

AN INVESTIGATION OF LAND REALLOCATION CONFLICTS IN LOCAL
AUTHORITIES IN NAMIBIA: A CASE STUDY OF OMUTHIYA TOWN COUNCIL

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JOB DHIMBULUKWA SHIINDI

201107260

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MAIN SUPERVISOR: PROF. ROBERT. S. ESURUKU (MAKERERE UNIVERSITY)

CO-SUPERVISOR: DR. ARTWELL NHEMACHENA (UNIVERSITY OF NAMIBIA)

DECLARATION

“This thesis is my own original work and has not been submitted elsewhere in fulfilment of the requirement of this or any other study”

Job Dhimbulukwa Shiindi

Signature 

Date: October 2023

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ABSTRACT

This study examined land reallocation challenges between landowners and the OTC to make recommendations for improving land reallocation process. This was accomplished by assessing how land is reallocated within the OTC and how it affects community members. Understanding land reallocation dispute is critical to ensure inclusivity of every Namibian and fair participation in land reallocation process. The study was conducted through a qualitative research design. Primary data was collected through interview guides. The interviews were administered to (8) staff members of the OTC, and fifteen (15) community members affected by land reallocation. The respondents were selected through purposive sampling, which is a non-probability sampling technique. Data was analysed using content analysis. The study found that, community members understand land reallocation process. The findings provide reasons to why land reallocation conflict exists between OTC and community members. The conflict is mainly because of inadequate compensation, unfair treatment of landowners by OTC employees, unclear land reallocation procedures and lack of cooperation and information sharing to residents whose land was earmarked for development. The study concludes that, land reallocation is very beneficial to OTC because of generated income that leads to urbanisation. The study recommends for revision of current compensation policy and guidelines to ensure fair compensation through a model. There is a need to capacitate implementing agencies, community members and compensation guidelines and policy. This means embarking on education and communication programmes to maximise effective communication between OTC and community members.

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ABBREVIATIONS

AHP : Analytic Hierarchy Process

MDCA : Multi-Criteria Decision Analysis

OTC : Omuthiya Town Council

CHAPTER 1 : INTRODUCTION

1.1 Introduction

This study investigates land reallocation conflicts in local authorities in Namibia. It focusses on the Omuthiya Town Council (OTC). The study presents the background in terms of how land reallocations should work on a legal and administrative level, and how it works on the ground land system in Namibia and in which system OTC falls. This chapter also identifies the problem that this research addresses and the significance, limitations, and scope of the study. -In this chapter, literature was also used to present background on various notions on land reallocation disputes as investigated by various scholars.

1.2 Background

In terms of land rights, Namibia presently has two principal land tenure systems: customary tenure on communal land, which is only found in rural areas, and freehold tenure, which is only found in urban areas and on so-called commercial farms (Mendelsohn, Shixwameni & Nakamhela, 2012). Communal land is state-owned land that is held in trust for the benefit of the local traditional community. Even though people may be given a customary land right or a leasehold interest in a section of communal land, communal land cannot be purchased or sold without following the rules outlined in the Communal Land Reform Amendment Act, 2005 (Act 11 of 2005), which was later amended to the Communal Land Reform Amendment Act, 2013 (Act 13 of 2013). Therefore, the implementation of the

National Land Policy of 1998, land reform, registration of land rights and land surveying are thus the mandate of the Ministry of Land Reform who administers the Communal Land Reform Act. However, The Ministry of Urban and Rural Development (MURD) is the superior organisation to the local authorities and regional councils, and it is its mandate to ensure and to provide support services to the local authorities and regional councils. The enactment of the Traditional Authority's Act, 25 of 2000 (the Republic of Namibia, 2000) gave birth to the establishment of local authorities Act, 23 of 1992 (the Republic of Namibia, 1992) that communal land that fell within the boundaries of Local Authorities automatically became Local Authority land. Omuthiya Gwiipundi (also known as Omuthiya under study is the capital town for the Oshikoto Region in Namibia. This is an indication that the Namibian government has provided an institutional framework for the administration of land rights in Namibia.

While land reform has dominated headlines in South Africa, it has also emerged as a major source of contention in Namibia due to public pressure, concerns about the economy's future, and uncertainties about how the process will be managed (Crespo, 2019). There have been questions made about whether Namibia's attitude to land is equivalent to South Africa's, and if it warrants the same level of worry. Their parallels derive from the fact that both countries have a history of segregation, and racial inequality persists. Since 1990, Namibia has paid close attention to land reform in terms of the institutional framework for the administration of land rights, albeit the majority of this has gone to discussions and measures to reallocate commercial land from white farmers to previously disadvantaged Namibians (Mendelsohn et al.,

2012). Furthermore, according to Lühl and Guillermo (2018), Namibia's land reform challenges include land use issues, institutional tensions, land policy agreement, the role of stakeholders, and who has land rights and decision-making authority, resulting in land reallocation conflicts in Namibian local governments.

Article 16(2) of the Namibian Constitution makes provision for expropriation of property with just compensation (the Republic of Namibia, 1990). Urban land and settlement development falls under the auspices of the MURD, and managed by municipalities, town councils and village councils. Once an area is proclaimed for urban land development or urban expansion, those landowners/users affected are compensated and relocated where necessary or incorporated in the new structure plan of the urban land. According to Ottolenghi and Watson (2011), Namibia is a highly urbanized country with about 75 per cent of the population living in proclaimed urban centers. With Namibians increasingly migrating from rural areas to towns and major settlement areas in search of employment opportunities and improved social amenities, town councils have been expropriating properties from rural areas. In 2021, the Omuthiya Town Council report has indicated that the town now has a population of around 5000 people. Thus, the OTC started the process of land reallocation to ensure that it can cater for the growing population by occupying land that was used for agriculture as well occupied by cattle herders for communal farming because of sufficient water pan and enough land for grazing.

Land reallocation means the allocation of agricultural land parcels to individuals or organisations from villages and compensating those who give away their land

(Bräuchler, 2017). When land reallocation occurs, many conflicts develop. Simasiku (2022) claimed that land reallocation disputes have been widespread in Omuthiya since its creation decades ago, particularly due to plot allocation and dissatisfaction with the compensation procedure. Namibia follows the National Compensation Policy Guidelines for Communal Land that were developed in 2019 and it states that during land reallocation, an individual has the option of obtaining two plots but no money, or one plot and full monetary compensation for the value of the homestead (the Republic of Namibia, 2019). However, those who choose the option to receive plots, but no money has submitted objections because they are of the view that the plots, they were provided was too small while those who chose compensation also contended that the compensation granted was unjust (Vatileni, 2022).

Concerning the unfairness of compensation, town councils in Namibia have stated that they follow the guidelines during land reallocation, but people refuse to move because the current compensation amount provided within the compensation policy guideline of 2009 is insufficient to allow those who are reallocated to live a better life (Lusia, 2010). Thus, the outcome from the 2nd National land conference called for the MULDC to review the National Compensation Policy Guidelines for Communal Land 2019 every three years which is now currently in a draft format. This is an indication that the feasibility of land conflicts in terms of land reallocation has been limited by administrative and resource constraints, incessant institutional conflicts, resistance by the affected, inequitable land allocation outcomes. A closer look to the literature on land reallocation conflict in Namibia is limited, however, Lusia (2010) indicated in their study that there are various complaints and growing

discontents by many communities affected by relocation programme of local authorities under the Government of the Namibia's Compensation Policy. However, the Lusia's study but reveals several gaps and shortcomings in terms of the types of land reallocation conflicts that was experienced which remain to be addressed. It is thus, against this background that affected people of different land use are experiencing an adverse impact on life, livelihood, and land productivity due to land reallocation conflict. Thus, this study investigated the land reallocation conflicts in local authorities in Namibia.

1.3 Problem statement

The OTC in the Otjikoto region has significantly been growing as a town since it has been declared as the main town of the Oshikoto region. The town is servicing a surrounding community of approximately 80 000 people. A sharp increase for the community of the town is expected with the development that is taking place, the business opportunities that are being created and the regional and municipal government jobs. This increase has seen the OTC reallocating land of those in villages to make way for the expansion of the town and in return causing land reallocation conflict. There is conflict between OTC and community members that falls within the boundary of OTC. When OTC is reallocating people, some of the community members are reluctant to move and this hinders the development of the town. According to Shinana (2016), community members claimed that OTC officials forcibly moves the affected people and instructed them to stop utilising their land during the cultivating season. The affected people are mostly men that are heading

the houses. According to Simasiku (2018), Omuthiya community members are lamenting for their land because of inadequate compensation for the land they ceded to Council. Various conflicts and concerns have been raised within Namibia regarding the land reallocation process. Section 26 of the Communal Land Reform Act violates Art. 10 (2) of the Constitution prohibition of land discrimination (Bayer, Enemark & Kirk, 2020). Thus, to understand land reallocation conflict, the study draws attention to identifying how land is being reallocated on OTC and how this process impacts the community members and determine what causes land reallocation conflict.

1.4 Research objectives

The study was guided by the following objectives:

- 1) To identify how the land is being reallocated within the Omuthiya Town Council.
- 2) To explain how the land reallocation processes is impacting the community members.
- 3) To determine the conflicts within the land reallocation process in the Omuthiya Town Council.
- 4) To provide ways in which land reallocation conflict can be resolved.

1.5 Significance of the study

The study was conducted to determine how the community members are being reallocated land in OTC and how the land reallocation process impacts both the community members and the OTC. The study is significant because it will contribute to the body of knowledge on land reallocation in the town councils in Namibia. Even though Namibia has made noteworthy progress after the formation of a democratic government, the Namibian community is still characterized by unequal distribution of land. Thus, the need for understanding land reallocation conflict in the town councils, specifically OTC. The study has also identified recommendations that can be used to inform land reallocation policies and procedures in combatting land reallocation conflicts. The outcomes of the study will also provide strategies on how to improve the participation of community members in the land reallocation processes to ensure that it impacts both the OTC and community members positively. The study provides a basis for future research, thus contributing to the body of existing knowledge about the land reallocation conflict in Namibia.

1.6 Limitations of the study

One of the limitations was the unwillingness of some of the participants to provide information and limited time to conduct interviews as researcher is full-time employed. Moreover, most OTC employees were working from home and thus made it difficult for them as interviews were prohibited from being carried outside their respective places of work (offices), let alone virtually (telephone or internet call). To overcome the unavailability of participants, regular follow-ups with the participants

was important. Another limitation was that there seems to be limited studies done on the topic of land reallocation conflict in the local authorities. This impacted the literature review in terms of supporting the findings from the study. Most public sector reports and documents are for public use, but to some extent, access to some relevant information relevant to the study was a challenge and thus literature from other countries was used.

1.7 Delimitation of the study

The study population only covered the Omuthiya Town Council and no other town councils in Namibia. Moreover, the study did also not cover the entire population of Omuthiya Town Council employees and residence.

CHAPTER 2 : LITERATURE REVIEW

2.1 Introduction

The preceding chapter described the issue in terms of land reallocation dispute, which occurs when community members under study stated that their Town Council officials forcefully relocated them and forced them to stop cultivating their land. This problem formulated the research questions, aim and objectives, among others as the basis for the study. This chapter presents a review of literature on the subject. The literature review links the purpose of the study to various theoretical perspectives on the current topic. This chapter mainly looks at land reallocation administration mainly in Africa. It also looks at multiple concepts such as how land reallocation is reviewed and how it is carried out. The literature review gives evidence from different countries on how land reallocation is emerging and how various models exist in conflict management, and how the governance, environment and society fit into land conflict.

2.2 Institutional Framework on land administration

Several institutions are involved in governance and administration of land at national, regional, and local level. The Ministry of Agriculture, Water and Reform (MAWLR), formally known as the Ministry of Land Reform as well as the he Ministry of Urban and Rural Development (MURD), Local Authorities, Traditional Authorities and the Communal Land Boards are the different institutions with the mandates concerning the regulation and management of the land sector (De Villiers et al., 2019). To ensure equitable access to the country's land resources, the

(MAWLR) was established after Independence with the jurisdiction of land reform and administration. Therefore, the implementation of the National Land Policy, land reform, registration of land rights and land surveying are thus the mandate of the Ministry of Land Reform. The Ministry of Urban and Rural Development (MURD) is the superior organisation to the local authorities through the Local Authorities Act 23 of 1992 and regional councils (The Republic of Namibia, 1992). Its mandate includes ensuring proper town planning, infrastructure development, and land use management, as well as aiding local governments and regional councils. The ministry's other responsibilities include assisting in the development of capacities and giving local governments and regional councils more power.

2.2.1 Omuthiya Town Council

The Oshikoto Region of Namibia is headquartered at Omuthiya. The Omuthiya Town Council which is under communal land (freehold/ urban) was established in October 2007, and the town was founded in September 2008. According to De Villiers et al. (2019), town councils such as the OTC, municipalities, and village councils are responsible for urban land and settlement development that falls under the auspices of the Ministry of Urban and Rural Development. Namibians are increasingly migrating from rural areas to towns and major settlement areas in search of employment opportunities and improved social amenities. The current annual rural urban migration rate in Namibia is at 4%, leading to a situation whereby 47.9% of the population is urbanised (Namibia Statistical Agency, 2017). According to the 2011 census, the town had a population of 3,800 people as of 2011, with 2,800

females and around 1000 men (Namibia Statistical Agency, 2017). The town also provides services to a neighbourhood that has about 80 000 residents. According to an analysis, the town's community should expect significant growth because of the current development, new economic prospects, and positions in local and regional government (Simasiku, 2022).

Town councils in Namibia such as Omuthiya are facing pressure to provide land for building of houses. Thus, a previous study done at the Namibia University of Science and Technology (NUST) study found that the housing backlog at the Omuthiya town stood at 3 000 (Tlhage, 2022). Kasuto () also echoed the pressure that the OTC is undergoing in providing 50 plots of land for housing for organisations such as the National Housing Enterprise. There exists a considerable amount of literature on the demand for housing as researchers such as Sithole and Goredema (2013) indicated that the demand is usually due to urban development as a remedy to rapid urbanization. However, urbanisation also means established towns must also construct, maintain, and upgrade massive transportation, energy, water, and telecommunication networks. Over time, extensive literature developed on the demand for land for urbanization indicates that towns can make this land available by expanding urban land by taking land from the rural areas (Mattingly, 2009).

The Namibian Constitution provides for the expropriation of property with appropriate compensation under Article 16(2). According to De Villiers et al. (2019), once an area is declared for urban land development or urban expansion, impacted landowners/users are paid and relocated if necessary, or accommodated into the new

structure design of the urban land. As a result, the Namibian government employs the willing seller willing buyer concept to acquire agricultural property for redistributive purposes. Nebwaya (2019) have shown that the OTC have proclaimed certain areas for urban land development or urban expansion and needed N\$42 million to compensate residents whose land was earmarked for development. The OTC, on the other hand, has been accused by its residents of neglecting to compensate them or the compensation was not enough for the land they surrendered the council to make way for development (Simasiku 2018; Vatileni, 2022).

Compensation Policy Guidelines for Communal Land are in place and provide the basis for calculation of compensation. These guidelines also provide for criteria and methods for the payment of and calculation of compensation for rights to communal land when it is acquired for townland and for public sector development. According to the existing compensation policy guidelines of 2019, an individual has the option of obtaining two plots but no money, or one plot and full monetary compensation for the value of the homestead. Deininger et al. (2012) pointed out that an aspect of good land governance is that expropriation procedures should be justified, time efficient, transparent, and fair. For reallocation procedures to be fair and transparent, it should include consultations and mechanisms for appeal, be based on agreement and have fair compensation as an outcome (Deininger et al., 2012). The CEO of OTC have however, noted that right procedures were followed when compensation was given and blamed the residents of not understanding the compensation policy as some were of the opinion that if they get money, they should also get a plot of land (Simasiku, 2018). Thus, the conflicting views prompted the need to listen to both the OTC

employees and those who were relocated to identify how the land is being reallocated within the OTC and determine the conflict.

However, studies have demonstrated that compensation must make individuals either better off or retain their livelihoods as they were before their land was taken away (De Villiers and colleagues, 2019; Gotsis, 2016). Therefore, as one of the resolutions originating from the 2nd National Land, the Ministry of Land and Development was directed to spearhead the review of the National Compensation Policy Guideline for Communal land 2009 every year and one of the changes that needed to be enacted within the guidelines that is currently still in the draft format is that the old guidelines was undercompensating the residents that made relaxed to move in paving way for development (Melber, 2019; Nashongo, 2022).

2.3 Land reform in Namibia

Communal land is one of the land tenure systems in Namibia, the other being freehold land tenure system. Since independence in 1990, land allocation and administration in communal areas of Namibia have been impeded by the absence of clear and coherent communal land legislation. However, as Hifikepunye Pohamba, the Minister of Lands, Resettlement, and Rehabilitation at the time, stated, one of the new government's key aims was to provide Namibians with access to land (Turner, 2009). In short, literature on ensuring equitable land redistribution clearly implies that Namibia, like many developing nations, had to start a land redistribution programme to achieve fair land allocation across the nation (Mandimika, 2020). However, it was clear that access to land was not sufficient, and that it needed to be

complemented by other factors to ensure that the land was used productively. Studies of equitable access to land are well documented, it is also well acknowledged that having legislatives in place eliminate inequities in land ownership and access (Holden & Otsuka, 2014). As a result, the initial effort to establish the Communal Law Reform Act began in 1995 with a series of workshops, seminars, conferences, and meetings, and suggestions from stakeholders were included into the working text (Behr, Haer & Kromrey, 2018; Christensen, 2019; Mendelsohn et al., 2012).

The journey towards the development of the Communal Law Reform Act in 1995 made it clear that communal land that was under study was vested in the State by Article 100 of the Constitution of Namibia. The State was thus under a duty to administer communal lands in trust for the benefit of the traditional communities residing on these lands and for the purpose of promoting the economic and social development of the Namibian people. However, there have been debates that the situation regarding communal land was much less clear which needed Namibia to develop a land policy. To respond to these governance challenges, the government addressed the land issue by adopting a National Land Policy in 1998 in which a unitary land system is proposed. The National Land Policy described the situation prevailing in communal areas in the following way: ...

“In some areas, traditional authorities currently undertake land administration with varying degrees of efficiency and legitimacy. In other areas, there is no clear or broadly accepted authority over land. In several parts of the country there is growing tension between those who are thereby excluded from access to this land. The roles and rights of the government, the chiefs, the rich and the poor are still

uncertain. Under these circumstances, many people continue to see the communal areas, and communal land tenure, as receiving second class treatment and offering second class land rights to the Namibians who live there.” (The Government of Namibia, 1988).

However, according to Werner (1999), even with the new policy, there weren't any steps required to resolve uncertainty relating to communal land over legitimate access to and rights over land, as well as how land was to be administered. Werner (1999) went on to say that these uncertainties stem from a lack of authority over communal lands, as well as the role those traditional authorities played in land distribution and usage, as some larger communal farmers fenced off portions of land without permission, limiting access to these areas for smaller communal farmers. Therefore, all this pointed out the lack of defined policy and administrative mechanisms for land distribution and administration, doubts concerning lawful access and rights to land, and the methods in which land is handled were the three primary land governance concerns that surfaced with relation to communal land at Independence. In response to these challenges, the government of Namibia came up with the Communal Land Reform Act, 2002 (Act No. 5 of 2002).

Land is a key element to socio-economic development, peace- and state-building in Africa. It is inherent to local identity and inextricably linked to power. In Namibia, land rights were historically administered and allocated by traditional authorities. Unlike Namibia, the land reform process in Zimbabwe gained momentum in the late 1990s with three streams of land reform, namely: the market; compulsory land acquisition; and negotiations, underlain by land occupations (De Jager, 2008).

Namibia's land reform has now however, undergone changes for 33 years. On inception, land reform was informed by socio-economic and political dynamics in the country but lacked clarity on the preferred type of rural development (Hall et al., 2017). The question is still relevant for Namibia but others in the context of Zimbabwe and South Africa argue that the 'state may use redistribution as part of consolidating political power' without bringing tangible benefits to the poor (Matondi et al. 2009, Hall et al. 2017).

The Communal Land Reform Act, 2002 (Act No. 5 of 2002) provides for the allocation of rights in respect of communal land, the establishment of communal land boards, and powers for the chiefs and traditional authorities and Land Board in relation to communal land. However, with the adoption of the 2002 Act, these customary land rights were codified. According to Behr, Haer, and Kromrey (2018), despite being a decentralization reform, the Act reintroduced the Namibian state as a central actor in land tenure, resulting in power struggles between the state and traditional authorities. There exists a considerable body of literature on the conflicts that occurred between the state and the traditional authorities over land (Behr et al., 2018; Hebinck, 2021). This has also been explored by Miyamoto (2022) who compared and contrasted court cases involving land conflicts between herders in northwestern Namibia and traditional authorities and discovered that this conflict arose because traditional authorities, established during colonialism, were able to maintain their influence granted to them under national legal systems. Most early studies as well as current work focus on land conflict between government and the traditional authority in terms of land rights without looking at land reallocation

conflicts in local authorities in Namibia. Therefore, the next section will review literature on the legal framework for land reallocation in Namibia.

2.3.1 Land reallocation in Namibia

Namibia's rural customary lands are characterized by population growth and changing communal agricultural systems. The nature of the customary land tenure system has resulted in rural lands being transformed into small and irregularly shaped rural land parcels that are not optimum for communal agricultural productivity, and arguably sustainable livelihoods (Behr, Haer & Kromrey, 2018). Even though Namibia's communal agricultural sector remains one of the Namibian economy's economic activities, studies agree that the livelihoods of persons on communal land are based on a diversified mix of livestock-rearing, subsistence farming, and labor exploitation (Mendelsohn et al., 2012). Similarly, while sources of livelihoods in the communal areas have been diversified, communal land continues to serve as an important basis of people's livelihoods (Melber, 2019). It serves as a safety net for many, particularly the rural poor. Amidst all the benefits of communal agriculture, particularly households in communal areas having private tenure rights to their homesteads, cropping fields, and cattle kraals, which are held as customary land rights, Mattingly (2009) suggest that the demand for land for urbanisation shows that towns may take away these land rights to expand urban land. The Namibian Constitution currently provides for the expropriation of property with appropriate compensation under Article 16(2). According to De Villiers et al. (2019), once an area is declared for urban land development or urban expansion, impacted

landowners/users are paid and relocated if necessary, or accommodated into the new structure design of the urban land.

This indicates that holders of local customary land rights do not have legal protection for their commonage rights against the state. A study have shown that a formal 'owner' of community property in Namibia have claimed that the state had claimed the authority to expropriate commonages for economic development projects regardless of existing customary land use rights to such land (The Bank of Namibia, 2012). According to Nghitevelekwa (2020), communal land uses have evolved beyond homesteads, agricultural production, and livestock rearing to include tourism and hospitality facilities, fueling stations, conservation areas, small-scale commercial farming, green projects, diverse business initiatives, and many more. Communal land is also quickly reclaimed for other uses, such as expanding local government districts. The government's compensation guidelines from 2009 encourage this, as they give compensation for land, structures, and trees on individual estates (The Government of Namibia, 2009). Thus, local land users take advantage of the increasing demand for land by subdividing their landholdings into small parcels which they trade off in exchange for money (Nghitevelekwa, 2020). Thus, access to land is becoming increasingly commodified and involves active land speculation (Mendelsohn & Nghitevelekwa 2017).

Individuals whose land rights have been expropriated for public use are reimbursed by the expropriator under the country-specific expropriation and compensation legislation (Tagliarino, 2018). This compensation is established to compensate for rights such as land, buildings, and unutilized improvements, as well as for disruption

and payments for other negative socioeconomic impacts (Alemu, 2015). Kabanga and Mooya (2018) noted that the goal of expropriation compensation is to mitigate the negative effects of the government's land use restrictions. According to Alemu (2015), this compensation, in the form of insurance, seeks to repay or restore the aggrieved party's pre-expropriation position. In addition to compensation for the market value of land, buildings, and other unutilized facilities, the expropriated party is frequently compensated for disruption (Tagliarino, 2018). Relocation expenses, asset dismantling costs, and profit loss are examples of rights that might be classified as interruptions (De Villiers et al., 2019).

Like other governments around the world, the Namibian government, deploys expropriation to acquire land for government projects. For instance, the government in Namibia expropriated lands where families affected by the expropriation are still awaiting compensation (Mendelsohn & Nghitevelekwa, 2017). However, Section 40 of the Communal Land Reform Act (2002) allows for payment for improvements, which is reinforced by the Compensation Policy Guidelines of 2009. The loss of land, homes, and other immovable assets on land, as well as the disruption of economic livelihoods, the loss of family relationships, and the loss of ancestral legacy, are all consequences of displacement brought on by land expropriation, according to Louwsma et al. (2017). Furthermore, by Bluwstein *et al.* (2018) emphasised that due to legislative shortcomings in their recognition and the incapability of market valuation methods to determine the economic values of intangible and irreplaceable productive assets other than tangible assets and real estates, expropriated parties are not always compensated for a significant portion of

these entitlements. The basis for this study's reasoning is how expropriated landowners perceive sufficient compensation in relation to disputes over property reallocation. This study fills a knowledge gap about disputes that result from reallocating land for reasonable compensation, receiving monetary and erven compensation, and providing alternative land in community areas for farming.

Land reallocation is seen as the most important stage of land consolidation where property rights are exchanged, and farmland parcels are redistributed and reorganized (Asiama et al., 2019). Land reallocation in Namibia is performed by legal institutions such as the Local Authorities operating under legal arrangements. When the Local Authorities identify land for development, they use the compensation policy of 2009 to expropriate this land and those who need to be reallocated, their property rights are exchanged, and farmland parcels are redistributed and reorganized. Through this process, those who are reallocated are given a choice to either receive compensation in money and erven or they are given a provision of alternative land in communal areas for farming purposes. Therefore, land reallocation was therefore a potential source of dissatisfaction among those in charge of the reallocation process, farmers and landowners.

The Namibian government has given the power to the Local Authorities to conduct land reallocation through compulsory land acquisition for town development. However, there have been arguments that the local authorities have been abusing their powers in this regard. When the then-head of the Mafwe Traditional Authority awarded a section of communal land to a Zambezi resident's father in 1985, the resident continued to live on the land in question after his father's death in 2001

(Menges, 2018). Menges (2018) further added that once the land was transferred to Katima Mulilo Town in 1995, the town council rented out and eventually sold sections of the land occupied by the resident. This is an example of the town council abusing their power in the land distribution process, as rights over communal land awarded before to Namibia's independence are safeguarded by the Constitution and are not terminated when the land becomes the property of a local authority. Thus, the right process was for the town council to engage the resident and follow the reallocation process as outlined in the compensation guidelines of 2009 to compensate the resident to avoid the conflict that had to be resolved in court (Mufune, 2010). The issues of land conflicts reflecting in general inequality and power struggles as well as the voice given to certain groups of individuals have been researched by Bräuchler (2017). In these, Ntung (2019), administrative institutions need to ensure that they follow the right procedures to avoid land conflicts as this conflict can produce negative consequences for individual people and the entire society.

The current compensation guidelines of 2009 have also indicated that its fundamental compensation is to put the claimant in as near as possible to the same position as he or she was before the acquisition or displacement principle is applicable to situations where land and improvements are involved, whether it is communal or freehold. It is also recognized that for communal land, ownership is vested in the State for the benefit of the community's use. However, there have been conflicts between landowners and town councils as the landowners believed that they were given unfair compensation (Simasiku 2018; Vatileni, 2022). Seeing that one of the

compensations that landowners can choose is to be reallocated to alternative land in communal areas for farming purposes, there have been conflicts where farmers felt that the land allocated to them was too small. It was reported in literature that the small separate and irregularly shaped farmland parcels, especially in the rural areas, result in the inability of rural farmers to harness mechanized farming procedures and take advantage of economies of scale, to increase farm productivity (Asiama et al., 2019). Those who have received land parcels from the town councils have indicated that the small separate and irregularly shaped parcels given for reallocation, especially in the rural areas, result in the inability of rural farmers to harness mechanized farming procedures and take advantage of economies of scale, to increase farm productivity (Simasiku 2018; Vatileni, 2022).

The Bank of Namibia (2012) have indicated that such losses have occurred in Green Schemes (for example, Ndonga Linena and Sikondo), the Neckertal Dam, and on hundreds of thousands of hectares of Kavango land given to small-scale commercial farms. Therefore, one of the resolutions from the 2nd national land conference was a call to review the communal land compensation policy guidelines as well as to revise the current compensation policy every three years. The current compensation policy guidelines states that “the government shall strive to provide the affected person with alternative land of similar size as the one which has been taken away from him, but subject to availability or ideally they can be moved to other traditional authorities” (The republic of Namibia, 2009). Conflicts have resulted from the reallocation of individuals to different traditional authority. Contrarily, there have been family conflicts because some family members preferred to remain on their ancestral land

and did not want to be transferred to other Traditional Authorities, while other family members were okay with selling and receiving compensation for farming land in another Traditional Authority (Melber, 2019).

A study done in South Africa has indicated the mounting frustrations over unmet demands for secure access to land in rural and urban areas featured prominently in public hearings on a possible amendment to the Constitution. This was commissioned by the South African parliament's Constitutional Review Committee in 2018 (De Satgé & Cousins, 2019). Evidence shows that it is essential to have access to land, as most African livelihoods depend on land for their social and economic well-being. In South Africa, De Satgé and Cousins (2019) have suggested changing the land redistribution policy to ensure that they cater for the poor. The rate of implementing the land policy in most African states has, however, remained slow. Many African countries have recently embarked on changing their land policies and land legislation and land reforms.

2.4 Defining land reallocation

According to Louwsma *et al.* (2017), land reallocation requires understanding land consolidation and a land adjustment as they are the two terms enabling the rearrangement of land rights to satisfy the required land for development. This should be necessary because land is a valuable resource (Louwsma *et al.*, 2017). The argument is that various land-use types compete as some need land either for agriculture or for conserving nature or urbanisation. Long, Zhang and Tu (2019) argue that the core objective of developing the rural or urbanisation is to systemically

establish a connection pattern of various rural development elements including population, land, and industry. One of the prerequisites required its land resources that should be optimally allocated via land reallocation. Research by Sanga (2019) has shown that various country governments need to urgently strike a balance between the need for having a sound spatial development that is not imposing possible conflict on land uses.

According to Louwsma *et al.* (2017), land consolidation is a process that focusses on land rights within the rural areas, while readjustment focuses on land within the urban area. Therefore, the considerable difference lies within the various methods used based on the context of the land applied, although it varies from country to country. Land reallocation is seen as the most critical land consolidation stage where property rights are exchanged, and farmland parcels are redistributed and reorganised (Asiama *et al.*, 2019). However, Aslan *et al.* (2018), land reallocation is a potential source of dissatisfaction among farmers and landowners. Several attempts have been made to make land reallocation processes more objective (Zhang & Ye, 2016). Xie *et al.* (2017) argue that land allocation does not automatically guarantee land ownership in terms of transfer even though it opens the door for negotiation when it comes to the transfer of land rights. Transferring of land rights during the process of land allocation requires a transfer or lease agreement. According to Andersson and Åkerblom (2016), the transferor leasing agreement comprises the landowner's conditions and the client's land related to the exploitation process. One of the issues identified within the land allocation process or readjustment stems from exchanging

land rights (Zhang & Ye, 2016). This section provides the various types of land reallocation as provided and reviewed by various researchers.

2.4.1 Land ownership reallocation

According to Asiama *et al.* (2019), land reallocation is seen as the most critical land consolidation stage where property rights are exchanged and farmland as land parcels are redistributed and reorganised. Thus, land ownership reallocation is the reallocation of land among the different ownership holders to make the boundaries regular and eventually facilitate various land development initiatives (Bugaienko, 2018). For Ukraine and most Eastern Europe states, the need for land consolidation is to a great extent predefined by the need to improve agricultural land tenure and land ownership parameters, formed in land reform (Bugaienko, 2018). In China, Luo and Hu (2020) state that land reallocation only occurs when boundaries among different land ownership holders are different government or villages. However, the implementation of acquisition and reallocation of rights in land necessitates the need for legally defined procedures and appeals mechanisms so that the public has confidence in the security of their titles (Zhang & Ye, 2016). Thus, the improvement of the existing land tenure and land ownership system following the social, economic, and environmental challenges is an essential issue of modern land management (Bugaienko, 2018).

2.4.2 Land Contractual Management Right Reallocation

According to Luo and Hu (2020) Land Contractual Management right reallocation is mainly to alleviate farmland fragmentation by centralising scattered land parcels contracted by households. This is the typical land reallocation involving land redistribution and land partitioning and is also the central part of land reallocation in China. Consequently, this paper will mainly focus on this type of land reallocation.

2.4.3 Reallocation of other Rights of Land

According to Asiama *et al.* (2017), land reallocation is seen as the most critical land consolidation stage where property rights are exchanged, and farmland parcels are redistributed and reorganised. Land reallocation is, therefore, a potential source of dissatisfaction among farmers and landowners. According to Ertunç, Çay and Haklı (2018), this happens because land reallocation may provoke disputes and dissatisfactions due to the resulting rearrangements of property rights. Several attempts have hence been made to make land reallocation processes more objective. Other rights of land consist of leasehold, mortgage and so on. Xiaobin and Yanmei (2016) added that reallocation of other rights of land means to readjust land carrying rights mentioned above, the procedure and objective of it are mainly the same to land contractual management right reallocation, only this type of land reallocation needs to take into consideration the preference of right holders of these rights. However, Cao, Bai & Zhang (2020) explained that other land rights rarely exist on farmland in China and neither does reallocation. From this perspective, land reallocation in China is relatively not burdensome.

2.5 Land reallocation process

In particular, the process of land reallocation involves bringing together all the land or properties belonging to a different owner in a specific area in terms of a new subdivision of land into parcels and redistribution of the land to the same landowners (Asiama *et al.*, 2019). Li, Wu and Liu (2018) added that land reallocation is the most critical and complicated process of land consolidation given the many criteria that should be considered. The great importance of land in all societies and the comprehensive restructuring of land tenure generated after land consolidation. Thus, sometimes, the terms of land consolidation and land reallocation are used synonymously. This study looks at an approach for land reallocation to support responsible land consolidation on customary lands by considering these factors.

The application of the customary land reallocation model around interest has several implications and sometimes at odds with the broader body of land reallocation knowledge. These are discussed by Asiama *et al.* (2020) in terms of land fragmentation, mediating authority and land tenure situation, local customs, and land mobility. Asiama *et al.* (2020) added that the results showed that land fragmentation, physical and legal alike, was reduced in interest in land fragmentation. According to Sims and Kienzle (2016), this approach significantly reduced the number of farmland parcels, increased farmland parcel sizes, reduced land tenure fragmentation, increased accessibility to transportation lines, and slightly improved the parcel sizes in the area. Many studies have used the size of the farmland parcels and the number

of parcels per holding as the key indicators of land fragmentation and land reallocation success (Aslan *et al.*, 2018).

2.5.1 Analytic Hierarchy Process

One process for determining land reallocation is a model that is based on the preferences of the landowners in the land consolidation process (Aslan *et al.*, 2018; Haklı, Uğuz & Çay, 2016; Zhang *et al.*, 2018). This process requires the landowners to predetermine what they prefer and the criteria through which land reallocation will be developed. According to Aslan *et al.* (2018), criteria are used to calculate the preferences mainly through criteria such as the fixed installations, largest parcel, parcel density, and high degree which are further scored on the order of importance. Asiama *et al.* (2019) try to improve and simplify this approach based on landowners' preferences, spatial spread of the farms, blocks, and priority parcels. As stated by Tezcan, Büyüктаş and Aslan (2020), this reallocation process is a legal obligation in Turkey, which considers landowners' preferences. First, the planner should perform these preferences at interview and perform these interviews very carefully because they are a tool for rearranging property rights.

Lately, the need for participation became more apparent, but this does not mean that land consolidation before was not participatory. According to Long, Zhang and Tu (2019) at several moments land right holders were involved in land consolidation; voting, registration of lease contracts, expressing their wishes regarding the new allocation, the possibility to object to decisions are all forms of participation.

However, another level of participation became involuntary land consolidation that affected practice informal land consolidation projects. According to Gedefaw *et al.* (2019), involuntary land consolidation has no regulations concerning the process exist, and therefore new forms of participation emerged. In such case, there is no need for voting on the Land Consolidation Plan, since all landowners, upon the proposal of the re-allotment planner, have decided on the conditions of re-allotment of their parcels (Louwsma *et al.*, 2014). The analysis of different country cases has demonstrated that different land consolidation approaches such as voluntary, majority based and mandatory, may be used to achieve the desired land management results in this study even though the approach of land consolidation chosen should correspond to the situation of the specific country.

Asiama *et al.* (2019) claim that firstly, land reallocation usually takes land ownership reallocation and land contractual management right reallocation both into consideration. According to Zhang and Ye (2016) the necessity and willingness of landowners must first be analysed separately and due to area of farmland involved in ownership reallocation is always small and the location is relatively fixed, it is often solved, if it needs to solve, before land contractual management right reallocation. Asiama *et al.* (2019) added that farmers' preference is held in great honour. The farmer's willingness is the necessity to initiate both land ownership reallocation and land contractual management right reallocation. Farmers` preference still prevails in preparation of land reallocation plan, and the result of the plan must be revised according to farmers` preference. According to Tezcan, Büyüktaş and Aslan (2020),

the reallocation process is a legal obligation in Turkey, which considers landowners' preferences and first, the planner determines these preferences at the interview. Tezcan, Büyüктаş and Aslan (2020) further added that these should be performed very carefully because they are a tool for rearranging property rights.

There is a framework for general land reallocation process with regards to the customary lands. According to Asiama *et al.* (2019), the process is centred on the technical and legal aspects of land reallocation and based on the nature of the land rights that can be exchanged, it is seen that customary lands have several layers of interest inland, depending on the area being dealt with. Thus, Asiama *et al.* (2019) claim that land rights' minimum ownership is mainly at the family level. The individuals receive their legal right from the owner to use the owner's land for a certain period. Furthermore, Beck and Bjerger (2017) claim that since the goal is to keep lands within the family as much as possible in favour of the future generation, land exchanges in terms of land reallocation should be done within the families first before the authorities get involved.

2.5.2 Multi-Criteria Decision Analysis (MCDA)

Along with Pašakarnis *et al.* (2020) land management instruments can no longer rely upon manual processes or traditional structures developed to support former economic systems. Zhou, Li, Xu (2020) emphasised that land consolidation requires difficult and conflicting decisions such as why and where, to satisfy the balance between ecology, the environment and agricultural efficiency. The MCDA allows ranking and prioritising land areas for land consolidation. The MCDA is a general

framework for supporting complex decision-making situations with multiple and often conflicting objectives that stakeholders' groups and decision-makers value differently (Zanghelini, Cherubini & Soares, 2018). Langemeyer *et al.* (2016) have proved that MCDA shows strong potentials for integrated assessments of ecosystem services. It also provides deliberative approaches that can support engagement with stakeholders. As said by Pašakarnis *et al.* (2020), the MCDA has been applied in the western part of Lithuania to rank municipalities with the highest potential for land consolidations. Pašakarnis *et al.* (2020) further claimed that the proposed framework could enable national and local authorities to prioritise their resources and manage land consolidation processes more efficiently.

2.6 Land reallocation conflicts resolutions

2.6.1 Understanding land conflicts

When at least two or more parties with differing origins are not in agreement is known as conflict. Therefore, land reallocation conflict can be restricted as a social fact. At least two parties are involved in a disagreement over different property rights interests to use specific lands. Globally, disputes regarding land reallocation are common in virtually all societies. In an ideal community, institutions and transparent procedures in place to resolve such disputes or lead to a process that minimises their possibility of resulting in violent conflicts (McCann, 2019). However, in societies characterised by the insecurity of interests, inequality and weak institutions, it may aggravate such disputes through sheer neglect or predatory and discriminatory policies (Mbazor, & Ojo, 2019). Land disputes are becoming more intense and

diversified world over. However, it should be noted that land dynamics are context-specific and continuously.

Following Arslan, Tschirley and Egger (2020) conflicts often occur in developing countries where much of the population is rural as developing countries have a relatively low level of urbanisation and a relatively high percentage of the labour force within the sector of agriculture. This usually results in the well-known spread of conflicts in the developing world, and these conflicts usually have a severe impact on the economic, social, spatial, and ecological development (Fowowe, 2017). This outcome is usually very evident in developing nations who are still transitioning as the land market institutions in these countries are weak. Zeković, Petovar and Nor-Hisham (2020) noted that the opportunity to gain economic opportunities is usually through illegal actions. Many people in this country lack immediate land access (Goldman, Davis & Little, 2016). However, land conflicts are also known to have a disastrous impact on individuals, groups, and even entire nations. A study conducted in Kenya have argued that any disputes related to land are also perceived to be clashes between different cultures are conflicted over land and related natural resources (Greiner, 2017). Thus, Gotsis (2016) argues the need to use the land without excluding anyone by ensuring that the land rights are transferred to the rightful owners and should compensate landowners for that specific land.

Therefore, they can understand land reallocation conflict regarding the misuse or dispute over property rights to land. Natural resources such as specifically land, is crucial in various communities as they are a source of opportunities for a better livelihood. Moreover, De Juan *et al.* (2019) added that people who own land are

provided with a sense of security such as formal opportunities for employment which usually are hard to find because the accessibility to land is minimal even though land resources have always been and continue to be attached to cultural and historical significance. Thus, this often results in conflicts amongst various parties. Ntung (2019) did a study in in Burundi, and the Eastern Democratic Republic of Congo (DRC) have indicated that their land issues are rooted into the tenure insecurity, violent conflict, and displacement presents an explosive mixture.

Furthermore, Bashangwa *et al.* (2020) is of the idea that communal land tenure systems face challenges of land-use conflicts within or between civil wars in Burundi and this have resulted in the displacement of people from their lands and hence resulting in a pressure of land reallocation. A study done in Indonesia has proved that land-use conflicts are common. Their government-issued an official regulation, allowing the state to take over land to be used for the construction of public facilities, even if no agreement has reached to farmers residing on their lands (Yusran, *et al.*, 2017). According to Magsi *et al.* (2017), this rule had raised public concerns and protests throughout Indonesia as many of farmlands were lost due to infrastructure projects. Another study conducted in Nigeria has shown that Inter-communal land conflict in Benin City has increased owing to informal land subdivision by land-owning communities (Agheyisi, 2019). This study's outcome was that as development intensifies, boundaries between communities in peri-urban areas become distorted, leading to contestations and violent conflicts (Agheyisi, 2019).

Even though the land is always the centre and the most apparent conflict issue land conflicts often ignite various societal conflicts as they are the ones that are more of a

visible part of a more severe conflict which is rooted much deeper in the society and its history (Bräuchler, 2017). Bräuchler (2017) further argues that very often, land conflicts only reflect the general inequality or unfair distribution of wealth, voice and power in a given society and the discrimination against certain groups, such as women or ethnic minorities. In these cases, it is crucial to tackle the main problem and solve the land conflict no matter how peaceful or violent they are as have had they produced negative consequences for individual people and the entire society (Ntung, 2019). Bluwstein *et al.* (2018) noted that many daily experiences sell their property by someone else who also claims to be the owner in Africa. Countries like Cambodia have many families that lost their lands even though they believed it was better than losing their lives (Bateman, 2017).

Those involved in the land conflict are required in understanding land conflict. Kansanga, Arku, and Luginaah (2019) argue that those involved in the land conflict is usually community members or individuals' occupants as they fight over claims related to land rights, transfer, or boundaries. Studies usually concentrate on household individual land disputes (Mathys and Vlassenroot 2016), without considering the gender of those involved in marital status, gender, and their position in the households. However, Rakodi (2016) found that there is however an increasing recognition that the majority of disputes related to land are in connection with household members facing a difference in access to land and this affects their well beings as well as land security in terms of who decides with regards to land when reallocation happens as some of them is generational land that is inherited within a particular household making land reallocation difficult.

A study conducted in Bangladesh found that gender-related land conflicts are mainly associated with their dowry system of marriage and the aftermath of what happens after divorce and the disinheritance and displacement of women (Das, 2016). Other disputes are also linked to the internal conflicts within certain individual homesteads. However, it can usually resolve it within their homesteads is usually never resolved. It requires the administration system's involvement outside these homesteads, such as traditional authorities, political actors, land administrators, or even legal systems (Laband, 2020). This already provides room for reallocation conflict. There are already conflicts within these homesteads, proving that reallocating these individuals or homestead will result in further conflict. Therefore, they cannot ignore the individual conflicts within households in terms of understating when there is a need to understand the root cause of reallocation conflicts. They also fuel the conflicts further. According to Rugadya (2020), it is difficult to fully understand this type of conflicts between individuals and within households without examining their complex links to the broader social relations that govern access to land and tenure at the local and city levels. Within informal settlements, there is a wide range of land conflicts resulting from the lack of land ownership and the lack of access to planned areas' formal dispute resolution mechanisms (Lombard *et al.*, 2016). Thus, this gives power to the government and political actors to use this to push their powers into reallocating residents in informal settlements in the name of development. Das (2016) argues that even though conflict can be destructive, positive functions can be derived. A study by Rakodi (2016) has looked at the importance of land conflict with the belief that it can drive positive change if policies are well formulated and

implemented. Therefore, it is imperative to agree on how to deal with land reallocation conflicts profitably, instead of disregarding them or merely trying to stop them. Land reallocation conflicts are indeed a widespread phenomenon. They can occur at any time or place between different stakeholders, mainly for different land expectations.

2.6.2 Types of land reallocation conflict

This section provides evidence of various land allocation issues by looking specifically at land reallocation. Land boundary conflict occurs when a particular individual with power has the power to take the land of the poor that is undeveloped to develop it (Ibrahim *et al.*, 2020). Land reallocation conflicts have also been observed when two or more people claim ownership over the same land as they all claim to be the rightful owners (Boone *et al.* 2016; Rugadya, 2020). Some forms of land rights are without legal or social legitimacy, such as conflict tenures or illegally grabbed (Moreri, 2020). Moreri (2020) noted that people, therefore, tend to squat on public land as the chances of being evicted there are slightly lower than on private or shared land. Disputes over land value have also been regarded as a form of conflict regarding land reallocation (Aslan *et al.*, 2018). Land conflicts affect different groups in different ways. According to Harahap, Silveira and Khatiwada (2017), land conflict does not generally have a more substantial impact on the poor's livelihood than that of the rich. However, they also impact men and women, urban and rural populations, farmers and pastoralists, etc. with groups such as squatters, ethnic minorities or orphans being significantly marginalised.

According to Rukema and Khan (2019), the actors potentially involved in urban land conflicts include both state and non-state entities and individuals whose disputes over land reflect their immediate interests and longer-term political and economic goals, as well as the sedimentation of past grievances.

2.6.4 Shortcomings of the land Administration institutions

Lombard *et al.* (2016) stressed that institutions' functional deficits governing land reallocations are not the core reason for land conflicts as they merely facilitate them. According to Betge (2019), this facilitation occurs through the need to maximise income by these institutions and fuelled by illegally grabbing land or excluding disadvantaged sections of the population from legally utilising the land. Regarding land grabbing, various discussions have been put forward regarding land grabbing, especially in public debates all over the world. A study conducted by Constantin, Luminița and Vasile (2017) in Europe shows that land grabbing is happening in Central European countries, especially in countries like Romania and Hungary. A study conducted by Bluwstein *et al.* (2018) noted that land grabbing had been one of the land-based problems in Tanzania, especially in the rural areas mainly due to the issue that people in the rural area feels like they are deprived of their indigenous land rights. These are done by people who can manipulate the land reallocation process to their advantage because of their job, position, and faction. Fang, Shi and Niu (2016) added that low wages in the public sector contribute to behaviours of corrupt

individuals responsible for land reallocation of land. However, the decisive factor for these irregularities is the normality of misbehaviour.

Research findings show that lack of coordination among land institutions and poor record-keeping at municipalities cause a double land allocation. Lombard and Rakodi (2016) claims that projects linked to land reallocation for urban development are entirely dependent on the institution governed to execute the reallocation.

As stated by Abubakari, Richter and Zevenbergen (2018), the reallocation authorities can function independently and carry out all the essential processes in close contact with the previous landowner. Therefore, it is imperative to have good coordination between the reallocation body, the participants, and the technical services and, more specifically, the survey system (Liu *et al.*, 2017). A study conducted in Europe has indicated that their land surveyors are private professionals who compete for their clients' confidence. Constantin, Luminița and Vasile (2017) explained that the land survey system is a branch of the land administration in other countries. The advocates of government service for land surveying assure that private surveys in this field are expensive and not always reliable.

Zamli (2018) believes that there is a combination of factors; there is a chronic corruption among the formal officials involved in planning, managing and handling conflicts related to land. These factors include the high values for the land and booming business involved mainly in the urban setting due to the establishment of real estate markets either by the migration or the businesspeople. Another key critical factor is the affiliation and association of the officials to their clans. According to

Bluwstein *et al.* (2018) in this respect, people from minority clans and the poor people suffer under this corrupted formal system, and their land is quickly taken as they do not receive a transparent legal framework that can provide justice to them. Thus, Constantin, Luminița and Vasile (2017) a reliable land administration contributes to developing and implementing land consolidation and land readjustment and vice versa. Strong integration between land consolidation and land administration can solve land registration problems as an integrated part of land consolidation practices.

According to Lombard and Rakodi (2016), if tenure rights are not clarified upfront in all its forms, it will often block the consolidation process. Thus, land consolidation and land readjustment's successful implementation contribute to good land administration and land governance.

Zambia also suffers from many land reallocations conflicts that are linked to land governance and management. Landowners believe that there is a lot of illegal reallocations of land by some politicians such as ruling party officials and councillors and some of the council office employees. This was from a study done in Zambia (Mushinge, Munshifwa & Shamaoma, 2018). The illegal reallocation of land in Zambia prompted their government to establish a Task Force against Illegal Land Allocation in 2014 even though findings indicate that the task force is not functioning that well as there is a lack of staff funding from the government. According to Hausermann *et al.* (2018), the traditional chiefs, too, increasingly enter illicit practices, selling land they are supposed to hold the trust to non-group members of the state, causing landlessness among their people. Many other land

conflicts result from the multiple sales and double allocation of land, either due to legal pluralism or customary undocumented tenure or due to competing state agencies all legitimised to do so. In a study by Carte *et al.* (2019) focused on Nicaragua, the authors reveal that there are twelve different ways of getting land titles, resulting in ownership conflicts between small and big farmers and the conversion of rain forests into agricultural land and pastures.

2.6.5 Legality and judicially surrounding land

There is always conflict that emerges due to the conflict between the local government and the central government regarding land reallocation. According to Zanghelini, Cherubini and Soares (2018) this is usually characterised by limited state capacity to enforce decisions and ensure accountability and lack of political will to tackle land issues and non-transparent decision-making processes. Arguing from countries like Mexico, their informal urban expansion has been remarkable for its relatively peaceful nature. However, it was recently observed that their land relocation conflict in semi-urban areas may be increasing because of changes to the legal framework governing rural land in the country's economic liberalisation (Lombard & Rakodi, 2016).

Rugadya's study (2020) showed that when concessions for resources such as land are granted at the central government level, and licenses are issued at the ministry level, this is usually a matter of stipulation by law, whose practice makes implementation complex and untenable. A study conducted in Zambia by Mushinge, Munshifwa and Shamaoma (2018) has shown that the high frequency of illegality and lawlessness in

land allocation are threatening law and order. Rugadya (2020) added that there are always disputes or disagreements arising, between communities and owners of resource companies but without skill or capacity to respond the local governments are not empowered to respond to irregularities or perform any oversight functions concerning mining despite their closeness to mining sites.

2.7 Conclusion

The available literature indicates a lack of empirical studies designed to explicitly explain the land reallocation conflicts in local authorities, specifically in Namibia. The literature points out that there is indeed a link between land reallocation and competition. This is because when landowners are to give away their land rights for development, they are compensated either in monetary form or they are reallocated to another land. However, the issue of land reallocation conflict requires further debates and studies. China is one of the countries that have conducted comprehensive studies on land reallocation and more countries, especially in Africa, such as Namibia need to follow suit. Researchers have indicated that reallocation methods such as the Multi-Criteria Decision Analysis (MCDA) have been utilised to allow everyone involved in the land reallocation process to be involved in the process. However, this is the basic tenet of a responsible approach to consider all aspects of society and technology when undertaking a process. This model recommends two lines of further research. First, the local municipalities should be further studied to understand how the reallocation between two families can be undertaken without compromising the land tenure system or increasing land tenure fragmentation.

Secondly, it is believed that conflict is not an objective, tangible phenomenon; rather, it exists in the minds of the people who are party to it. Thus, many land-use conflicts are still taking place. Often, these involve poor implementations of land use and insufficient effort from land administrators and the legal perspective.

This can, for example, take input from the Omuthiya community as well as the town council when the town council is reallocating the land. This is because it enables national and local authorities to identify and prioritise regions for land consolidation in a transparent way ensuring efficient management of resources and fair allocation of financial support. The literature review done has indicated the Multi-Criteria Decision Analysis studies are also lacking in Namibia. There is a great need for additional evidence to support the Multi-Criteria Decision in Namibia when it comes to land reallocation.

The literature review conducted has also indicated that the evident land conflict in terms of land reallocation is not as different as the general land conflicts that occur in the world. Thus, the central conflict that was identified and linked mainly to land consolidation is mostly surrounding land boundary conflicts, land ownership conflict, illegal occupation of state land as well as disputes over land values. Research has indicated that all these conflicts do occur in Namibia even though they are not linked in the literature to land reallocation. The Town Council officials forcibly moved affected people and instructed them to stop utilising their land during the cultivating season. Therefore, this study seeks to fill this gap by looking at land reallocation and conflict in Namibian and the next chapter looks at the methodology used to fill this gap.

CHAPTER 3 : RESEARCH METHODOLOGY

3.1 Introduction

This chapter explains the methods adopted by this research in investigation of land reallocation conflicts in local authorities in Namibia. This chapter provided all components involved in conducting this research from identifying the population and sampling techniques used for identifying the participants who were interviewed. Finally, this chapter provides a detailed explanation of the data collection methods as well as the selected mode of analysis used.

3.2 Research design

This study used a qualitative study using a case-study design. A qualitative research approach that uses case-study design based on land reallocation conflicts in local authorities in Namibia was used. According to Noble and Smith (2015) qualitative research is a research approach with a goal of developing and understanding theories. Qualitative research gives the researcher power to present a problem at hand through textual description on how people perceive the problem (Moen & Middelthon, 2015). This means that with qualitative research the researcher can capture data on how the community affected by land reallocation process Omuthiya Town Council as well as staff members.

Thus, qualitative research explored what the landowners and the town council employees have experienced in terms of the land reallocation conflict within OTC, this study employed a phenomenological approach. A phenomenological approach is a science whose aim is to understand the subjective and lived experience by

describing phenomena (Noble & Smith, 2015). The phenomena being investigated is the land reallocation conflicts in local authorities in Namibia. A case study is an appropriate research design when you want to gain concrete, contextual, in-depth knowledge about a specific real-world subject (Tumele, 2015). Tumele (2015) further added that case study research allows researchers to explore the key characteristics, meanings, and implications of the case. The advantage of using a case study for this research was appropriate because it allowed the researcher to conduct an in-depth exploration for a specific case under investigation which is the Omuthiya Town Council by using an interviews guide.

3.3 Population

The population of the study were the staff members in Omuthiya Town Council and the community members affected by land reallocation.

3.4 Sample

The unit of analysis was ten (10) staff members under the division of planning and development and the Omuthiya Town Council, and fifteen (15) community members affected by land reallocation. The twenty-five (25) participants were selected on convenient sampling to participate in the study. According to Etikan, Musa and Alkassim (2016) defines convenience sampling as a non-probability sampling method where those selected to take part in a research meet certain criteria such as easy accessibility, geographical proximity, availability at a given time or the willingness to participate in the study. All the respondents were able to describe the

strategic role they play in ensuring efficiency. The selected respondents were community members impacted by land reallocation and staff members play a role in different types of conflicts within land reallocation. There are sixteen (16) employees division of planning and development in the Omuthiya Town Council and 40 community members are impacted by land reallocation. However, only ten staff members were selected from the division of planning and development as well as 15 community members because they were all seen to possess the same level of insight, education, and experience to answer the research question. Moreover, the aim was to perform twenty-five (25) interviews, but only eighteen (18) participants were available to take part in the study. The researcher obtained a list of community members who participated in the land reallocation process. This list was obtained from the division of planning and development in the Omuthiya Town Council.

3.5 Research instrument

The data collection tool for this study consisted of an interview guide administered to gather data from the Town Council officials and affected people. The study used semi structured interviews because according to McIntosh and Morse (2015) semi-structured interviews give the interviewer autonomy to not strictly follow a formalised list of questions as this allowed the researcher an opportunity to ask more open-ended questions. The interview conducted was a face-to-face session with semi-structured questions that created room for clarification between the researcher and participants. The interview sessions were recorded with digital recorder upon participant's permission.

3.6 Data collection procedure

Firstly, the researcher obtained ethical clearance from UNAM's UREC committee as well as permission from the Omuthiya Town Council and Community Leader responsible for the specific site where residents were reallocated. Moreover, the researcher also obtained permission from Omuthiya Town Council to grant the researcher access to their staff members. Once the approvals were granted, the researcher booked appointment with participants to conduct interviews. The researcher was granted permission by the Omuthiya Town Council Chief Executive Officer to conduct face to face interviews with officials from the town council that took place half a day. The interview session took place at a different location and thus, the Omuthiya Town Council Office provided the database that have email and contact numbers of its employees and the researcher selected the participants that are from planning and development division. The researcher was responsible for contacting participants and informs them on the venue, time, and date for the interview. For the community members, the researcher visited homesteads until the targeted population was reached. The researcher followed the referral list from the Omuthiya Town Council until the targeted numbers of fifteen participants were grasped.

The researcher drafted one-page letter in Oshiwambo and English and the content of the letter stated the purpose of the interview, date and time and these letters were distributed by the researcher by travelling to their homesteads in the concerned site. The interview was held in English and in local language for those who do not understand the official language. Voice recording was used with permission and the

researcher also took notes. In case participants refuse to be recorded, the researcher made use of note taking. There was no translator for Oshiwambo because the researcher was conversant with the language.

3.7 Data analysis

According to McIntosh and Morse (2015) qualitative data refers to non-numeric information such as interview transcripts, notes, video and audio recordings, images, and text documents. Mayer (2015) added that qualitative data analysis can be performed either through content, narrative, discourse, or grounded theory analysis. This study applied the content (theme) analysis to analyse and interpret the data. The purpose of thematic analysis is to organise and elicit meaning from the data collected and to draw realistic conclusions from it (Bengtsson, 2016). Therefore, from the interviews conducted, the researcher analysed the text and after which codes were developed using excel to categories the data. Excel was used to code and track themes from the interview data. The text from the interview was categorised and these categories were used to analyse the results and to come up with the answer to the main research questions through themes. The themes were further supported by verbatim quotes to illustrate exactly what the respondents said in that specific theme and regarding land reallocation conflicts.

3.8 Research ethics

Permission letter to conduct research was obtained from the Omuthiya Town Council office. According to Yip, Han and Sng (2016) ethical approval of a research project

helps to increase the legitimacy of research findings and is important for those making decisions based on the research results. The researcher applied for ethical clearance from UNAM's UREC committee and permission to collect data at Omuthiya Town Council. The participants were informed of the nature and purpose of the research, free will to participate in the study and anytime withdrawal was respected without any negative consequences after withdrawing. According to Borovecki *et al.* (2018) informed consent is a process in which a human subject who is to participate in research needs to give his or her consent after being properly informed of the expected benefits as well as the potential harm of the research that will be performed.

The study also ensured that the research ensured confidentiality and anonymity. According to Lancaster (2017) confidentiality and anonymity are ethical practices designed to protect the privacy of human subjects while collecting, analysing, and reporting data. Lancaster (2017) further added that confidentiality refers to separating or modifying any personal, identifying information provided by participants from the data. All participants were asked to provide signatures on the consent form for confidentiality purposes. The researcher also made it clear to the participants before interview session that the interview is voluntarily because the researcher wants to know the main problem within the community causing land reallocation conflicts. By contrast, anonymity refers to collecting data without obtaining any personal, identifying information (Saunders, Kitzienger & Kitzienger, 2015). Participants' anonymity was respected by not mentioning their names in the report because

participants are identified in the report according to codes. The codes were used to identify the verbatim quotes rather than the participants' real identities.

3.9 Conclusion

The researcher used a qualitative, case study design. An interview guide was administered by the researcher to collect the data from a convenient sample of 25 subjects. The interview guide had open-ended questions and they were in Oshiwambo and English languages. The sample characteristics included staff members under the division of planning and development at the Omuthiya Town Council and fifteen community members affected by land reallocation. Permission was obtained from the Omuthiya Town Council. Consent was obtained from the subjects themselves. Anonymity and confidentiality were ensured during administration of the interview guide and report writing. This chapter described the research methodology, including the population, sample, data collection instrument as well as strategies used to ensure the ethical standards of the study. The next chapters investigate data presentation and analysis before the study is concluded.

CHAPTER 4 : DATA PRESENTATION AND ANALYSIS

4.1 Introduction

In the previous chapter, the research discussed the methodology used to collect the data as well as the methods used to analyse the data collected. The OTC provided the context of the empirical study. Data was collected primarily from semi-structured interview guide. This chapter presents the findings followed by the analysis and discussion of the research findings. The findings in this chapter are aligned to the research objectives and research questions which guided the study as shown in Chapter 1. As indicated in the methodology chapter, a total of 25 participants were selected to take part in the interview but only 18 eventually took part in this study.

4.2. Narration of the land reallocation process in OTC

Table 4.1 provides the narration of what Omuthiya Town Council community members who have gone through the process of land allocation at the council. The main themes identified include Land Administration, development and compensation.

Table 4-1: The land reallocation process in OTC

Code	Sub-theme	Theme
Administration of land rights Omuthiya Town council	Land rights administration	Land Administration
Omuthiya proclaimed as a town	Regional town development	Development
Omuthiya residents moved from their fields	Community members compensated	Compensation

Table 4-1 provides response from the residents of Omuthiya and employees with regards to their opinion on the land reallocation process in Omuthiya. This enquiry probed the participants' perceptions of the land reallocation procedure. Participants in the interview described the process of relocating land as one of land administration, development, and compensation.

Participant 5 narrates the reallocation process as;

People are reallocated by being compensated and are normally given a portion of land where they are staying (now) in town and they are given money, but the Omuthiya Town Council also pays for the land they are reallocated to. However, some choose to still stay at their piece of land because they have planted their trees there and that land is far bigger compared to the compensation package offered. Thus, they only give a portion of their land for development purposes.

The employees from the Omuthiya Town Council have indicated that the land reallocation is administered through the Omuthiya Town Council. According to Participant 2 “*When people are being reallocated the Omuthiya Town Council is the one responsible for reallocating community members.*” The community members are the ones that are mainly moved from their Mahangu field. On 15 January 2021 Participant 4 “*added that residents of Omuthiya were moved from their fields.*” The land reallocation has happened because Omuthiya was proclaimed as a town that will serve everyone within the Oshikoto region.

The findings on the narration of the land reallocation process in OTC at least hint that the residents of OTC and the employees have the same understanding on the land reallocation process in terms of the OTC administering the land in Omuthiya where they are responsible for reallocating land to pave way for development and those giving away their land should be compensated. According to Louwsma *et al.* (2017) argument that land reallocation occurs because of various needs such as land either for agriculture or for conserving nature or urbanisation. The study results demonstrated that OTC uses the land reallocation to pave way for urbanisation. In particular, the process of land reallocation involves bringing together all the land or properties belonging to a different owner in a specific area in terms of a new subdivision of land into parcels and redistribution of the land to the same landowners (Asiama *et al.*, 2019). Li, Wu and Liu (2018) added that land reallocation is the most critical and complicated process of land consolidation given the many criteria that should be considered. However, the findings from the interviews did not find clear support for what OTC uses as criteria's that should be considered when performing land reallocation.

4.3 Negative impact of land reallocation

This section looks at how the land reallocation process is positively or negatively impacting the community members who are reallocated. This analysis found evidence that there are positive and negative land reallocation processes towards the community members who are reallocated land as well as for the OTC.

Table 4-2: Negative impact of land reallocation

Code	Sub-theme	Theme
Residents forced to move without cultivating land	Inadequate compensation	Unfair process
Residents are not treated the same	Unfair treatment	
There are no procedures followed in reallocating land	Unclear procedures	
Effectuated people refuse to vacate land	Lack of cooperation	
Direct compensation to buying cars	Misappropriation of compensation	
Improved service delivery for the residents	More income for town council	
Expansion of the city	Urbanisation	

Table 4.2 examined the respondents' opinions about how fair or unfair they felt the land reallocation process was. Respondents stated that the process was unfair due to minimal remuneration, unjust treatment, ambiguous processes, and community members' lack of participation.

4.3.1 Inadequate compensation

The findings from the interview have shown that the negative aspects of the land reallocation process are caused by the lack of compensation for land and residential plots as well as the unfair treatment and lack of procedures. Resident 1 is of the opinion that *“during this process, the residents were forced to move from their field without being given a place to cultivate as Mahangu field were cut down without any replacement.”* Residents 5 supported these findings by claiming that *“residents were reallocated with only a small portion of land that could only accommodate a very*

small house compared to the normal Oshiwambo cultural homesteads.” This is because *“some lands are fertile and after reallocation and people decides to move from their homesteads in town, they are not able to retain their fertile land. Moreover, this puts burden on the government as they have to provide them with drought relief foods which is not enough to feed the family”* (Resident 4). From these results the land reallocated to the Omuthiya residents is not as valuable as the land they give to the OTC to pave way for development.

The results of the interview found clear support for the inadequate compensation provided to the residents of Omuthiya when they are reallocated. This finding is supported but the idea that the landowners expected to be provided with a new piece of land equivalent to what they had previously. The results are similar to a report by Simasiku (2018), who claimed that the Omuthiya community is not happy with their land because of inadequate compensation for their land.

4.3.2 Unfair treatment

Unfair treatment was identified as a negative impact during the land allocation process. According to Resident 5 *“reallocation process of land in Omuthiya Town is very frustrating in the sense that people being reallocated are not treated the same because procedures as aligned by the government sometimes are bypassed by officials yet the size of land you were occupying you will not get it anymore.”* This analysis found evidence of unfair treatment as the people being reallocated land are not being treated the same. There is a need to ensure that every Namibian citizen has a right to fair and reasonable access to public facilities and services in accordance

with the law (Adams & Adams, 2001). It is worth discussing these interesting facts revealed by the results of Lombard *et al.* (2016) who added that during land reallocation and distribution, power makes the town council control the residents through incentives such as compensations associated with land distribution and reallocation. Lombard *et al.* (2016) further added that these incentives influence the residents and manipulate the environment, in the interest of the town council.

4.3.3 Unclear procedures

Resident 6 added that “*I do not really understand the process that the council use to reallocate land.*” Employee 1 supported this claim on 18 December 2020 by stating that this is caused by lack of understanding among affected residents through getting different advises from different people which mostly are wrong and have less knowledge in land. Employee 3 have indicated on 11 December 2020 that

the land reallocation was done under the guiding policies hence the Town Council first sent the evaluators to do evaluation on properties before they start with the reallocation process. After that, they start with the negotiation process with effected people to meet mutual agreement. In terms of compensation, the effected people are given option weather to receive the full compensation package/offer or to receive the two plots in town based on the compensation policy that is guiding the process.

From these results it is clear that there is a lack of understanding from the residents on the clear procedures that the OTC uses to reallocate land but specifically with regards to compensation as they have indicated that the compensation provided is unfair. However, the OTC have indicated that the procedure is clear, and it involves

all stakeholders involved before land is reallocated. Essadiki and Ettarid (2002) added that the land reallocation process is a stage involving both administrative and technical steps and most organisations just pay most of their attention to administrative steps, such as legislation of land reallocation and thus the need to improve public participation in the process.

4.3.4 Lack of cooperation

Employee 5 added on 11 December 2020 that “*some landowners are not cooperative and mostly this brings the process to be ineffective, and in most cases, it ends in problems and usually fail.*” This outcome is supported by Employee 1 who said on 18 December 2020 that

non cooperative landowners drive the Town Council to impose compulsory land reallocation due to lack of cooperative and resistance that is being showed by landowners, thus a process may proceed with simple minority, simple majority and a substantial majority respectively and this is slowly hindering the development to take place fast as planned.

Employee 2 said on 18 December 2020 that in my “*view and as per the issues reported, the Town Council establishment suffers due to lack of confidence and supports from the communities during the reallocation of land due to lack of proper documented information, sensation of community members as well as undefined policies and out-dated regulations on land reallocation.*” Lack of cooperation specifically from the landowners has been identified by the OTC. This is an important finding in the understanding of the land reallocation conflicts in local

authorities. This is because Andersson and Åkerblom (2016) have indicated that the lack of ability to communicate effectively with people can lead to misunderstandings, mistrust, lack of cooperation and even violence.

4.3.5 Misappropriation of compensation

Employee 3 said on 11 December 2020 that *“this process leaves some of the affected people in poverty after reallocation. Many affected people spend the compensated packages without build the house to stay with the family.”* Employee 6 said on 19 January 2021 that *“The reallocated people continue suffering for opting to buy the small plot in town without food resources to feed the entire family.”* This shows that residents lose their sense of belongings during the land reallocation process and the compensation they receive does not equate what they had before. Employee 8 on 18 December 2020 said that *“Many affected people spend the compensated packages without building the house to stay with the family.”* From the short review above, key findings that emerged is that most landowners misappropriate their compensation as they do not build new homesteads with the funds received. This leaves them in a bad living condition compared to how they have lived before. According to Long, Zhang and Tu (2019) some landowners choose to accept land reallocation just because of material desire for wealth or an emotional desire for status.

4.4 Positive Impact of land reallocation

Table 4-3: Positive impact of land reallocation

Code	Sub-theme	Theme
Some reallocated residents were paid	Fair compensation	Revenue generation
Improved service delivery for the residents	More income for town council	
Expansion of the city	Urbanisation	

Table 4.3 also revealed that some respondents believed the procedure to be unfair because the OTC is in the business of generating revenue and as a result, provides reasonable remuneration, more money for the town council, and the ability to develop urban space.

4.4.1 Fair compensation

The only positive impact identified during land reallocation was the fact that the compensation provided is fair. On 12 January 2021, Participant 2 was of the idea that *“some reallocated residents were fairly paid out and that enabled them to buy/purchase new houses in town, cars and pay for their children’s studies.”* Employee 2 have argued on 18 December 2020 that the compensation is fair because the effected people are given option weather to receive the full compensation package/offer or to receive the two plots in town based on the compensation policy that is guiding the process.

4.4.2 Revenue for OTC

According to Employee 6, on 19 January 2021 the land reallocation process contributes mostly to generate the revenue of the Town Council by means of developing the vacated land through servicing the land for both industrial and residential area. The results of the interview found clear support for the economic growth as Boone (2019) claimed that urban growth in terms of infrastructure development has become a way of local authorities to improve their revenue.

4.4.3 Urbanisation

On 18 December 2020, Employee 1 said that land reallocation in OTC brings the government closer to the people because different infrastructures become more access to the people. The results confirm that OTC pave way for development when they conduct the land reallocation process as they are urbanising the OTC.

4.5 Expectation conditions on reallocated land

The respondents provided their view on what they believe is expected conditions on reallocated land. Participant 5 said that *“the reallocated people usually expect the reallocated land to be at least big enough to accommodate their gardens. They also expected them to find structures in terms of dwellings already provided for them because their initial house is being demolished to pave way for development.”* Participant 1 added on 12 January 2021 that *“Community members who are being reallocated expects to find fenced land as well as running water as most are leaving this behind when they allow their land to be taken away.”* This expectation is

showing that there is a disconnect between the Omuthiya Town Council and the community members being reallocated in terms of the compensation they receive when they are being reallocated. Even though the compensation provided by the Omuthiya Town Council comes in monetary form the community members expect to receive new homesteads that are fenced and have water and it is big enough for them to cultivate. This expectation can bring about misunderstanding and conflicts. Thus, Yu & Luo (2018) is of the idea that land reallocation should be determined based on the preferences of the landowners in the land consolidation process as the landowner the landowners to predetermine what they prefer and the criteria through which land reallocation will be developed. According to Aslan *et al.* (2018), criteria are used to calculate the preferences mainly through criteria such as the fixed installations, largest parcel, parcel density, and high degree which are further scored on the order of importance. Thus, the landowners can decide and say they will only move if you provide me with land that is big enough for me to cultivate and there should be water on my land and the remaining funds, they can use to fund my other activities on my land. Preference in land consolidation is key as this study have shown that community members being reallocated have different expectations.

4.6 Power and land reallocation

Table 4-4: Fair land reallocation process using power

Code	Sub-theme	Theme
Compensation given was not enough	Unfair compensation	Unfair process
Employees not following right and correct procedures	Shortcomings in land administration	
Residents are not treated the same	Forced reallocation	
Officials not offering information sharing sessions	Lack of Information sharing	

Table 4.4 looked at how the OTC have used their powers to make the [land reallocation process unfair. The themes that emerged from this question is that the OTC uses its power to make the process unfair because they give unfair compensation, there is shortcomings in the land administration, there is forced reallocation and there is lack of information sharing from the OTC office.

4.6.1 Unfair compensation

Participant 1 on 12 January 2021 felt that the *“land reallocation was done unfairly because the compensation given to the me was not good enough compared to the size of the land and the quality of the buildings that the residents had.”* This response is supported by Participant 4 who claimed on 15 January 2021 that the unfair compensation creates a lot of conflict as the landowners being reallocated are of the opinion that they are not compensated based on the value of their land. According to Harahap, Silveira and Khatiwada (2017), land conflict does not generally have a more substantial impact on the poor's livelihood than that of the rich. However, they

also impact men and women, urban and rural populations, farmers, and pastoralists etc., with groups such as squatters, ethnic minorities or orphans being significantly marginalised.

4.6.2 Shortcomings in land administration

Participant 3 have indicated on 15 January 2021 that *“some Omuthiya Town Council officials did not follow the right and correct procedures with all reallocated people, they did the reallocation the way it pleases them.”* These findings are supported by Sanga (2019) who is of the idea that land administration is one of the most corrupt government activities. A study conducted by McCann (2019) indicated that there is a need to support the efforts that country is doing in improving land governance using IT systems that can establish the land reallocation process as this approach should not approach improve land administration as an opportunity to put in place best practice, by removing human interference. However, Employee 5 added on 11 December 2020 that *“I am of the opinion that there are no short comings in the land reallocation process as it was done accordingly by considering all the relevant authorities and needed stakeholders. The process was fully guided by the guidelines documents and policies for example compensation policy. The affected people are currently complaining because they are comparing their old cases with the current cases that is being attended with the current revised compensation policy, hence lot of different conflicts and complains are always popping up.”*

4.5.3 Forced reallocation

On 12 January 2021 Participant 2 have indicated that some *“residents were threatened to leave/move from their land apparently because the land now belongs to the Omuthiya Town Council.”* Participant 4 also supported these findings by stating that *“residents are indirectly forced to vacate their places for example the whole field is already fully occupied by open market except the field itself. This is a sign of forcibly moving the residents.”*

The study has if there is currently the use of power in the Omuthiya Town Council to force residents to relocate. According to Bluwstein *et al.*, (2018) forced relocation of residents have negative impact on the residents and their communities because forced reallocation is regarded as equivalent to displacement of people who are from a low-income community to benefit the high-income communities. This opens this study to the power centred theory. According to Lombard & Rakodi, (2016) political actors employ private enforcers to maintain monopolistic control over others in land allocation. Lombard & Rakodi, (2016) continues to claim that during land reallocation and distribution, power makes the town council control the residents through incentives such as compensations associated with land distribution and reallocation. These incentives influence the residents and manipulate the environment, in the interest of the town council.

4.6.3 Lack of information sharing

On 12 January 2021 Participant 1 have indicated that *“officials did not have meetings to mobilise/explain what the way is forward just over a sudden they are told to*

vacate from their land in a short period of time.” On 15 January 2021, Participant 5 have indicated that *“sometimes residents were given enough time or were not aware on time to get ready for reallocation.”*

The study findings are showing that the residents earmarked for reallocation are not consulted. According to De Juan *et al.* (2019) a well-planned community engagement enables the diverse concerns of the community to be identified on issues that matter most to them as it will also ensure that their expectations are met. The lack of information sharing with the community members have also been identified by Participant 1 and Participant 5 who claimed that the community members earmarked for land reallocation are of the opinion that the Omuthiya Town Council will provide them with new homesteads that has running water. This is an indication that the community members do not have access to information about the Omuthiya Town Council land reallocation operations. There is a need for the Omuthiya Town Council to better inform the community members so that they are also able to put forward ideas and take part in processes that affect them. According to Asiama *et al.* (2019) involving community members in the land reallocation process helps to reduce the level of misconception or misinformation and conflict with the community as it demonstrates openness and accountability, consequently building trust and credibility.

4.7 land reallocation conflict resolution

Table 4-5: Preferred method of land reallocation

Code	Sub-theme	
Avoid looking at gender, colour, status, or race	Allocation should be unbiased	Procedural reallocation
Create a list of value and compensation	Compensation should be fair	Fair & Transparent compensation
Residents are not treated the same	Unfair treatment	Share information
Develop a plan of solving reallocated resident problems	Plan on problem solving	Planning
Directly talking to the reallocated residents	Talking to residents	Promote discussions

Table 4.5 examines ways the OTC and individuals who were reallocated can more effectively address land reallocation disputes. The themes that arose from this issue were the necessity for the OTC to have a clearly defined reallocation method, fair remuneration, a transparent process, and information sharing with the community while also encouraging conversations.

4.7.1 Procedural reallocation

On 15 January 2021, Participant 3 noted that the best way to avoid land reallocation conflict is by following the right procedures when reallocating land. According to Participant 4 on 15 January 2021 “*when land is being reallocated assistance should not be based on who is known, skin colour, gender. Land reallocation procedures set up by the Omuthiya Town Council through the Act should be followed in terms of*

providing fair distribution.” In an ideal community, institutions and transparent procedures in place to resolve such disputes or lead to a process that minimises their possibility of resulting in violent conflicts (McCann, 2019).

There is a need for institution to have a procedural reallocation that they follow and one of the processes found is the Analytic Hierarchy Process. The AHP determine land reallocation that is based on the preferences of the landowners (Aslan *et al.*, 2018). This process avoids conflict because it requires the landowners to predetermine what they prefer and the criteria through which land reallocation will be developed for compensation (Aslan *et al.*, 2018). This process should be well formulated at the institutional level like the Omuthiya Town Council as they play a role in land reallocation. This is because escalating land conflicts raise questions about land institutions' authority that are supposed to resolve land disputes and sanction claims on land (Bluwstein *et al.*, 2018).

4.7.2 Fair and transparent compensation

According to Participant 4 on 15 January 2021 *“There is a need for the committee that is responsible for the land reallocation to relook into the measures to pay residents a good amount and to give residents fair compensation as well as serviced land to stay after reallocation.”*

Gotsis (2016) argues the need to use the land without excluding anyone by ensuring that the land rights are transferred to the rightful owners and should compensate landowners for that specific land. A study conducted by Bluwstein *et al.* (2018) noted that people who are responsible for land reallocation can manipulate the land

reallocation process to their advantage because of their job, position, and faction. This is evident in this study as employees are claiming that employers in the Omuthiya Town Council are not giving fair compensation to some residents, but some residents are provided with the fair compensation. Fang, Shi and Niu (2016) explained that the low wages in the public sector contribute to behaviours of corrupt individuals responsible for land reallocation of land. However, this is not a normal behaviour as it causes conflict amongst those reallocating the land and those being reallocated. Therefore, the study has indicated that fair and transparent compensation can avoid land reallocation conflict. However, there is also a need to review the current compensation policy as there have been an indication that the charges within the communal land compensation policy guidelines are not enough to put claimants in the position they were before the compensation (Melber, 2019; Nashongo, 2022). This was also one of the resolutions from the 2nd national land conference.

4.7.3 Information sharing

There is a need for information sharing between the relevant authorities responsible for land reallocation as well as the landowners being reallocated to avoid conflicts. According to Participant 3 on 15 January 2021 *“officials at the Omuthiya Town Council should not withhold information from the landowners or those earmarked for land reallocation as by law the town council should have regular meetings with the landowners.”* However, Employee 6 defendant the information on sharing by noting on 19 January 2021 that *“Through the meetings that took place, dissemination of information was fully shared, negotiation had taken place, those that did not*

accept compensation offer and reluctant to pave the way for development are still at their initial places, and this is an indication that no power was imposed toward the community.”

According to Jetten *et al.* (2017) have agreed that have regular meetings with those impacted by land reallocation is important because the outcomes from these meetings that reflect the aspirations of the affected community so that authorities administering the process can make the land consolidation and reallocation process more achievable. The conflict theory has indicated that when people are not involved in terms of social inequalities and power difference within a group conflict occurs (Nformi *et al.*, 2019). Moreover, there is a need to capacitate implementing agencies as well the public on the land reallocation process.

4.7.4 Planning

There is a need to plan to avoid conflicts between mainly landowners and officials from the Omuthiya Town Council. These findings are supported by Participant 3 who stated on 15 January 2021, *“that there is a need to plan in terms of the issues that might arise during land reallocation and how the issues might be resolved.”*

A study conducted by Andersson and Åkerblom (2016) have indicated that there is a need to have a preliminary allocation plan (also called the temporary plan) as a first version of the definitive allocation plan. Åkerblom (2016) further added that this plan does not usually include the exact shape and location of the new parcels, but it is used as an initial base for the following steps (i.e., landowners’ preference sessions and the preparation of the final reallocation plan). The Omuthiya Town Council can

use this to plan the land reallocation before it happens. Moreover, if communities are involved at all stages of land reallocation initiative, from planning through implementation to monitoring, it is much more likely to be sustainable and successful in the long term (Fowowe, 2017).

4.7.5 Promote discussions

The Omuthiya Town Council need to promote discussions with their stakeholders such as landowners to avoid land reallocation conflicts. On 15 January 2021 Participant 4 have indicated that *“discussions should allow all parties involved to tell their side of the story.”* Participant 2 on 12 January 2021 was of the idea that *“the town council must have regular discussions with the landowners as they need to stop sending letters to the landowners as some cannot read.”* However, Employees are of the opinion that discussions are being held with those involved. Employee 4 said on 17 December 2020 that *“Different meetings of different cases are being held in the Town Council, The Traditional Authorities and other concerned stakeholders had consulted to further educate the people on land issue. The Town Council tried to educate the Traditional Authorities on allocation of land, to further educate their residents and not to reallocate the proclaimed land to people.”*. The outcome of the land conference has also supported the notion of promoting discussions towards land matters.

CHAPTER 5 : CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The aim of this chapter is to present the conclusions drawn from the results of the analysis of the interviews and then make recommendations for further research.

5.2 Conclusion

The study investigation of land reallocation conflicts in local authorities in Namibia by looking at the Omuthiya Town Council. The study aimed to establish the current land reallocation process and its advantages and disadvantages. The study identified that there is currently conflict that have impacted the land reallocation process in Omuthiya Town Council (OTC) and how this conflict can be resolved.

5.2 1 Land reallocation process

The study examined the current land reallocation process at Omuthiya Town Council from the view of the employees as well as the landowners who have experienced land reallocation. Both the employees and the employers narrated the land reallocation process in OTC. The employees have indicated that the OTC are the legal custodian mandated to administer land reallocation in Omuthiya and the reallocation happened because Omuthiya was proclaimed as a town that will serve everyone within the Oshikoto Region. The study shows that the participants narrated the land reallocation as a process whereby the OTC take away their land for development purposes and they receive compensation for their land while also receiving new portion of land to live on. However, those with land that is developed

have a choice to live on their land. The study has indicated that the employees and the landowners are both aware of the fact that for landowners to give up their land they need to be compensated by the town council. However, both the employees and the landowners did not go into detail on how the compensation is conducted.

5.2.2 Advantages & disadvantages of land reallocation processes

The study also looked at the advantages and disadvantages of land reallocation process. The disadvantages identified include inadequate compensation for land, no provision for plots, unfair treatment, lack of procedures, lack of cooperation and misappropriation of compensation.

The employees at the town council have expressed their concerns because they are of the idea that the landowners do not utilise their compensation appropriately as they use to buy cars. However, the compensation is provided to the landowners so that they can acquire new homesteads after being reallocated. Thus, the landowners expect to also be provided with land on which they can be reallocated to and thus the landowners have indicated that the OTC does not make provision for them to be allocated with plots. Moreover, the landowners have indicated that their concerned with the land reallocation amount provided as they are of the opinion that the compensation for their land is inadequate.

All things considered the inadequacy in the land compensation stems from the fact that, the community members are subsistence farmers who depend on their farmland to feed their family and thus by them giving away their land they expect to receive

bigger land so that they can continue farming. Thus, the farm owners also added that the disadvantage of land reallocation is the lack that residents are reallocated with only a small portion of land that could only accommodate a very small house compared to the normal Oshiwambo cultural homesteads.

In summary, the disadvantage of land reallocation that has been identified by mostly the employee at the OTC is that the council is battling with a lack of cooperation from the landowners when it comes to land reallocation. The non-cooperation from the landowners has made the land reallocation process ineffective and because of that the OTC usually suffers as the community members lack confidence and supports during the reallocation of land due to lack of proper documented information and sensation of community members. Moreover, the lack of cooperation also happens because of undefined policies and out-dated regulations on land reallocation.

As a final observation, the advantages of land reallocation are fair compensation, more income for town council as well as urbanisation. There are some landowners interviewed that have indicated that they were provided with fair compensation.

5.2.3 Conflicts within the land reallocation process

Briefly to conclude, there have been conflicts observed within the land reallocation process at OTC. The land reallocation conflict is linked to unfair compensation, shortcomings in administration as well as the lack of information sharing. With regards to information sharing, the employees of OTC have indicated that the town

council is always sharing information with the landowners while the landowners are claiming that there is no information sharing between the council and the landowners. This is a clear miscommunication between the council and the landowners. The landowners are of the opinion that that council does not mobilise landowners to communicate with them on the way forward after the land allocation process have started but they are told to vacate over a short period of time, and this causes conflict.

Unfair compensation has been identified as one of the causes of land reallocation conflicts because the landowners are not happy with the compensation they receive from the OTC. Unfair compensation has created a lot of conflict as the landowners being reallocated are of the opinion that they are not compensated based on the value of their land. Another cause of conflict identified was related to shortcomings identified in the administration of the OTC. There is also a different understanding between the landowners and the OTC because the OTC is of the opinion that their compensation guideline and policy is very clear, and the landowners should be aware of it. However, the landowners have made it clear that their move to pave way for development within the OTC is indirectly forcing them to vacate. Thus, the need to resolve land reallocation conflict.

5.2.4 Resolving land reallocation conflict

In summary, there is a need to resolve the land reallocation conflict happening at OTC. The study has concluded that the procedural reallocation, fair & transparent

compensation, information sharing, planning, and promoting discussions can curb land reallocation conflict at OTC. There is a need for the OTC to follow procedures as stipulated in the Act should be as this will ensure fair distribution and compensation. It is also very important to be transparent and fair when compensating those reallocated in the sense that the OTC should provide the landowners with information that is clear regarding their land valuation and this should be transparent information. As a result, this will make the OTC land reallocation more transparent and fairer.

In conclusion, it is important to ensure that the land reallocation does not happen as it needs to be planned so that the landowners are prepared. This planning should promote a discussion between OTC and the landowners as most conflicts occurs because there is no clear understanding between the OTC and the landowners. Thus, both parties can lay out their issues that might arise during land reallocation and how the issues might be resolved.

5.3 Recommendations

In the light of the above, the researcher wishes to make some recommendations, which, if taken into consideration, might bring some positive changes to the current land reallocation conflicts.

- There is need for the revision of the current compensation policy to ensure that it provides for fair compensation
- There is a need to review the communal land compensation policy guidelines.
The land compensation guideline can compel the use of models such as the

Multi-Criteria Decision Analysis (MCDA) to provide options to the landowners on what type of compensation they will need as some landowners are not happy with the current procedures used to determine compensation.

- There is a need to capacitate implementing agencies as well as community members on the compensation guidelines as well as the policy. This means embarking on education and communication programmes to maximise effective communication between OTC and community members.

5.4 Indication for further research

The study has highlighted a number of researchable aspects that could be pursued further by those involved in the land reallocation conflicts. The results from the Omuthiya Town Council and its community members prove beyond reasonable doubt that their land reallocation brings about conflicts to a certain extent by misguided by a lack of information sharing and land allocation guidelines and policies. There is therefore an urgent need to address this problem by conducting a study that reviews the OTC land reallocation procedures to determine how it fits into the Analytic Hierarchy Process of land reallocation. Thus, to understand land reallocation conflict, other studies can also draw its theoretical framework from the power cantered theory by enabling the OTC people or groups to be involved in the land reallocation process. This is with the aim of improving the criteria that OTC uses when performing land reallocation. This research should have implications stretching far beyond the OTC, so that it can serve more intensive analyses in other town councils.

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APPENDICES

Appendix 1: Ethical Clearance Certificate



ETHICAL CLEARANCE CERTIFICATE

Ethical Clearance Reference Number: HREC-NH/01/12/2020

Date: 01-12-2020

This Ethical Clearance Certificate is issued by the University of Namibia Research Ethics Committee (UREC) in accordance with the University of Namibia's Research Ethics Policy and Guidelines. Ethical approval is given in respect of undertakings contained in the Research Project outlined below. This Certificate is issued on the recommendations of the ethical evaluation done by the Faculty/Centre/Campus Research & Publications Committee sitting with the Postgraduate Studies Committee.

Title of Project: AN INVESTIGATION OF LAND REALLOCATION CONFLICTS IN LOCAL AUTHORITIES IN NAMIBIA: A CASE STUDY OF OMUTHIYA TOWN COUNCIL

Nature/Level of Project: M.A. (NON-HEALTH) (NQF9)

Researcher: JOB DHIMBULUKWA SHIINDI

Student Number: 201107260

Faculty: HUMANITIES AND SOCIAL SCIENCES

Supervisor(s): PROF. R.S. ESURUKU & DR A. NHEMACHENA

Take note of the following:

- (a) Any significant changes in the conditions or undertakings outlined in the approved Proposal must be communicated to the UREC. An application to make amendments may be necessary.
- (b) Any breaches of ethical undertakings or practices that have an impact on ethical conduct of the research must be reported to the UREC.
- (c) The Principal Researcher must report issues of ethical compliance to the UREC (through the Chairperson of the Faculty/Centre/Campus Research & Publications Committee) at the end of the Project or as may be requested by UREC.
- (d) The UREC retains the right to:
 - (i) Withdraw or amend this Ethical Clearance if any unethical practices (as outlined in the Research Ethics Policy) have been detected or suspected,
 - (ii) Request for an ethical compliance report at any point during the course of the research.

REC wishes you the best in your research.

A handwritten signature in black ink, appearing to read "H.L. Beyer", is written over the typed name.

Prof. H.L. Beyer, Deputy Chair: HREC-NH
pp Chair: HREC-NH

Appendix 2: Permission letter to conduct the research



OMUTHIYA TOWN COUNCIL

Tel.: (065) 244714
Fax: (065) 244730
Email: jerkkison@omuthiyatc.org.na

P.O Box 19262
OMUTHIYA
NAMIBIA

AGREEMENT

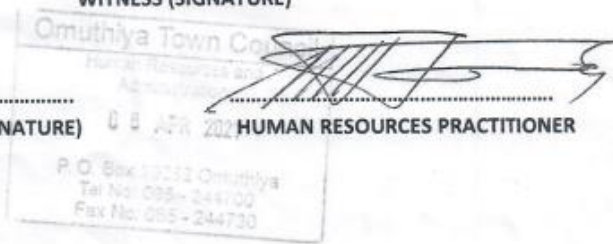
I, Job D. Shiindi, a Student at University of Namibia studying towards Masters of Arts in Development Studies Identity No. 8301011738 hereby agree with Omuthiya Town Council to share my Final Research Findings and abide to the terms and conditions while I am undertaking my academic research within Omuthiya Town.

Signed hereto in Omuthiya (Town) on this 06 (day) of 04 (month) of 2021 (year).

[Signature]
STUDENT (SIGNATURE)

[Signature]
WITNESS (SIGNATURE)

[Signature]
CHIEF EXECUTIVE OFFICER (SIGNATURE)



Date: 06/04/2021

all official correspondence should be addressed to chief executive officer



OMUTHIYA TOWN COUNCIL

Tel.: (065) 244 714
Fax: (065) 244 730
jerkkison@omuthiyatc.org.na
Enquiries: J. Erkkison

P.O. Box 19262
OMUTHIYA
NAMIBIA
9 February 2021

Ms. Job Dhimbulukwa Shiindi
PO Box 3347
Ondangwa

Dear Ms. Shiindi

**SUBJECT: REQUEST TO UNDERTAKE DEVELOPMENT RESEARCH IN
OMUTHIYA TOWN, OSHIKOTO REGION**

We have the pleasure to inform you that, the Councils meeting held on 26 January 2021 have approved your request to undertake Developmental Research in Omuthiya Town; Oshikoto Region.

However, the Council has set the following conditions:

1. That you enter into an agreement with the Council to share a copy of your final research Findings with the Department: Technical Services, Planning and Environmental Healthy and;
2. That the Council will not be providing you a data base or any confidential information.
3. That you will be only provided with the Compensation Policy Guideline.

We trust that you will find the above in order. My office will grandly assist you should you need any further clarity in this regard.

Thank you

Yours Sincerely


SIMON P. NGHULONDO
CHIEF EXECUTIVE OFFICER (ACTING)



All official correspondences must be addressed to the CEO

Appendix 3: Interview questions

INTERVIEW GUIDES FOR THE TOWN COUNCIL STAFF MEMBER FROM DEPARTMENT OF PLANNING AND DEVELOPMENT.

Code of the participant: Date:

Occupation: Gender:

Topic: An investigation of land reallocation conflicts in Local Authorities in
Namibia: A case study of Omuthiya Town Council

Welcome to this interview, this interview is voluntarily, I will not take more than 40 minutes of your time, feel free to answer any question and if you are not clear please ask me.

1. Can u share with me the advantages and disadvantages associated with land reallocation?
2. During the reallocation process, did the town council experience any disagreement? If so, can you share with me the disagreements and if not, how smooth was the reallocation process?
3. According to different newspaper sources, there are complains among Omuthiya Town Council residents regarding land reallocation, can you share with me, how is the Town Council addressing the issue being raised?
4. Kindly share with me, was the reallocation done in line with the guiding policy e.g compensation policy, local authority act and traditional authority act? If yes to what extent was the policy implementation done? If no, what guided the reallocation process?
5. What measures did the Town Council put on place to make sure land reallocation process is being done without imposing power?
6. What else would you want to talk about land reallocation conflicts in Omuthiya Town Council?

**INTERVIEW GUIDES FOR THE PEOPLE THAT ARE AFFECTED WITH
LAND REALLOCATION PROCESS IN OMUTHIYA TOWN COUNCIL.**

Topic: An investigation of land reallocation conflicts in Local Authorities in
Namibia: A case study of Omuthiya Town Council

Code: Date of the
interview.....

Occupation Gender.....

An investigation of land reallocation conflicts in Local Authorities in Namibia: A
case study of Omuthiya Town Council

Welcome to this interview. This interview is voluntarily, It will not take more than
40 minutes of your time, feel free to answer any question and if you are not clear
please ask me.

1. Kindly narrate to me how land is reallocated in Omuthiya Town Council?
2. In your view, how positively or negatively reallocation process affects the
reallocated residents of Omuthiya?
3. Can you kindly share with me your views on what condition you expected to
find the reallocated land?
4. Do you feel that land reallocation has been done fairly? Please elaborate on
your answer.
5. Can you share with me your preferred method of conflicts resolving
measures?
6. What else would you want to talk regarding land reallocation process is
Omuthiya?

**OMAPULAPULO GENASHA NAANTU MBOKA YAGUMWA KETULULO
LYEVI MONDOOLOPA YAMUTHIYA**

Oshipalanyolo: Omakonaakono genasha noshikumungu shetulululo lyevi momalelondoolopa moNamibia: *Ocase* yeledondoolopa yamuthiya.

Edhina lyomukuthimba----- Esiku lyomapulapulo -----

Eithano -----

Uukwashike ko okantu-----

Tangi showeya mompito yomapulapulo. Omapulapulo ngaka ogopaiyambi na itagakakwata uule wethimbo livulithe pomminute omilongo ne. Manguluka okuyamukula epulo kehe, naampoka waa uvite owamanguluka okupula.

1. Yelitha nkene evi lyatulululwa mondoolopa yamuthiya.
2. Pamaiyuvo goye, oshikumungu shetulululo lyevi oshagumu ngiini aakalimo mba yatulululwa momuthiya?
3. Pamadhiladhilo goye, okwali wategelela wu adhe etulululwa hala likale muukwatya wuli ngiini?
4. Pamaiyuvo goye, etulululo lyevi olyaningwa tuu pawuyuuki? Gandja omatompelo goye.
5. Tumbula omikalo ndhoka wuwete tadhi opalele okukandulapo uupyakadhi mbuka.
6. Oshike ishewe shono wahala okugwedhapo shinasha noshikumungu shetulululo lyevi mondoolopa yamuthiya?