

TRANSPARENCY IN THE RESETTLEMENT PROCESS OF NAMIBIA

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

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



Is there transparency in the resettlement process of Namibia?

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

Considering:

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



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Selection Processes

Beneficiaries of Resettlement

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

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



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Commercial Farmland to be Expropriated for Resettlement

- Legislation/Policies:

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

➤ Current:

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

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



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Problems encountered in selection process

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

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



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Transparency

Good Governance → Transparency → Effective Land Reform Process

1. Access to information

- Available & accessible
- Legislation
- Current

2. Public Participation

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



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Transparency

3. Institutional Reform

- Complaints & Ombudsman Office
- Municipal Front Office
- One Stop Shop
- Oversight Committees
- Independent Audit function
- Independent Anti- Corruption Agencies
- Participatory budgeting

4. Others such as professional conducts/ethics and monitoring systems

(UN Habitat and TI, 2004)



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Measuring Transparency

- Regular surveys
- Recoding complaints
- Reporting violations



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Conclusion and Recommendation

Conclusion:

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

Recommendation:

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



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Thank you for your attention



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