

**PARLIAMENTARY CONTRIBUTION  
TO  
THE  
LOCAL AUTHORITIES AMENDMENT BILL**

**BY HONOURABLE ANNA N. SHIWEDA, MP & DEPUTY MINISTER OF  
AGRICULTURE, WATER AND FORESTRY**

1. Honourable Speaker, thank you very much for the opportunity granted. I would like to use this opportunity to place on record my contribution to Local Authorities Amendment Bill as a subject of consideration before this August House.
2. I wish to commend the Hon. Minister of Urban and Rural Development for a forwarding looking Bill. It is evident that a great deal of efforts went into putting it together for it is sound in a number of aspects.
3. However, notwithstanding the above, I hold reservations in respect of few proposed Sections in the Bill, namely:

**1.1 Section 33A (a): Designation of Zones in Local Authorities for the purpose of reservation for acquiring immovable properties.**

**This Section of the Bill seek to provide for a designation of certain areas as zones reserved for Namibian citizens for the purpose of acquiring immovable properties in accordance with levels or categories of income.**

In all honesty and sincerity, the foregoing has the potential of taking us back onto historical legacies of "reserved zones" along which the colonial doctrine was effectively implemented against our people.

I am sure that no Namibian would like to be reminded of these historical accounts for they bring back horrible memories.

Honourable Speaker, not only is the proposed provision of Section 33A (3) socially terrifying, but it is equally infringing on the provisions of the Namibian Constitution, in terms of Article 10, which guarantees the **"Equality and Freedom**

**from Discrimination”** through prohibition of any discrimination on the grounds of sex, race, colour, ethnic origin, religion, **CREED or SOCIAL or ECONOMIC STATUS**.

On the premises of the Article 10, of the Constitution of Namibia, if the provision of Section 33A (3) passes, it would be found wanting for sanctioning discrimination on the basis of social or economic status.

In addition, the intention of zoned reserves will violate the provisions of Article 16 of the Constitution of Namibia, which provides that:

*“All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees”*

By preventing some Namibians from buying properties in certain areas while allowing others, then Article 16(1) loses its generality in terms of application. This should not be allowed through this August House.

Thus it is my well-considered opinion that Section 33A in its entirety needs to be revised or to be done away with.

My humble proposal is that instead of designating certain areas into zones and ultimately restricting some people from acquiring properties in those areas, let the Bill places limitations in terms of the number of properties that one can acquire in a given municipal area or suburb as a way of ensuring property equity.

## **1.2 Provision of right for the foreign nationals to acquire properties.**

**Section 33A (4) seeks to allow foreign nationals to acquire properties in Namibia, in open zones.**

In light of the high demand of land by Namibian citizens in the country and the escalation of absentee land lordships, it is my view that allowing foreign nationals to acquire immovable properties in the country will only worsen the current land situation.

In terms of Article 16(1) of the Namibian Constitution, it is well within the power of this August House to legislate the prohibitions on the acquisition of immovable properties by foreign nationals and this is the direction I stand to favour.

I thus propose that instead of allowing foreign nationals to acquire immovable properties indefinitely, they should be allowed TO LEASE for defined period.

The Green Scheme Policy, for example, makes provision for investors to lease the agricultural land for a particular period until such time that the investor has recouped on the investment. The duration could take from 10,20,25 up to 99 years depending on the investment made. However, the land stays the property of Namibia.

### **1.3 Using of the Chief Executive Officer vs Town Clerk**

Chief Executive Officer in term of the Principal Act is defined as the Town Clerk or Secretary of the Village Council.

Consistency needs to be maintained through all formulations in the Bill.

Further that approval or endorsement of the Minister be limited to the appointment of the Chief Executive Officer and not to other employees of the Town Councils or Villages Councils.

Thank you once again Honourable Speaker for the opportunity.

