

Conference paper submission type

The Africa We Want: Achieving socioeconomic transformation through inclusive and equitable access to land by the youth. ADDIS ABABA, ETHIOPIA.

Title:**Voices of Youths on Customary Land Rights and Registration in Ohangwena, Kavango East and Zambezi Regions of Namibia**

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ABSTRACT

Amidst voices of rejections to customary land rights registration in Namibia by some communities, the voices youths, who are expected to be at the forefront of transformations, have been absent from the discourses on customary land rights and registration. Using qualitative methods of interviews and round table discussions with youths and key informants in selected regions, the research aimed to analyse the youths' interest in acquiring and registering customary land, their participation in the registration process; youths' perceptions and silence over customary land rights and registration. Evidently, there is a weak interest among the youths to acquire customary land, let alone, participating in the registration process which they believe will benefit them nothing. The study suggest a government implementation process acceptable and beneficial to youths and their communities in the communal areas. It recommend that government and stakeholders increase youths' programmes to promote their participation and discussions on land rights issues. It suggest exploration of various reasons for why youth need land so that youths may be supported fittingly and remain useful within their own land settings. Furthermore, there is a need for government and service providers to prioritise service delivery and development to rural areas so that rural youths are encouraged to remain in rural areas and use their energy, knowledge and skills to build up their communities.

INTRODUCTION

During the colonial period of Namibia (1885-1990), customary land rights were threatened as many Namibians got disposed of their land and access to local resources and people were deprived of their livelihood. (Likuwa, July 2013). After Namibia's independence, the government, through the Ministry of Land Reform (MLR), promoted the registration of customary land rights as a means to promote land security and productivity (Kapitango, 2009). A booklet was developed as a guide to the promotion of customary land rights registration. The customary registration program is in line with Namibia's Communal Land Act of 2002 (OPM, 2002, pp. 13-14).

Rejection to customary land rights registration by communities in two Kavango regions and the Zambezi have brought to question the moral grounds and usefulness of applying and registering customary land rights in a manner that is believed and feared by communities as incompatible with their local practices of land ownership, land allocation and usage (Namwoonde, 2008). Amidst debates over customary land registration, the voices of the youths are absent. Centrally, Namibia's national goal of improving people's social and economic conditions and reducing poverty will depend on people's productive use of land through agriculture and tourism and youth participation (NPC, 2012). The research aimed to analyse the youths' interest in acquiring customary land rights, their participation in the registration process; perceptions over government intentions and actions over registration and the youths' perceptions and silence on customary land rights registration.

This research followed qualitative methods of review of government reports, publications and archival documents. Furthermore oral interviews were carried out 7 days a week in each region. A sample population of the 80 selected youths, 20 from each of the three selected regions of Ohangwena, Zambezi, Hardap and Kavango east region was identified through purposeful selection of respondents to ensure equal gender representation of the youths. The recorded interviews were transcribed, translated and analysed.

COMMUNITY RESPONSE TO CUSTOMARY LAND RIGHTS REGISTRATION

Lack of clarity over who owns communal land affect the people's response to customary land rights registration. Communities believe that they are the owners through their traditional authorities rather than seeing communal areas as state owned. During the colonial period only whites could privately own land in commercial areas and all land in the communal areas was held by the state in trust of the people. Namibia's communal land act after independence have not changed the status quo of land ownership in the communal areas and the majority of so called customary land owners remain legally without ownership rights as these still belongs to the government. Since people believe communal areas are traditional lands which belong to the traditional communities, they fear that registration will relinquish the powers of the traditional authorities over customary lands. Furthermore, they do not see why they should register customary land as they have not in the past seen any threat of losing it to others and therefore are less convinced that this will happen in the future. Some people have more than 20 hectares of communal land and they feel limited to the 20 hectare requirement and therefore refuse to come forward for customary land rights registration. They are still sceptical and have

not come forward to register as they still do not know the reason why they must register and how this will help them. One of the requirements to register for customary land is proof of Namibian citizenship and since most of the people in the villages don't have ID they are not coming forward to register. Since registration require some form of payments for the application and to the traditional authority, not everyone has money to pay for land and many fear they would lose their land when they fail to make such payments and as such many reject customary land registration.

Since many believed the land belongs to them and their forefathers they did not see the reason to register it. In Kavango east region, the majority of youths and their elders have heard about the idea of customary land rights registration as this has been popularised on radio through organised community meetings by the ministry of lands and resettlement officials in the Kavango regional office. Although some youths understand that the reason for customary land rights registration is to give security of tenure to customary land owners and prevent the threat of losing it to other claimants, there remains other youths who sees no good enough reason of why people must register their customary land rights.

There is fear that after the suggested customary land rights registration, the government may inform people that they cannot anymore own more than one piece of land even when such pieces of land traditionally and rightfully belongs to the applicants. Furthermore, there is that fear that the government will give over these so called extra lands to 'strangers' who come from outside the Kavango.

People links registration of anything to a concept of a possible future loss through failure to live up to the expectation of eventual payment. Therefore, people fear that registration could become a clever trick by the government to make the people give to the government what they perceive as their already existing land rights ownership and instead begin to pay for the same land in the future.

YOUTHS PARTICIPATION IN CUSTOMARY LAND RIGHTS AND REGISTRATION

Youths lack knowledge about land as an inheritance and they are not informed or invited to participate in customary land rights discourses by parents and land stakeholders. Generally, the youths have less access and ownership to customary land although male youths are better off than female youths. Male youths are in an advantaged position to access customary land then the female youths as the past and present traditional structures for land transfer, especially in the Zambezi, is patriarchal in nature.

Since customary land is traditionally acquired through one's family structure, many youths who, for example, find themselves in new villages for permanent work finds it difficult to acquire land in those new villages as it is not their family land. The youths can only get land in their parents' villages and since many youths are migrating from the rural to urban areas they are losing out on prospect of owning customary land due to distance (Bukalo, 2014). Currently the youths who own customary land have done so only through their parents and not as individuals but many lack information on how to go about owning customary land as independent individuals through the ministry of land. Since almost every piece of land in the Zambezi already has an owner, youths or any person (local or external) can only gain access to

customary land through the established traditional structures in place which is through their own family structures (Mumbala, 2014).

Some youths assert it is becoming hard for youths to apply for customary land since this is done through the traditional authorities and if one goes to the Khuta one is informed 'you cannot be given land because your parents already have land'. Youths believe they are not given land by the traditional authorities because Indunas only give land to those people they know and this is seen as a sign of favouritism at practice. Youths have generally not participated in customary land acquisition and registration although they indicated that it is a good idea and that they would like to begin to participate.

Youths has been silent and do not participate in customary land rights meetings because they do not own land and therefore are reluctant and ignorant to participate in land related meetings as they do not see what is in it for the youths. Other reason for the absence of youths in land meetings is the selective nature in the invitation of the expected audiences by land stakeholders as usually only land owners (who are mainly elderly) are invited for such meetings at the exclusion of the youths. Youths are invisible in the rural areas as many have migrated to urban areas to attend schools in the urban areas and look for employment opportunities and only the elderly are left behind to take care of customary land. Since traditionally, customary land ownership comes with marriage, many youths are land less and do not have access to customary land because they are not yet married. In many cases youths who own customary land are absentee farmers who live in the urban areas and only sends financial resources to their parents in the rural area to plough the fields for them.

In the rural areas, the perception therefore is that customary land is for the elderly and youths are reluctant to own customary land as individuals. Rural youths are reluctant to own customary land as there is less competition for land and youths continue to live comfortably on their parents' land. The constant threats of forced relocation from Municipalities or Town councils on individuals or groups from the urban areas leave urban youths with uncertainty for a permanent urban settlement. Therefore, to some youths, the idea to acquire customary land is an attractive option as it ensures that if their urban area plans fail or they are forced to leave town then they have a piece of customary land to fall back on. Some urban youths believe that they are in towns only to search for opportunities to accumulate wealth and that one day they will return to the villages. Therefore, urban youths sees their stay in the urban areas as temporary and need customary land in the rural areas to fall back on in the future.

Youths have been too reluctant to participate in community held meetings to discuss customary land rights registration. The lack of participation of youths in customary land rights registration meetings or campaigns are partly because during their upbringing, the youths learnt that land issues are for parents only as traditions gives parents or elderly priority to customary land ownership and allows the youth to have access through the elders. Youths feel that the government ministries have not done enough to inform the youths about the land issues but that equally some youths are ignorant about participating in land reform issues or debates (Dimbare, 2014). Youths regard their lack of participation as a result of the absence of youth programmes to promote land reform issues among youths as not a single youth group exist to promote awareness about the land question among the youths.

YOUTHS PERCEPTIONS OVER CUSTOMARY LAND RIGHTS AND REGISTRATION

Youths in the Zambezi believe that it is the custom of their ethnic groups for land issues to be discussed only by adults in a village and therefore customary land is only for the elders and cannot be owned by the youths. Furthermore they thought access to customary land ownership includes paying to the Khuta money for land and since many youths are unemployed and penniless they do not request for customary land. Some felt they are too young and need to become matured before they begin to get involved in land matters. Therefore, maturity goes along with land matter and many feel they are not matured to deal with land matters. Some youths understand that in the past the ways of securing customary land right was in fact insecure and contentious and therefore the current system of customary land registration is meant to improve security and reduce quarrels over land ownership and to ensure that one's child has a secured land to inherit from the parents or ancestors. Youths believe that secured customary land would avoid disturbances on one's land from other claimants. Youth understand that the purpose for customary land registration is proper demarcation of land boundaries to avoid conflicts as some people likes to wrongfully claim land which does not belong to them. Youths believe government wants communities to register customary land to correct the injustices of the past where some families in rural areas have big pieces of land while others had nothing and therefore this is a way to correct past injustices to ensure every family in the rural area have access to land.

Youths feel the right to customary land should include all people aged 18 years and above as long as they have documents proving that they are Namibian citizens. Furthermore, customary land should be inherited through both a father and mother then is currently the practice in their customs where it is only inherited through males because since most children do not know their fathers it will be difficult to inherit customary land.

Although youths admit they need land they were quick to point out that generations of youths are changing and that most of them nowadays do not think of owning a farm. They conclude therefore that unless youths are identified according to their needs, sometimes it would become a waste of time and resources to give customary land to the youths in a situation where such allocated land will remain unproductive (Dimbare, 2014). Youths believe that one central problem that hampers their need to own customary land is lack of money and other machineries to work the once a piece of customary land is allocated to them. Many of them are unemployed and survive under the care of their parents; therefore they lack the means to make customary land productive.

RECOMMENDATIONS

Government officials should inform communities on the importance of customary land ownership and registration beyond radio medium as not all people have radio to listen to government advertisements. In order to address community beliefs and fears about customary land registration, there is a need to inform communities about the Communal Land Act so as to help them get a clear picture of the significance of land rights registration. Furthermore, mobilization for registration should be extended to line ministries such as ministry of agriculture, ministry of youths, to mobilize the youths on land issues as they are believed to be the future leaders of the Namibian nation. Since youths in general are not interested in

customary land ownership because of the mentality that land is for the elders only, campaigns for customary land should begin to target the youths to provide awareness on benefits of secured land rights so as to encourage their participation in the process. The youths' demand to get registered for customary land in individual capacity and not through their parents should be taken seriously because youths believe this would enable them to make independent decisions over land. Some of the youths are parents starting a family and want to own land to farm on and therefore there is a pressing need to provide land to them separate from parents. Unlike in the past, there is a pressing need now to allocate customary land to females instead of allocating only to the males and although the 2009 speech by the minister of Lands indicates that "a total of 42% (16,219) of the customary land rights registered so far belongs to women" more can still be done with increased efforts. The ministry of lands have in the past largely engaged with the old people on land issues through radio or newspaper but the youths complain of not having been included in their campaigns and this should be the time to do so.

Youths in the urban part of Hardap, for example, said they need land more than the youths situated in the rural centres of Hardap and that these youths in the urban settings should therefore be targeted more in the land campaigns. Youths suggest that the elders should be part of youth discussions so that they understand the youths' plights better. Furthermore youth need traditional leaders to listen to their plights and that there should be a representative of the youths at the traditional authorities quarters where possible who listens and addresses youth concerns over land. The youths should be encouraged to work together with chiefs and traditional councillors for an effective implementation of customary lands registration. A way to understand and appreciate customary land registration is through continued discussions that involves the youths. It seems that youths become aware of the land plights of other youths through continued dialogue. Therefore there is a need to encourage dialogues on the land issue through established networks with other youths in different parts of Namibia. Through established platforms youths can discuss the importance of the land so that even if the importance of customary land ownership and registration is not understood now it will come to be understood later. Such platforms would create more awareness on the land issue so that youths would know where to run when one has a land problem. Programmes can be developed for youths on land use and management and a school subject can be introduced that teaches on youth empowerment through land reform with focus on how the youths can take care of their resources once they are allocated to them.

There is a need to re look at the conditions and procedure to identifying and allocating communal land for Green schemes development so that people do not feel disempowered by the process and links this feeling of disempowerment to other government initiatives such as customary land rights registration. Since many youths suffers from un employment and lack of finance to put their dreams of customary land use to practice, government and various supportive institutions need to support youths to get employment or to receive financial support to help youths put their dreams, hopes and aspiration to reality.

CONCLUSIONS

Youths see customary land rights as the right to use the land for communal purposes such as burials, farming and hunting through the approval of a traditional leader whom they believe is the rightful owner of customary land bequeathed to a child either in a matrilineal or patrilineal way. In the past customary land was passed on either in a patrilineal or matrilineal way depending on a particular community and children were informed orally and allocated their pieces of land before the parents passed on so as to avoid conflicts among potential inheritors. Existing traditional structures managed the land conflicts by ensuring who got land and what was to become the boundary of such land allocation. Patriarchal communities such as in the Zambezi did not allow land allocation through a woman and a woman could only obtain it through a man.

People in communal areas such as the Kavango and to a small extent the Zambezi region believe the land is already traditionally owned and they fear that the registration of it would result in loss, lack of control and eventual payments over customary land to the state and therefore they refuse registration. Furthermore, many are not convinced of the government assertion about improved security of tenure over customary land as this threat has not occurred in the past. Instead many believe that registration would put them in that insecure position to land ownership as they may eventually be compelled by state to pay tax for the registered communal land and eventually lose it if they fail to pay up. The basis for a total rejection of customary land rights registration in the Kavango is based on fears for possible payment over land; reduction of their current large pieces of lands to a mere 20 hectare plot which they believe will result in no land available for their expanding families; the ongoing customary land loss to outside investors of Green Scheme developments have created mistrust in government's assertion of security of tenure of customary land as many have already lost their customary lands to government supported green schemes which communities feel should target unused customary lands and not their subsistence farming land as currently the practice in the Kavango East region.

Youths has been silent on voicing or participating on customary land discourses because they lack knowledge about it and believe that customary land issues are for the elderly. Furthermore, they do not own land and therefore are reluctant and ignorant to participate in land related meetings as they do not see as to what is in it for the youths. Since many youths in communal areas are migrating to the urban areas this means that youth voices on land ownership is only vocal in the urban areas. Youths regard their lack of participation on land issues as partly a result of the absence of youth programmes that promotes land reform issues among them. Although majority of youths indicated they need customary land, they show that they need it for diversified activities and not just farming. Since the majority of the youths that were interviewed were unemployed, their wishes to successfully implement their dreams, hopes and aspiration for customary land ownership will depend on their ability to secure financial support to implement such plans and in this many youths are lacking.

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