

NAMIBIA INVESTMENT GUIDE



VOL. **07**

**LAND ACCESS
AND REGULATION**

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NIPDB
Namibia Investment Promotion
& Development Board



Publisher

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ACKNOWLEDGEMENTS

The Namibia Investment Guide is a comprehensive resource designed to streamline and simplify the investor journey. Structured into multiple volumes, the Guide explores all facets of doing business in Namibia - ensuring the process is informed, seamless and full of opportunities.

Volume 7 dives into the process of acquiring land for investment projects in Namibia. This volume has been developed through a collaboration between the Namibia Investment Promotion and Development Board (NIPDB) and ENS Namibia, ensuring that the information provided is both authoritative and grounded in the realities of business and investment in Namibia.

The NIPDB therefore acknowledges and expresses its gratitude to ENS Namibia and its team of experts for their significant contribution to the development of this Volume - particularly in providing the necessary content that comprehensively sheds light on Namibia's investment process. Gratitude also goes to the Sector Research and Development Team of the NIPDB for spearheading this project, as well as all internal and external parties that supported the fulfilment of this significant work.

NIPDB



The Namibia Investment Promotion and Development Board (NIPDB) is mandated to promote and facilitate investment by foreign and Namibian investors, and coordinate MSME activities across all levers of the economy, with the aim of contributing to economic development and job creation.

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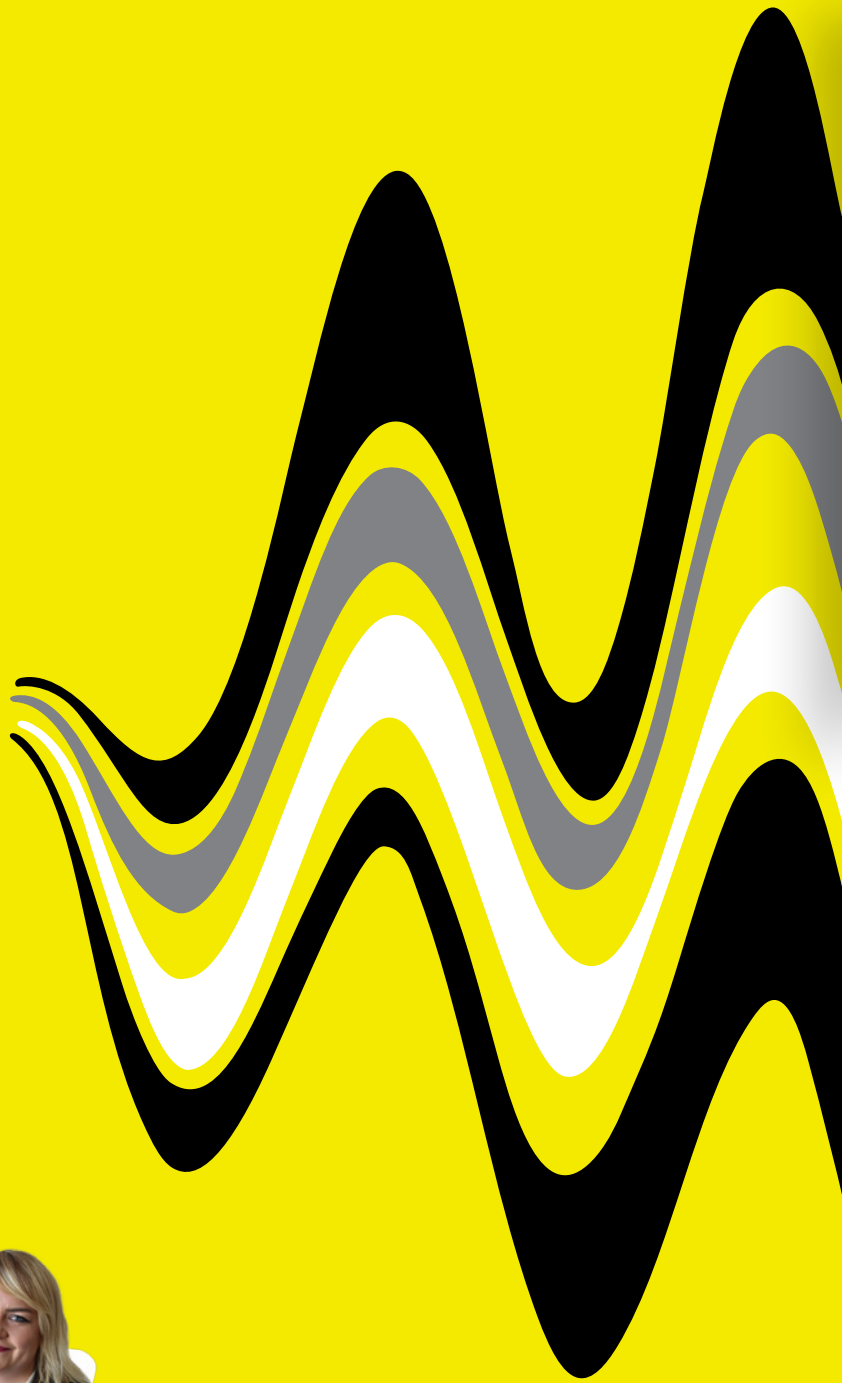


ENS Namibia is a corporate law firm with offices in Windhoek, Swakopmund and Walvis Bay, providing advisory services on a broad range of matters across the legal spectrum. Formerly known as LorentzAngula Inc., ENS Namibia is one of Namibia's oldest law firms originally established in 1919 when Lorentz and Bone ventured into a partnership.

SOLID GROUND

NAVIGATING LAND INVESTMENT
OPPORTUNITIES IN NAMIBIA

Guiding local and foreign investors
on land acquisition, applicable
regulations and project development
in Namibia



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ORIGINAL THINKING



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Acronyms

Acronym	Definition
CLB	Communal Land Board
CSI	Certificate of Status Investment
EAP	Environmental Assessment Practitioner
ECC	Environmental Clearance Certificate
ED	Executive Director
EIA	Environmental Impact Assessment
EPL	Exclusive Prospecting Licence
ID	Identity Document
LRAC	Land Reform Advisory Commission
MAFWLR	Ministry of Agriculture, Fisheries, Water and Land Reform
MC	Mining Claim
MDRL	Mineral Deposit Retention Licence
MEFT	Ministry of Environment, Forestry and Tourism
MIRT	Ministry of International Relations and Trade
ML	Mining Licence
NamRA	Namibia Revenue Agency
NEPL	Non-Exclusive Prospecting Licence
NIC	Namibia Investment Centre
NIPDB	Namibia Investment Promotion and Development Board
RRC	Regional Resettlement Committee
TA	Traditional Authority
VAT	Value-Added Tax

Terms and Definitions

Term	Definitions
Agricultural Land	Any land or an undivided share in land, other than land situated in a local authority area as defined in section 1 of the Local Authorities Act, 1992, land situated in a settlement area as defined in section 1 of the Regional Councils Act, 1992, land of which the State is the owner or which is held in trust by the State or any Minister for any person, or land which the Minister by notice in the Gazette excludes from the provisions of the Act. In essence, the definition is framed in the negative: it encompasses all land except for those specific categories that are expressly excluded.
Certificate of Status Investment	An official document issued under the Foreign Investments Act, 1990 to foreign investors, granting special rights such as preferential access to foreign currency for profit repatriation, debt repayment, and protection against expropriation. It ensures the investment promotes Namibian economic interests.
Certificate of Waiver	A formal written statement issued by the Minister of Agriculture, Water and Land Reform certifying that the State waives its preferential right to purchase a specific piece of agricultural (commercial) land. This document signifies that the government does not intend to acquire the land at the time of the offer, allowing the owner to sell it to a private party.
Commercial Land	Real estate, including both land and buildings, specifically designated for business or income-producing purposes rather than residential living. It is used for activities like retail, offices, manufacturing, or leasing, aimed at generating profit through rental income or capital appreciation. It is governed primarily by the Local Authorities Act, 1992, Urban & Regional Planning Act, 2018 and Agricultural (Commercial) Land Reform Act, 1995, the latter which regulates the acquisition of land by the State, restricts foreign ownership, and requires the State's pre-emptive right of purchase.
Communal Land	Land owned, occupied, or used collectively by a community, rather than by individuals or the state, with access and usage governed by shared customary rules, norms, and social structures. It is a system where a group holds rights to a defined territory, prioritising community welfare and resource sustainability, often with historical roots in traditional societies where land is not a commodity but a shared heritage. The primary law governing it is the Communal Land Reform Act 5, 2002.
Customary Land Right	A legally recognised, non-transferable entitlement for individuals or families to occupy and use specific portions of communal land for residential, subsistence farming (crop growing), or grazing purposes. These rights, governed under the Communal Land Reform Act, 2002, are granted by TAs for the benefit of community members.
Deed	A legal document that is signed and delivered, especially one regarding the ownership of property or legal rights. The primary law governing this process is the Deeds Registries Act, 1937. The transfer of ownership is effected by a conveyancer, who prepares and lodges the requisite deeds for registration at the Registry, a process that ordinarily takes between 7 and 10 working days from the date of lodgement.
Environmental Impact Assessment	A legally required, systematic process under the Environmental Management Act, 2007 and Environmental Assessment Policy. It identifies, predicts, and evaluates the potential, significant biophysical, social, and economic impacts of proposed projects to ensure sustainable, informed decision-making by the Ministry of Environment, Forestry and Tourism.
Land Board	A statutory body established by the Minister of Agriculture, Water and Land Reform under the Communal Land Reform Act, 2002. These boards are responsible for controlling the allocation and cancellation of customary land rights and rights of leasehold on communal land.
Ministry of Agriculture, Fisheries, Water and Land Reform	The Minister responsible for land reform, agricultural land administration, and water resources in Namibia. This Minister exercises powers under the Agricultural (Commercial) Land Reform Act, 1995, including issuing Certificates of Waiver, approving foreign ownership of agricultural land, and overseeing the acquisition and redistribution of commercial farmland. The Minister also establishes and oversees Communal Land Boards under the Communal Land Reform Act.
Minister of Environment, Forestry and Tourism	The Minister responsible for environmental management, nature conservation, forestry, and tourism in Namibia. This Minister exercises powers under the Environmental Management Act, 2007 (including oversight of Environmental Clearance Certificates) and the Nature Conservation Ordinance, 1975 (including the declaration and management of game parks and nature reserves, and granting permits for activities within protected areas).
Municipal Land	Immovable property, including land and buildings, that is owned, leased, or under the direct control and management of a local municipality or city council. It includes public spaces, infrastructure, and vacant lots within the municipal jurisdiction, such as parks, roads, and community centres. Such land is governed by the provisions of the Local Authorities Act, 1992.
Occupational Land Right	A right to occupy a portion of communal land for the purpose of providing public services, granted under section 36A of the Communal Land Reform Act, 2002, as amended by the Communal Land Reform Amendment Act, 2013.

Terms and Definitions

Continued

Term	Definitions
Private Land	Immovable property lawfully owned, held, or possessed by individuals, juristic entities, or non-governmental entities rather than by a government or public body. It affords owners exclusive rights to use, manage, or transfer the land, distinguishing it from public property. Such land is typically held under freehold title, lease, or concession.
Resettlement Farm	A unit of agricultural land owned by the Government of Namibia (often through state purchase of commercial farms) and redistributed to landless, previously disadvantaged, or displaced citizens to improve their livelihoods, promote food security, and enhance land equity. Although resettlement farms constitute agricultural land, they are held by the State and allocated to beneficiaries under the land reform programme, and are therefore subject to different acquisition and transfer rules than privately-owned commercial agricultural land governed by the Agricultural (Commercial) Land Reform Act, 1995. The beneficiary of the unit of agricultural land may enter into partnership arrangements with third parties in respect of the land but may not sublease.
Rezoning	The official, legal process of changing the permitted land use, development rights, or zoning scheme category of a specific erf (plot of land) or portion of land. This process amends the existing town planning scheme to allow for a new type of development or use (e.g., converting a residential property into a business office) that differs from the original, approved zoning. Rezoning takes place in a local area which has an authorised planning authority. Governed primarily by the Urban and Regional Planning Act, 2018.
Right for Leasehold	A legal mechanism, primarily governed by the Communal Land Reform Act, 2002, that grants a person or entity the right to use and occupy a specific portion of communal land for a fixed period of up to 99 years. Leaseholds for an initial term longer than ten years or for parcels exceeding 100 hectares require Ministerial approval.
State Land	Land, including associated rights and resources, that is owned, vested in, or managed by the Government of Namibia rather than private individuals or entities. It often includes public domain, such as coastal areas, rivers, and infrastructure, which serves the public interest.
Urban Land	Developed, high-density areas within or adjoining cities, towns, and suburbs, typically characterised by infrastructure like roads, buildings, and utilities. It is primarily used for residential, commercial, industrial, or institutional purposes and contrasts with rural, agricultural, or natural areas.
Zoning	The legal mechanism used by local authorities to divide municipal areas into specific zones such as residential, commercial, industrial, or open space to regulate, manage, and control the use, development, and density of land. These regulations are formalised through a zoning scheme (or town planning scheme), which is a statutory document that dictates what can and cannot be built or operated on a specific piece of land (erf) to ensure orderly urban growth, safety, and compatibility of land use. Enacted primarily under the Urban and Regional Planning Act, 2018.



01

INTRODUCTION

1. Introduction

Welcome to the Land Guide for Namibia, your comprehensive resource for navigating the dynamic and evolving landscape of land tenure and rights in one of Africa's most promising investment destinations. Namibia, with its rich natural resources and stable political climate, offers unique opportunities for investors seeking to engage in the land development sectors.

This guide is designed to provide you with an understanding of Namibia's land tenure system, crucial for making informed investment decisions in this dynamic and diverse environment. Whether you are a seasoned investor or new to the Namibian market, our goal is to equip you with the knowledge and insights necessary to make informed and strategic investment decisions.

Namibia's land tenure system is characterized by a mix of customary, freehold, and state land arrangements, each governed by specific legislation and practices. As you explore this guide, you will gain insights into the different types of land tenure, the legal framework that governs land transactions, and the roles of various stakeholders, including government agencies and TAs.

This guide is structured to take you through the essential aspects of land access and regulation in Namibia. It begins with an overview of the types of land recognised under Namibian law, followed by detailed guidance on the processes for acquiring State land, communal land, and freehold land. The guide also addresses key considerations such as environmental compliance requirements, and the role of Traditional Authorities in communal land allocation. Whether you are seeking to acquire land for agricultural, commercial, industrial, or residential purposes, this guide aims to serve as a practical reference to help you navigate the regulatory landscape with confidence.



Namibia's land tenure system consists of customary, freehold, and state land governed by specific laws and authorities.



02 TYPES OF LAND

2. Types Of Land

Under Namibian law, land may take one of the following forms. These three categories represent all forms of land tenure recognised under Namibian law:

1. State Land

Unalienated state land ("State Land"), owned by the Government of Namibia by virtue of Article 100 of the Namibian Constitution, which may be recorded under certificate of registered title in the Deeds Register in terms of section 18 of the Deeds Registries Act, 1937. Acquisition or occupation rights are subject to Treasury approval under the State Finance Act, 1991, and the entering into of a sale or lease agreement, as the case may be, in terms of the provisions of section 7 of the Crown Land Disposal Ordinance, 1903.

2. Private Land

Land privately owned ("Private Land"), such being surveyed land, in respect of which a title deed has been issued in the owner/s name/s as per the registration system in terms of the Deeds Registries Act, 1937. Depending on the locality of the land, the Deeds Registries Act, 1937 works in conjunctions with a myriad of other legislation such as the Local Authorities Act, 1992, the Regional Councils Act, 1992, the Urban and Regional Planning Act, 2018, the Land Survey Act, 1993, the Subdivision of Agricultural Land Act, 1970 and the Agricultural (Commercial) Land Reform Act, 1995. Transfer of ownership of private land by registration is preceded by a written deed of sale which binds the parties contractually. The transfer of the property is dealt with by the conveyancer who ensure that the transfer from the prior owner to the new owner occurs on registration at the Deeds Office in the presence of the Registrar at Windhoek.

3. Communal Land

Communal land ("Communal Land") is State Land that vests in the trust of the State for the benefit of traditional communities residing on communal land and to promote the economic and social development of the people of Namibia, specifically the landless and those with limited access to land who are not in formal employment or engaged in non-agricultural business activities. The Communal Land Reform Act, 2002 is the governing legislation. Communal land is not owned by a particular person, as there exist no right conferring freehold ownership for any portion of communal land but rights in respect thereof may be granted in terms of the provisions of the Communal Land Reform Act, 2002. These include customary land rights, under which grazing rights are also allocated and rights to leasehold, under which occupational land rights may be granted, which are granted through an administrative law process. A foreign national who wishes to acquire customary land right or right of leasehold must obtain a written authorisation of the Minister responsible for affairs relating to the land matters, which may be granted with or without conditions or refused. Should the Minister deem it fit, the criteria and conditions to grant a foreign national the right to customary land right or right of leasehold may be prescribed.

Owing to the vast landscape of Namibia, there exists other laws which may be applicable as they affect the rights of landowners. These may include but not limited to the Nature Conservation Ordinance, 1975 (regulating, inter alia, game parks and nature reserves) the Environmental Management Act, 2007, the National Heritage Act, 2004, the Minerals (Prospecting and Mining) Act, 1992 and the Diamond Act, 1999.



Note:

- Foreign investors should note that access to land in Namibia is subject to specific restrictions depending on the type of land. In respect of State Land, foreign investors may lease but generally may not purchase State Land outright. Private Land (freehold) may be acquired by foreign investors. It is important to note that the land must be determined to not form part of agricultural land for a foreigner as the acquisition of agricultural (commercial) land requires prior consent from the Minister of Lands normally referred to as a section 58 approval under the Agricultural (Commercial) Land Reform Act, 1995, and is subject to additional scrutiny. In respect of Communal Land, foreign investors have to make an application which may be granted subject to additional criteria or refused by the Minister. It is advisable for foreign investors to engage local legal practitioners in the practice of contracts and property law as well as conveyancers to ensure compliance with the respective laws, and facilitate the applications that have to be made to the respective Ministers.
- For detailed guidance on the procedures for acquiring each type of land, please refer to the following sections of this guide: Section 3 (Processes of Acquiring State Land in Namibia), Section 5 (Processes for Acquiring Communal Land in Namibia), and Section 6 (Process For Acquiring Commercial Agricultural Land in Namibia). Each section provides step-by-step instructions, required approvals, and practical notes tailored to both Namibian citizens and foreign investors.



03

PROCESSES FOR ACQUIRING STATE LAND IN NAMIBIA

3. Processes For Acquiring State Land In Namibia

State Land Outside of Protected Areas



Note:

- It is advisable to identify the relevant Ministry/Ministries involved in a particular project or in the acquisition of State Land or the letting/ leasing of the State Land that will help in championing the investors (Namibian or foreign nationals) ideals. These are most relevant for projects that would be set up in an area that is restricted because it is protected land and would require the approval of the Minister at the Ministry of Environment, Forestry and Tourism or the Minister at the Ministry of Mines and Energy as the project could be situated on land having access to precious stones and/ or minerals.
- The Crown Land Disposal Ordinance, 1903 sets out three methods by which Crown Land may be acquired. Crown Land equates to State Land, though outdated, it remains valid as it paved the guidelines to having properties published in the Gazette, gave authority to the Lieutenant-Governor who serves as the Registrar to dispose of Crown Land by private sales, leases, public auctions, or grants.
- Upon consultation with the legal practitioners and conveyancers, the legal team will advise the respective investors (Namibian or foreign nationals) which is the relevant Ministry to engage with, for the approval of the respective Minister's approval for purposes of entering into a sale or lease agreement for State Land.

Key Approvals Required

→ Treasury Approval
Due to the fact that State Land is in question, section 18 of the State Finance Act, 1991, comes into play. No State property may be sold, leased, exchanged or disposed of without Treasury authorisation from the Ministry of Finance. This is an internal Government approval process.

→ Survey and Registration
Before any rights can be registered over unregistered State Land, the land must be surveyed and a Certificate of Registered State Title must be obtained. The Surveyor-General (under MAFWLR) approves the survey diagram, after which a conveyancer commences the process to have the property registered in the respective new owner's name.

Leasing of Land by Namibians

In respect of Registered State Land:

1 Identify the land and determine whether it is registered or unregistered. Registered land has a deed of transfer recorded at the Deeds Registry, while unregistered land does not yet have a deed of transfer. To know if State Land is registered or unregistered, a deed search is conducted at the Deeds Office.

Registered land will either be recorded as belonging to the Government of Namibia, or belonging to the Municipal Council of whichever town, held under the certificate of registered title or a deed of transfer with an allocated title number. The Ministry to make your first reference/ contact point is the MAFWLR. For land in protected areas, the MEFT is further involved to obtain consent. Should the land being leased have minerals, the Ministry of Mines and Energy approval and/or consent to lease the land will also be required.

2 Submit a formal written request to the MAFWLR, specifying the land you wish to lease, the intended purpose, the proposed lease period (if applicable), and any material details that are contained in a lease agreement.

3 If the State Land is located within a protected area (such as a national park), also address your request to the Minister of Environment, Forestry and Tourism, who must be consulted before approval can be granted. Note: The investor or their appointed legal representative may submit the application. Legal representation is not mandatory but is advisable for complex transactions. Steps 3 and 4 may be undertaken concurrently; it is not necessary to await a response before proceeding.

4 Enter into a lease agreement with the respective parties i.e. the person or investors and the respective Ministry/Ministries. The lease agreement is negotiated through the Office of the Government Attorneys, as they remain the legal practitioners of the Offices, Ministries and Agencies (OMAs) of the Government of the Republic of Namibia and the person/s wanting to enter into the lease agreement. The negotiation is typically conducted between the investor, or their legal practitioners and the Government Attorneys on behalf of the relevant Ministry/Ministries. Key terms negotiated include the lease period, lease fees, permitted use of the land, renewal terms, and any conditions or restrictions on the use of the land.

5 Treasury approval must be obtained from the Ministry of Finance under section 18 of the State Finance Act, 1991 before the agreement can be implemented, as monies involving State Land always pass through the State Finance Act, 1991. It is worth noting that this is the main reason that a Ministry is needed, because only OMAs may table or suggest a lease agreement with regards to State Land.

- 6 The final lease agreement is signed by the respective Minister's Ministry.
- 7 A conveyancer prepares the lease agreement, which is executed by the lessor (the relevant Ministry/Ministries) and the lessee (Namibian person/persons or investors), which is attested to by a notary public (the same conveyancer) and lodges it at the Deeds Office for registration.

In respect of Unregistered State Land:

If the State Land you wish to lease is unregistered (i.e. it does not yet have a deed of transfer recorded at the Deeds Registry), the following additional steps must be completed before the lease can be registered:

- 1 Identify the land and determine whether it is registered or unregistered. Registered land has a deed of transfer recorded at the Deeds Registry, while unregistered land does not yet have deed of transfer. To know if State Land is registered or unregistered, a deed search is conducted at the Deeds Office.

The land must be surveyed by a land surveyor appointed by the Surveyor-General (under MAFWLR). The survey establishes the boundaries and extent of the land parcel. Once the survey is complete, the Surveyor-General approves the survey diagram. A conveyancer applies to the Deeds Registry for a Certificate of Registered State Title. This certificate formally records the State's ownership of the land in the Deeds Registry.

- 2 Registered land will either be recorded as belonging to the Government of Namibia, or belonging to the Municipal Council of whichever town, held under the certificate of registered title or a deed of transfer with an allocated title number. The custodian Ministry to make your first reference/ contact point is the MAFWLR. For land in protected areas, the MEFT is further involved to obtain consent. Should the land being leased have minerals, the Ministry of Mines and Energy approval and/or consent to lease the land will also be required.

- 3 Submit a formal written request to the relevant Ministry/Ministries, including the Ministry of Agriculture as it remains the custodian of land in Namibia, specifying the land you wish to lease, the intended purpose, the proposed lease period (if applicable), and any material details that are contained in a lease agreement.

- 4 If the State Land is located within a protected area (such as a national park), also address your request to the Minister of Environment, Forestry and Tourism, who must be consulted before approval can be granted. Note: The investor or their appointed legal representative may submit the application. Legal representation is not mandatory but is advisable for complex transactions. Steps 3 and 4 may be undertaken concurrently; it is not necessary to await a response before proceeding.

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A deed search confirms the land status, after which the land is surveyed, approved, and registered through a Certificate of Registered State Title.



Leasing of Land by Foreign Investors

State Land that falls within the bounds and constricts of agricultural land, will need ministerial consent from the Minister of Agriculture, Fisheries, Water and Land Reform. Foreign investors should note that, while the same procedural steps apply, they are required to provide additional documentation, such as proof of registration with the Ministry of International Relations and Trade, a Certificate of Status Investment (CSI) where applicable, and evidence of financial capability. The Ministry of International Relations and Trade may also require the foreign investor to demonstrate the economic benefit of the proposed activity to Namibia by increasing the employment opportunities in Namibia, providing training of the chosen Namibians, earning or saving foreign exchange and generating development in the less developed areas in Namibia.

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- 1 Identify the land and determine whether it is registered or unregistered. Registered land has a deed of transfer recorded at the Deeds Registry, while unregistered land does not yet have a deed of transfer. To know if State Land is registered or unregistered, a deed search is conducted at the Deeds Office.
- 2 Identify which Ministry administers the land. State Land may be administered by various Government Ministries depending on its location and use. For general State Land, contact the Ministry of Works and Transport. For land in protected areas, contact MEFT. For agricultural State Land, contact MAFWLR.
- 3 Submit a formal written request to the Ministry of Agriculture as it remains the custodian of land in Namibia, specifying the land you wish to lease, the intended purpose, the proposed lease period (if applicable), and any material details that are contained in a lease agreement.
- 4 If the State Land is located within a protected area (such as a national park), also address your request to the Minister of Environment, Forestry and Tourism, who must be consulted before approval can be granted. Note: The investor or their appointed legal representative may submit the application. Legal representation is not mandatory but is advisable for complex transactions. Steps 3 and 4 may be undertaken concurrently; it is not necessary to await a response before proceeding.
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The land must be surveyed by a land surveyor appointed by the Surveyor-General (under MAFWLR). The survey establishes the boundaries and extent of the land parcel. Once the survey is complete, the Surveyor-General approves the survey diagram. A conveyancer applies to the Deeds Registry for a Certificate of Registered State Title. This certificate formally records the State's ownership of the land in the Deeds Registry.
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- 3 Submit a formal written request to the relevant Ministry/Ministries, including the Ministry of Agriculture as it remains the custodian of land in Namibia, specifying the land you wish to lease, the intended purpose, the proposed lease period (if applicable), and any material details that are contained in a lease agreement.
- 4 If the State Land is located within a protected area (such as a national park), also address your request to the Minister of Environment, Forestry and Tourism, who must be consulted before approval can be granted. Note: The investor or their appointed legal representative may submit the application. Legal representation is not mandatory but is advisable for complex transactions. Steps 3 and 4 may be undertaken concurrently; it is not necessary to await a response before proceeding.
- 5 Enter into a lease agreement with the respective parties i.e the person/person or investors and the respective Ministry/Ministries. The lease agreement is negotiated through the Office of the Government Attorneys, as they remain the legal practitioners of the Offices, Ministries and Agencies (OMAs) of the Government of the Republic of Namibia and the person/s wanting to enter into the lease agreement. The negotiation is typically conducted between the investor, or their legal practitioners and the Government Attorneys on behalf of the relevant Ministry/Ministries. Key terms negotiated include the lease period, lease fees, permitted use of the land, renewal terms, and any conditions or restrictions on the use of the land.
- 6 Treasury approval must be obtained from the Ministry of Finance under section 18 of the State Finance Act, 1991 before the agreement can be implemented, as monies involving State Land always pass through the State Finance Act, 1991. It is worth noting that, this is the main reason that a Ministry is needed, because only OMAs may table or suggest a lease agreement with regards to State Land.
- 7 The final lease agreement is signed by the respective Minister's Ministry.
- 8 A conveyancer prepares the lease agreement, which is executed by the lessor (the relevant Ministry/Ministries) and the lessee (Namibian person/persons or investors), which is attested to by a notary public (the same conveyancer) and lodges it with the Deeds Office for registration.

Buying of Land by Namibians and Foreign Investors

- 1 Identify the State Land you wish to purchase and confirm with the Ministry of Works and Transport that the land is available for sale.
- 2 Submit a formal written offer to purchase to the Ministry of Works and Transport, specifying the land you wish to acquire and the intended use.
- 3 Treasury approval must be obtained from the Ministry of Finance under section 18 of the State Finance Act, 1991 before any State property may be sold or disposed of.
- 4 If the land is unregistered, it must first be surveyed by the Surveyor-General and a Certificate of Registered State Title must be obtained before transfer can occur.
- 5 A sale agreement is negotiated and concluded through the Office of the Government Attorneys.
- 6 The final agreement is signed by the Minister of Works and Transport (and the Minister of Environment, Forestry and Tourism if the land is within a protected area).
- 7 A conveyancer prepares the deed of transfer and lodges it with the Deeds Office for registration.
- 8 Particulars of the sale must be published in the Government Gazette after the transaction is completed.



**Note:**

- State Land within protected areas (such as national parks and nature reserves) is governed by the Nature Conservation Ordinance, 1975, under which only concessions (activity rights) may be granted – not land rights. See below for the process of obtaining concessions in protected areas.
- Protected areas are declared by the Minister of Environment, Forestry and Tourism in terms of the Nature Conservation Ordinance, 1975, and may either be in the form of a game park or a nature reserve. Protected areas remain state land and are only accessible through concessions (activity rights), with no freehold or leasehold rights and strict environmental oversight.
- The Nature Conservation Ordinance, 1975 does not permit the leasing of land within a protected area (game park or nature reserve). Only concessions may be granted. For leasing of State Land outside of protected areas, see Section 3 (Processes of Acquiring State Land in Namibia).
- The acquisition of land rights (including leasehold rights) in a protected area is not permitted. Land in protected areas is inalienable and may not be transferred, sold, leased or otherwise disposed of except by Act of Parliament. The Minister of Environment, Forestry and Tourism may only grant concessions under section 17(3) of the Nature Conservation Ordinance, 1975. Concessions are activity rights – they authorise the holder to conduct tourism or activities related to the sustainable commercial use of wildlife resources, or to provide related services on behalf of the State. They do not confer any land rights, leasehold rights or ownership interests.
- Under section 17(3) of the Nature Conservation Ordinance, 1975, the Minister of Environment, Forestry and Tourism may grant concessions authorising persons to: (a) conduct tourism or activities related to the sustainable commercial use of wildlife resources; or (b) provide services related to the conducting of tourism or the use of wildlife resources on behalf of the State in protected areas. Concessions are typically granted for tourism lodges, campsites, or specialised activities and are subject to conditions that protect the environment and align with the park's management plan.
- Section 17(2)(k) of the Nature Conservation Ordinance, 1975 authorises the Minister of Environment, Forestry and Tourism to establish renewable electricity sources for the purposes of managing protected areas or combating climate change. However, this power cannot be delegated to third parties. Accordingly, the current legal framework does not permit private parties to develop renewable energy or green hydrogen projects within protected areas without legislative amendment.
- Where a protected area falls within a Diamond Restricted Area (such as Diamond Area No. 1 declared under the Diamond Act, 1999), separate entry permits under the Diamond Act, 1999 are also required. Employees, contractors, and representatives must obtain permits from both the Ministry of Environment, Forestry and Tourism (under the Nature Conservation Ordinance) and the Ministry of Mines and Energy (under the Diamond Act, 1999).

Process for obtaining a concession



Note:

- The MEFT typically uses a tender process to award concessions. Unsolicited applications may also be considered.
- The process below relates to concessions (activity rights) only. The Nature Conservation Ordinance, 1975 does not permit the leasing of land within a protected area. If an investor wishes to lease State Land that is not within a protected area, the leasing process under the Crown Land Disposal Ordinance, 1903 applies. See Section 3 (Processes of Acquiring State Land in Namibia) for the applicable procedure.
- This is not a lease of land - it is an authorization to conduct specific activities within the protected area.

- 1 Identify the type of protected land. Protected areas in Namibia include: (a) game parks (such as Etosha National Park, Namib-Naukluft National Park, and Skeleton Coast National Park); (b) nature reserves; (c) protected desert areas; and (d) recreational resorts and conservation areas declared under the Nature Conservation Ordinance, 1975.
- 2 Submit a formal application to the Executive Director, MEFT.
- 3 Provide a business proposal, proof of financial capability, and an Environmental Impact Assessment (EIA) if required. The business proposal should outline the nature of the proposed activity, the expected duration, the number of employees, and the economic benefit to the local community. Proof of financial capability may include audited financial statements, bank statements, or a letter of financial commitment from a financial institution. An EIA is typically required for activities that may have a significant environmental impact, such as construction of lodges or infrastructure.
- 4 The Concession Committee evaluates applications based on sustainability, economic benefit, and alignment with the park's management plan.
- 5 The MEFT notifies the applicant of the Concession Committee's decision. If the application is approved, the applicant proceeds to Step 6. If the application is rejected or requires amendments, the applicant will be informed in writing of the reasons for the decision. The applicant may address any concerns raised and resubmit a revised application for reconsideration by the Concession Committee.
- 6 Upon approval, a concession agreement is signed, which may include conditions to protect the environment.
- 7 Pay the required concession fees and lodge any required security or performance guarantees. Concession fees are determined by the MEFT and are typically payable annually. The fees may be based on a fixed amount, a percentage of turnover, or a combination of both. The MEFT may also require the concessionaire to lodge a performance guarantee (such as a bank guarantee) to ensure compliance with the terms of the concession agreement.
- 8 Obtain any additional permits required for the specific activities contemplated under the concession. These may include: (a) building permits from the relevant local authority (if construction is required); (b) an Environmental Clearance Certificate (ECC) from MEFT if the activity is a listed activity under the Environmental Management Act, 2007; (c) a liquor licence (if alcoholic beverages will be sold); (d) a tourism enterprise registration from the Ministry of Environment, Forestry and Tourism; and (e) any other permits or licences required for the specific activity (e.g., hunting permits, filming permits).
- 9 Commence operations in accordance with the terms of the concession agreement. The concessionaire must comply with all conditions of the concession, including environmental protection measures, reporting requirements, and any restrictions on activities. The MEFT will monitor compliance with the concession agreement and may conduct inspections or audits. Failure to comply with the terms of the concession may result in penalties, suspension, or termination of the concession.



Protected areas in Namibia include game parks, nature reserves, protected desert areas, and conservation or recreational areas declared under the Nature Conservation Ordinance, 1975.



04

PROCESS FOR ACQUIRING RESETTLEMENT FARMS

4. Process for Acquiring Resettlement Farms



Note:

- Resettlement farms are agricultural land held by the State for redistribution under the land reform programme.
- While they are used for agricultural purposes, they are subject to different processes than privately-owned commercial agricultural land because they are State-owned and allocated to beneficiaries through the Regional Resettlement Committees (RRC) and Land Reform Advisory Commission (LRAC).

Leasing of Resettlement Farms

Namibian:

Applicants must be Namibian citizens, typically previously disadvantaged, not own or have sufficient agricultural land, and have a background in agriculture.

- 1 Fill out the Application for Resettlement/Lease form, available at Regional Council Offices or the Ministry of Agriculture, Fisheries, Water and Land Reform. The form requires personal details, proof of Namibian citizenship, information about your farming experience, current land ownership status, and the region where you wish to be resettled. There is no application fee for this form.
- 2 Submit the completed application to the RRC in the region where the land is located. The RRC is a committee established in each region to evaluate and recommend candidates for resettlement. You can submit the application at the Regional Council Office or the MAFWLR regional office.
- 3 The RRC evaluates applications using a points-based scoring system. Criteria include: farming experience (applicants with more experience score higher), age (applicants must be 25 years or older), gender (female applicants receive additional points to promote gender equity), current land ownership (landless applicants or those with insufficient land score higher), and whether the applicant was previously disadvantaged. The RRC ranks all applicants and recommends the highest-scoring candidates to the LRAC.
- 4 The RRC recommends candidates to the LRAC for scrutiny, which then forwards the applications to the Minister for final approval.
- 5 Successful applicants are notified by the MAFWLR and invited to sign a 99-year lease agreement with the State. The lease agreement sets out the terms and conditions of the resettlement, including the lessee's obligations to use the land productively for agricultural purposes, restrictions on subleasing (subleasing is not permitted), and conditions for entering into partnership arrangements with third parties.
- 6 Take possession of the resettlement farm. The MAFWLR will arrange a handover meeting at which the boundaries of the farm will be pointed out and any existing infrastructure (such as fencing, boreholes, or farm buildings) will be handed over. The lessee will be required to sign a handover certificate acknowledging receipt of the farm.
- 7 Register the lease with the MAFWLR. For leases of 10 years or more on surveyed land, the lease must also be registered at the Deeds Registry. The MAFWLR will assist with this registration process.
- 8 Comply with the ongoing obligations under the lease agreement. These include: (a) using the land productively for agricultural purposes; (b) maintaining the farm infrastructure in good condition; (c) paying any fees or levies due under the lease; (d) complying with all applicable laws and regulations, including environmental laws; and (e) reporting to the MAFWLR on the use and productivity of the farm as required. Failure to comply with these obligations may result in termination of the lease and repossession of the farm by the State.

Foreign:

Foreign nationals do not qualify for allocation of resettlement farms. Under the land reform programme, resettlement farms are reserved exclusively for Namibian citizens who meet the eligibility criteria, including being previously disadvantaged, landless, or having insufficient agricultural land. Foreign nationals wishing to engage in agriculture in Namibia should consider leasing commercial agricultural land or communal land (subject to the applicable consent requirements) as alternative options.

Buying of Resettlement Farms

Namibian:

Resettlement farms are not available for outright purchase. Under the land reform programme, beneficiaries are granted a 99-year lease agreement with the State. The land remains State-owned and cannot be sold or transferred to the lessee. Beneficiaries may enter into partnership arrangements with third parties in respect of the land but may not sublease.

Foreign:

Foreign nationals cannot acquire resettlement farms, whether by lease or purchase. Resettlement farms are reserved exclusively for Namibian citizens under the land reform programme.





05

PROCESSES
FOR **ACQUIRING**
COMMUNAL LAND
IN NAMIBIA

5. Processes for Acquiring Communal Land in Namibia



Note:

- This guide is as per the Communal Land Reform Act 5 of 2002 and its amendments; more importantly the Communal Land Reform Act Amendment Act 13 of 2013, and respective regulations.
- Note: Fencing off communal land is prohibited, unless authorisation for such erection or retention has been granted in accordance with the provisions of the Act.
- Rights that may be allocated:
 - **Customary land rights** – a land to build your village home and settle for 99 years.
 - **Rights of leasehold** – a land to lease.
- Power to allocate and cancel customary land rights
 - In the Chief of that traditional community; or
 - Where the Chief so determines, in the TA of that traditional community.
- Customary land rights that may be allocated:
 - a right to a farming unit;
 - a right to a residential unit;
 - a right to any other form of customary tenure that may be recognised and described by the Minister by notice in the Gazette for the purposes of this Act.

Leasing of Communal Land

Namibian:

- 1 Identify the land you are interested in with the presence of the local representative of the Traditional Authority (TA) i.e. Village Headman/Headwoman and neighbouring land holders to help define the correct boundaries.
- 2 Obtain consent from the local Traditional Authority. This involves meeting with the Chief or Headman/Headwoman of the Traditional Authority in whose area the land is located. You will need to explain your intended use of the land and obtain a letter of consent confirming that the Traditional Authority has no objection to your application.
- 3 Submit the application to the Land Board in your respective region, through the secretary at the MAFWLR regional office.
- 4 The Communal Land Board should advertise or display the application for any objection. This advertisement or display should run for a period of seven days.
- 5 If land applied for does not exceed a 100 hectares and/or leasehold is less than 10 years, the Land Board makes the decision to accept or reject the application taking into consideration any feedback received from the community.
- 6 If the land in question exceeds 100 hectares and/or a lease term of 10 years, the application will be referred to the Minister of Agriculture, Fisheries, Water and Land Reform for consideration. A motivational letter outlining the reasons why this land should be allocated to you will be required.
- 7 Once approved by the Minister of Agriculture, Water and Land Reform, the application will be returned to the Land Board, where the chairperson will sign and issue the certificate. The applicant will be notified to go and sign the lease agreement. A fee of N\$50 is payable upon collection of the certificate. Lease fees will be determined by the Land Board based on the land's valuation and may be paid in installments if necessary.
- 8 Register the lease at the Deeds Registry. For leases of 10 years or more on surveyed land, registration at the Deeds Registry in Windhoek is required. The MAFWLR will assist with this registration process for communal land leases. The leaseholder will be required to pay a registration fee. Once registered, the lease provides security of tenure and can be used as collateral for financing.

- 9** Comply with the ongoing obligations under the lease agreement. These include: (a) using the land for the purpose specified in the lease; (b) paying annual lease fees as determined by the Land Board; (c) maintaining the land in good condition; (d) not subleasing or transferring the lease without the consent of the Land Board; and (e) complying with all applicable laws and regulations, including environmental laws and any conditions imposed by the Land Board or Minister. Failure to comply may result in cancellation of the lease.

Foreign:



Note:

To lease communal land, the individual or company will have to apply for a right of leasehold. A right of leasehold refers to a legal interest or right that a tenant holds under a lease agreement for a property.

- 1** Identify the land you are interested in with the local representative of the TA, i.e. Village Headman/Headwoman. Neighbouring land holders should be present to help define the correct boundaries.
- 2** Get a letter of consent from the TA in the specific area where you intend to lease land.
- 3** Apply for consent from the Minister of Agriculture, Fisheries, Water and Land Reform by submitting Form F (From the MAFWLR), pay N\$25 application fee. Attach the letter from the TA, a motivational letter, ID and receipt. This needs to be submitted to the Minister's office.
- 4** Upon receipt of the application for the written authorisation, the Minister may grant the application with or without conditions or refuse the application. The Minister may prescribe criteria and conditions upon which a foreign national may be granted customary land right or right of leasehold.
- 5** If you receive written consent from the Minister of Agriculture, Water and Land Reform, proceed with the next step of completing Form B. If consent is not granted, reapply for consent, addressing the points raised in the feedback.
- 6** Complete Form B from the MAFWLR, pay N\$25 application fee. To this form, attach the letter of consent from the TA, letter of consent from the Minister, applicant's documents such as the ID and if it's a company, attach the company's document and IDs of all shareholders. If the land you intend to lease exceeds 100 hectares, please attach a motivational letter outlining the reasons why this land should be allocated to you.
- 7** Submit the application to the Land Board in your respective region, through the secretary at the MAFWLR regional office.
- 8** Your interest in this land will be made publicly available for a period of seven days. During this time, any community members who may have objections to the allocation of this land to you will have the opportunity to voice their concerns.
- 9** After the seven-day period, the Land Board will make a final decision regarding the allocation of the land, taking into consideration any feedback received from the community.
- 10** Any land lease exceeding 100 hectares and/or a lease term of ten years must receive approval from the Minister of Agriculture, Water and Land Reform.
- 11** Once approved by the Minister of Agriculture, Water and Land Reform, the application will be returned to the Land Board, where the chairperson will sign and issue the certificate.
- 12** You will be notified to come and sign the lease agreement, pay N\$50, and collect your certificate.

13

Lease fees will be determined by the Land Board based on the land's valuation and may be paid in installments if necessary.

14

Register lease at the deeds office under the MAFWLR.

Buying of Communal Land

- Communal land is not for sale as the land is typically reserved for Namibian citizens, specifically those who are part of designated communal areas.
- Under the law, acquiring rights to communal land is not possible for foreign citizens. Communal land in Namibia is typically reserved for Namibian citizens, specifically those who are part of designated communal areas. These areas are managed and allocated by TAs in accordance with Namibia's Communal Land Reform Act.





06

PROCESS FOR ACQUIRING **COMMERCIAL** **AGRICULTURAL LAND** **IN NAMIBIA**

6. Process For Acquiring Commercial Agricultural Land in Namibia



Note:

- This guide is as per the Agricultural (Commercial) Land Reform Act, 1995, and respective regulations.
- The Minister of Agriculture, Fisheries, Water and Land Reform may, out of moneys appropriated by Parliament, acquire agricultural land in order to make such land available for agricultural purposes to Namibian citizens who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices.
- When selling land, the Government of Namibia shall have a preferential right to purchase agricultural land whenever any owner of such land intends to alienate such land. No agreement of alienation of agricultural land entered into by the owner of such land shall be of any force and effect until the owner of such land has offered such land for sale to the State and has been furnished with a Certificate of Waiver in respect of such land.
- The above as mentioned above shall not apply where agricultural land is alienated by or to a regional council or local authority council or a body corporate established by or under any law and by other bodies (Refer to the Agricultural (Commercial) Land Reform Act, 1995, section 17(3)(a)).

Leasing of Commercial Land

Namibian:



Note:

- Namibian nationals seeking to lease land for 10 years or less, are not required to obtain consent from the Minister of Agriculture, Fisheries, Water and Land Reform (MAFWLR) to lease land.
- However, should a Namibian national seek to lease a portion of agricultural land for a period of 10 years or more, an approval from the Minister will be required in terms of the Subdivision of Agricultural Land Act, 1970.
- Note: This information is based on Section 3 of the Subdivision of Agricultural Land Act, 1970, which prohibits the subdivision of agricultural land without Ministerial approval. A lease of a portion of agricultural land for 10 years or more constitutes a long-term interest requiring such approval.

Foreign:



Note:

- Section 58(1)(b) of the Agricultural (Commercial) Land Reform Act, 1995 provides that no foreign national shall, without the prior written consent of the Minister, be competent to enter into an agreement with any other person whereby any right to the occupation or possession of agricultural land is conferred upon the foreign national for a period exceeding 10 years.
- Section 58 (2) further provides that if the controlling interest in any company which is the owner of agricultural land passes to any foreign national, it shall be deemed that such company acquired the agricultural land on that date. A "controlling interest" means holding more than 50% of the voting rights or shares in a company, or otherwise having the power to direct the affairs of the company.
- Therefore, consent from the Minister is required only when both of the following conditions are met: (i) a foreign national holds a controlling interest in the company leasing the property; and (ii) the lease period exceeds ten years. If either condition is not met (i.e., the foreign national does not hold a controlling interest, or the lease period does not exceed ten years), then no ministerial consent is required.
- The lessee and the lessor may proceed to enter into a Notarial lease agreement complying with the prescribed formalities and proceed to register the lease at the Deeds Office.
- The Ministry does not participate in the negotiation of lease prices; this is determined by the lessor.

When a Namibian national holds a controlling interest in a company leasing agricultural land for more than ten years:

- 1 No Ministerial consent is required for Namibian nationals holding a controlling interest in a company leasing agricultural land for more than ten years. The parties may proceed directly to negotiate and sign a notarial lease agreement and register the lease at the Deeds Office.

When a foreign national holds a controlling interest in a company leasing agricultural land for more than ten years:

- 1 Apply for consent to lease from the Minister of Agriculture, Water and Land Reform. Attach the Land Tax Clearance Certificate, CSI, ECC and all the other necessary documents.



Note:

These requirements are based on Section 58 of the Agricultural (Commercial) Land Reform Act, 1995, which requires Ministerial consent for foreign nationals acquiring or leasing agricultural land for periods exceeding 10 years, and practice directions from the Ministry of Agriculture, Water and Land Reform.

- 2 The Minister may refer the application to Cabinet for input.
- 3 Once consent is given, the parties can proceed to sign the notarial lease agreement and register the lease at the Deeds Office.
- 4 If consent is declined by the Minister, the applicant may, within 30 days after being notified of the decision, appeal to an appeal tribunal appointed by the Minister. The appeal must be lodged in writing with the Permanent Secretary setting out the grounds for the appeal. The applicant (or their legal representative) may lodge the appeal. If the appeal is unsuccessful, the applicant may apply to the High Court for judicial review of the Minister's decision.

Buying Commercial Land

Namibian:

- 1 An offer to sell agricultural land to the State shall be made in writing by the owner of the land to the Minister of Agriculture, Fisheries, Water and Land Reform (MAFWLR), through the Executive Director, and shall specify the price which the owner is prepared to accept for the land. This application should be accompanied by a copy of the title deed under which such land is held, owner's consent and other documents as prescribed.
- 2 If the State does not intend to acquire the agricultural land in question at the time of the offer, a Certificate of Waiver will be issued. The Certificate of Waiver is valid for a period of one year from date of issue.
- 3 If there is an identified buyer, include the buyer's details in the initial application (Step 1). The application must include the buyer's full name, identity number (or company registration number if the buyer is a legal entity), contact details, and proof of Namibian citizenship or residency status. If the buyer is a company, include the Certificate of Incorporation, a list of shareholders with their respective shareholdings, and proof that the company is Namibian-controlled (i.e. that a controlling interest is held by Namibian citizens). This allows the MAFWLR to assess whether the proposed transaction complies with the Agricultural (Commercial) Land Reform Act, 1995 and whether the buyer meets the eligibility requirements.
- 4 Once the Certificate of Waiver has been issued, the owner can sell the land at the price agreed to between themselves and the buyer. The new owner will be required to register transfer of the land with the MAFWLR.
- 5 If the State is interested in the land in question, the offer shall be considered by a designated Commission and a recommendation to the Minister will be made within 30 days. Upon receipt of recommendation, the Minister shall, within 14 days, communicate the final decision to the land owner in writing.
- 6 If the State decides to acquire the land in question, the State will accept the offer at the price specified or make a counter-offer to the seller. The counter-offer specifies the price at which the State is willing and able to pay for the land.
- 7 If the seller agrees to the counter-offer, payment will be made and the land becomes property of the State against registration of transfer.

- 8 If the seller does not accept the counter-offer, and fails to negotiate a price with the negotiating committee convened by the Minister, he must within 60 days from failing to reach such agreement, make an application to the Lands Tribunal for the determination of the purchase price.
- 9 If the Lands Tribunal determines a purchase price, the determination is binding. Either party may appeal against any decision, order or determination, given by the Lands Tribunal as if it were a judgment or an order given in civil proceedings by a single judge of the High Court of Namibia.
- 10 If the owner does not agree with the price determined by the Lands Tribunal, either party may, within 30 days of the Tribunal's determination, apply to the High Court for review of the decision. If the owner cannot be located, the State may proceed with expropriation in accordance with the Expropriation Ordinance, 1978, including service of notice by publication in the Government Gazette and payment of compensation into court.
- 11 Once the sale price is determined (whether by acceptance of the offer, counter-offer, or Lands Tribunal or High Court determination), a conveyancer is appointed to prepare an application to transfer the land to the State by endorsement in terms of Section 16 of the Deeds Registries Act.
- 12 The conveyancer will lodge the signed application with the Deeds Registry in Windhoek. The registration process typically takes 7 to 10 working days from the date of lodgement. Upon registration, the State becomes the legal owner of the property.

If the offer is made through The Affirmative Action Buyer Option:



Note:

- The Affirmative Action Buyer Option is reserved exclusively for local buyers.
- The seller must have an agreement in place with the buyer upon application.

- 1 Upon application, the seller must attach the agreement between them and the buyer.
- 2 If the State is interested in the land in question, Steps 5 - 10, above, apply.
- 3 If the State is not interested in the land in question, a Certificate of Waiver will be issued. The names of both the buyer and the seller will appear on the Certificate of Waiver. The Certificate of Waiver can only be used by the buyer whose name is listed on the Certificate of Waiver. If the current buyer withdraws from the deal, the seller must apply for a new Certificate of Waiver.

Foreigner:

- 1 An offer to sell agricultural land to the State shall be made in writing by the owner of the land to the Minister of Agriculture, Fisheries, Water and Land Reform (MAFWLR), through the Executive Director, and shall specify the price which the owner is prepared to accept for the land. This application should be accompanied by a copy of the title deed under which such land is held, owner's consent and other documents as prescribed.
- 2 If the State does not intend to acquire the agricultural land in question at the time of the offer, a Certificate of Waiver will be issued. The Certificate of Waiver is valid for a period of one year from date of issue.
- 3 If there is an identified buyer, include the buyer's details in the initial application (Step 1). The application must include the buyer's full name, passport number (for foreign nationals) or identity number, contact details, and proof of the buyer's legal status in Namibia. If the buyer is a foreign-controlled company, include the Certificate of Incorporation, a list of shareholders with their respective shareholdings, and details of the foreign ownership structure. Additionally, foreign buyers must attach a CSI issued by the MIRT and an ECC if applicable. This allows the MAFWLR to assess whether the proposed transaction complies with the Agricultural (Commercial) Land Reform Act, 1995 and whether Ministerial consent is required under section 58 of the Act.
- 4 If the State is interested in the land in question, steps 5-12 above shall apply
- 5 For foreign buyers, obtain Ministerial consent under section 58 of the Agricultural (Commercial) Land Reform Act, 1995. The application must include: (a) a completed application form for consent to acquire agricultural land by a foreign national; (b) a copy of the sale agreement; (c) the buyer's passport and proof of legal status in Namibia; (d) a Certificate of Status Investment (CSI) issued by the Ministry of International Relations and Trade ; (e) an Environmental Clearance Certificate (ECC) if applicable; (f) company registration documents if the buyer is a company, including a list of shareholders and their nationalities; and (g) a motivation letter explaining the purpose of the acquisition and the economic benefit to Namibia. The Minister may grant consent with or without conditions, or refuse the application.

6 Once the sale price is agreed and Ministerial consent is obtained, appoint a conveyancer to prepare the deed of transfer and all ancillary documents required for registration at the Deeds Registry. The conveyancer will: (a) draft the deed of transfer in the prescribed form; (b) prepare powers of attorney for the buyer and seller to sign; (c) calculate and arrange payment of transfer duty to the Namibia Revenue Agency (NamRA); (d) obtain any necessary clearances, including a rates clearance certificate from the local authority (if applicable) and the seller's tax clearance certificate from MAFWLR; and (e) lodge the documents with the Deeds Registry for examination and registration.

7 Register the transfer at the Deeds Registry. The conveyancer will lodge the signed documents with the Deeds Registry in Windhoek. Once examined and approved, the Registrar of Deeds will register the transfer and issue a new title deed in the buyer's name. The registration process typically takes 7 to 10 working days from the date of lodgement. Upon registration, the buyer becomes the legal owner of the property.



Foreign buyers must obtain Ministerial consent by submitting the required application and supporting documents. Approval may be granted with or without conditions, or refused.



07
PROCESS FOR
OBTAINING
**A CERTIFICATE OF
STATUS INVESTMENT**

7. Process for Obtaining a Certificate of Status Investment



Note:

- The Certificate of Status Investment (CSI) is required when a land owner applies for a Certificate of Waiver from the Ministry of Agriculture, Fisheries, Water and Land Reform.
- Certificate of Waiver signifies that the government does not intend to acquire the land at the time of the offer, allowing the owner to sell it to a private party.
- The certificate does not expire. However, it is issued under agreed-upon conditions, and if these conditions are not met, the certificate may be revoked.

- 1 Complete the prescribed Certificate of Status Investment (CSI) application form obtainable from the Ministry of International Relations and Trade (MIRT). The form requires details about the investor, the proposed investment, the source of funds, and the expected economic benefits to Namibia.
- 2 Submit the completed form to the Executive Director of the Ministry of International Relations and Trade (MIRT), together with the following supporting documents: a detailed business plan, proof of financial capability (such as audited financial statements or bank statements), company registration documents (if applicable), passport copies of all directors/shareholders, and any other documents specified in the application form.
- 3 The application will be channeled to the respective department within MIRT for evaluation and analysis. The evaluation and analysis stage of the application might include a site visit to the proposed site.
- 4 The respective department will make recommendations to the Minister.
- 5 If successful, the Minister will issue the CSI.
- 6 If the application is not successful, the applicant can make amendments as recommended and resubmit.





08
PROCESSES TO
OBTAINING **AN**
ENVIRONMENTAL
CLEARANCE CERTIFICATE

8. Processes to Obtaining an Environmental Clearance Certificate



Note:

- Some activities may not require an EIA, while others might be granted exemptions by the Minister of Environment, Forestry and Tourism.
- To understand which activities are exempt from an EIA and which may qualify for exemption, refer to the Environmental Management Act, 2007 (EMA), Part VII, specifically Sections 27 and 28.
- Activities that require an ECC in Namibia are Energy Generation, Transmission and Storage Activities, Waste Management, Treatment, Handling and Disposal Activities, Mining and Quarrying Activities, Forestry Activities, Land Use and Development Activities, Tourism Development Activities, Agriculture and Aquaculture Activities, Water Resource Developments, Hazardous Substance Treatment, Handling and Storage, Infrastructure and other activities such as Construction of military demonstration and testing sites, and Construction of cemeteries, camping, leisure and recreation sites.
- An ECC is valid for three years and must be renewed before expiry if the listed activity continues.

1 Engage an environmental assessment practitioner (EAP) to initiate an application for the Environmental Impact Assessment (EIA) to be conducted. An EAP is a qualified professional registered with the Ministry of Environment, Forestry and Tourism who has the knowledge and experience to conduct environmental assessments. A list of registered EAPs can be obtained from MEFT. The practitioner will guide you through the entire EIA process and prepare the required documentation on your behalf.

2 The practitioner will register the project with the MEFT, as well as the relevant competent authorities.

3 The Environmental Impact Assessment will proceed in accordance with the Environmental Impact Assessment Regulations of 2011.

4 Upon completion of the assessment, the MEFT will issue the ECC if the outcome proves not to be harmful to the environment. If the assessment proves to be harmful to the environment, the application might be rejected. Alternatively, the application might be reconsidered with conditions.





09

PROCESS OF **BUYING PRIVATE/
FREEHOLD LAND ADJACENT TO
PROTECTED AREAS OR IN
PRIVATE CONSERVATION AREAS
(NOT STATE PROTECTED AREAS)**

9. Process of Buying Private/Freehold Land Adjacent to Protected Areas or in Private Conservation Areas (Not State Protected Areas)



Note:

- It is important to distinguish between state protected areas (such as Etosha National Park and Namib-Naukluft National Park), where freehold ownership is not possible and only concessions apply, and private or communal conservation landscapes (such as private nature reserves or conservancies), where freehold or leasehold tenure may be available subject to applicable legislation. The processes below apply to the latter category only, in accordance with the Nature Conservation Ordinance, 1975.
- A registered conveyancer must handle the transfer, as agricultural land transactions are specialized.
- If the citizen is purchasing the farm through the Agricultural Bank of Namibia, they may be eligible for the Affirmative Action Loan Scheme, which aids in buying commercial land.

Namibian:

- 1 Find a private farm or nature reserve currently held under freehold ownership. If the "protected land" is actually located within communal areas (under TAs), the process requires approval from the TA and the Regional Land Board under the Communal Land Reform Act of 2002.
- 2 The owner must provide a Certificate of Waiver from the Minister of Agriculture, Fisheries, Water and Land Reform. The buyer must provide proof of Namibian citizenship.
- 3 If the land is held by a company, a controlling interest must be held by a Namibian citizen or Namibian-controlled legal entity. This requirement does not prevent a Namibian from purchasing the land; rather, it ensures that if the seller is a company, it must be a Namibian-controlled company or a company where a Namibian natural person or entity has a majority shareholding. A Namibian individual buyer is not subject to this restriction.
- 4 A formal contract is signed, usually conditional on the issuance of the Certificate of Waiver.
- 5 Obtain all necessary clearances required for the property transfer. These include:
 - (a) a rates clearance certificate from the local authority confirming that all municipal rates and taxes have been paid up to date;
 - (b) a levy clearance certificate from the homeowners' association (if the property is within a sectional title scheme or estate);
 - (c) an electrical compliance certificate confirming that the electrical installation complies with safety standards;
 - (d) a beetle-free certificate (if required in your area); and
 - (e) any other compliance certificates required by the local authority or applicable legislation.
 These clearances must be obtained before the transfer can be registered at the Deeds Registry.
- 6 Appoint a conveyancer to prepare the deed of transfer and all ancillary documents required for registration at the Deeds Registry. A conveyancer is a legal practitioner who specialises in property transactions and is authorised to prepare and lodge transfer documents. The conveyancer will:
 - (a) draft the deed of transfer in the prescribed form;
 - (b) prepare powers of attorney for the buyer and seller to sign;
 - (c) obtain all necessary consents and clearances;
 - (d) calculate and arrange payment of transfer duty to NamRa;
 - (e) prepare the transfer duty receipt; and
 - (f) lodge the documents with the Deeds Registry for examination and registration.
 Both the buyer and seller will be required to sign the relevant documents before the conveyancer or by way of a special power of attorney.
- 7 The seller must obtain a land tax clearance certificate from the Ministry of Agriculture, Fisheries, Water and Land Reform. Note: The land tax clearance certificate is obtained by the seller, and forms part of the documents
- 8 Register the transfer at the Deeds Registry. The conveyancer will lodge the signed documents with the Deeds Registry in Windhoek. Once examined and approved, the Registrar of Deeds will register the transfer and issue a new title deed in the buyer's name. The registration process typically takes 7 to 10 working days from the date of lodgment. Upon registration, the buyer becomes the legal owner of the property.

Foreign

- 1 Find a private farm or nature reserve currently held under freehold ownership. If the “protected land” is actually located within communal areas (under TAs), the process requires approval from the TA and the Regional Land Board under the Communal Land Reform Act of 2002.
- 2 The owner must provide a Certificate of Waiver from the Minister of Agriculture, Fisheries, Water and Land Reform. The buyer must provide proof of legal status in the country i.e. passport
- 3 Sign a Sale Agreement. This is a legally binding contract between the buyer and seller setting out the terms of the sale, including the purchase price, payment terms, conditions precedent (such as obtaining the Certificate of Waiver), and the date of transfer. It is advisable to have the agreement prepared or reviewed by a legal practitioner.
- 4 Appoint a local legal firm or conveyancer to assist with navigating the Agricultural (Commercial) Land Reform Act requirements and to handle the registration of the property transfer. A conveyancer is a legal practitioner who specialises in property transactions and is authorised to prepare and lodge transfer documents at the Deeds Registry.
- 5 The buyer must, through the local legal firm, submit an application to the Minister of Agriculture, Fisheries, Water and Land Reform requesting permission to buy the farm.
- 6 Obtain Ministerial consent. The Minister of Agriculture, Fisheries, Water and Land Reform will assess the application and may grant consent with or without conditions, or refuse the application. The Minister may also refer the application to Cabinet for input. If consent is declined, the applicant may, within 30 days after being notified of the decision, appeal to an appeal tribunal appointed by the Minister. The appeal must be lodged in writing with the Permanent Secretary setting out the grounds for the appeal. If the appeal is unsuccessful, the applicant may apply to the High Court for judicial review of the Minister’s decision.
- 7 Obtain all necessary clearances required for the property transfer. These include: (a) the seller’s tax clearance certificate from the Ministry of Agriculture, Fisheries, Water and Land Reform; This clearance must be obtained before the transfer can be registered at the Deeds Registry.
- 8 The conveyancer prepares the deed of transfer and all ancillary documents required for registration at the Deeds Registry. The conveyancer will:
 - (a) draft the deed of transfer in the prescribed form;
 - (b) prepare powers of attorney for the buyer and seller to sign;
 - (c) calculate and arrange payment of transfer duty to the Namibia Revenue Agency (NamRA);
 - (d) prepare the transfer duty receipt;
 - (e) prepare data verification forms and affidavits and
 - (f) lodge the documents with the Deeds Registry for examination and registration. Both the buyer and seller will be required to sign the relevant documents before the conveyancer or by way of a special power of attorney.
- 9 Register the transfer at the Deeds Registry. The conveyancer will lodge the signed documents with the Deeds Registry in Windhoek. Once examined and approved, the Registrar of Deeds will register the transfer and issue a new title deed in the buyer’s name. The registration process typically takes 7 to 10 working days from the date of lodgement. Upon registration, the buyer becomes the legal owner of the property.





10

WHERE TO
REGISTER **YOUR**
LAND IN NAMIBIA?

10. Where to Register your Land in Namibia?

Different types of land in Namibia have different registration requirements. Private land (freehold) is registered at the Deeds Registry office situated in Windhoek and Rehoboth, as per the Deeds Registries Act, 1937 and the Registration of Deeds in Rehoboth Act, 1976.

Communal land rights (customary land rights and rights of leasehold) are registered with the relevant Communal Land Board (CLB), and where the lease term is ten years or more and the area is surveyed, the leasehold must also be registered in the Deeds Registry.

The primary function of the Deeds Registry is to register and maintain a central registry of all immovable properties in Namibia. This includes registering title deeds, mortgage bonds, any recognised limited real right such as servitudes or usufructs over the land in favour of third parties and other legal documents related to property ownership. As such, the system generally provides for publicity and legal certainty in relation to land ownership.

Only a conveyancer may prepare deeds and documents for execution or registration in the deeds registry. This includes deeds of transfer, mortgage bonds, deeds of grant, certificates of title and most registrations under the Deeds Registries Act, 1937. The conveyancers are responsible to verify title and encumbrances, structure and prepare the transfer and related security/ancillary notarial deeds, obtain necessary consents and clearances (including tax where applicable), lodge deeds for registration and manage registration sequencing.

Steps for registering communal land (which is only a lease)

Note:



- Applications for leasehold rights over parcels that are bigger than 100 hectares are referred to the Minister of Agriculture, Fisheries Water and Land Reform for approval. The applicant must submit a motivation to accompany the application sent to the Minister. Leasehold rights for an initial period longer than ten years are also referred to the Minister.
- The applicant is responsible for having the leasehold surveyed by the Ministry of Agriculture, Fisheries, Water and Land Reform to comply with the Communal Land Reform Act and the Land Survey Act (Act No. 33 of 1993).

- 1 Complete Form 5 (from the MAFWLR). This is the "standard" application form for all applications for non-agricultural leasehold rights and for agricultural leaseholds in areas designated for agricultural purposes. Submit the completed form to the Communal Land Board in your respective region, through the secretary at the MAFWLR regional office.
- 2 Alternatively, complete Form 6 if you are applying for a commercial agricultural leasehold outside a designated agricultural area. This form is specifically for commercial agricultural leaseholds applied for outside areas designated for agricultural purposes under the Communal Land Reform Act. Applications using Form 6 must include a motivation letter submitted to the Minister of Agriculture, Water and Land Reform through the CLB of the area in question.
- 3 The CLB, TA representatives, the applicant, and supporting staff of the MAFWLR will conduct a field visit to verify the present situation and to be informed of the applicant's intentions. The CLB then preliminarily maps and demarcates the land parcel.
- 4 In the Ministry office, the area of the parcel is calculated. Ministry staff members check if the area is not already allocated to someone else, and if the application complies with all other laws and regulations, such as the Environmental Management Act, land use and development plans, conservancy and communal forest regulations, and so on.
- 5 On the basis of the data collected during the field verification and the office work, the CLB then, in an official meeting, either approves, approves with amendments, rejects the application, or refers it to the Minister of Agriculture, Fisheries, Water and Land Reform.
- 6 Before the final approval of a leasehold right, the CLB displays the application on a notice board at its offices, or any other public offices, for a period of at least seven days. This is done so that people can register any objections they may have regarding the application. The CLB may also hold an official enquiry if a community member objects to the advertised application.
- 7 The CLB registers the approved and ratified rights and issues a certificate of leasehold. The CLB and the applicant then create and register a deed of leasehold in the Deeds Registry. The leaseholder will be required to pay a registration fee and an annual fee based on a Ministry valuation.

Steps for registering commercial land (both lease and buying)

Buying:

- 1 Obtain a description of both the landowner and the property from the Deeds Office. You can request a Deeds Office search (also called a "title search") which will provide you with a copy of the title deed showing the registered owner, the extent of the property, and any encumbrances (such as mortgage bonds or servitudes) registered against the property. This search can be conducted in person at the Deeds Office in Windhoek or through a conveyancer.
- 2 Collect all necessary documentation from the Deeds Office and the seller, including a copy of the title deed, the seller's identity documents, any existing mortgage bond information, rates clearance certificates, and a tax clearance certificate from MAFWLR.
- 3 The Formalities in Respect of Contracts of Sale of Land Act, 1969 requires an agreement for the sale of immovable property to be in writing and signed by both parties (or their authorised representatives). A verbal agreement for the sale of land is not legally enforceable in Namibia. The written agreement must clearly identify the property, the purchase price, and the parties involved.
- 4 A conveyancer (a legal practitioner specialising in property transfers) will prepare the transfer documentation, which includes the Deed of Transfer, power of attorney, and other ancillary documents required by the Deeds Registry. Both the buyer and seller will be required to sign these documents, either in person before the conveyancer or by way of a special power of attorney if they cannot attend in person.
- 5 Obtain a building compliance certificate (if there are buildings on the property) and a rates clearance certificate from the Municipality. The building compliance certificate confirms that any structures on the property comply with building regulations. The rates clearance certificate confirms that all municipal rates and taxes have been paid up to date. These certificates are required before the property can be transferred.
- 6 A conveyancer will prepare the deed of transfer and lodge it with the Deeds Office for examination and registration.
- 7 Purchase revenue stamps to affix to the deed of transfer.

Leasing:

- 1 Negotiate a lease agreement between the parties. The lease agreement should specify the property being leased, the lease period (duration), the rental amount and payment terms, permitted uses of the property, maintenance responsibilities, and any special conditions. Both parties should agree on all terms before the agreement is formalised.
- 2 Execute the lease agreement in notarial format and in compliance with the Regulations for registration. A notarial lease is a lease agreement that is signed before a notary public (a specially appointed legal practitioner) and attested by the notary. This is required for leases exceeding 10 years to be registered at the Deeds Registry. The notary will prepare the lease deed and ensure it complies with all legal requirements.
- 3 Calculate and arrange payment of stamp duty, which is a tax payable on legal documents. The amount of stamp duty depends on the total rental payable under the lease agreement. For periodic payments (weekly, monthly, or yearly), the stamp duty is calculated based on the annual rental amount. The conveyancer or notary will calculate the exact amount payable and arrange for payment to the Receiver of Revenue before the lease can be registered.
- 4 Lodge the lease agreement with the Deeds Office for examination and registration. Once registered, the lease is filed and kept at the Deeds Office for purposes of records. The lessor will receive their copy of the registered lease.



Land registration in Namibia varies by land type. Freehold land is registered at the Deeds Registry, while communal land rights are registered with the relevant Communal Land Board. The Deeds Registry records property ownership and related rights, ensuring legal certainty. Only conveyancers may prepare and register property documents.



11
**LAND
EXPROPRIATION**

11. Land Expropriation



Note:

- Article 16(1) of the Namibian Constitution, 1990, protects the right to acquire, own and dispose of immovable property in any part of Namibia. Article 16(2), however, authorises the State or a competent body or organ authorised by law to expropriate property in the public interest, subject to the payment of just compensation, and in accordance with requirements and procedures to be determined by Act of Parliament.
- Expropriation of property is implemented primarily under the Expropriation Ordinance, 1978, for general public purposes, while the Agricultural (Commercial) Land Reform Act, 1995, authorizes compulsory acquisition of agricultural land for land reform purposes subject to statutory conditions.

- 1 The Executive Committee decides to expropriate property for public purposes and may authorise persons to enter and survey the land to assess its suitability and value.
- 2 A notice is served on the owner containing a description of the property, the date of expropriation, and either the compensation offered or a request for the owner's claim.
- 3 Within sixty days, the owner must submit a written statement accepting or rejecting the offer, stating the amount claimed, and providing particulars of improvements and any third-party interests.
- 4 If the owner rejects the offer, the Executive Committee must make a further offer with full details of its composition.
- 5 If parties cannot agree, either may apply to the Magistrate's Court or Supreme Court for determination of compensation or submit to arbitration.
- 6 Ownership passes to the Administration on the date of expropriation. The former owner must vacate the property and hand over possession at least sixty days after the date of expropriation (or such later date as may be agreed). Compensation (including interest from the date of expropriation) is paid to the former owner. If the compensation amount has been agreed or determined by the court or arbitration, it is paid directly to the former owner. If the owner cannot be located or refuses to accept the compensation, the amount is paid into court pending resolution.
- 7 The Administration registers the transfer of ownership at the Deeds Registry. The Registrar of Deeds will cancel the existing title deed and issue a new title deed in the name of the State (or the relevant public body). The former owner should retain proof of the compensation received for tax and other purposes.





12

TAXES:
**WHAT COSTS
WILL I INCUR?**

12. Taxes: What Costs Will I Incur?



Note:

Taxes and transaction costs such as transfer duty, value-added tax, stamp duty, land tax on commercial farmland, and municipal rates and taxes apply as relevant, while in communal areas, fees and lease payments under the Communal Land Reform Act, 2002 are applicable.

Different Type of Taxes

Property Taxes (Municipal Rates & Taxes)

Who Pays: All property owners (Namibian nationals and foreigners) in urban areas.

How It Works: Levied by local municipalities based on the municipal valuation of the property.

Purpose: Funds local services and infrastructure.

Calculation: Rates vary by municipality and are based on the property's municipal value and are published in the Government Gazette.

Applicability: Applies to residential, commercial and industrial properties in towns and cities.

Land Tax (Commercial agricultural land)

Who Pays: All owners of commercial agricultural land.

How It Works: Annual land tax is levied on the value of commercial farmland as per valuation roll.

Purpose: Part of land reform and redistribution policy.

Calculation: The rate is set by the Ministry of Finance and may be progressive, increasing with the size or value of land and number of land parcels held.

Exemptions: Communal land and urban land are exempt.

Transfer Duty

Who Pays: The acquirer of immovable property (both Namibian nationals and foreigners).

How It Works: Payable on the acquisition of land and buildings in accordance with a sliding scale determined by Regulations under the Transfer Duty Act, 1993.

Rates (as of October 2024):

Natural Persons: Sliding scale with a duty-free threshold of N\$1,100,000, then 1%–11% depending on value.

Companies/Close Corporations/Trusts: Flat rate of 12% of the acquisition value.

Special Note: As of October 2024, transfer duty also applies to share transfers in property-owning entities, where the transfer of shares results in a change of control or ownership of the underlying immovable property.

Applicability: Applies equally to Namibian nationals and foreigners.

Stamp Duty

Who Pays: The seller of land but can be negotiated and is typically paid by the buyer.

How It Works: Payable on legal documents relating to property transactions. Stamp duty is payable at N\$5.00 per N\$1,000 (or part thereof) of the purchase price or declared value. Exemptions may be applicable. Companies/Close Corporations: N\$12 per N\$1,000 (or part thereof) of the purchase price/declared value/sworn valuation.

Applicability: Applies to both Namibian nationals and foreigners.

VAT

Who Pays: VAT of 15% may apply where a VAT-registered seller supplies agricultural land or immovable property zoned as industrial or commercial in the course or furtherance of an enterprise. Certain transactions, such as the sale of a business as a going concern, may qualify for zero-rating if both the seller and buyer are registered for VAT and a notification is submitted to NamRA within twenty-one days of the date of supply (typically the date of transfer). Residential property transfers are zero-rated for purposes of VAT and instead attract transfer duty.

How It Works: VAT at 15% charged on the purchase price/declared value/sworn valuation of commercial/industrial/agricultural properties owned by persons or companies registered for VAT.

Applicability: Applies to both Namibian nationals and foreigners.

Land Taxes Payable



Note:

Tax under the Agricultural (Commercial) Land Reform Act, 1995 applies specifically to commercial agricultural land. Other land types are subject to different levies: urban and municipal properties are subject to municipal rates and taxes while communal land is subject to application fees and lease fees payable to the CLB. State land transactions are subject to negotiated lease fees. There is no equivalent Land Tax for urban, communal, or state land in Namibia.

Rates of Land Tax applicable to Agricultural Land Rates to a Namibian National

0.40 % of the unimproved site value per hectare in respect of a single farm.
0.65 % of the unimproved site value per hectare in respect of a second farm.
0.90 % of the unimproved site value per hectare in respect of a third farm.
1.15 % of the unimproved site value per hectare in respect of a fourth farm.
1.40 % of the unimproved site value per hectare in respect of a fifth farm.
1.65 % of the unimproved site value per hectare in respect of a sixth farm and so forth.

Rates of Land Tax applicable to a Foreign National

1.40 % of the unimproved site value per hectare in respect of a single farm.
1.65 % of the unimproved site value per hectare in respect of a second farm.
1.90 % of the unimproved site value per hectare in respect of a third farm.
2.15 % of the unimproved site value per hectare in respect of a fourth farm.
2.40 % of the unimproved site value per hectare in respect of a fifth farm.
2.65 % of the unimproved site value per hectare in respect of a sixth farm and so on.

Transfer Duties

Where the value does not exceed N\$1 100 000 – 0%.
Where the value exceeds N\$1 100 000 but does not exceed N\$1 580 000 – 1% of the amount exceeding N\$1 100 000.
Where the value exceeds N\$1 580 000 but does not exceed N\$3 150 000 – N\$4 800 plus 5% of the amount exceeding N\$1 580 000.
Where the value exceeds N\$3 150 000 but does not exceed N\$12 100 000 – N\$83 300 plus 8% of the amount exceeding N\$3 150 000.
Where the value exceeds N\$12 100 000 – N\$799 300 plus 11% of the amount exceeding N\$12 100 000.





13

PERMITS AND APPROVALS
REQUIRED FOR LAND USE:

**HOW DO I CONDUCT
SPECIFIC ACTIVITIES ON
NAMIBIAN LAND?**

13. Permits and Approvals required for Land use: How Do I Conduct Specific Activities on Namibian Land?



Note:

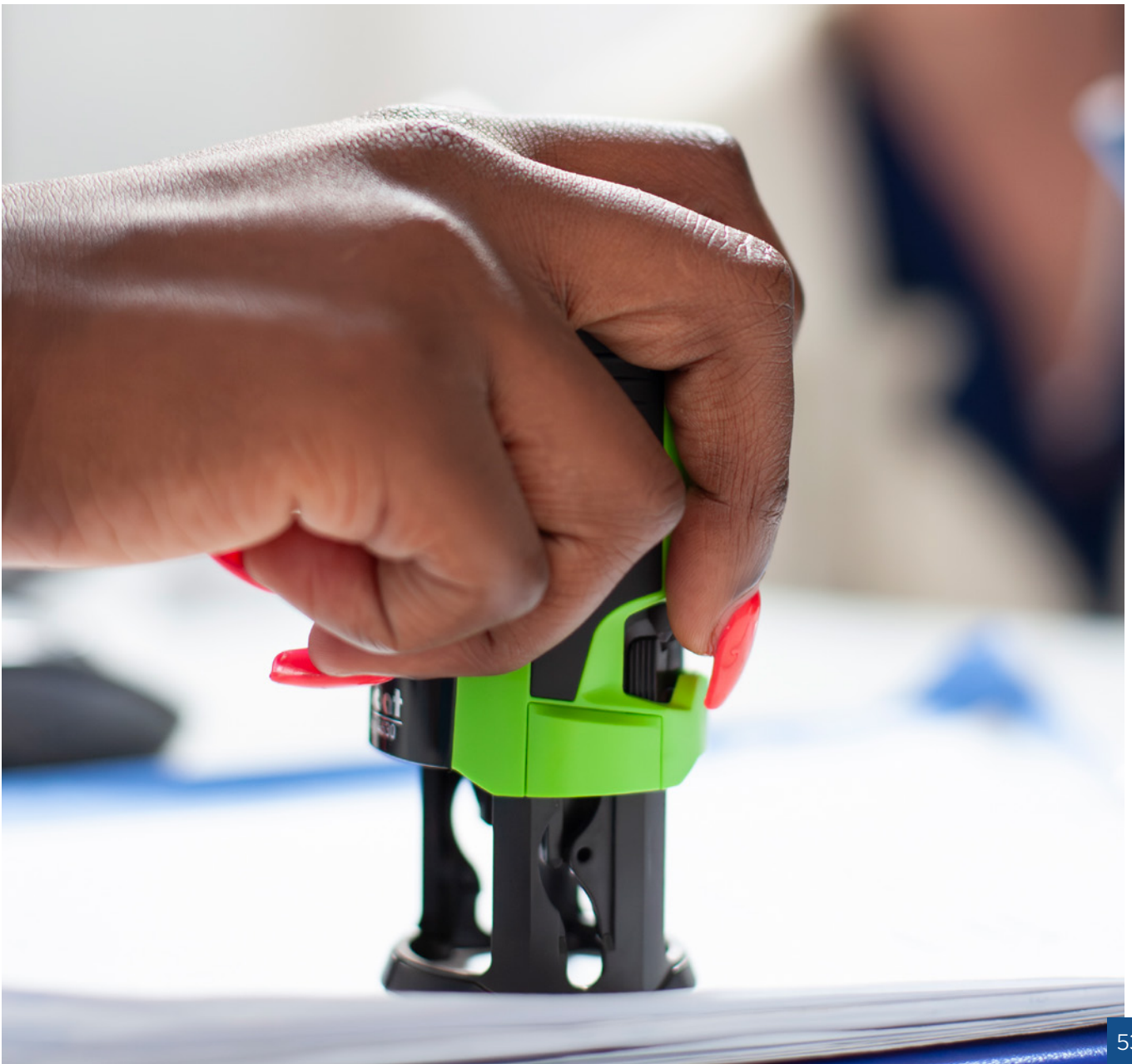
- Environmental requirements are central to all land transactions, with the Environmental Management Act, 2007 requiring an ECC to be obtained for certain listed activities.
- Additional consents may be needed for mining, energy, water, forestry, and heritage-related projects. We have set out an example of the type of additional regulatory authorisations which may be required depending on different types of land use:

Land Use				
Land Use	Primary legislation	Competent authority	Tenure/planning instrument	Core approvals and triggers
Urban residential development	<ul style="list-style-type: none"> • Local Authorities Act, 1992 • Urban and Regional Planning Act, 2018 • Sectional Titles Act, 2009 	<ul style="list-style-type: none"> • Local authority or authorised planning authority • Surveyor General 	<ul style="list-style-type: none"> • Zoning scheme rights • Subdivision / consolidation approval • Building permissions under scheme, general residential housing development. 	<ul style="list-style-type: none"> • Rezoning approval if changing use • Subdivision/consolidation approval • Service connections per local by law • sectional titles development approval by local authority • sectional title plan approval by local authority and Surveyor-General.
Commercial and business uses in towns	<ul style="list-style-type: none"> • Local Authorities Act, 1992 • Urban and Regional Planning Act, 2018 	<ul style="list-style-type: none"> • Local authority or authorized planning authority 	<ul style="list-style-type: none"> • Zoning scheme consent or primary rights • Site development plan • servitudes, where needed 	<ul style="list-style-type: none"> • Rezoning or consent use approval per zoning scheme • Traffic and access approval • Heritage permits, where applicable
Industrial and logistics uses	<ul style="list-style-type: none"> • Local Authorities Act, 1992 • Urban and Regional Planning Act, 2018 • Environmental Management Act, 2007 	<ul style="list-style-type: none"> • Local authority; • Environmental Commissioner 	<ul style="list-style-type: none"> • Industrial zoning • subdivision • servitudes • wayleaves. 	<ul style="list-style-type: none"> • Rezoning from light to heavy industry triggers ECC • Depending on activities being undertaken, Environmental Management Act, 2007 may be applicable, if a listed activity • building control approvals • waste permits under Environmental Management Act, 2007, where disposal sites apply.

Land Use	Primary legislation	Competent authority	Tenure/planning instrument	Core approvals and triggers
Freehold agriculture (commercial farms)	<ul style="list-style-type: none"> • Agricultural (Commercial) Land Reform Act, 1995 • Environmental Management Act, 2007 • Subdivision of Agricultural Land Act, 1970 • Water Resources Management Act, 2013 	<ul style="list-style-type: none"> • Minister of Agriculture, Water and Land Reform; • Environmental Commissioner 	<ul style="list-style-type: none"> • Freehold title; servitudes; • water rights • subdivision or consolidation • leases and servitude rights 	<ul style="list-style-type: none"> • ECC for listed activities, such as construction of dams, irrigation schemes for agriculture (excluding domestic irrigation) extraction of groundwater for commercial purposes, etc. • forestry approvals for >15 ha woody vegetation clearance or within 100 m of watercourses in terms of Forest Act, 2001; permit to drill boreholes and abstraction permit in terms of the Water Resources Management Act, 2013 • hunting permits in terms of Nature Conservation Ordinance, 1975
Commercial agriculture on communal leasehold	<ul style="list-style-type: none"> • Communal Land Reform Act, 2002 • Environmental Management Act, 2007 	<ul style="list-style-type: none"> • CLB; • Minister of Agriculture, Water and Land Reform, where applicable; • Environmental Commissioner 	<ul style="list-style-type: none"> • Right of leasehold (term and area per Board decision and regulations) 	<ul style="list-style-type: none"> • ECC for listed activities, such as construction of dams, irrigation schemes for agriculture (excluding domestic irrigation) extraction of groundwater for commercial purposes, forestry activities etc. forestry approvals for >15 ha woody vegetation clearance or within 100 m of watercourses in terms of Forest Act, 2001; • permit to drill boreholes and abstraction permit in terms of the Water Resources Management Act, 2013
Tourism lodges and resorts	<ul style="list-style-type: none"> • Environmental Management Act, 2007 • Nature Conservation Ordinance, 1975 • Urban and Regional Planning Act, 2018 • Communal Land Reform Act, 2002 • Heritage Act, 2004 	<ul style="list-style-type: none"> • Environmental Commissioner; • Minister of Environment, Forestry and Tourism for protected areas; • local authority in urban areas 	<ul style="list-style-type: none"> • Right of Leasehold (communal) • Concession and entry permit in protected areas • urban zoning rights 	<ul style="list-style-type: none"> • ECC for construction of resorts, lodges and hotels • concessions and entry permits inside protected areas (including conservancies) • hunting permits, where applicable • zoning and building approvals in urban settings • heritage permits, where relevant

Land Use	Primary legislation	Competent authority	Tenure/planning instrument	Core approvals and triggers
<p>Forestry operations and vegetation control</p>	<ul style="list-style-type: none"> • Forest Act, 2001 • Environmental Management Act, 2007 	<ul style="list-style-type: none"> • Director of Forestry and licensing officers • Environmental Commissioner 	<p>State/regional forest reserves</p> <ul style="list-style-type: none"> • community forests 	<ul style="list-style-type: none"> • Approval required to clear more than 15 hectares of vegetation (which is predominantly woody) on any piece of land or several pieces of land situated in the same locality • licences to harvest, transport, sell, market, transit, export or import forest products • strict protection of vegetation on dunes, gullies and within 100 m of watercourses • protected plant conditions apply • ECC for conducting any forestry activities that required authorisation in terms of the Forest Act, 2001
<p>Mining and quarrying</p>	<ul style="list-style-type: none"> • Minerals (Prospecting and Mining) Act, 1992 • Environmental Management Act, 2007 	<ul style="list-style-type: none"> • Minister of Mines and Energy; • Mining Commissioner; • Environmental Commissioner 	<ul style="list-style-type: none"> • Non-exclusive prospecting licence (NEPL) • exclusive prospecting licence (EPL) • mining claim (MC) • mineral deposit retention licence (MDRL) • mining licence (ML) 	<ul style="list-style-type: none"> • ECC for construction of facilities for any process or activities which requires a licence in terms of the Minerals (Prospecting and Mining) Act, 1992 • special controls for diamonds and nuclear fuel minerals under related legislation
<p>Energy generation and transmission</p>	<ul style="list-style-type: none"> • Electricity Act, 2007 • Environmental Management Act, 2007 • Urban and Regional Planning Act, 2018 for land-use rights 	<ul style="list-style-type: none"> • Electricity Control Board (ECB) • Environmental Commission • local authorities for planning 	<ul style="list-style-type: none"> • Freehold title • lease agreement • servitudes 	<ul style="list-style-type: none"> • Appropriate electricity licence (generation, supply, distribution, transmission, export, trade) • ECC for the construction of facilities for the generation transmission of electricity. • Servitude registration • Compliance with urban zoning schemes and building codes

Permits and Approvals				
Permit/Approval Type	Purpose	Issuing Authority	Key Requirements	Relevant Legislation
Land Use Zoning Approval	Approval for designated land use (residential, commercial, industrial, etc.)	Local Municipality / Regional Council	Application with site plans, compliance with zoning maps and regulations	Urban and Regional Planning Act, 2018
Rezoning Permit	Change of land use classification (e.g., from residential to commercial)	Local Municipality / Regional Council	Detailed application, public participation, may require legal assistance	Urban and Regional Planning Act, 2018
Subdivision Approval	Division of a land parcel into smaller plots	Local Municipality / Regional Council	Survey diagrams, compliance with subdivision regulations, approval from land board if communal land	Urban and Regional Planning Act, 2018; Communal Land Reform Act, 2002



Land Use				
Land Use	Primary legislation	Competent authority	Tenure/planning instrument	Core approvals and triggers
Building/ Construction Permit	Authorization to construct, alter, or demolish structures	Local Municipality / Regional Council	Submission of architectural/structural plans, compliance with building codes, environmental clearance	Local Authorities Act, 1992; Building Regulations (various municipal by-laws); Urban and Regional Planning Act, 2018
Environmental Clearance Certificate	Approval for projects with potential environmental impact	MEFT	EIA, public consultation, project description	Environmental Management Act, 2007; Environmental Impact Assessment Regulations (GN 30/2012)
Communal Land Rights Registration	Registration of customary or leasehold rights on communal land	CLB / TA	Application, verification by TA, mapping, approval by land board	Communal Land Reform Act, 2002
Leasehold/ Freehold Title	Granting of leasehold or freehold rights for land use	MAFWLR	Application, compliance with land reform policies, survey, registration with Deeds Office	Deeds Registries Act, 1937; Agricultural (Commercial) Land Reform Act, 1995; Communal Land Reform Act, 2002
Research Permit (on land/wildlife)	Permission to conduct research on land, flora, or fauna	MEFT	Research proposal, area manager/local authority input, annual validity	Nature Conservation Ordinance, 1975; Environmental Management Act, 2007
Wildlife Utilization Permit	Use, trade, or management of wildlife resources	MEFT	Application, compliance with wildlife protection laws, annual reporting	Nature Conservation Ordinance, 1975; Wildlife Management Regulations
Park Entry Permit	Entry and activities within national parks	Park Gate/MEFT	Issued at park gates or MEFT offices, specific rules for each park	Nature Conservation Ordinance, 1975; National Parks Regulations
Employment/ Business Permit	For foreign nationals investing or working on land development	Ministry of Home Affairs, Immigration, Safety & Security	Application, business plan, proof of investment, police clearance, medical reports	Immigration Control Act, 1993; Foreign Investment Act, 1990
Mining/ Prospecting Permit	Prospecting, exploration, or mining on land	Ministry of Mines and Energy	Application, EIA, land access agreements, compliance with mining law	Minerals (Prospecting and Mining) Act, 1992; Environmental Management Act, 2007
Water Use Permit	Abstraction or use of water resources for land development	MAFWLR	Application, EIA, compliance with water management regulations	Water Resources Management Act, 2013



14
LIST OF
ACTS **AND**
REGULATIONS

14. List of Acts and Regulations

For a comprehensive understanding of the Namibian land sector, below is a list of the laws and regulations referenced in the document to enable investors to conduct further reading and gain a clearer understanding.

Act / Regulations	Link
Agricultural (Commercial) Land Reform Act, 1995	Agricultural (Commercial) Land Reform Act 6 of 1995
Communal Land Reform Act, 2002	Communal Land Reform Act 5 of 2002
Communal Land Reform Amendment Act, 2013	Communal Land Reform Amendment Act 13 of 2013
Crown Land Disposal Ordinance, 1903	Crown Land Disposal Ordinance 57 of 1903 (Transvaal)
Deeds Registries Act, 1937	https://namibii.org/akn/na/act/1937/47/eng%401996-07-15
Deeds Registries Regulations, 2021	General Regulations Government Notice 83 of 2021
Diamond Act, 1999	Diamond Act 13 of 1999
Electricity Act, 2007	Electricity Act 4 of 2007
Environmental Impact Assessment Regulations, 2011	Environmental Management Act 7 of 2007-Regulations 2012-030.pdf
Environmental Management Act, 2007	Environmental Management Act 7 of 2007
Expropriation Ordinance, 1978	Expropriation Ordinance 13 of 1978
Foreign Investments Act 27 of 1990	Foreign Investments Act 27 of 1990
Formalities in Respect of Contracts of Sale of Land Act, 1969	Formalities in respect of Contracts of Sale of Land Act, 1969
Forest Act, 2001	Forest Act 12 of 2001
Land Survey Act, 1993	Land Survey Act 33 of 1993
Local Authorities Act, 1992	Local Authorities Act 23 of 1992
Minerals (Prospecting and Mining) Act, 1992	Minerals (Prospecting and Mining) Act 33 of 1992
Namibian Constitution, 1990	Namibian Constitution, 1990
National Heritage Act, 2004	National Heritage Act 27 of 2004
Nature Conservation Ordinance, 1975	Nature Conservation Ordinance, 1975 (Ord. 4 of 1975)
Regional Councils Act, 1992.	REGIONAL COUNCILS ACT 20 OF NO. 1992
Sectional Titles Act, 2009	Sectional Titles Act 2 of 2009
State Finance Act, 1991	State Finance Act 31 of 1991
Stamp Duties Act, 1993	Stamp Duties Act 15 of 1993
Subdivision of Agricultural Land Act, 1970.	Subdivision of Agricultural Land Act 70 of 1970 (RSA)
Transfer Duty Act, 1993	Transfer Duty Act 14 of 1993
Urban and Regional Planning Act, 2018	Urban and Regional Planning Act 5 of 2018
Value-Added Tax Act, 2000	Value-Added Tax Act 10 of 2000
Water Resources Management Act, 2013	Water Resources Management Act 11 of 2013



15
LIST OF
RELEVANT
FORMS

15. List of Relevant Forms

Below is a list of relevant forms to complete for the different processes.



Note:

Forms for communal land applications are available from the MAFWLR regional offices or online.

Forms	Purpose	Link
Certificate of Status Investment Form	Used by foreign investors to apply for special status under the Foreign Investments Act, securing benefits like preferential access to foreign currency for profit repatriation, protection against expropriation, and rights to international arbitration.	https://www.saflii.org/na/other/NAGovGaz/1992/139.pdf
Form B	To apply for the registration of a right of leasehold for agricultural purposes on communal land.	Communal Land Reform Act 5 of 2002-Regulations 2003-037
Form F	To apply for the Minister's written authorization to lease communal land.	https://www.lac.org.na/laws/2021/7514.pdf
Form 1 - Certificate of Waiver	Issued by the Minister when the State waives its preferent right to purchase agricultural land under section 16/17 of the Act. Valid for one year from the date of issue.	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%201996-272.pdf
Form 1A - Certificate of Waiver for Previously Disadvantaged Person	Certificate of Waiver specifically for sales to previously disadvantaged Namibians under section 17(2)(b) and Article 23(2) of the Constitution.	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%201996-257.pdf
Application for Consent to Acquire Agricultural Land by Foreign National	Used by foreign nationals to apply for the Minister's consent to acquire agricultural land or to enter into an agreement for occupation or possession of agricultural land under section 58 of the Act.	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%201996-257.pdf
Form 4 - Offer of Sale of Agricultural Land	Used by landowners to offer agricultural land for sale to the State as required under section 17(2) (a).	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%201996-257.pdf
Form 2 - Application for an Option to Purchase a Farming Unit	Used by lessees to apply for an option to purchase a farming unit under section 47(1) of the Act.	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%201996-272.pdf
Form C - Application for Transfer of Customary Land Right or Right of Leasehold	Used to apply for the transfer of a customary land right or right of leasehold on communal land.	https://www.lac.org.na/laws/annoREG/Communal%20Land%20Reform%20Act%205%20of%202002-Regulations%202003-037.pdf
Agricultural Land Tax Exemption Application Form	For previously disadvantaged persons to apply for land tax exemption under section 76B(1)(a)	https://www.lac.org.na/laws/annoREG/Agricultural%20(Commercial)%20Land%20Reform%20Act%206%20of%201995-Regulations%202018-285.pdf



16
KEY
CONTACTS



Certificate of Status Investment Form

- **Entity:** Ministry of International Relations and Trade
- **Physical Address:** Government Buildings, Robert Mugabe Avenue, Windhoek
- **Phone:** +264 61 282 2152
- **Email:** ed@mirco.gov.na
- **Website:** <https://mirt.gov.na/>
- **One-Stop Centre:** BIPA

Form B

Form 1 - Certificate of Waiver

Form 1A - Certificate of Waiver for Previously Disadvantaged Person Application for Consent to Acquire Agricultural Land by Foreign National

Form 4 - Offer of Sale of Agricultural Land

Form 2 - Application for an Option to Purchase a Farming Unit Agricultural Land Tax Exemption Application Form

- **Entity:** Ministry of Agriculture, Fisheries, Water and Land Reform
- **Physical Address:** Government Office Park, Luther Street
- **Phone:** +264-61-2087111
- **Fax:** +264-61-22173
- **Email:** ils@mlr.gov.na
- **Website:** <https://mawlr.gov.na/directorate-land-reform>

Form F

Form C - Application for Transfer of Customary Land Right or Right of Leasehold

- **Physical Address:** Directorate Land Reform and Resettlement
55 Dr. Robert Mugabe Avenue Ausspannplatz, Windhoek
- **Postal Address:** Private Bag 13343 Windhoek, Namibia
- **General Enquiries (Tel):** +264 61 296 5100 / +264 61 296 5102
Fax: +264 61 245 920 / +264 61 296 5384





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