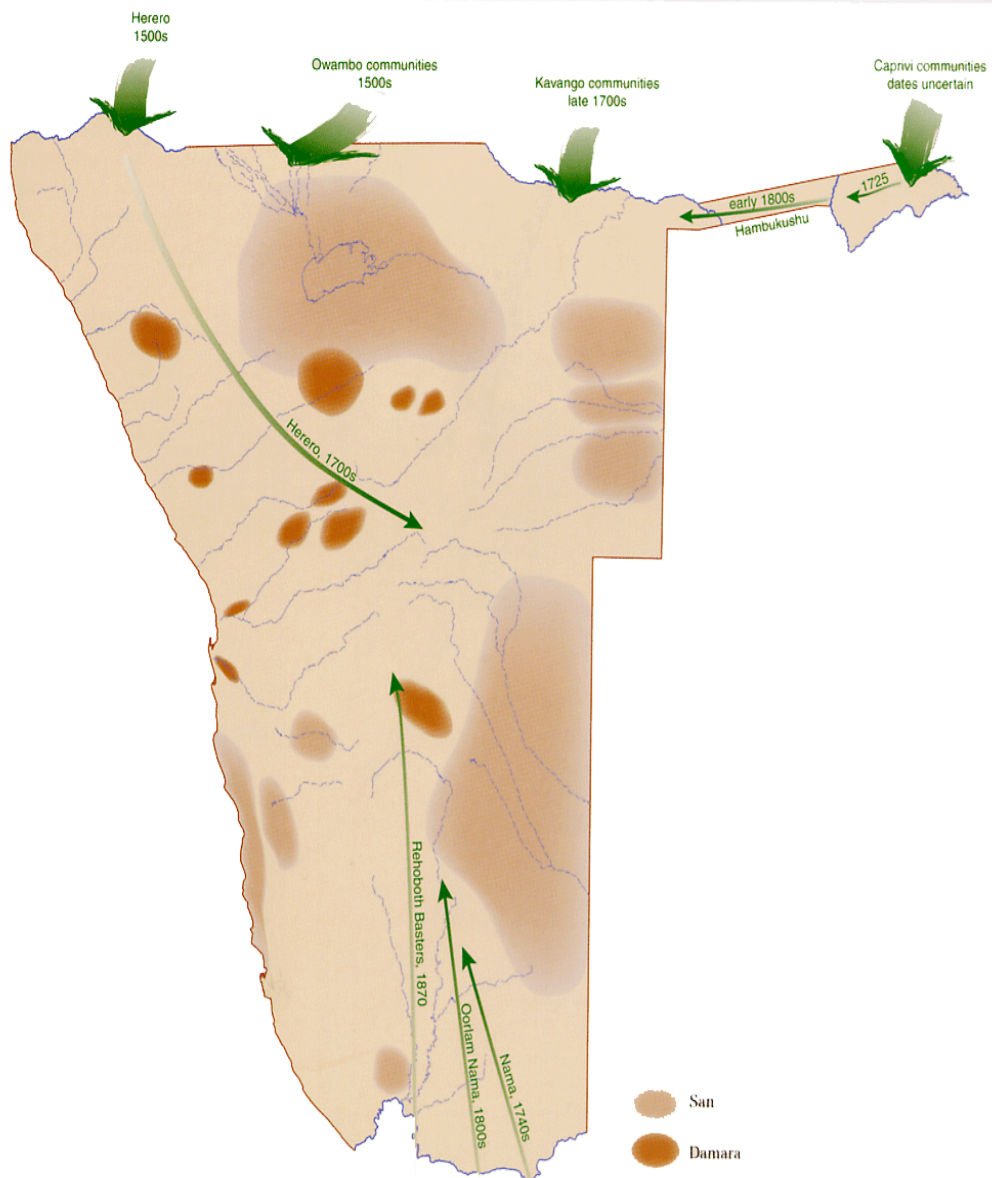
Land Distribution in Namibia, 1997



Source: M.-L. Kiljunen, 1981, FAO.

ANNEXURE E

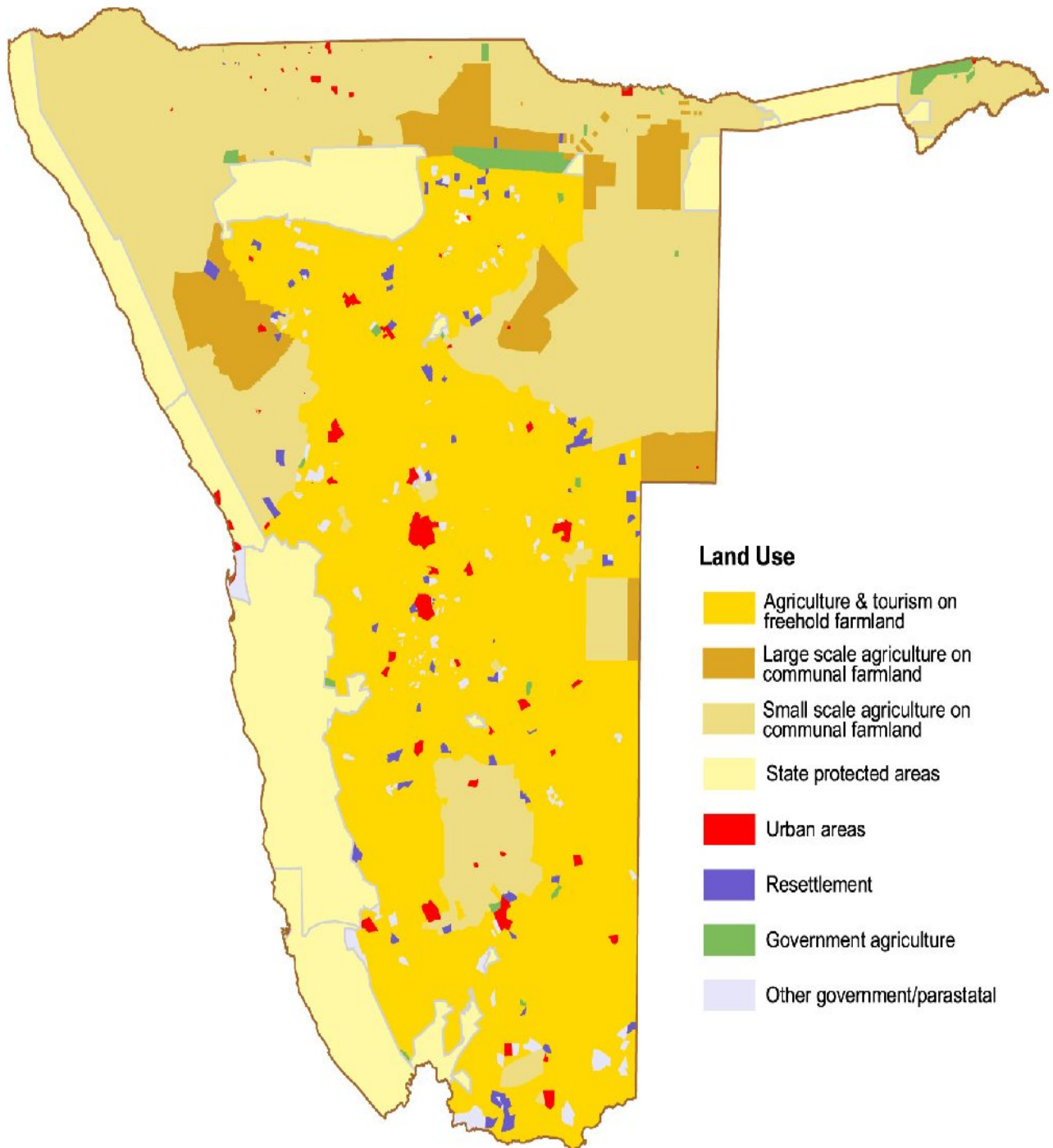
Map of Early Settlement by Ethnic Groups



Source: Atlas of Namibia

ANNEXURE F

Land Use in Namibia, 2012



Source: mnf.org.na

ANNEXURE G

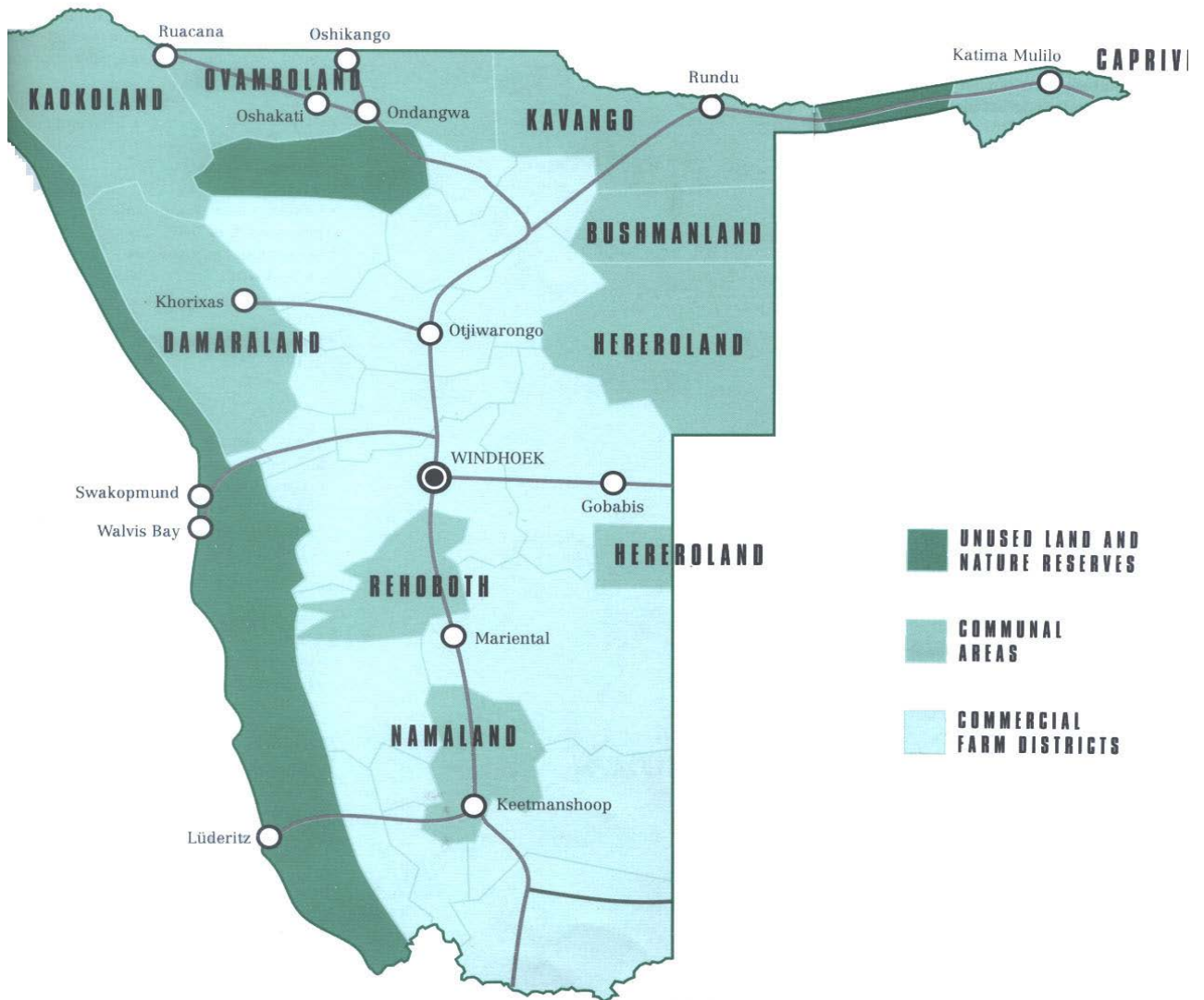
Land Allocations over the Past 100 Years, 1904 - 2004

The increasing areas (in green) were first declared as “native reserves”, then as “homelands” and now as “communal land. Areas shown in white were unallocated, crown lands.



ANNEXURE H

Namibia's Communal Areas during the Apartheids Era (1915 – 1989)



Source: *Guide to Namibian Politics, 2008*

ANNEXURE I

Hardap Regional Map, 2011



http://www.arc.org.na/home.php?pn=hardap_sd

Area Surface: 109 888,070 km²

Population: 66 495 Male (33 728); Female (32 767)

Urban (29 020); Rural (37 475)

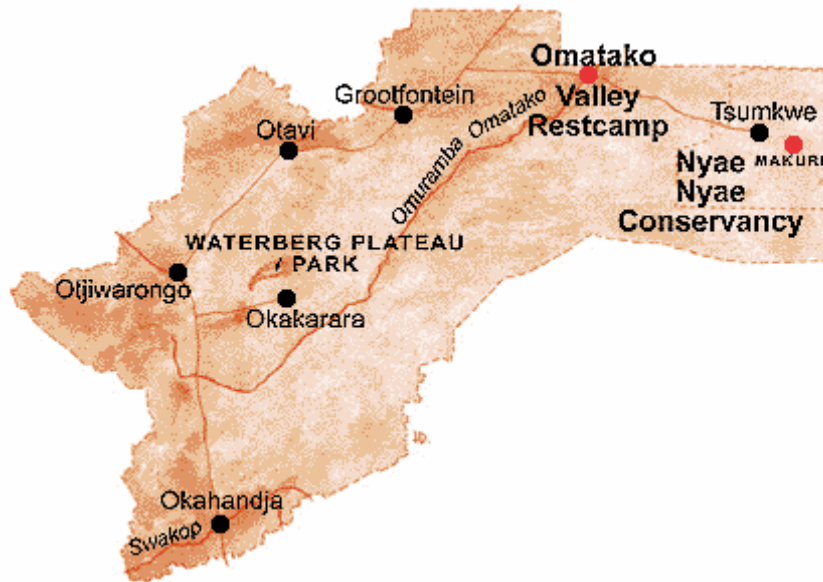
Population Density: 0.60 per km²

Main Centres: Rehoboth, Mariental, Aranos, Gibeon, Maltahöhe, Kalkrand, Stampriet, Gochas

Small Settlements/Villages: 24

ANNEXURE K

Otjozondjupa Regional Map, 2011



Source:<http://www.nacobta.com.na/en/Regions/OT-1.htm>

Area Surface: 105 327,781 km²

Population: 102 536 Male (55 211); Female (47 315)

Urban (47 021); Rural (55 515)

Population Density: 0.97 per km²

Main Centres: Okahandja, Grootfontein, Otjiwarongo, Okakarara, Otavi, Kalkveld, Kombat

Small Settlements/Villages: 74

ANNEXURE L

QUESTIONNAIRE SURVEY ON THE FORMULATION OF THE COMMUNAL LAND POLICY OF NAMIBIA

(Participation, awareness and satisfaction)

Complete questionnaire by

- i Marking with an (x) in the space provided and
- ii Filling in the required information in the space provided

A. GENERAL INFORMATION

Objective: To get a general background of the person

1. What is your home language?

- Afrikaans
- English
- Damara>Nama
- Herero
- Oshiwambo
- Other

2. What official status do you have in your community?

- Community Leader
- Councilor
- From Farmers Union
- Other

3. Please indicate level of formal education

- No formal education
- Literacy skills only
- Below Grade 10
- Grade 10 – 12

- Degree/Diploma Holder
- Postgraduate Degree/Diploma

4. State whether you are a farmer or not. Y N

5. Indicate the size in hectares of your farm.

- 0
- Less than 2
- Between 2 and 5
- Between 5 and 10
- More than 10

6. Please specify whether your farm is a commercial, communal or subsistence farm.

.....

7. Do you own any cattle? Y N

8. If yes indicate your Cattle Ownership (Heads)

- Less than 10
- Between 10 and 40
- Between 40 and 100
- Between 100 and 300
- Above 300

9. From which region are you?

- | | |
|---------------------------------------|----------------------------------|
| <input type="checkbox"/> Oshikoto | <input type="checkbox"/> Oshana |
| <input type="checkbox"/> Hardap | <input type="checkbox"/> Omusati |
| <input type="checkbox"/> Otjozondjupa | <input type="checkbox"/> Other |

B. EXTENT OF INVOLVEMENT IN THE FORMULATION OF THE POLICY

Objective: To assess to what extent the people of Namibia were involved in the formulation of the communal Land Policy.

10. Were you aware of the drafting of the Communal Land Policy? Y N

11. To what extent were you involved in the formulation of the Communal Land Policy?

- Not involved at all
- Participated in workshops
- Nominated as a representative

12. Do you participate in community meetings? Y N

13. If not give a reason(s) for your non-participation.

.....

14. Would you participate in meetings where policies are discussed? Y N

15. If not give a reason(s) for your answer.

.....
.....

16. What mechanisms do you think could be used to motivate you to take part in meetings where issues regarding policy formulation are discussed?

.....
.....

17. Did the Government of Namibia encourage you to take part in the drafting of the Communal Land Policy? Y N

18. If yes, what did they do?

.....

19. Were you ever consulted to give your view on communal land problems? Y N

20. Do you feel there was need for more consultation in formulating the Communal Land Policy? Y N

C. AWARENESS OF LAND REFORM ISSUES

Objective: To establish to what extent the people of Namibia have access to information regarding the Communal Land Policy.

21. What current efforts do you know the Government is doing on land reform?
.....
.....

22. In what ways do you receive any information regarding land reform from the Government?

- Do not receive any
- Radio
- Television
- Newspaper
- Community leader
- Other people

..... Any other (specify)

23. If you have any idea on land reform and wish the Government to consider it in setting up policies, where do you take it?
.....

24. Do you know the reasons for the existence of communal and commercial lands? Y N

25. Do you know how rights in respect of communal land are acquired? Y N

26. Do you know the functions of Communal Land Boards? Y N

D. SATISFACTION AND DISSATISFACTION WITH THE EXISTING COMMUNAL LAND POLICY

Objective: To establish to what extent the people of Namibia are satisfied with the Communal Land Policy.

27. Communal land Boards were introduced to advise and control land rights by chiefs.

Are you happy with this arrangement? Y N

28. Are you happy with the efforts the Government has undertaken in Land Reform including Communal Land? Y N

29. Government is prohibiting fencing in communal areas. Is this a good idea? Y N

Thank you for completing this questionnaire.

ANNEXURE M

INTERVIEW SCHEDULE

Complete questionnaire by

1. Marking with a cross in the space provided.
2. Filling in the required information in the space provided.

SECTION 1: GENERAL INFORMATION

1. Which region do you present?
 Hardap
 Oshikoto
 Otjozondjupa
 Other

2. What position do you present?
 Community leader
 Traditional Leader
 Chief
 Headman
 Government official

3. How long have you been in this position?
 1 – 5 years
 6 – 10 years
 11 - 15 years
 15+ years

4. Have you been in any other position before?
 Yes
 No

SECTION 2: POLICY ON CITIZENS' PARTICIPATION

5. How would you define democratic participation?

.....
.....
.....
.....

6. Does the Government of Namibia have a policy on democratic participation in the formulation of policies?

- Yes
- No
- In process of developing policy
- Not sure

7. If the Government of Namibia **does not support** democratic participation in the formulation of policies, what are the reasons?

.....
.....
.....

8. To what extent has the people of Namibia participating with regard to the formulation of the Communal land Policy?

.....
.....
.....

Thank you for completing this questionnaire.

ANNEXURE N

LETTER TO SEEK PERMISSION

M J Marthinussen
P O Box 8515
WINDHOEK
Namibia
27 January 2009

Mr Kandombo
The Chief Regional Officer
Oshana Regional Council
OSHAKATI

Dear Mr Kandombo

**RE: APPLICATION TO SEEK YOUR PERMISSION TO CARRY OUT A
RESEARCH ON THE DEMOCRATIC PARTICIPATION IN THE
FORMULATION OF THE COMMUNAL LAND POLICY IN NAMIBA**

I am a University of South Africa (UNISA) student, with student number 4015-949-3, doing a Magister Technologiae (Public Management) degree. I would like to carry out research to assess the democratic participation in the formulation of the Communal Land Policy in Namibia.

I am therefore seeking your permission and recommendation to carry out the research using the questionnaire here attached. Your comments and suggestions on the questionnaire as well as the general direction of the research are welcome.

I am looking forward to your favourable response at your earliest convenience.

Yours faithfully

Magdalena J Marthinussen (Mrs.)
Cell Nr: 0811299217

ANNEXURE O



OSHANA REGIONAL COUNCIL

Tel: 065 - 220 441 / 363 / 927
Fax: 065 - 221 292

Private Bag 5543
Oshakati, Namibia

Enquiries: J I Sinvula

30th January 2009

Mrs Magdalena J Marthinussen
P.O. Box 8515
WINDHOEK


Dear Mrs Marthinussen

RE: APPLICATION TO SEEK PERMISSION TO CARRY OUT RESEARCH ON THE DEMOCRATIC PARTICIPATION IN THE FORMULATION OF THE COMMUNAL LAND POLICY IN NAMIBIA

1. Receipt of your letter of the 27th instant on the matter above is hereby acknowledged with thanks and appreciation.
2. Oshana Regional Council has no objection for you to carry out the research to assess the democratic participation in the formulation of the Communal Land Policy in Namibia.
3. Approval is therefore granted to you to proceed with the research on the following conditions:
 - That Oshana Regional Council shall **not** incur any additional cost implications but that you shall bear **all expenses, logistical arrangements with all stakeholders in the region;**
 - That the distribution of the questionnaire shall be your sole responsibility
 - That Oshana Regional Council does **not** have office space for you to conduct the research from; and,
 - That the entire completion of the research project shall be at your **own** volition and expense.

I trust that you will find the above in order.

Yours sincerely


JOHANNES P KANDOMBO
CHIEF REGIONAL OFFICER

