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Transparency in the resettlement process of Namibia, XXIV FIG congress, Sydney, Australia 14 April 2010



Namibian Minister of Lands and Resettlement, Minister Alpheus !Naruseb expressed the necessity for:

'a resettlement process which is clear and transparent to an extent that the officials must be able to tell unsuccessful applicants the reason behind a decision.' (Maletsky,2008)







Is there transparency in the resettlement process of Namibia?

- Selection of beneficiaries for resettlement and
- Commercial farm land to be expropriated for resettlement purposes,

Considering:

- the current legislation and policies within the framework of transparency
- the current situation of resettlement and
- are there recommendations for improvement?



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Selection Processes

Beneficiaries of Resettlement

- Legislation/ Policies: groups; organisations; transparent process
- Current: Applications invited, informed of outcome through the press, no followup or reference system

(Resettlement Manual; Resettlement Policy; Act 14 of 2003, as amended)





Commercial Farmland to be Expropriated for Resettlement

- Legislation/Policies:

Right to property can be limited in public interest; expropriation process to be transparent with regard to the *audi et alterm partem* rule, fair and reasonable administrative actions and a prescribed procedure.

> Current:

Kessl Judgement: procedures as prescribed not followed, decisions not taken in participatory manner.

(Kessl Judgment 2006; Harring,S.L. & Odendaal., 2007, 2008; Hunter,J. (Ed.) 2004; Odendaal,W. & Tjiramba,S. 2005; Namibian Constitution; Act 14 of 2003 as amended)



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Problems encountered in selection process

Lack of transparency resulted in uncertainty and a feeling of failed process as a result of :

- »Non- compliance
- >Unavailability & inaccessibility of information
- Lack of participation
- Lack of co-operation between stakeholders
- Unknown processes re appeal/review







Transparency

Good Governance → Transparency → Effective Land Reform Process

1.Access to information

- Available & accessible
- Legislation
- Current

2. Public Participation

- No access to information = no participation
- Effect & Characteristics
- Forms
- Effectiveness



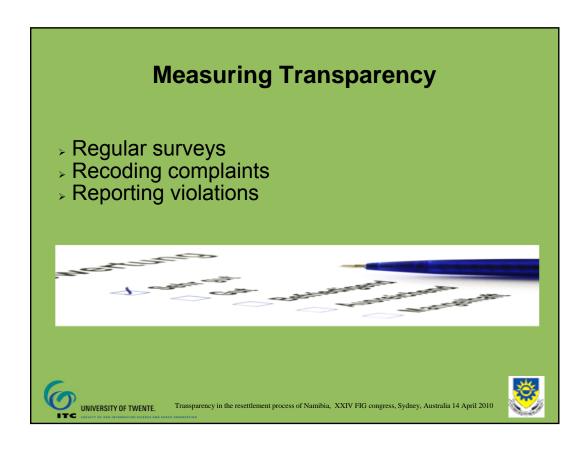
Transparency

3. Institutional Reform

- Complaints & Ombudsman Office
- Municipal Front Office
- One Stop Shop
- Oversight Committees
- Independent Audit function
- Independent Anti- Corruption Agencies
- Participatory budgeting
- **4. Others** such as professional conducts/ethics and monitoring systems

(UN Habitat and TI,2004)





Conclusion and Recommendation

Conclusion:

- Legislation provides for accessibility to information and public participation, but not in practices.
- Institutional Reforms lacking in area of land information

Recommendation:

- Computerization
- Legislation
- One stop shop
- Involvement of RRC
- Participatory Budgeting
- Integrity Pacts







Thank you for your attention



