

Advancing Land Administration Systems: Namibia’s Communal Land Administration System

Malcon Liyali MAZAMBANI, Namibia

Keywords: Communal land, Good governance, Land administration, Land registration, Land governance, Namibia

SUMMARY

Land Administration is a process of determining, recording, and disseminating information about the ownership, use, value, and development of land when implementing land management policies. It also involves the adjudication of land rights, surveying, and the provision of relevant information for supporting land markets. Communal land in Namibia is administered under the Namibia Communal Land Administration System (NCLAS) and guided by the Communal Land Reform Act 5 of 2002. The enactment of the above act gave birth to the Communal Land Registration Project which has achieved some good results through both systematic and sporadic land registration. The NCLAS was created as a system to house all the information pertaining to communal land in Namibia, specifically customary land rights and rights of leasehold. As part of land administration, the system was established to ensure that it performs all the functions of land administration such as the determination, recording and dissemination of land and related information. Nonetheless, the NCLAS system is still facing several in terms of the speediness of collecting data due to use of outdated technologies and methods. Moreover, data storage and management are one area that has also faced some challenges, this is confirmed by the system experiencing server downtimes, loss of records in some cases as well as limited capacity in maintaining and managing the system. The above is just some of the challenges with the communal land administration system of Namibia. The study addresses the following questions: What are the challenges facing the land administration system of communal areas in Namibia? Which key areas could be advanced to improve the land administration system of communal areas in Namibia? To answer the above questions, the study examined the importance of advancing the communal land administration system.

Advancing Land Administration Systems: Namibia's Communal Land Administration System

Malcon Liyali MAZAMBANI, Namibia

CONTENT

1. INTRODUCTION
2. METHODOLOGY
3. COMMUNAL LAND ADMINISTRATION IN NAMIBIA
4. THE NAMIBIA COMMUNAL LAND ADMINISTRATION SYSTEM (NCLAS)
5. CHALLENGES FACING THE SYSTEM: NCLAS
6. KEY AREAS FOR THE ADVANCEMENT OF NCLAS
7. CONCLUSION

Advancing Land Administration Systems: Namibia's communal land administration system (12660)
Malcon Mazambani (Namibia)

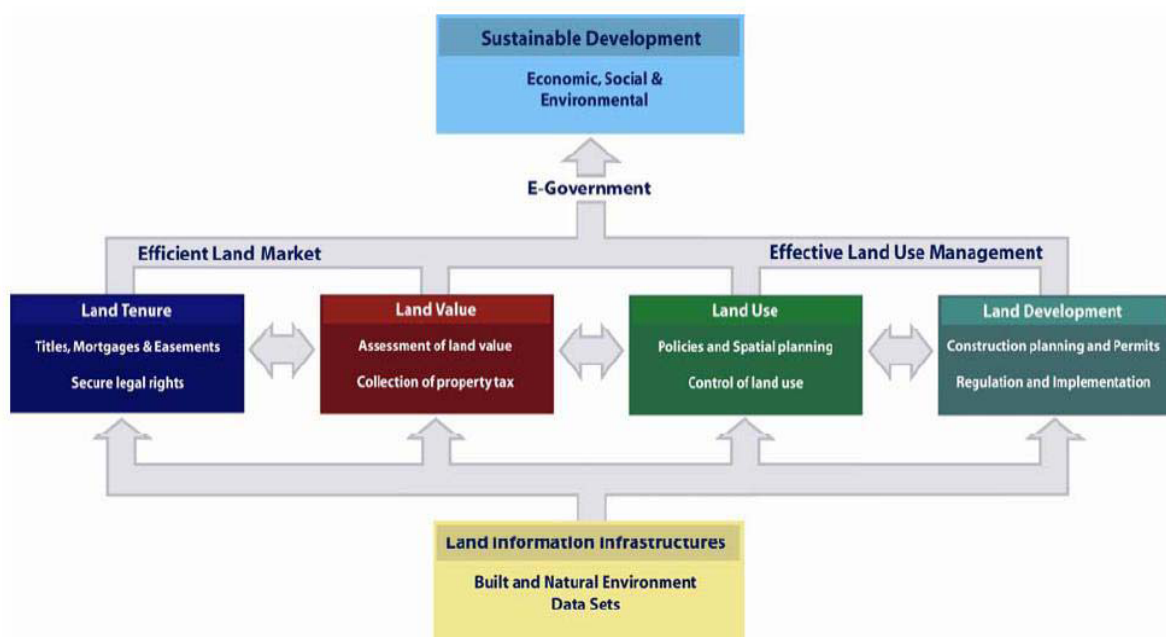
FIG Working Week 2024

Your World, Our World: Resilient Environment and Sustainable Resource Management for all
Accra, Ghana, 19–24 May 2024

1. INTRODUCTION

According to Enemark (2009), all countries must deal with the management of land. They must deal with the four functions of land administration: land tenure, land value, land use, and land development in some way or another. The UNECE (1996) defines Land Administration as a process of determining, recording, and disseminating information about the ownership, use, value and development of land. It also involves the adjudication of land rights, surveying, and the provision of relevant information for supporting land markets. Land administration systems helps achieve sustainable development as illustrated by the diagram below (Williamson et al, 2010).

Figure 1: Land Administration for Sustainable Development



Source: (Williamson et al, 2010)

Different countries have different land administration systems in place and Namibia is one country with a system in both urban and rural areas. As noted from the figure above, the accepted theoretical framework for all land administration systems is the delivery of sustainable development, involving economic, social, and environmental development (Enemark, 2009). Land Administration Systems are the basis for conceptualizing rights, restrictions and responsibilities related to people, policies, and places. Additionally, Land Administration Systems are an important infrastructure, which facilitates the implementation of land policies in both developed and developing countries. These systems are concerned with the social, legal, economic and technical framework within which land managers and administrators must operate. These systems support efficient land markets and are, at the same time, concerned with the administration of land as a natural resource to ensure its sustainable development.

This paper provides an overview of the land administration system of Communal land in Namibia, as well as the areas of advancement to improve the management of land in the communal context.

2. METHODOLOGY

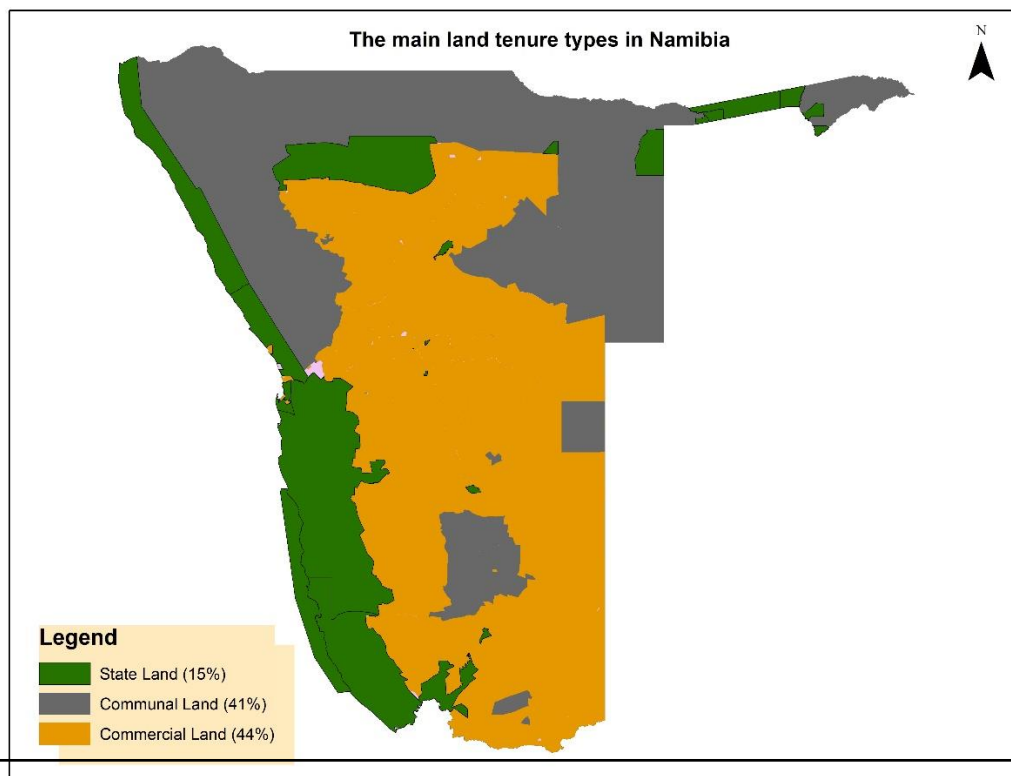
Research is defined as a systematic, controlled, empirical, and critical investigation of natural phenomena guided by theory and hypotheses about the presumed relations among such phenomena (Kerlinger, 1986). The research paper features both qualitative and quantitative data. Qualitative data helps in the understanding of some aspects of social life to generate words rather than numbers as data for analysis, whereas quantitative data supports data analysis through numerical data (Field, 2005). Several experts and local communities were interviewed for this study and the information gathered was related to the NCLAS system in terms of its functionalities and challenges. The Author also gathered information from the year 2011 to 2021 while engaged in communal land administration under the Communal Land Right Registration Project (CLRRP)

3. COMMUNAL LAND ADMINISTRATION IN NAMIBIA

Namibia is a large country in Southern Africa with a total size of 824,290 square kilometres. The country has a small population of approximately 2.6 million people. It is also one of the least densely populated countries in Sub-Saharan Africa, with an average density of approximately 2.5 people per square kilometre, compared to 34 people per square kilometre for the region (World Bank, 2010).

The country has three main tenure systems: freehold tenure (44%), communal tenure (41%) and state land (15%) (Werner, 2021).

Map 1: The three main tenure land types in Namibia



Advancing Land Administration Systems: Namibia's communal land administration system (12660)

Malcon Mazambani (Namibia)

Source: Author (2024)

FIG Working Week 2024

Your World, Our World: Resilient Environment and Sustainable Resource Management for all

Accra, Ghana, 19–24 May 2024

Communal land/tenure (the focus of this paper) is owned by the state and held in trust for local communities. Traditional authorities and Land Boards administer the communal land, allocating land for residences, agriculture, and other uses recognized by the Minister. Communal land cannot be sold; transfers of use rights must go through the traditional authorities and Land Board. All communal land must be registered with the Land Board under the Communal Land Reform Act, 5 of (2002), which provides for the mapping and registration of all land rights held in communal areas to ensure a formal communal land administration process (LAC, 2005).

The Communal Land Reform Act No. 5 was enacted in 2002 to provide for the allocation of rights in respect of communal land through the establishment of Communal Land Boards. This Act was introduced to support the communal land registration project. It also provides for the powers of Chiefs, Traditional Authorities and Communal Land Boards about communal land. The Act vests the ownership of communal land to the state where it is held in trust for local communities (LAC, 2003). As part of the administration of communal land in Namibia, a system: Namibia Communal Land Administration System (NCLAS) was created to capture, store and disseminate information about land in communal areas.

4. THE NAMIBIA COMMUNAL LAND ADMINISTRATION SYSTEM (NCLAS)

The Namibia Communal Land Administration System (NCLAS) was designed by the Ministry of Agriculture, Water and Land Reform (MAWLR), following the Communal Land Reform Act, No. 5 of 2002, to store all information on the registration of Customary Land Rights (CLR) and Leasehold Land Rights (LLR), and act as the appropriate register for the Communal Land Boards (Meijs et al, 2008). The system was made to ensure ease of use but also left ample space for future developments such as the possibility for integration of commercial and communal registration systems. During the years several updates have been designed making the process faster and more user-friendly.

The system (NCLAS 1) was rolled out to all Communal Land Boards (CLBs) in 2008 and consists of two parts. The communal deeds store data relating to an applicant or land rights holder and the communal cadastre contains ‘the geometries of parcels. These two components are linked via a Unique Parcel Identifier (UPI), which, as the name suggests, gives each land parcel a unique number. This system, which is designed to integrate the freehold and non-freehold registration systems, enables CLBs to issue people who hold a customary or leasehold right with simple certificates that reflect the particulars of the rights holder, a description of the right, its location and size as well as a map.

Figure 1: Schematic representation of the NCLAS, where Persons, Parcels and Rights are stored separately in a Register.



Source: Ministry of Agriculture, Water and Land Reform (2011)

In 2014 the MAWLR introduced a web-based application of the system - NCLAS 2. The new and improved system was aimed at resolving the challenges that were experienced with NCLAS 1 which included the following:

- Duplication of data
- Overlapping of land parcels
- Loss of records
- Security challenges
- Lack of application tracking features.

5. CHALLENGES FACING THE CURRENT NCLAS (V2).

As mentioned above, there have been noticeable improvements in the NCLAS system such as developments, transitioning from NCLAS 1 to NCLAS 2. Nonetheless, the system continues to face some challenges which can be summarized below:

- a) **Lack of capacity:** this relates to the technical capacity of the personnel working with the system in some technical areas of handling and managing the system.
- b) **Server downtimes:** the current web based NCLAS has over the years been experiencing some server downtimes for all the Regions. This has presented challenges in terms of meeting the registration targets because it results in less work being done as well as not meeting the needs of clients in terms of information dissemination.
- c) **Lack of financial resources:** the system has over the years been too dependent on foreign funding with little financial commitment from the Namibian government. This dependency has created challenges for operational activities affecting the National progress of communal land registration.

d) **Outdated technologies:** this relates to data collection methods of outdated aerial photography and the time-consuming handheld GPS to collect field data. The Developed World has moved in the direction of online/web-based systems for data capture.

FIG Working Week 2024

Your World, Our World: Resilient Environment and Sustainable Resource Management for all

Accra, Ghana, 19–24 May 2024

6. KEY AREAS FOR ADVANCEMENT OF THE NCLAS

Key areas of advancement	Actions steps
Capacity building	The NCLAS system was developed with the assistance of foreign expertise due to the absence of local capacity. It is recommended that the Ministry should invest in the training of local expertise to save costs and ensure full ownership of the system.
Utilizing the latest technologies	Data capture approaches such as mobile data collection tools and the use of online/web GIS tools to capture information.
Tenure systems that are bankable	Customary land rights that are bankable. This is an area of advancement because some financial institutions still do not recognize or see the financial value of land rights held under the communal tenure system.
Strengthened and capacitated systems and structures to reduce and resolve land conflicts and disputes in a timely manner	The structures under the Communal land administration system for Namibia lacks capacity in terms of handling issues such land disputes and conflicts. Moreover, the procedures for dispute and conflict resolution are sometimes not very clear resulting in delays of registering the land rights. The structures such as Land Boards and Traditional Authorities should be capacitated through training and expert advice in all matters relation to the administration of communal land.
Security of tenure	The systems should guarantee tenure security for all through registered land titles considering the accepted principles of land registration: insurance, curtain, and mirror). Women's land rights and those of the marginalized should be protected.
Strong and well-functioning regional institutions	Namibia is one of the countries that has made some progress with the Decentralization Programme, but it can be noted that most of the functions are still centralized, and this is also applicable to the communal land administration for Namibia.
Improve good governance in land administration	Good governance is an important aspect of land administration. Good governance in Land administration is only achieved through Efficiency, Effectiveness, Transparency, Integrity and accountability, Autonomy, Public participation, Fairness, Rule of law (Werner, 2021).

7. CONCLUSION

Land Administration Systems are different across the world of which the main aim is the implementation of land policies of the different countries. The systems are concerned with the social, legal, economic and technical framework within which land managers and administrators must operate. They support efficient land markets and are, at the same time, concerned with the administration of land as a natural resource to ensure its sustainable development. Namibia has land administration systems for both urban and rural areas in place with rural being administered through the Namibia Communal Land Administration System (NCLAS). The above-mentioned system (NCLAS) has gone through some changes and developments over the year aimed at improving the system. Nonetheless, several challenges can be noted from the system. The paper focused on identifying some of the challenges facing the system and make recommendations in terms of key areas for improvement to advance the system to achieve its objectives.

REFERENCES

- Enemark, S. (2009). Land Administration Systems: Managing rights, restrictions and responsibilities in land. Aalborg University, Denmark.
https://www.fig.net/organisation/council/council_2007-2010/council_members/enemark_papers/2009/hyderabad_enemark_paper_feb_2009.pdf
- Field, A. (2005). Effect sizes; Null Hypotheses Significant Testing (NHST).
<http://www.statisticshell.com/docs/effectsizes.pdf>
- Kerlinger, F. (1986). Foundations of behavioural research, 3rd edition; Problems and Hypotheses. Harcourt Brace and Company. Orlando, Florida
<https://faculty.fuqua.duke.edu/~jglynch/Ba591/Session01/Kerlinger%20Ch%2002.PDF>
- Legal Assistance Centre (LAC). (2005). Our Land We Farm: An analysis of the Namibian Commercial Agricultural Land Reform Process. Windhoek, Namibia.
<http://www.lac.org.na/projects/lead/Pdf/landwefarm.pdf>
- Meijs, M, Kapitango, D and Witmer, R. (2008). Land Registration using aerial photography in Namibia: Costs and lessons. Ministry of Lands and Resettlement, Windhoek.
https://www.fig.net/resources/proceedings/2009/fig_wb_2009/papers/sys/sys_2_meijs_kapitango.pdf
- UNESCAP. (2021). Good governance: Definition and Characteristics. <https://uclg-aspac.org/good-governance-definition-and-characteristics/>
- Werner, W. (2021). Land Governance on Communal Land in Namibia: Land, Environment and Development Project. Legal Assistance Centre. Windhoek, Namibia.
https://www.lac.org.na/projects/lead/Pdf/Land_Governance_on_Communal_Land.pdf
- Williamson, Enemark, Wallace, Rajabifard (2010): Land Administration Systems for Sustainable Development. ESRI Academic Press, Redlands, California, USA.
<http://www.esri.com/landing-pages/industries/land-administration/e-book#sthash.Lp4BYcKW.vmY1XWxG.dpbs>
- World Bank. (2010). The World Bank Annual Report: 2010. Washington DC, United States of America.
<https://documents1.worldbank.org/curated/en/201001468159913657/pdf/530770WDR02010101Official0Use0Only1.pdf>

BIOGRAPHICAL NOTES

Malcon Mazambani is a Land Administration Lecturer in the Department of Land and Spatial Sciences within the Faculty of Engineering and the Built Environment of Namibia University of Science and Technology (NUST). He has extensive knowledge of Geographical Information Systems (GIS) and Communal Land Administration. He holds a Master of Science in Land Management and Land Tenure from the Technical University of Munich: Germany and a Bachelor of Technology in Land Management (Land Information Systems) from the Polytechnic of Namibia.

CONTACTS

Malcon Liyali Mazambani
Namibia University of Science and Technology
13 Jackson Kaujeua Street
Windhoek, NAMIBIA
Tel. +26461 207 2784
Email: mmazambani@nust.na
Web site: www.nust.na