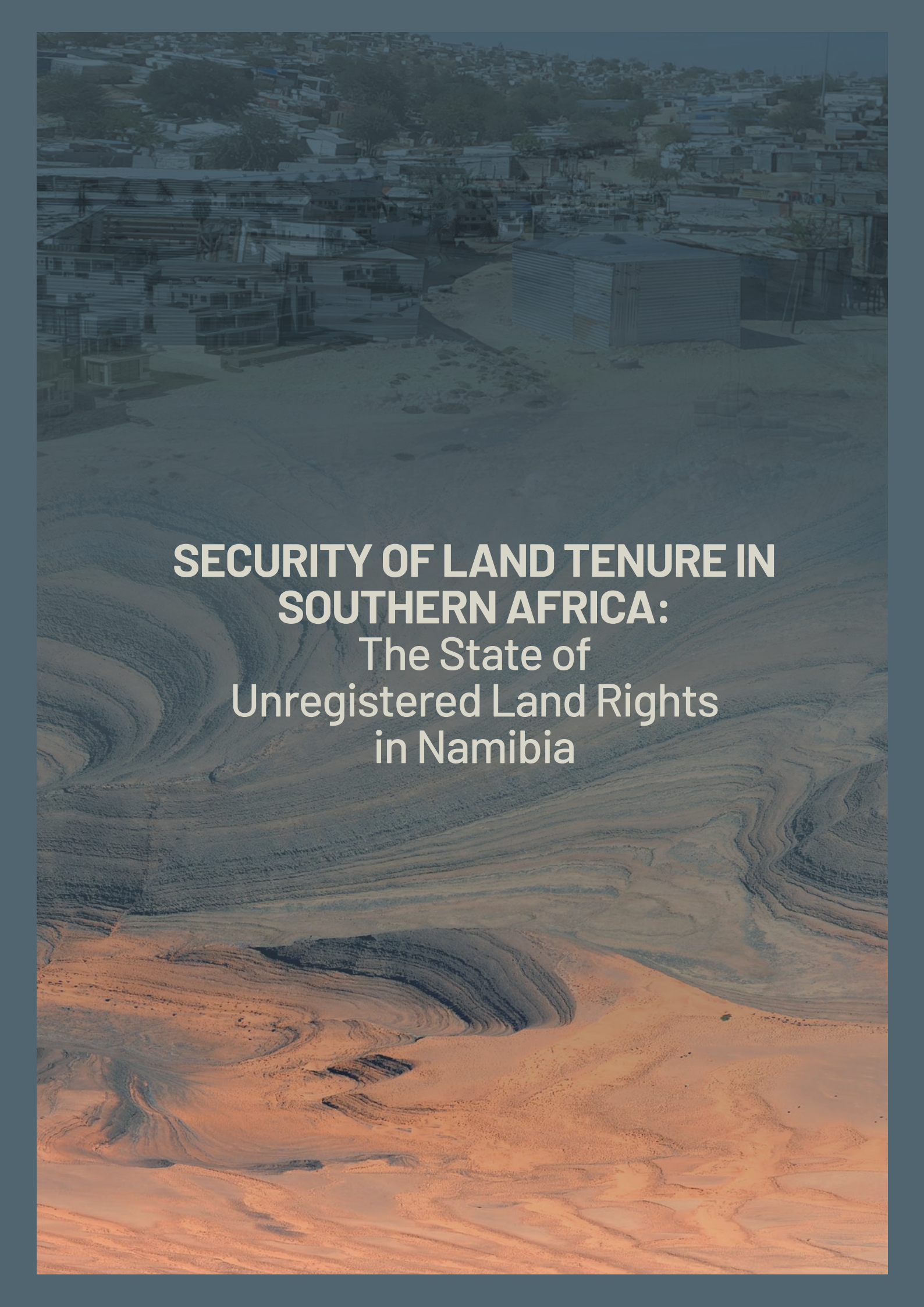


An aerial photograph showing a densely packed informal settlement on a hillside. The houses are built closely together, many with corrugated metal roofs. In the foreground, there is a large, flat, sandy area with some sparse vegetation and tire tracks. The overall scene suggests a lack of formal land ownership and planning.

SECURITY OF LAND TENURE IN SOUTHERN AFRICA: The State of Unregistered Land Rights in Namibia

SECURITY OF LAND TENURE IN SOUTHERN AFRICA:

The State of Unregistered Land Rights in Namibia

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ABOUT THIS REPORT

This report reviews Namibia's land tenure types and highlights the significance of unregistered land rights. It uses evidence from literature, focus groups and fieldwork to map these rights across urban, peri-urban and rural areas. The findings support policy and advocacy efforts for Civil Society Organisations (CSOs), communities and decisionmakers seeking to secure land rights in Southern Africa. The paper emphasises the value of unregistered land rights. It proffers ten key recommendations. These have been presented as short- and long-term actionable steps for addressing and protecting unregistered land rights. The short-term recommended steps are to:

- Conduct land tenure enumeration research to identify existing and emerging land tenure practices.
- Strengthen outreach and awareness of unregistered land rights to recognise their existence.
- Respect unregistered rights and traditional bodies uninterested in formal registration.
- Focus on affordable, scalable land registration.
- Cut financial reliance on external donors and boost land administration efficiency.

The long-term recommended steps include to:

- Build institutional strength and capacity for land registration.
- Improve technical and human resources for land administration.
- Digitise land administration systems to reduce delays and data loss.
- Increase community and civil society involvement in land registration processes.
- Merge informal and formal land administration systems to create a single, inclusive framework.

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INTRODUCTION – WHY THE FOCUS ON UNREGISTERED LAND RIGHTS?

Land rights are the legally or socially recognised entitlements which individuals or groups access, possess, use, transfer and exercise in various ways on land and land-based natural resources (Chigbu, 2025). Unregistered land rights are the rights people hold on land that has not been formally recorded in the government land registration system. Historically, all land worldwide was unregistered until the first registration systems emerged.

Land registration is the process of recording and documenting land rights. This can be in the form of a deed (legal document used to record the transfer of land ownership) or title (legal ownership and the rights associated with the land), or both. The aim of registration is to guarantee the security of property transactions, to protect the owner from encroachment by third parties, and to enhance land tenure security as a whole (Kasimbazi, 2017: 18). Land registration is undertaken to ensure that every parcel of land has a unique identity to ensure that its ownership or embedded property rights are attributable to a legal entity like a person, group or institution. Such registrations are documented in a land register which records and defines the location, size and rights that subsist on that land.

Land registration has ancient roots, from Egyptian tax registers and Nubian land documents to China's Song Dynasty 'Fish-Scale' records (960–1279 CE) (Qing-Yuan, 2009) yet it was not until the General Register of Sasines (Scotland, 1617) and later the Torrens System (South Australia, 1858) that nationally coordinated, modern land title registration took hold. These precedents establish that systematic land record-keeping was neither a European invention nor a colonial imposition, but a practice present across multiple civilisations long before formalisation today (Williamson et al., 2010). Despite the existence of these land registration systems, unregistered land rights may account for over 70 per cent of the land rights in a developing country (UN-Habitat/GLTN and IIRR, 2012). Poor people are overrepresented amongst those with unregistered land rights. As such, there is no specific valuation standard for assessing land rights, and it is difficult to quantify their open-market value. This holds back economic growth and can lead to hardship for the poor (GLTN, 2018: 2).

Unregistered land rights arise because formal titling processes are complex, costly and inaccessible. Many people occupy land without any entry in the official registry. In Africa, unregistered land accounts for 90 per cent of the continent's rural land (World Bank, 2013), mostly in customary and indigenous jurisdictions. Due to the lack of official written records, ownership and the exercise of land rights on unregistered land are proven by physical possession and oral records. Similarly, more than half of the land in Namibia, about 57 per cent (approximately 47 million hectares), is unregistered land (Mazambani, 2024). This means the country's land administration system excludes more than half of the country, leaving the land rights of many Namibians unregistered and legally unprotected.

1.1. Objectives and Scope

The objective of the paper is to provide an overview of the state of unregistered land rights in Namibia, with a view to improving land governance and sustainable development in Southern Africa. It identifies pertinent issues related to unregistered land rights, including the status of insecure land rights and the impacts of unregistered land on communities in Namibia. The paper provides evidence and a basis for lobbying and advocacy by CSOs, communities and policymakers seeking to secure land rights in Southern Africa.

Expanding the horizons of land registration has become a central objective of development policy aimed at reducing tenure insecurity in Africa. To build a knowledge base that can contribute to this, the paper approaches the subject as follows. It examines how unregistered land rights manifest across existing land rights categories in Namibia and assesses the legal frameworks governing unregistered land rights. It documents the vulnerabilities and tenure insecurities faced by holders of unregistered land in Namibia. Finally, it presents actionable steps for securing unregistered land rights in Namibia.

1.2. Organisation of the Paper

The paper is structured in seven sections.

Section 1 provides an orientation to land registration from a historical perspective.

Section 2 lays out the methodological context of the study reported in the paper.

Section 3 enumerates unregistered land rights in Namibia. This section articulates the status of unregistered land rights by identifying and classifying the typical unregistered land rights in Namibia.

Section 4 gives a background of the constitutional status of land rights in Namibia, and the distribution of land tenure systems in the country.

Section 5 explores the rural and urban dimensions of land tenure in Namibia. This part emphasises the extent of the communal land tenure application in the country. It also reflects on the urban (and peri-urban) land tenure, with emphasis on the informal land tenure system in Namibia.

Section 6 delves into the opportunities to secure unregistered land rights, with emphasis on the role the government has played in securing them. It also provides insights into some of the global best practices in securing land rights. Furthermore, it identifies lessons applicable to Namibia.

Finally, **Section 7** is the conclusion of the paper. This section draws inferences from the study and outlines policy recommendations to secure unregistered land rights in Namibia and Southern Africa.



METHODOLOGY

The key research questions investigated in this study include: (1) What is the state of unregistered land in Namibia? (2) What has the government done about unregistered land rights in Namibia? (3) What are the best practices for securing unregistered land globally? (4) How can the government secure unregistered land rights in Namibia?

The paper is based on a systematic, in-depth qualitative study conducted between March and May 2026. The study relied on primary and secondary data sources. The researchers analysed information from these narratives. This approach was adopted because ‘people do not talk in numbers, they talk in words’ (Rao, 2022: 10).

Methodologically, the study focused on Namibians’ observations and lived experiences regarding how they define their relationship with land (i.e. land tenure). However, its design is anchored in the literature review (Chigbu et al., 2023) to guide the topics of the FGDs, informal conversations, observations and fieldwork (Figure 1).

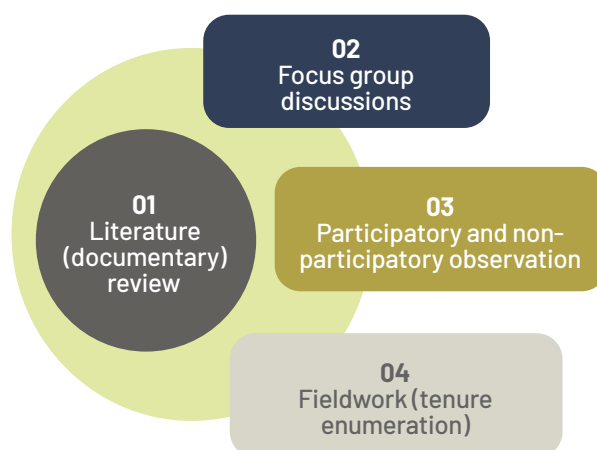


Figure 1: *The literature-anchored methodological approach to the study*



The secondary sources drawn from published and unpublished grey literature produced by government, non-governmental organisations and agencies. **Primary data was drawn through focus group discussions, observation, key informant interviews and field-based tenure enumeration.** **Field-based tenure enumeration:** A field-based tenure enumeration was conducted in three informal settlements (namely, Rooiduine, Burgershoek and Volstuisvlakte) in Rehoboth from 25 to 30 March to identify the typical tenure types in Namibian cities.

- **Focus Group Discussion (FGD):** Two ($n=2$) FGDs were conducted in Windhoek with selected academics ($n=3$), NGO staff ($n=3$), and practitioners ($n=3$). Informed consent was obtained before the start of each FGD, and respondents could decline to participate. The FGDs lasted 40-90 minutes, averaging approximately 1.5 hours.
- **Informal meetings and conversations:** Part of the data was augmented by three ($n=3$) informal meetings with officials from the Ministry of Agriculture, Fisheries, Water and Land Reform (MAFWLR) and local authorities regarding the state of land tenure and land titling in Namibia. Multiple informal conversations allowed the researchers to gain uncontrolled insights into stakeholders lived experiences regarding Namibia's land tenure situation.
- **Observations:** Different members of the research team engaged in a transect walk around settlements in the rural area of Tsandi (Omusati region), and the urban areas of Windhoek (Karas region), Keetmanshoop (//Karas region), Walvis Bay and Swakopmund (Erongo region), where they observed current land use patterns, settlement patterns and public land utilisation patterns. These observations allowed for identifying and recording new types of land rights that had never been recorded in the literature before in Namibia.

Using the above methods, it was possible to identify and isolate unregistered land rights from the conventional registered land rights in Namibia. The data were analysed and cross-analysed to identify patterns and examine the reliability of the emerging themes.

2.1. Limitations and Validity

The field-based tenure enumeration was conducted in three informal settlements (Rooiduine, Burgershoek and Volstuisvlakte) in Rehoboth only, which may not fully represent the diversity of informal tenure arrangements across all Namibian urban and peri-urban areas. The two focus group discussions involved a small number of participants ($n=9$), drawn from academia, NGOs, and practitioners in Windhoek, which limits the breadth of stakeholder perspectives captured. The qualitative methodology, while appropriate for exploring lived experiences of land tenure, does not generate statistical data on the scale or distribution of unregistered rights across the country. Additionally, the study relies substantially on grey literature and government statistics, the completeness and consistency of which cannot always be independently verified. Notwithstanding these limitations, the validity of the findings is supported by the triangulation of multiple data sources and methods – literature review, field enumeration, focus group discussions, informal conversations with government officials and direct observations across five regions. This cross-method approach strengthens the credibility of the identified tenure typologies and the conclusions drawn from them.

NOTABLE STATE OF UNREGISTERED LAND RIGHTS IN NAMIBIA

Land rights in Namibia are not uniform. They manifest across a spectrum of informal tenure arrangements, each shaped by geography, poverty, governance structures and historical dispossession. These arrangements range from the complete absence of shelter and tenure to customary systems legitimised by social norms but absent from the formal land register to pseudo-commercial informal rental markets operating entirely outside the legal framework. Understanding these arrangements and the specific vulnerabilities of the people within them is essential for targeted policy and advocacy responses. From a spatial perspective, the country does not have a defined peri-urban jurisdiction, yet they do exist. However, it is easily divisible between urban and rural land rights. To enumerate unregistered land rights in Namibia, the following typology presents the principal informal tenure systems observed there. Tables 1 and 2 provide the full continuum of tenure scenarios for each context, with security levels reflecting right holders' own perceptions rather than formal legal status.

3.1. Urban Informal Tenure Systems

These relate to the various people-to-land relationships in the informal sector of urban areas. They include:

Pavement dweller (people experiencing homelessness): At the most extreme end of tenure insecurity are the pavement (street) dwellers, individuals and families who are homeless and live in public spaces not intended for human habitation (Méndez-Giraldo et al., 2022). They occupy pavements, parks, riverbanks, abandoned buildings and spaces beneath bridges in urban areas such as Windhoek. They exercise no recognised right (neither formal nor customary) over the space they occupy. Their tenure, if it can be called that, is purely physical and instantaneous: they are where they are until they are removed.

Informal settlement dwellers (self-built occupants on proclaimed and unoccupied land): This is arguably the most widespread form of informal tenure in Namibia. Informal settlement dwellers erect self-built structures, commonly referred to as shacks/kambashus, on land they do not own and have not formally leased, typically on the urban periphery or within proclaimed townships, settlements such as Havana informal settlements in Windhoek. This type of tenure occurs on both proclaimed and unproclaimed land: the main difference between the two is that proclaimed land refers to land that has been formally designated for a specific purpose (such as a road reserve) but where the state has not yet acted on that designation. Occupiers typically establish themselves through community-level negotiation, informal allocation by a community leader or an early settler, or simply by identifying an unoccupied plot and building on it. Residents are chronically vulnerable to eviction, particularly when settlements occupy land earmarked for development or private investment. For instance, in Havana, many people settled on land reserved for a highway. The absence of formal tenure means they cannot use their land as collateral.

Backyard dwellers (rentals): Backyard dwelling is a prominent informal tenure arrangement in Namibian towns and cities. It involves the construction and occupation of one or more structures (shacks, converted outbuildings or purpose-built rooms) in the yard of a formal or semi-formal residential property, typically without local authority approval. The arrangement is usually entered into informally between the property owner and the backyard dweller, with rent paid monthly in cash and no written lease agreement. Backyard dwellers are entirely dependent on the goodwill of the primary occupant and have no legal recourse in the event of eviction.

Informal rental tenants: In Namibia's denser informal settlements, a commercialised rental market has emerged operating entirely outside the formal legal framework. Shack landlords (residents who have built multiple structures on informally occupied plots) rent single rooms or small shacks to tenants, typically charging monthly cash rentals. These transactions are oral and rental rates are set entirely at the landlord's discretion, largely reflecting location, construction quality and proximity to services. Informal rental tenants have very weak tenure security. They have no formal lease, no statutory protection against eviction and no mechanism for resolving disputes with landlords. Landlords may arbitrarily increase rents, withhold access to shared facilities or evict tenants without notice. Because they occupy land which they neither own nor hold customary rights over, informal tenants have no claim to any compensation or alternative accommodation in the event of settlement-wide evictions by the state or a private landowner.

Urban in-kind: Rental involves payment through labour or goods rather than cash, often in arrangements between close relatives, community members or domestic workers and their employers. This category also involves those who take care of the property in exchange for the right to live on it. The property rights profile mirrors backyard rental. This form is most common among the poorest and most socially dependent segments of the urban population.

Subletting: Subletting in the urban informal context occurs when a tenant who themselves has no formal title re-rents or allocates space to another person. The subletter has the right to occupy, enjoy, develop, cultivate, earn income and access some services. This type of tenure is a secondary informal right built on another informal right, creating a layered insecurity where any disruption at the primary level cascades downward to the sub-tenant.

3.2. Communal Tenure Systems

These relate to the various people-to-land relationships in the communal areas, which largely represent the rural parts of Namibia. A considerable proportion of Namibia's population (particularly in the communal areas of the north, northeast and south) holds land under customary tenure systems governed by Traditional Authorities. Under the Communal Land Reform Act, customary land rights are broadly recognised in two forms: customary land rights (CLR) for residential and cultivation use, and leaseholds allocated by the MAFWLR. In practice, however, the recording and registration of customary rights remains incomplete. Many rights, held for generations, transmitted through oral tradition and social recognition, and maintained through continuous use, are never formally recorded with the CLB or the state land registry. As a result, these rights, while socially legitimate and often deeply entrenched, remain unregistered in the formal system.

Unregistered customary land holders are vulnerable to large-scale land alienation for conservation, mining, commercial agriculture and infrastructure projects. Without a documented record of their rights, communities find it difficult to prove the existence, extent and duration of their tenure when it is challenged. Furthermore, the inability to monetise or leverage customary rights for investment reinforces the poverty cycle in communal areas.

Corridor dweller: This is the most precarious rural tenure type, equivalent to homelessness but with a makeshift structure. These are makeshift structures built outside or near villages. These structures are mainly built by farm workers who have been dismissed and if these workers are a large group, they tend to create a community that moves around in these grey areas in search of land. Their only right is physical occupation and use on a temporary basis until they are evicted by the government or private landowners.

Crop-sharing: This is a distress or solidarity-based arrangement where one party provides a portion of the land (mainly for food production) and the recipient provides labour, with the harvest divided between them at the end of the season. The person working the land has the right to occupy, enjoy, develop, cultivate and earn an income from it, and access services through the arrangement. This is a relatively flexible but short-term and socially contingent form of tenure.

Authorised subdivision (usufruct): This arrangement involves a permission granted by a landowner (typically a family member or community leader) to use a portion of their land, often formalised only through social recognition or verbal agreement. While more stable than crop-sharing, it remains dependent on the goodwill of the primary rights holder.

In-cash rental: In communal/customary areas this involves a tenant paying money to a customary land rights holder to use a portion of their land, typically for a season or year. This gives the tenant the right to occupy the land. However, they cannot sublet, dispose of, restrict or inherit the land, nor can they access credit on the basis of their land rights. This arrangement is becoming more common as land pressure in communal areas intensifies.

Rent in-kind: Functions similarly to in-cash rental, except that payment is made through goods, labour, or produce rather than money. This arrangement is common in areas with less cash-based economies, particularly among elderly or subsistence-oriented landholders.

Land sharing: Refers to arrangements where a landowner allows another person or family to reside and use part of their land, typically without payment and often in response to a need of land. This occurs mainly within large growing families. The holder has rights to occupy, enjoy, develop, cultivate and earn income from the land, but cannot sublet, dispose of or inherit it, or access credit. This is a solidarity-driven tenure rooted in social reciprocity rather than economic transaction.

Farm workers and labour tenants on commercial farms: Long-term farm workers and their families on commercial farms occupy residential structures as a condition of their employment. Their rights include occupation, enjoyment, cultivation, income and access to services. However, they cannot dispose of, restrict, inherit or sublet the land, and have no access to credit. Despite sometimes living on the same farm for generations, their occupation is entirely dependent on their employment status; this has historically led to displacement upon retirement or the sale of the farm.

Seasonal transhuman pastoralists on communal/customary land: Seasonal transhumance, which is the cyclical movement of people and livestock between grazing areas in response to rainfall, pasture availability and water sources (IYRP Global Alliance, 2026), is a long-established land-use practice across Namibia's communal areas, particularly in the Zambezi, Kavango, Ohangwena, Oshikoto, Omusati and Oshana regions. Transhumant pastoralists do not occupy a fixed plot throughout the year. Instead, they maintain a primary homestead to which they return during certain seasons, while seasonally driving their cattle, goats and other livestock to distant grazing areas in search of water and pasture. These tenure arrangements are rooted entirely in customary law and inter-community agreements. Grazing rights over specific areas are recognised socially within the community and managed through collective norms about access and carrying capacity. They are not recorded in any formal register and are transmitted orally from generation to generation. As communal land becomes increasingly subject to pressures from conservation fencing, wildlife conservancies, private game farms and agricultural leases, the seasonal corridors on which transhumant pastoralists depend are progressively enclosed and rendered inaccessible. Drought compounds these vulnerabilities significantly: as climate variability intensifies, the distances pastoralists must travel increase, heightening conflict with neighbouring communities over diminishing resources.

Leasehold in communal areas: Allocated by the Ministry or Communal Land Board and sits near the formal end of the continuum. It confers the rights to occupy, enjoy, develop, cultivate, earn income and access services. The holder can also sublet. However, they cannot dispose of the land outright, inherit it freely or access formal credit against it without ministerial approval. It is the most robust unregistered tenure in the rural context before crossing into full customary registration.

The customary lifetime homestead: Allocated by a Chief or Traditional Authority and recognised under the Communal Land Reform Act, this is the most rights-rich tenure on the rural continuum, although it is not registered. It confers all the rights in the property status. It is socially and legally the closest to ownership within the communal framework, though it still falls short of freehold.

3.3. Enumeration of Unregistered Land Rights in Namibia

Land and natural rights enumeration is a complex undertaking because it exposes land-and-people relationships that are interwoven with numerous other socioeconomic and political factors. Despite its complexity, a basic understanding of the tenure and land rights situation in Namibia may provide policymakers and practitioners with the knowledge needed to enhance programme design and evidence-based decision making to improve tenure security in the country and the Southern African region. Based on the exercises undertaken during the study, it is possible to discern that a basket of unregistered tenures and land right types exists in Namibia. These unregistered tenure and land right types in Namibia can be described along a continuum of land rights scenarios. The tenure and land right types in the country are shown in Table 1(rural scenario)and Table 2(urban and peri-urban scenarios).

Tables 1 and 2 illustrate a continuum of unregistered tenures and land rights scenario in rural and urban Namibia. The continuum shows that tenure security increases from corridor dwelling to customary land right (i.e. lifetime homestead dwellers). The colours in the tables indicate the direction of the tenure security continuum, with the perceived security level lowest (red) and increasing to more security (green).

TABLE 1: THE CONTINUUM OF UNREGISTERED TENURES AND LAND RIGHTS IN RURAL NAMIBIA (BASED ON AUTHORS' ASSESSMENT)									
Tenure category	Possession								
	Homeless (with structure)	Tenant						Leaseholder	Customary holder
Tenure status	Corridor dwelling	Crop sharing	Authorised sub-division (usufruct)	Rental	Land sharing	Labour tenant (short-term)	Farm worker (long-term)	Leasehold (allocated land)	Customary (lifetime homestead)
Property rights									
Occupation/use	x	x	x	x	x	x	x	x	x
Enjoy		x	x	x	x	x	x	x	x
Dispose									x
Restrict									x
Buy									x
Inherit									x
Develop/improve		x	x	x	x			x	x
Cultivate/produce		x	x	x	x		x	x	x
Sublet		x							x
Sublet and fixed rent									x
Pecuniary		x	x	x	x	x	x	x	x
To access services		x	x	x	x	x	x	x	x
To access informal credit									x

TABLE 2: THE CONTINUUM OF UNREGISTERED TENURES AND LAND RIGHTS IN URBAN AND PERI-URBAN NAMIBIA (BASED ON AUTHORS' ASSESSMENT)

Tenure category	Possession						
	Homeless (with structure)	Tenant			Leaseholder		
Tenure status	Pavement dwelling	Illegal settlement (Proclaimed/ Un-proclaimed)	Informal Rental Tenant	Backyard Rental	Rent (in kind)	Subletting	Rent (in cash)
Property rights							
Occupation/use	x	x	x	x	x	x	x
Enjoy		x	x	x	x	x	x
Dispose							x
Restrict							x
Buy							x
Inherit							
Develop/improve		x	x	x	x		x
Cultivate/ produce		x	x	x	x		x
Sublet		x					x
Sublet and fixed rent							x
Pecuniary		x	x	x	x	x	x
To access services				x	x	x	x
To access informal credit							

The enumerations shown in Tables 1 and 2 were conducted by the authors based on a combination of desktop review and fieldwork in Rehoboth informal settlements. While it provides a scenario of unregistered land rights occurrences in Namibia, a more extended enumeration is essential to get a bigger picture of the scenario for the whole country. Such an extended enumeration would enable differentiating actors in the Namibian land sector – e.g. MAFWLR (field verification), SDFN/ NHAG (community mapping), academics (surveys) and note the policy outcomes of each – to work together in creating a better understanding of the land tenure and unregistered land rights situation in Namibia. Such collaboration could involve the MAFWLR conducting field verification, civil society organisations (e.g. SDFN/NHAG) conducting community mapping, and academics (e.g. NUST) and private sector research organisations (e.g. CRG Research and Consulting) could conduct the enumeration surveys. Such a public-private-partnership has potential to generate data for answering policy questions related to who needs their tenure to be secured, where are the instances most affected by insecurity and under what circumstances can they be improved. Doing this can lead to a policy impact of improved working relations between the public and private sector in securing land tenure. It can also lead to developing a qualifying criterion for upgrading unregistered land rights. Apart from informal land occupation in urban areas, which are upgradable using the flexible land tenure system, there is no qualifying criteria for upgrading most unregistered land rights.

The emerging issues arising from the enumerated unregistered land rights are all related to land and living conditions. They relate to all vital aspects for livelihoods and tenure security in Namibia. These unregistered land rights are mostly held by the poor, who often face insecure land tenure or lack access to land, which again perpetuates poverty and narrows livelihood options. Because of this it is possible that not all unregistered land is documented. Some of the unregistered land rights are linked to collective social interests in land, including access to common property resources and the distribution of natural resources. All these unregistered land rights occur on the constitutional land tenure systems in Namibia.



CONSTITUTIONAL STATUS OF LAND TENURE IN NAMIBIA

Namibia, like other African countries, has different land tenure systems that were implemented after independence to ensure tenure security for all. Prior to independence in 1990, German and South African colonial governments made land allocations. The colonial regime divided the country into two areas: areas within the Police Zone, owned by the colonialists; and areas outside the Police Zone, identified as communal. Land allocations in areas outside the Police Zone were made by the Chiefs or Traditional Authorities, where land records were not formally documented. Additionally, women were not allowed to own land under customary systems and security of tenure was not guaranteed (Odendaal and Tjiramba, 2005).

The United Nations' Agenda 21 recommended that 'countries should establish appropriate forms of land tenure that provide security of tenure for all land-users, especially indigenous people, women, local communities, the low-income urban dwellers and the rural poor'.

Therefore, Namibia's current tenure types were established at independence in 1990, in line with the UN Agenda 21. The country's land tenure types at independence included freehold/commercial ownership, communal tenure and state land. Additionally, leaseholds were also established under the freehold and communal tenure system.

Freehold/Commercial tenure: About 44 per cent of Namibia's land is privately owned. Owners of freehold land in Namibia have the right to hold the land in perpetuity, to use, transfer and dispose of the land, and to exclude others from the land. Prior to Namibia's independence in 1990, all commercial farmland in Namibia was held in freehold. Rights to this land have remained in freehold, with some black Namibians purchasing farms under subsidised loan programs. Most urban land is privately owned and these rights are registered with the Deeds Office in Windhoek (Odendaal and Tjiramba, 2005).

Communal tenure: 41 per cent of Namibia's land is communal land. Communal land 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 recognised by the Minister. Communal land cannot be sold; transfers of use rights must be approved by the traditional authorities and the 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 (Odendaal and Tjiramba, 2005).

State land: Land reserved for national parks, conservancies, and diamond and mining areas, accounts for 15 per cent of the total area. Article 16(2) of the Namibian Constitution provides that the state or organ authorised by law may expropriate property in the public interest, subject to the payment of just compensation, in accordance with requirements and procedures determined by an Act of Parliament. Therefore, the state has the right to declare part of any communal or commercial area in Namibia as state land.

Leaseholds: Form part of the commercial and communal tenure system. Leases of communal and commercial land can be granted under the Communal Land Reform Act (5 of 2002) and the Agricultural (Commercial) Land Reform Act (6 of 1995) for a period of 99 years and may be transferred, inherited, renewed and mortgaged (Odendaal and Tjiramba, 2005).

The Constitution of Namibia (Article 16) states that everyone has a right to settle in any part of the country and that all persons have the right to acquire, own, dispose of and bequeath both movable and immovable property, individually or collectively. This provision is imperative for unregistered land rights because it does not limit the right to property to those who hold formally registered title (the right is framed broadly but applies to all persons in any part of Namibia). In principle, constitutional protection extends to individuals and communities whose land rights exist through customary tenure, long-term occupation or informal arrangements, even where those rights have not been formally documented or registered. The constitutional framework is permissive enough to accommodate unregistered rights. Yet it relies on other legislation to give those rights practical effect.

- **National Land Policy of 1998:** The policy established the normative foundation for Namibia's post-independence land reform agenda. It affirmed that all Namibians have the right to access land and recognised the legitimacy of both formal and customary tenure systems. The policy explicitly called for the documentation and protection of customary land rights, equitable treatment of communal land holders and the gradual formalisation of tenure in informal settlements. It also emphasised the need to protect the land rights of vulnerable groups, including women and landless communities. The principles of the policy continue to inform both the Communal Land Reform Act and the Flexible Land Tenure Act.
- **Communal Land Reform Act 5 of 2002:** Is a primary legislation governing land in Namibia's communal areas. The Act was introduced to provide for the allocation of rights in respect of communal land; establish Communal Land Boards in Regions with communal land; provide for the powers of Chiefs and Traditional Authorities and boards in relation to communal land; and make provision for incidental matters. The Act defines Communal Land in Namibia as land that belongs to the state and is held in trust for the benefit of traditional communities living in those areas. Communal land in Namibia forms 41 per cent of the country's total surface area (Werner, 2021).
- **Flexible Land Tenure Act 4 of 2012:** Whereas the CLRA addresses communal areas, the Flexible Land Tenure Act is directed at informal settlements and low-income housing within the jurisdiction of municipalities, towns, villages and settlement areas. The Act's stated objects are to create alternative, simpler and cheaper forms of land title; to provide security for residents of informal settlements; and to empower them economically through documented rights. It introduces two new tenure instruments: starter title rights, which grant the holder the right to erect and occupy a dwelling in perpetuity and transfer that right to heirs or other persons; and land hold title rights, which confer rights broadly equivalent to common law ownership over a defined plot, including the ability to mortgage, lease and transfer the plot through formal registration. The Flexible Land Tenure Act is particularly relevant to unregistered urban land rights because it creates a legal pathway for unregistered land rights (e.g. informal occupation) to become registered tenure (e.g. starter title, land hold title and freehold) without the procedural complexities of conventional title deed registration.
- **The Traditional Authorities Act 25 of 2000:** The Traditional Authorities Act is the primary legislation in Namibia governing the establishment, functions and recognition of traditional leadership structures. It replaced the earlier Traditional Authorities Act of 1995 to clarify the roles of traditional leaders in the country's Constitution.

4.1 The Distribution of Land Tenure Systems in Namibia

Communal land tenure is found in Namibia's rural areas, where land is held in trust for communities by the state. The commercial land comprises the private holdings (freehold and leasehold). State land is held directly by the state. The 2024 distribution of these three land tenure types (commercial, communal and state land) is shown in Figure 2.

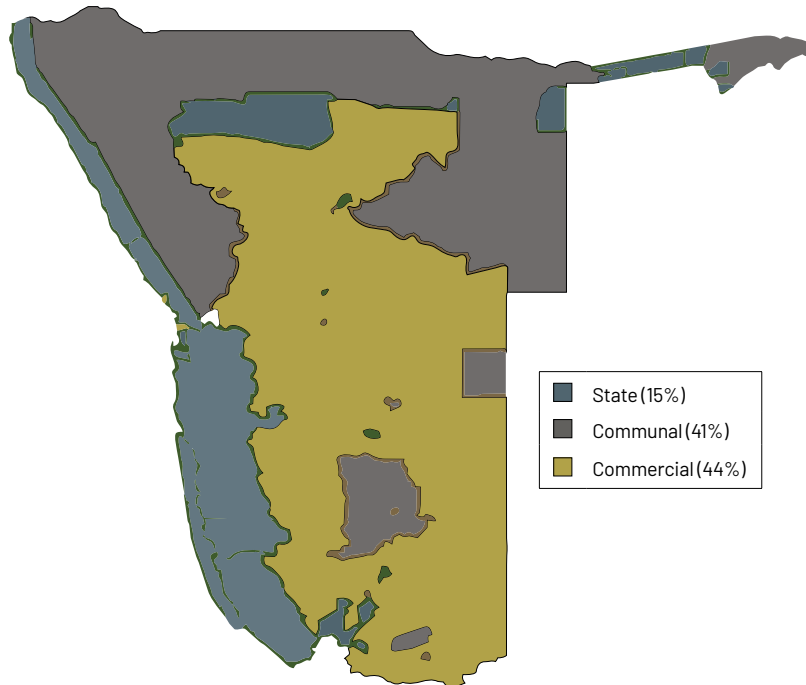


Figure 2: Distribution of freehold, communal and state land tenure types in Namibia

Source: Mazambani (2024)

The process of communal land registration in Namibia is divided into two categories: first, formally recording land that people already live in or use under customary law, known as the 'registration of existing customary land rights'. Secondly, the registration of new customary land rights, which is awarded through a formal application and approval process following the establishment of the communal land administration system.

4.2. Institutional Roles and Responsibilities

The Ministry of Agriculture, Fisheries, Water and Land Reform (MAFWLR) is the primary custodian of communal land administration and is responsible for implementing the Communal Land Reform Act. The Minister within this portfolio holds extensive powers under the CLRA, including the authority to establish and alter Communal Land Boards, designate leasehold areas, set maximum land holding sizes, extend application periods for existing rights holders and make regulations governing communal land management. The Ministry also oversees the national land registration and cadastral systems, which are fundamental to any strategy for documenting and securing unregistered rights and administers the Flexible Land Tenure Act. The Ministry of Urban and Rural Development (MURD) oversees tenure regularisation in informal settlements and low-income urban areas. Coordination between MAFWLR and MURD is therefore essential, especially in peri-urban areas where communal and informal urban tenure systems overlap.



RURAL AND URBAN NAMIBIA: THE COMMUNAL/CUSTOMARY AND INFORMAL LAND TENURES

5.1 Rural Namibia and the communal land tenure

5.1.1. PROCESS AND BENEFITS OF REGISTERING COMMUNAL LAND

According to the Communal Land Reform Act, communal land in Namibia is owned by the state and held in trust for local communities. Traditional Authorities and Communal Land Boards administer the communal land, allocating land for residences, agriculture, commercial activity and other uses recognised by the Act. Communal land cannot be sold but may be transferred, and transfers of use rights must be approved by the Traditional Authorities and Land Boards. All communal land must be registered with the Land Board under the Communal Land Reform Act, which provides for the mapping and registration of all land rights held in communal areas to ensure a formal communal land administration process (Odendaal and Tjiramba, 2005).

The process for communal land registration ensures that previously undocumented and new rights under the communal system attain tenure security. The first process involves, formally recording land that people already live in or use under customary law, known as the 'registration of existing customary land rights'. Secondly, the registration of new customary land rights, which is awarded through a formal application and approval process following the establishment of the communal land administration system. Other processes include registering leasehold and occupational land rights.

According to the Ministry of Agriculture, Fisheries, Water and Land Reform (MAFWLR, 2015), the process of communal land rights recordation in Namibia has the following benefits:

- **Proof of land ownership and boundaries:** Registered land has recorded details and maps showing who holds the land and where its boundaries lie, and the parcel's owner has a certificate proving land ownership.
- **Legal security for landholders and families:** Registration officially recognises a person's right to use and occupy land, protecting them from unlawful claims.
- **Prevention of land disputes and double allocation:** A central land record helps ensure the same land is not given to multiple people and reduces conflicts between community members.
- **Compensation rights if land is taken for development:** Registered holders can legally claim compensation if the government or a project requires their land for public use and services.
- **Encouragement of investment and permanent structures:** Secure land rights motivate people to build houses or fences, or improve farms without fear of losing land.

5.1.2. THE STATE OF COMMUNAL LAND REGISTRATION IN NAMIBIA

The enactment of the Communal Land Reform Act as amended, and the commencement of the Communal Land Registration Project, set the MAFWLR's target at registering a total of 245,000 land rights in Namibia's communal areas.

The Communal Land Reform Act outlines the rights that may be allocated in respect of communal land as:

- a) Customary land rights:** These rights are allocated to individuals for non-commercial practices, including the right to a residential unit (an area where one can live) and the right to a farming unit (an area where one can farm).
- b) Rights of leasehold:** These allow for commercial activity on communal land (as described on the certificate). In Namibia's communal areas, leasehold land rights may be held by individuals or legal entities, with a 99-year lease period as per the Act.
- c) Occupational land rights:** The Communal Land Reform Act, under Section 45, as amended, also provides for occupational land rights on communal land in Namibia, specifically for public services (e.g. schools, clinics, telecommunication sites). These rights are registered in the name of legal entities.
- d) Group rights:** These are rights to parcels of land in communal areas held by a collective entity such as a community or family. Group rights under the system are still under review, with the Ministry currently consulting several stakeholders on the need, modalities and specific rights under this category.

The country has made some progress toward achieving the objectives of the Communal Land Reform Act. According to the 2026 Ministry's statistics on Land Reform, a total of 167,399 customary land rights have been registered, comprising existing and new land rights. In addition to the presented data, a total of 423 occupational land rights, e.g. community gardens, churches and schools, have been registered in various regions. Regarding the registration of leaseholds, a total of 1,965 leasehold rights have been registered. Table 3 shows the number of communal land rights (customary, leasehold and occupational) registered per region in Namibia.

Region	Customary Land Rights		Leaseholds Land Rights	Occupational Land Rights	National Progress
	New	Existing			
//Kharas	2,308	1,252	16	21	3,597
Erongo	4,547	2,048	35	8	6,638
Hardap	1,553	714	3	0	2,270
Kunene	3,388	2,993	377	13	6,771
Kavango East	0	0	48	5	53
Kavango West	0	0	633	11	674
Ohangwena	12,965	23,482	176	51	36,674
Omaheke	2,544	1,597	18	6	4,165
Omusati	22,315	27,886	222	271	50,694
Oshana	12,369	8,986	45	0	21,400
Oshikoto	10,937	11,636	173	24	22,770
Otjozondjupa	1,542	2,889	46	1	4,478
Zambezi	2,607	6,841	133	10	9,591
TOTAL	77,075	90,324	1,965	423	169,787

Source: Authors' presentation (based on data obtained from the Ministry of Agriculture, Fisheries, Water and Land Reform from the 2026 Land Reform Statistics).

Figure 3 shows the current level of registration of customary land rights across Namibia's regions.

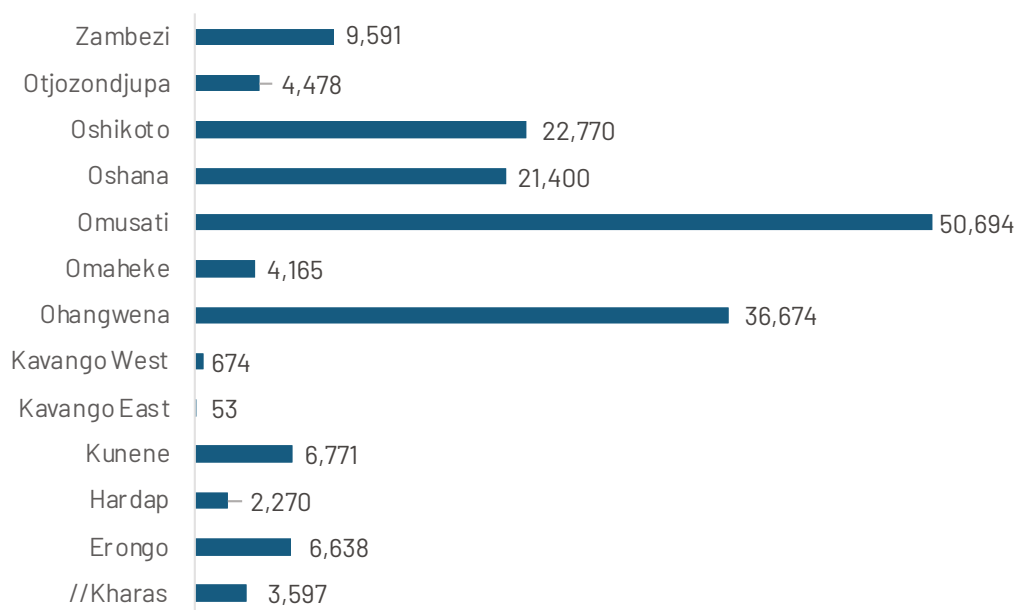


Figure 3: Registered customary land rights per region

Source: Authors' presentation (based on data obtained from the Ministry of Agriculture, Fisheries, Water and Land Reform for the 2026 Land Reform Statistics).

5.1.3 NOT ALL REGIONS OF NAMIBIA ARE KEEN TO REGISTER THEIR COMMUNAL LAND

Regions such as Kavango East and West have not registered a single customary land right to date. The Traditional Authorities in the two regions have opposed and actively resisted the registration of customary land rights as required by the Communal Land Reform Act of 2002. According to Muduva (2021), the reasons for the opposition against communal land registration in Kavango East and West relate to:

- **Conflict with customary law:** The communities have asserted that land is a 'commonage' to be held and managed by the Chiefs and Traditional Authorities, rather than through individual and formal titles. Customary law is recognised under Article 66 of the Namibian Constitution.
- **Fear of mismanagement of land:** Some concerns are that registering land in their communal areas could lead to the exploitation of common resources. This is based on the belief that the Act does not adequately protect communal land from acquisition by wealthy individuals, a fear exacerbated by instances of illegal fencing in the region.

Although the Kavango East and West Regions have opposed the registration of customary land rights, the Traditional Authorities have supported the granting of long-term leaseholds for commercial or institutional purposes. Despite not registering customary land rights, the regions are still faced with illegal fencing issues, particularly by individuals establishing private farms. The failure to formalise these rights often results in weakened tenure security, increased susceptibility to land grabbing, the degradation of common natural resources and gender inequality regarding land access. Additionally, the conflict between statutory and customary law indicates that there are often inconsistencies between customary laws of succession and statutory law, particularly regarding women's inheritance rights (Werner, 2018).

Additionally, Erongo, Hardap, Omaheke, Oshana and Oshikoto regions have not recorded any leasehold rights. Werner (2021) argues that failing to register communal land rights can create significant vulnerabilities for individuals and communities, particularly in areas with high land-use competition.

5.1.4. CHALLENGES FACING THE REGISTRATION OF COMMUNAL LAND IN NAMIBIA

Although the Namibian Communal Land Administration System has made some progress by providing formal land titles, the process frequently encounters several challenges. These difficulties undermine the effectiveness of the land registration process and leave many negatively affected by the lack of legally recognised titles. The process has experienced numerous challenges, which include:

Administrative procedures: Lengthy paperwork, approvals and interoffice coordination delay certificate issuance. Findings reveal that some offices have reported a loss of applications for communal land rights. In contrast, others have a backlog of applications that require field verification and mapping. The Ministry has, however, made noticeable progress on the backlog through mass verification programmes and resource sharing.

Lack of awareness in rural communities: The Ministry has conducted several awareness campaigns on the benefits and procedures of land registration. Nonetheless, there are still claims that some rural communities lack knowledge of registration procedures and benefits. This has led to a misunderstanding of the purpose and process of land registration, with some communities fearing that registration means a loss of communal control or land-grabbing by outsiders. This is the case for the Kavango East and West regions, which have historically opposed the registration of customary land rights.

Cultural practices: Traditional practices, such as the moving of fields or homesteads, make fixed land registration difficult. This has been observed in communal areas such as Tsumkwe in the Otjozondjupa Region and other parts of the Kunene Region.

Capacity challenges: The effectiveness of any system depends on the people operating it. The communal land system has experienced a shortage of technical staff in several roles due to financial constraints. Conversely, the employment of personnel on contracts often prompts officials to leave for permanent or better jobs, forcing the Ministry into a constant cycle of retraining new staff. Capacity challenges also extend to local institutions (traditional authorities and Land Boards), where the practical ability to enforce the Act's provisions is limited.

Financial dependency: The communal land administration 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.

The use of outdated technologies: This refers to data collection methods, including the use of outdated aerial imagery and the time-consuming use of handheld GPS to collect field data. In other parts of the world, the use of efficient online/web-based mapping systems can be observed.

5.2. Urban (and Peri-urban) Namibia and Informal Land Tenure

The commercial land (freehold and leasehold tenures) in Namibia's urban areas is the most secure form of landholding in the country. They are also the most economically viable. The processes for registering them are well defined and do not usually pose many procedural problems, provided that potential holders can afford the financial cost. However, the reality in Namibia is that only very few citizens can afford urban land because of its high economic value. Many of the urban land tenure problems lie in the informal parts.

5.2.1 INFORMAL URBAN ENVIRONMENT

Unregistered land rights are held by two social groups in informal urban environments: informal settlement residents (often referred to as *de facto* owner-occupiers) and tenants in informal rental arrangements (Mazambani, 2025). These right holders operate within a 'legal grey zone' characterised by an alternative jurisdiction where tenure is respected locally but remains unrecognised by the state (Ogas-Mendez and Isoda, 2023; van der Merwe and Simha, 2023).

Informal settlement residents (de facto owner-occupiers): This group consists of individuals who acquire land through literal squatting or through transactions in an informal housing market operating outside the state's legal framework (Kohima et al., 2023). In Namibia, these residents are typically low-income earners who settle on unplanned and unserviced land because they are priced out of the formal market (Weber, 2017; Mazambani, 2025). These individuals often invest significant 'sweat equity' in their properties and prioritise tenure security as a gateway to basic services such as water and sanitation (Ahmed et al., 2025; Delgado et al., 2020).

Tenants in informal rental arrangements: *De facto* tenants rent houses or rooms from 'de facto landlords', individuals who possess property in the settlement and generate rental income from it (Ogas-Mendez & Isoda, 2023). These tenants represent a particularly vulnerable segment of the population, as their security of tenure is almost non-existent and they are highly susceptible to eviction by landlords (Kohima et al., 2022). In Namibia, these tenants are sometimes excluded from land allocation during upgrading, relocation plans or land ownership, as they are often viewed by authorities as temporary 'beneficiaries' with fewer rights than established occupants (Ahmed et al., 2025).

5.2.2 SCALE AND SIGNIFICANCE OF UNREGISTERED URBAN LAND RIGHTS IN NAMIBIA

The scale of these unregistered rights is significant, with nearly 40 per cent of Namibia's urban population residing in informal settlements (Marenga et al., 2024; Mazambani, 2025). The number of individuals holding these unregistered rights continues to grow at an alarming rate (van der Merwe and Simha, 2023; Weber, 2017). It is estimated that over 500,000 urban household populations live in about 419 informal settlements across the country (Namibia Statistics Agency, 2026) and at current growth rates, shacks are projected to become the predominant form of housing by 2030 (van der Merwe and Simha, 2023; Weber, 2017). This trend signifies a massive shortfall in titled land delivery, estimated at more than 150,000 units and increasing by 11,000 annually (Mendelsohn, 2018). The significance of these rights lies in their role as the primary housing strategy for the urban poor, yet their lack of registration traps residents in cycles of poverty and vulnerability (Marenga et al., 2024; Ahmed et al., 2025). The recently published Namibia Informal Settlements baseline report states that over 98.3 per cent of the land where informal settlements are situated in Namibia is owned by the relevant local authorities, while two informal settlements are on communal land and partly on privately owned land. About three informal settlements are on partly privately owned land; see Table 4 below. The issuance of a 'certificate of occupancy' by local authorities (through the Flexible Land Tenure Act) for at least 33.9 per cent of informal settlements constitutes a lower form of leasehold right (Namibia Statistics Agency, 2026).

TABLE 4: DISTRIBUTION OF LAND OWNERSHIP IN INFORMAL SETTLEMENTS	
Description	Number of Informal Settlements
Land owned by local authorities	412
Privately-owned land	2
Partly privately-owned land	3
Communal land	2
TOTAL	419

Source: Namibia Statistics Agency (2026).

The Table 4 shows the actual owners of the land occupied by informal settlements in Namibia. It shows that 419 informal settlements in the country are found on land owned by local authorities, privately owned land, partly privately owned land and communal land.

5.2.3. INFORMAL SETTLEMENT UPGRADING ON LAND RIGHTS HOLDERS

Informal settlement upgrading processes in Namibia, particularly those involving the Flexible Land Tenure System and *in situ* reblocking, have complex and varied impacts on rights holders. These processes take the participatory coproduction approach involving community-led savings groups, local authorities, civil society, academia and national government (ILMI-NUST, 2021). Consequently, the transition from informal to formal tenure creates winners and losers, with the most significant impacts on social stratification and the reallocation of rights (Ahmed et al., 2025; Ogas-Mendez and Isoda, 2023). Informal settlers without certificates of occupancy are at risk of eviction with a court order or displacement.

De facto owner-occupiers respond positively to upgrading, as it offers a path to formalise their occupancy and secure access to essential services such as water and sanitation (Ahmed et al., 2025; Delgado et al., 2020). For example, in the Gobabis Freedom Square informal settlement, inhabitants organised and protested municipal relocation plans, successfully demanding *in situ* upgrading instead (Delgado et al., 2020). In contrast, *de facto* landlords often oppose upgrading because formalisation allocates a single title per plot, eliminating the landlord's ability to rent out multiple structures and introducing service charges that reduce rental income (Ogas-Mendez and Isoda, 2023). Meanwhile, tenants frequently see relocation as a more attractive option than *in situ* upgrading, as it may offer a rare opportunity to acquire formal landownership elsewhere. However, a pervasive challenge across all groups is a lack of trust in local authorities, which often stems from previous eviction policies and leads to poor community participation in meetings (Mazambani, 2025; van der Merwe and Simha, 2023).

Informal settlement upgrading, while intended to provide security, often results in reblocking. Reblocking is the physical rearrangement of existing structures to accommodate new road layouts and service infrastructure, which usually results in the physical and legal displacement of the most vulnerable residents. Physical displacement is a common byproduct of reblocking, because it involves moving structures to create space for roads and service infrastructure (Weber, 2017). An example of the effects of reblocking is the scenario in the Gobabis Freedom Square project. It led to the displacement of households due to the dismantling of approximately two-thirds of all housing structures in the project area. These displacements were done to accommodate the newly created layout (Delgado et al., 2020).

Legal displacement frequently occurs along gender lines. Although upgrading projects such as Freedom Square were initially led by women, leadership often became male-dominated as the process approached formalisation. (Ahmed et al., 2025). Critically, the registration of land rights under the *Head of Household* category has historically favoured men, formal wage earners or those who provided the capital for building materials. This can effectively displace the rights of women who contributed sweat equity through physical labour and community organising but whose names are omitted from the final title (Ahmed et al., 2025). Furthermore, residents who cannot afford to pay instalments find their security of tenure incomplete; many occupy land with only photocopies of certificates, while the original deeds are withheld by authorities, leaving them in a state of ongoing legal precarity (Ahmed et al., 2025; Delgado et al., 2020).

The flexible land tenure system initiative is widely considered to be the most promising (with expected high impact) because it addresses the concerns of upgradability from unregistered land rights to starter titles to land hold titles and then to freehold titles. During the period of its implementation, the total number of landhold titles registered and issued to beneficiaries in the informal settlements nationwide stands at 1,414 titles (MAFWLR, 2025: 10). This output is quantitatively low due to the slow pace of its implementation. However, it is considered the most effective (qualitatively) because it is the only framework that can upgrade from unregistered land rights to freehold without threats of eviction.

5.2.4 CHALLENGES FACING URBAN LAND REGISTRATION IN NAMIBIA

There is often a significant gap in the awareness and knowledge of rights among right holders (van der Merwe and Simha, 2023; Ahmed et al., 2025). Most transactions are conducted through informal agreement practices, such as verbal contracts or simple written notes recognised only within the settlement. While these practices provide a functional internal order, many residents, particularly women, lack an understanding of formal legal issues or the long-term costs associated with formalisation, such as municipal service charges. This lack of knowledge can lead to residents being excluded from decision making or failing to secure rights during upgrading processes (Ahmed et al., 2025).

Tenure insecurity (risks and consequences): Insecure tenure is a primary indicator of vulnerability in Namibia's informal settlements. This places urban dwellers in a 'legal grey zone' where their occupancy is recognised locally through a 'certificate of occupancy', but remains unrecognised and unprotected by the state's formal legal framework (van der Merwe and Simha, 2023; Kohima, 2025).

Eviction and displacement risks: The most immediate risk associated with tenure insecurity is the constant threat of eviction and displacement (Ahmed et al., 2025). Within the informal market, tenants are the most vulnerable, as they possess near-zero security and are highly susceptible to being forced out by *de facto* landlords (Ogas-Mendez and Isoda, 2023). For example, in Gobabis Freedom Square informal settlement, inhabitants initially faced municipal plans for relocation before organised community resistance secured an agreement for *in situ* upgrading (Delgado et al., 2020; Ahmed et al., 2025). Furthermore, tenure security is increasingly threatened by disagreements, rising violence, theft and eroding social fabric in some settlements (Ogas-Mendez & Isoda, 2023).

Due process requirements for eviction: Before undertaking any eviction or demolition, the government and local authorities are legally and constitutionally obliged to follow due process, which includes obtaining a valid eviction order from the court and ensuring that the rights of affected persons are adequately protected. The authorities are also expected to provide relocation land. In Namibia, eviction cannot lawfully occur on the basis of a notice alone; it must be authorised through a court order issued by either the Magistrates' Court or the High Court, confirming that the occupation is unlawful and that due legal procedures have been followed (GIZ-SLR and LAC, 2015).

The barriers to housing improvement and investment ensure insecurity serves as a fundamental limitation. Local authorities prohibit the use of permanent building materials such as bricks, in informal areas, forcing residents to live in temporary shacks that can be easily dismantled. This condition prevents households from improving their living conditions even when they have the financial means to do so (Weber, 2017). Critically, the absence of registered land rights prevents residents from using their property as collateral for commercial loans, effectively excluding them from the formal financial system and from growing an asset base (Weber, 2017; Ahmed et al., 2025; Mazambani, 2025). Without legal recognition, these properties remain 'dead assets' that cannot be safely inherited or sold at their true value (Mendelsohn, 2018; Weber, 2017). Additionally, local authorities are often reluctant to provide essential infrastructure such as water, sanitation and electricity to settlements perceived as 'illegal', further entrenching residents in cycles of poverty and environmental risk (Marenga et al., 2024; van der Merwe and Simha, 2023).



OPPORTUNITIES TO SECURE UNREGISTERED LAND RIGHTS IN NAMIBIA

6.1. Global Best Practices in Securing Land Rights

Global experiences offer instructive lessons for Namibia in securing unregistered land rights, particularly in contexts characterised by informality and legal pluralism. The following models are most relevant to the Namibian context.

Incremental tenure security approaches: One widely adopted approach is incremental tenure security, which recognises that land rights can be strengthened progressively rather than through immediate formalisation. This approach is grounded in the concept of a continuum of land rights, where different forms of tenure, ranging from informal occupancy to full ownership, are acknowledged and protected (UN-Habitat, 2008). Countries such as Rwanda and Tanzania have successfully implemented systematic land registration programmes that are low-cost, participatory and scalable (Ali et al., 2014). Rwanda's land tenure regularisation programme is particularly instructive. By combining community-based demarcation with digital registration systems, the country registered approximately 10.4 million parcels in under five years at a fraction of conventional costs (Ali et al., 2014). The programme's success rested on community engagement, simplified procedures and the use of low-cost technologies, all of which are directly transferable to the Namibian context.

Community land trusts and collective tenure models: Community Land Trusts (CLTs) and collective tenure arrangements represent another important model. These structures separate land ownership from housing ownership, enabling communities to collectively manage land while ensuring long-term affordability and protection against market-driven displacement (Davis, 2010). CLTs hold land in perpetuity for the benefit of the community, with individual members holding rights to use and occupy land under long-term agreements. Such approaches have proven effective in both developed and developing country contexts, particularly in informal settlement upgrading programmes. Collective tenure models resonate strongly with Namibia's existing communal land governance traditions. Adapting CLT principles to the communal land context, particularly in peri-urban areas where informal settlers lack formal tenure, could offer a viable pathway that respects existing social structures while providing legally recognised protections.

Participatory and community-driven approaches: Participatory and community-driven approaches are central to successful land governance globally. Community mapping, enumeration and locally managed data systems empower residents to document their land rights and engage with authorities on their own terms. These practices enhance transparency and legitimacy while supporting more inclusive planning processes (GLTN, 2012). The work of organisations such as the SDFN and NHAG in Namibia already demonstrates the viability of this model locally. However, for community-generated data to translate into durable tenure security, there must be deliberate mechanisms to integrate it into formal land administration systems.

Fit-for-purpose land administration: Fit-for-purpose land administration (FFP-LA) has emerged as a key global framework particularly relevant to low- and middle-income countries. It advocates for flexible, affordable, and scalable land administration systems that are responsive to local contexts, rather than rigid, high-cost formal systems designed for high-income settings (Enemark et al., 2016). The adoption of digital tools, mobile data collection and geospatial technologies has further improved the efficiency and accessibility of land registration processes, enabling governments to achieve significant coverage at reduced cost. FFP-LA principles have been

applied successfully in Ethiopia, Uganda and Mozambique, where simplified registration systems have dramatically increased the number of rights holders with some form of documentation within short timeframes. These examples demonstrate that conventional cadastral systems are not the only route to tenure security, and that context-appropriate approaches can be both legally robust and achievable.

6.2. From Global Best Practices: Key lessons for Namibia and southern African countries

Drawing on the global evidence reviewed above, the following lessons are most applicable to securing unregistered land rights in Namibia and other countries in the southern African region:

Recognise diverse tenure forms: Namibia's existing legislative framework already acknowledges a range of tenure types, but implementation must be strengthened to give these rights practical effect across both communal and urban contexts. The flexible land tenure system recognises that unregistered land rights exist in informal settlements and can be upgraded to land hold and freehold titles. The case of upgrading of unregistered land rights through the flexible land tenure system in Gobabis reflects a case of FFP-LA (see Chigbu et al., 2021).

Prioritise approach, affordability and scale: Registration processes must be designed to be accessible to low-income communities, using simplified procedures and cost-effective technologies. Namibia could learn from the experience of Rwanda's national land tenure regularisation programme for achieving massive scale at low cost. Rwanda used high-resolution aerial imagery to demarcate all land parcels in a participatory manner. Their scale involved demarcating nearly 11 million (out of approximately 11.5 million land parcels) in about three years (see Ngoga, 2018).

Strengthen community participation: Communities must be active agents in documenting and managing land rights, not merely passive recipients of government processes. The GLTN's tenure enumeration framework was applied in informal settlements of Okahandja using the Social Tenure Domain Model for tenure-responsive land use planning (see Kohima et al., 2024). This model was also applied in Gobabis.

Integrate informal systems into formal frameworks: Community-generated data and customary systems must be formally recognised and linked to national land administration systems to confer lasting legal protection. The communal land administration in Namibia supports the registration of communal land rights. This has not been fully integrated or merged with the formal land registration system. It is an area that Namibia must learn from other countries.

Invest in institutional capacity: Technical and human resource capacity within government institutions must be significantly expanded to reduce backlogs and accelerate registration. Capacity building is a core essential part of the land registration process. Capacities are being built through the Namibia University of Science and Technologies engagement in enhancing the teaching essentials for responsible land administration for local capacity in Namibia (Hull et al., 2025). The teaching essential is a tool of the GLTN.

6.3. What the Government has Tried

The Government of Namibia has implemented several legislative and programmatic interventions to address tenure insecurity and improve recognition of unregistered land rights. These efforts reflect a broader transition toward inclusive and flexible land governance systems.

Implementation of the Communal Land Reform Act: The Act aims to strengthen tenure security in communal areas by formalising land allocations while maintaining the role of traditional authorities. While this has improved legal recognition for many rural households, implementation challenges persist, including administrative delays, limited institutional capacity and continued reliance on undocumented customary practices (Werner, 2021). A total of 169,787 communal land rights have been registered nationally (MAFWLR, 2026), representing 69 per cent of the national target. However, regions such as Kavango East and Kavango West have recorded no customary land right, largely due to resistance from traditional authorities, while other regions face challenges including low community awareness, limited technical staff, cultural practices – such as shifting cultivation – and difficult terrain (MAFWLR, 2025).

Flexible Land Tenure Act rollout and uptake: In urban areas, the Flexible Land Tenure Act introduces innovative tenure forms (starter title, land hold title and eventually, freehold title) designed to provide affordable, accessible land rights for low-income households in informal settlements. The Act aligns with the ‘continuum of land rights’ approach, which recognises a range of tenure forms beyond formal ownership (UN-Habitat, 2008). Pilot implementations have demonstrated potential to improve tenure security; however, the rollout has been slow due to technical complexity, financing constraints and limited beneficiary awareness (Ministry of Land Reform, 2016). The Act’s incremental approach is particularly significant in the Namibian context, where many urban residents in informal settlements lack formal tenure documentation. Its limited uptake to date underscores the need for intensified public education, simplified administrative procedures and dedicated resourcing to operationalise the legislation at scale.

Settlement upgrading and in-situ regularisation programmes: These programmes have also played a central role in addressing informality. These programmes, often implemented in collaboration with the Shack Dwellers Federation of Namibia (SDFN) and the Namibia Housing Action Group (NHAG), focus on participatory planning, incremental servicing and community-led development. Evidence shows that such approaches can improve both tenure security and living conditions without displacing residents (SDFN/NHAG, 2019). However, challenges such as rising land values, affordability constraints and risks of displacement remain significant concerns, particularly as upgrading efforts can trigger speculative pressures that disadvantage the very communities they seek to support. These dynamics point to the need for anti-displacement safeguards to be embedded in upgrading processes.

Community land registration initiatives: Community-based land registration initiatives, including enumeration, block registration and savings-group-led mapping, have emerged as practical tools for documenting land occupation. These approaches align with FFP-LA principles, which emphasise flexibility, inclusivity and affordability (Enemark et al., 2016). Despite their effectiveness at the local level, such initiatives often lack full legal integration into formal land administration systems, limiting their ability to provide durable tenure security.

6.4. Lessons Learned

Overall, while Namibia has developed progressive tools to address unregistered land rights, their collective impact has been constrained by slow implementation, limited scale and institutional fragmentation. The evidence reviewed in Sections 3 and 4 of this paper consistently points to a disconnect between policy intent and lived reality: legal frameworks exist, but enforcement is weak; programmes are initiated but rarely scaled; communities are consulted, but rarely empowered. These experiences highlight the need for stronger inter-institutional coordination, simplified procedures and enhanced community engagement, to realise the transformative potential of existing legislation.

An additional lesson is that Namibia's alignment with international human rights conventions means that attempts through the courts to secure unregistered land rights are possible.

TABLE 5: SUCCESSFUL AND FAILED ATTEMPT THROUGH COURTS TO SECURE UNREGISTERED LAND RIGHTS			
Case name and parties	Unregistered land right question	Outcome and significance	Source
Salambala Villagers versus Salambala Conservancy (High Court case of 2025)	Can a conservancy can evict villagers who have lived on the land since before the conservancy's establishment?	The villagers won: The court ruled that occupation is lawful as it predates the conservancy, and land rights are valid under the Communal Land Reform Act of Namibia.	Kooper (2025)
Rundu Town Council versus Namibia Mbangura Woodcarvers Cooperative (High Court case of 2025)	Can a local authority sell land to a third party without properly considering a long-standing occupant's purchase application?	Cooperative Won: The court nullified the sale to a private investor and ordered the council to refund N\$1.48 million (about US\$ 88,948.00) and reconsider the cooperative's application.	Hausiku (2025)

Source: Authors' presentation — based on data obtained from Kooper (2025) and Hausiku (2025) as published in the Namibian national newspapers.

Table 5 presents an example of successful and failed attempts to secure unregistered land rights in Namibia. This means that there are opportunities to secure legitimate unregistered land rights in the country.

CONCLUSION AND POLICY RECOMMENDATIONS

A key inference from this study is that people with low incomes depend on unregistered land rights to exercise their land rights and responsibilities within Namibia's livelihood spheres. This means that unregistered land rights, despite being vulnerable to tenure insecurity, serve a developmental purpose. Hence, identifying unregistered land rights is critical to improving tenure security for all.

7.1. Actionable Steps for Addressing the Challenges of Unregistered Land Rights

To address the challenges in communal land registration and administration in Namibia, the following is recommended. These recommendations are grounded not only in the Namibian evidence presented in this paper but also in the international best practices reviewed in Section 6. Several of those best practices carry direct implications for Namibia, particularly given the limited progress made under existing legislation. For example, Rwanda's rapid national land registration programme demonstrated that fit-for-purpose, community-driven approaches can achieve near-universal coverage in a short timeframe at low cost (a lesson that challenges Namibia's current model of slow, office-based processing). Ethiopia's low-cost rural land certification programme and Tanzania's community mapping experience similarly suggest that Namibia does not need to wait for a perfect formal system: a simplified, participatory registration process using existing community structures can achieve significant tenure security improvements. The recommendations below are short- and long-term actionable steps for addressing and protecting unregistered land rights.

The short-term recommended steps are to:

Conduct land tenure enumeration research to identify existing and emerging land tenure practices: Due to the existence of unregistered land rights, new land tenure practices are emerging in Namibia. It is crucial that evidence-based research is conducted to identify these various tenure practices to grasp their origins and drivers of unregistered land rights. Such initiative can help create an understanding of the government and policy relationship to each unregistered tenure type identified and their respective links to existing land reform. This will create a better understanding on the best ways to address the country's challenge in unregistered land rights.

Strengthen outreach and awareness of unregistered land rights to recognise their existence: To bridge the knowledge gap in rural communities, the Ministry and local institutions should increase awareness of land registration activities through the most effective communication channels. The focus should be on areas where there is no record of land rights and areas with very little progress. Awareness campaigns ensure clarity and address any misunderstandings on the purpose and benefits of communal land registration.

Respect unregistered rights and traditional bodies uninterested in formal registration: The positions of traditional rulers in the Kavango region of Namibia should be respected to enable them to participate in the national development process. This also means that the existence of unregistered land rights should be acknowledged and respected to make any actions to address them (by the government) become acceptable to citizens.

Focus on affordable and scalable land registration: The standard process of upgrading informal settlements to full freehold ownership is extremely costly and prohibitive to the participation of low-income earners. These costs are due to the professional fees for planning, surveying and conveyancing. Adopting a more affordable and scalable approach would encourage quicker and cost-effective registration.

Cut financial reliance on external donors and boost land administration efficiency: Increase the Namibian government's financial commitment to reduce reliance on foreign funding for operational activities. The external funding agreements under the Programme for Communal Land Development ended in December 2025, after which the Namibian government took full financial responsibility for land registration in communal areas. This needs to be sustained.

The long-term recommended steps include to:

Build institutional strength and capacity for land registration: Over the years, many personnel under the communal areas have received short-term employment contracts, resulting in uncertainty and poor job security. To accelerate registration, the government should increase the hiring and training of resolute and permanent specialists in mapping, land registration and geographic information systems (GIS).

Improve technical and human resources for land administration: There is still a need for education and human capacity development to support the land registration process. There is a great demand for educating and training more land administration, land management and land policy professionals for implementing the land registration process. This is essential to ensure that land matters are better administered and managed to ensure improving the scale of land registration.

Digitise land administration systems to reduce delays and data loss: The system has transitioned to digital records and standardised documentation to prevent data loss while ensuring transparency and speed. Nonetheless, the collection of field data remains a manual process of using handheld GPS and outdated aerial imagery, of which there is little coverage of some areas due to inaccessible terrain. Therefore, an investment in modern digital mapping technologies and tools is needed to replace time-consuming, outdated methods.

Increase community and civil society involvement in land registration processes: Participation in land registration is essential to achieve nationwide coverage. It is essential to ensure that all relevant stakeholders participate to give legitimacy to the process.

Merge informal and formal land administration systems to create a single, inclusive framework: The current dual land administration system of formal and informal land rights, should be unified into a single, coherent framework to address land registration challenges more effectively across the country.

7.2. Indicators for Measuring Tenure (in)Security in Unregistered Land Rights

Since improving tenure security is one of the ultimate goals of any well-designed land administration system, measuring the (in)security caused by reliance on unregistered land among people experiencing poverty is necessary to understand both the negative and positive implications of unregistered land and land rights. The indicators presented in this section are not generic benchmarks borrowed from the literature alone; they emerge directly from the research findings of this study. Through the field-based tenure enumeration, FGDs and observations, the research team identified the dimensions along which unregistered right holders in Namibia most acutely experience insecurity, risk and marginalisation. These indicators are therefore grounded in the realities of Namibian tenure holders and should be read in conjunction with the tenure typology presented in Tables 1 and 2. They are proposed as a practical tool for CSOs, municipalities and government agencies seeking to prioritise interventions. In this regard, the following indicators have been identified as most efficient in measuring tenure (in)security under the unregistered land rights scenarios:

- Type of tenure for unregistered land rights
- Inheritability and transferability of these rights
- Opportunities using or possessing unregistered land or resources
- Responsibilities, restrictions, and regulations regarding such land and resources
- Access to possibilities for women, youth, and disadvantaged groups (e.g. people with disability, people with history of land dispossession, minority populations, etc.)
- Development status of unregistered land
- Statutory recognition of unregistered land rights
- Practices regarding unregistered rights
- Conflict presence on unregistered land
- Infrastructure availability near or on unregistered land
- Location relative to planned areas
- Duration of use or possession
- Exclusivity of rights associated with unregistered land.

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