



FIG Working Week 2024

19-24 May

Accra, Ghana

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

Presented at the FIG Working Week 2024,
19-24 May 2024 in Accra, Ghana

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

FIG Commission 7: TS02G: Fit-for-Purpose Land Administration: Cases and Impacts

20 May 2024

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OUTLINE

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

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INTRODUCTION

UNECE (1996) Definition of Land Administration:

- A process of determining, recording, and disseminating information about the: ownership, use, value and development of land.
- Namibia has different systems of land administration for **Urban** and **Rural areas**.

ABOUT NAMIBIA

- **Location:** Situated in Southern Africa
- **Area Size:** 824,290 square kilometres
- **Population:** 3,022,401 (NSA 2023 Population and Housing Census)
- **Population Density:** 3.7 persons per square kilometre (NSA 2023 Population and Housing Census)





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THE LAND ADMINISTRATION SYSTEM FOR NAMIBIA

The National/Main Deeds System

- Main Deeds/Register systems - freehold and commercial farmland
- Administered by the Deeds Registries Act 14 of 2015 and the Land Survey Act 33 of 1993.
- Supported by other legislations: Agricultural Commercial Land Reform Act 6 of 1995 and other legislations at Local Authority Level).

The Flexible Land Tenure System (FLTS)

- A solution for informal settlement formalisation in urban areas
- Different forms of upgradable titles - Starter, Land hold and Freehold Titles
- Administered by the Flexible Land Tenure Systems Act 4 of 2012

The Namibian Communal Land Administration System (NCLAS)

- A system for the registration of land rights in communal areas (customary and rights of leasehold)
- Primary involvement of Traditional Authorities and Communal Land Boards
- Administered by the Flexible Land Tenure Systems Act 4 of 2012

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Future integration of other systems to the Main/National System

Although the requirements for each system are different; the aim is integrate into the Main/National Deeds System

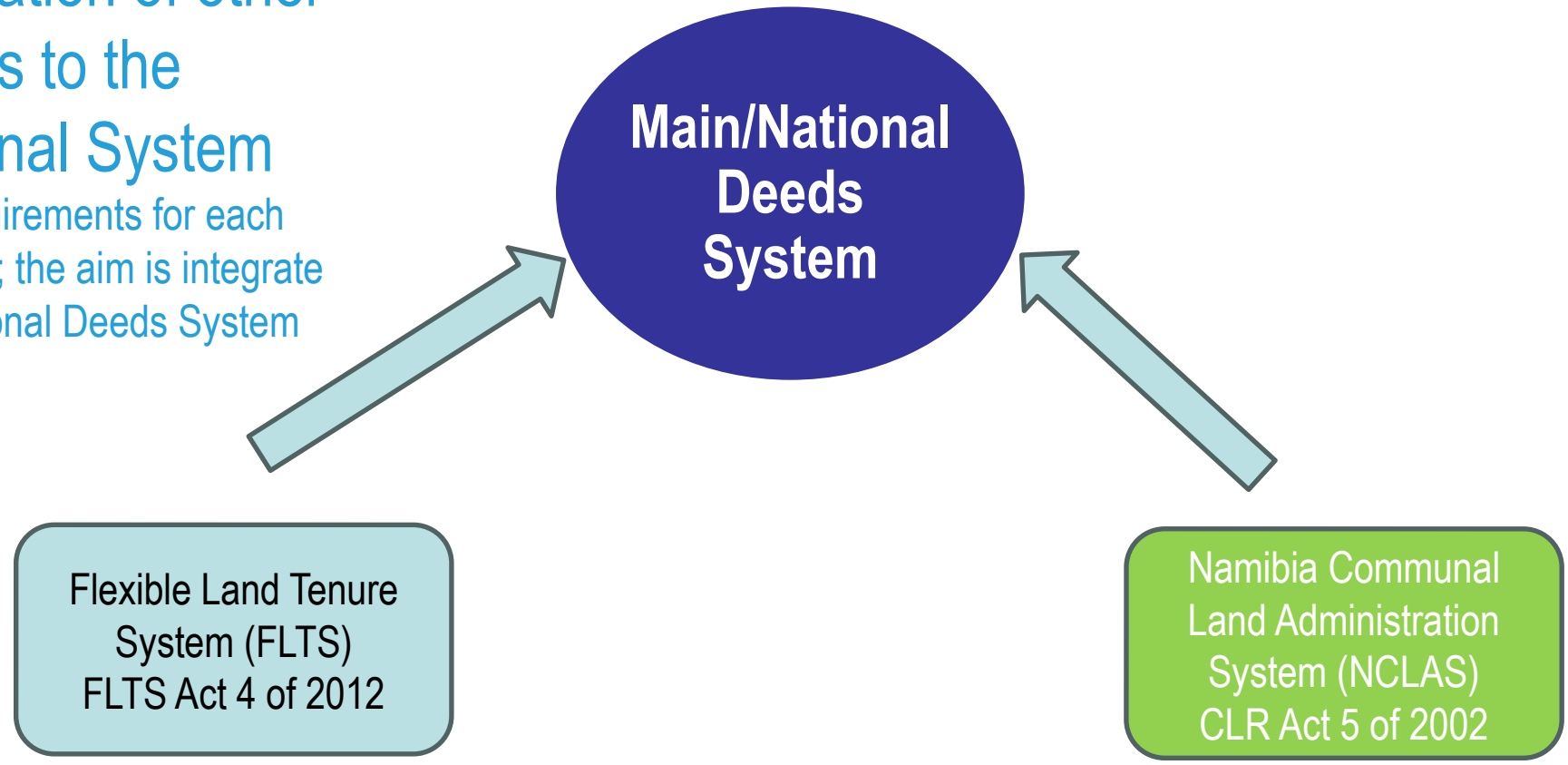




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COMMUNAL LAND ADMINISTRATION IN NAMIBIA

Communal Land as defined by the Act: Land that is held by the State in-trustee for the communities. Individuals cannot own communal land, but may have customary land rights or rights of leasehold with regard to certain areas of land.

- Administered by the **Communal Land Reform Act (5 of 2002)**.
- Communal tenure forms 41% of the country's size/tenure system. Freehold and State Land, forms 44% and 15%. (Werner, 2021).
- 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.

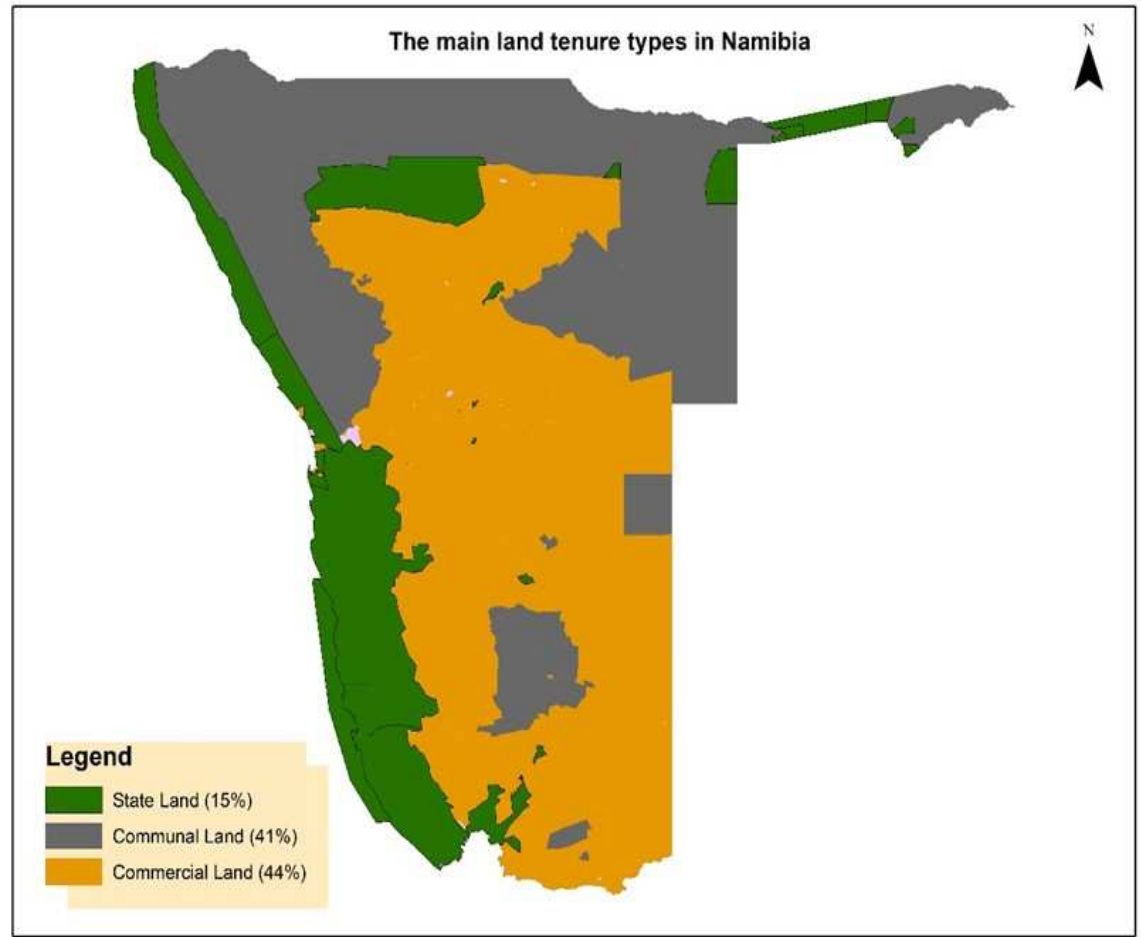




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THE NAMIBIA COMMUNAL LAND ADMINISTRATION SYSTEM (NCLAS)

- Designed firstly as **NCLAS 1** by the Ministry of Agriculture, Water and Land Reform (MAWLR)
- NCLAS 1 was rolled out to all Communal Land Boards (CLBs) in 2008
- Act as the **appropriate register** for the Communal Land Boards
- System to store all information on the registration of **Customary Land Rights (CLR)** and **Leasehold Land Rights (LLR)**
- Two Components: **Communal Deeds** and **Communal Cadastre**
- 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 gives each land parcel a unique number.

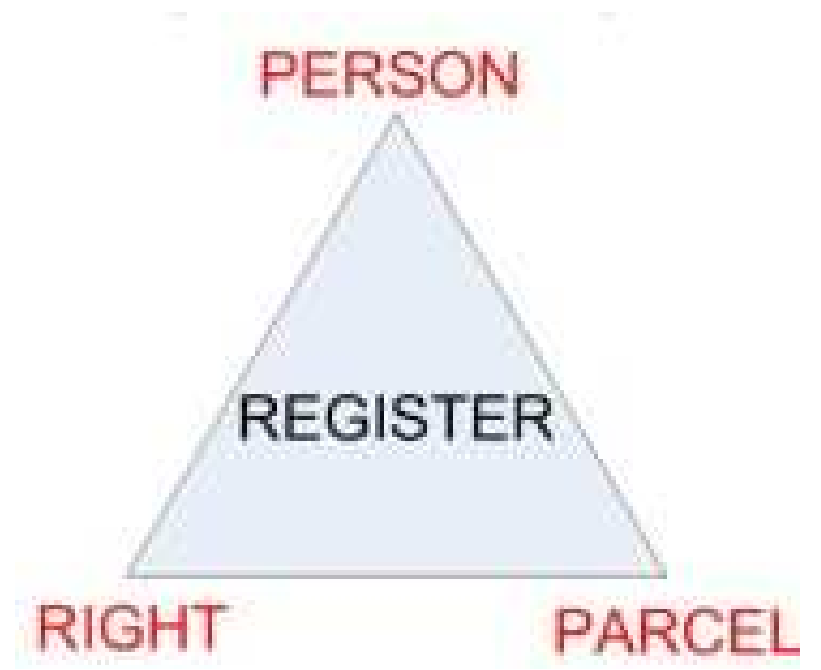




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THE NAMIBIA COMMUNAL LAND ADMINISTRATION IN NAMIBIA (NCLAS)

- Two types of rights registered (customary and leaseholds)
- Issuance of **Certificates of Registration**
- Registration done under the following requirements:
 - ❖ Application (appropriate form, complete, supporting documents, application fees)
 - ❖ Ratification and Approval (Traditional Authority, Communal Land Board)
 - ❖ Mapping and Description of parcels (Handheld GPS, Aerial images)
 - ❖ Dispute resolution mechanisms (Traditional Authorities, Land Boards, Lands Tribunal)

Note: Procedures provided for by the **Communal Land Reform Act 5 of 2002**


REPUBLIC OF NAMIBIA
MINISTRY OF LANDS AND RESETTLEMENT

Certificate No: **OSHCLE-CU001372** Form 4

CERTIFICATE OF REGISTRATION OF RECOGNITION OF EXISTING CUSTOMARY LAND RIGHT
As in the Communal Land Reform Act (Section 28, Regulation B)

IT IS HEREBY CERTIFIED THAT

Farming (Crop) and Residential Unit
description of customary land right which has been recognized, as described on the back

in respect of

Ipogo Communal Area in Omulondo District
(description of land in respect of which customary land right has been allocated)

measuring

14.2 ha

has been recognized to be held by

Mr Gideon Ivai
(full names of person to whom the right concerned has been allocated)

of

Ipogo
(residential address of person to whom right has been allocated)

Signature of Chairman/Secretary of the Board _____ Date _____





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THE NAMIBIA COMMUNAL LAND ADMINISTRATION SYSTEM (NCLAS)

- The system was made to ensure ease of use but also left ample space for **future developments**
- Future developments – system improvements and the possibility for integration into the Main/National Deeds System.
- During the years, several updates have been designed making the process faster and more user-friendly.

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NCLAS Developments - NCLAS 2

As part of NCLAS Development and Improvement:

- **NCLAS 2** was introduced in 2014 by the Ministry of Agriculture, Water and Land Reform (MAWLR)
- Web-based application of the system and server-based
- 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.

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NCLAS 2 – Still facing some challenges

- **Lack of capacity:** technical capacity of personnel in handling and managing the system (IT/GIS Experts)
- **Lack of financial resources:** dependence on donor funding affecting progress.
- **Outdated technologies:** data collection methods of using outdated aerial imagery and the time-consuming handheld.
- **Data loss:** the transition from NCLAS 1 to NCLAS resulted in loss of land records
- **Unresolved land disputes:** lengthy and unclear procedures for resolving land disputes.

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KEY AREAS FOR ADVANCEMENT OF THE NCLAS

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 - 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.

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KEY AREAS FOR ADVANCEMENT OF THE NCLAS

Tenure security - 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

Constant backups: backups are important in the event of data loss. The NCLAS system has experienced data loss in some regions resulting from server breakdowns

Continuous update of hardware: critical for smooth operation of systems and software.

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NCLAS Integration

If we want integrate the NCLAS into the Main/National Deeds System then there is a need for:

- Adherence to the provisions of: the **Land Survey Act 33 of 1993** and the **Deeds Registries Act 14 of 2015** (Laws responsible for the Main Deeds System)
- Amendment the communal land legislation (Communal Land Reform Act 5 of 2002) – purpose and type of rights
- Change the data collection methods (use methods with better accuracy)
- Procedures (examination, registration, etc)
- Improved Digitalisation of the system and land records

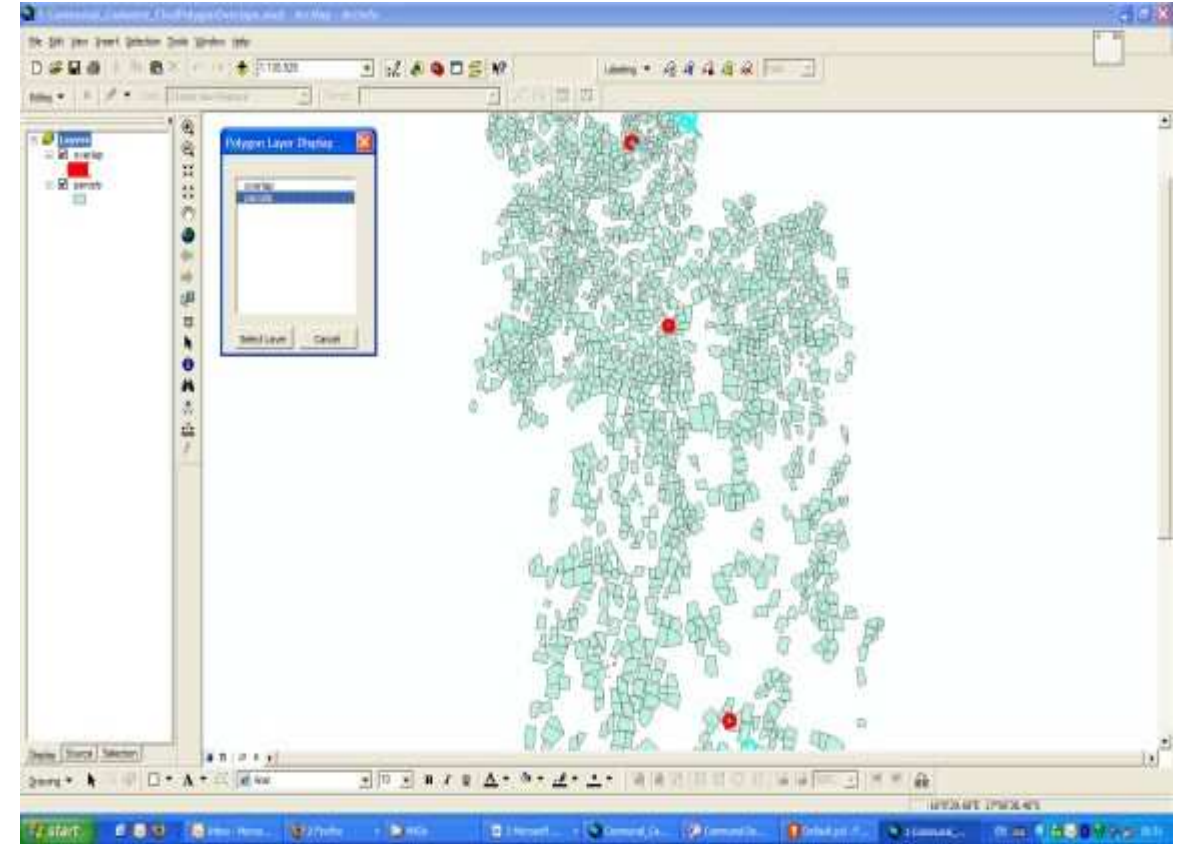




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SUSTAINABLE DEVELOPMENT GOALS

International Federation of Surveyors supports the Sustainable Development Goals

Commission 7

TS02G: Fit-for-Purpose Land Administration: Cases and Impacts

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