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Two Brothers Losing Battle Against Lands Ministry

Friday, 20th of July 2007

By Mbatjiua Ngavirue

WINDHOEK

The two Enkali brothers gradually seem to be losing their tenacious fight for survival against the Ministry of Lands and Resettlement and one of its senior officials.

Permanent Secretary of Lands and Resettlement, Frans Tsheehama, recently informed Ben "Shinime" Enghali and Josef Enkali they can expect no assistance from the ministry.

The Enkalis have been embroiled in a long-running dispute with former Ministry of Lands official in the Omaheke Region, Erastus Nghishoono, over their occupancy on the resettlement farm Schellenberg 79.

Nghishoono together with former Deputy-director of Resettlement, Simeon Kanyemba, personally brought the Enkalis to Schellenberg from Drimiopsis in 2002.

They allege the two officials brought them there on the promise that the Ministry of Lands and Resettlement was officially resettling them on the farm.

They farmed there peacefully for five years until events suddenly took an ugly turn in March this year.

An article in the March 9, 2007 edition of New Era exposed that Nghishoono was leasing grazing to a white farmer, Adriaan Nigrini, a resident of South Africa.

Leasing grazing to Nigrini was in direct contravention of the lease agreement Nghishoono and all other resettled farmers sign with the Ministry of Lands.

Nghishoono, realizing he had been caught red-handed violating his lease agreement, in an act of sheer panic decided to evict the Enkalis from his farm two days later, on March 11, 2007.

Feeling they were being unfairly victimized by Nghishoono's misstep involving Nigrini, the two brothers have resisted their eviction from the farm ever since.

They now allege Nghishoono has resorted to strong-arm tactics to force them off the farm.

First he cut off the drinking water to the homestead and then disconnected the drinking water for their livestock.

The Enkalis have now taken the desperate measure of transporting water in jerry cans over 30 km from the outskirts of Gobabis to the farm just to keep their livestock alive.



One cow has already died from lack of water, and they fear they may now lose all the stock they have built up over many years of hard work.

The Enkalis estimate they have 153 head of cattle and 650 small stock, while the nominal owner of the farm, Nghishoono, only has 11 cattle and by now probably less than two-dozen goats.

Permanent Secretary Tsheehama clearly takes the side of his own official in the letter recently sent to the Enkali's lawyers, Kempen and Scholtz.

He appears to completely wash his hands of the action taken by Nghishoono and former deputy-director, Kanyemba, in bringing the Enkalis to Schellenberg – seemingly under false pretences.

"According to our investigation, Messrs A.B. and J. Enghali are illegal occupants of the farming unit concerned, and therefore, our Ministry cannot condone or perpetuate such a state of affairs.

"May I further inform you that provision of water to the animals should be treated as the responsibility of the Enghalis because the agreement was between them and Mr Nghishoono.

"Kindly advise your clients to direct their query to Mr Nghishoono who is the legal beneficiary of the allotment concerned".

Ben Enghali found it strange that a ministry that claims to have the plight of the landless Namibians at heart could reply in such a heartless and callous manner – showing no concern whatsoever for their dying livestock.

"I also wish to make it clear to your good offices that our records indicate Mr Nghishoono as the only beneficiary of the farming unit concerned and that the claims by the Enghalis of being resettled by this Ministry at Unit "B", farm Schellenberg cannot be ascertained and it is therefore refuted".

While Tsheehama tries to argue that Nghishoono acted in his private capacity, this argument might have been easier to sustain if former deputy-director for Resettlement, Simeon Kanyemba, was allegedly not present when the arrangement was made.

The whole matter also raises serious questions about when – and when not – are government officials acting in their official capacities?

When Nghishoono and Kanyemba evicted small-scale farmers from Drimiopsis in 2002, were they acting in their private or official capacities?

When Kanyemba allegedly summarily ordered the Namibian Police in Gobabis to arrest Ben Enghali in 2002 and throw him into jail, was that an official or a private act?

Members of the public might be forgiven for feeling that Tsheehama should have special stickers printed that his officials can paste on their foreheads indicating whether they are acting in a private or official capacity.

Meanwhile, Director of the Anti-Corruption Commission, Paulus Kalomo Noa, yesterday confirmed that despite the Ministry of Lands having concluded its investigation, the ACC would launch its own investigation.

Noa said the commission had not yet assigned an investigator to the case, due to a shortage of investigators.

The ACC would, however, employ additional investigators on August 1, making it possible to assign a dedicated investigator to the case.

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