



Integrated Land Management Institute (ILMI)
Land, Livelihoods and Housing Programme 2015-18

The Integrated Land Management Institute is a centre of the Faculty of Natural Resources and Spatial Sciences (FNRSS) at the Namibia University of Science and Technology (NUST) committed to develop reputable and multidisciplinary research and public outreach activities in the field of land administration, property, architecture and spatial planning.

The Land, Livelihoods and Housing Programme 2015-18 aims at deepening and expanding the focus on these three key issues in Namibia. The programme was developed to guide ILMI's activities by organising it in four aspects: institutional, environmental, fiscal and spatial processes.

Land Delivery to the Urban Poor. Case study of Lux Development Project Nam/343: *Realities, opportunities, possibilities, synergies*

Summary

The project took place in Katima Mulilo and Rundu during 2007-11. The project consisted of 66 township extensions, and resulted in 18,500 plots developed in a period of 5 years. The project was funded by LUX Development, the cooperation agency from Luxemburg, which poured significant funds to make the project possible. One of the innovative aspects was to do the topographic and cadastral mapping in parallel with the layout plan and design. This was done by teams consisting of a town planner, a surveyor, and community facilitators elected by the inhabitants of the settlement in question. The availability of funds to support the project, as well as the existence of a project manager, stakeholder engagement, and creation of capacity within the relevant institutions in the land delivery process were key to the success of the programme. While the replicability of this scheme would vary in terms of the different sites, the programme offers valuable lessons for land delivery programmes.

This is the document of a Brown bag meeting that took place on 9 August 2016; 12h30-14h00 at the Seminar room, Department of Architecture and Spatial Planning, Namibia University of Science and Technology

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The experience of the speaker is based on participation on the steering committee of the project, as well as through the training of some of the professionals involved.

The account contains contributions by the attendants to the discussion, some of which were also participants in the project.

Interventions from attendants are marked in *italics*.

Introduction

The project was made possible with support of LUX Development, the cooperation agency from Luxemburg¹.

The land delivery project was a result of the involvement of the agency in the area I projects related to the provision of water infrastructure and sanitation. When the agency devoted more resources to the country's mission, it became possible to develop the land delivery component. The project's approximate budget in today's equivalent was about Euro 9.45m (N\$100m in 2016, approximately). Government contributed to the project largely through in kind contributions.

The project took place in Katima Mulilo and Rundu during 2007-11.

During that time, the Flexible Land Tenure Scheme (FLTS) was being discussed and it was suggested for the Rundu-Katima Mulilo project to become a pilot on this. The options to establish a 'land rights office', to get block erven to become a 'starter title scheme', and for each of these to be subdivided into 'landhold scheme' were discussed, but LUX eventually opted not to do this in views that the the regulations had not been passed, which was considered a risk in the process. It was then decided to undertake the development based on regular township establishment.

On the project

The project started with little available material. Initially only Small Format Aerial Photography (SFAP) mosaic maps were available, which would have yielded too large a margin of error. Typically, if the discrepancy between the surveyors' map and the town planning scheme is large, the Surveyor General Office (SGO) rejects the submission, which creates considerable delays and increased costs. While an option could've been to generate professional base maps, the LUX project decided to do the town planning layouts with such base maps and do the surveying in parallel.

For this purpose, teams were established to operate in the different extensions; each team included a town planner, one surveyor, and community facilitators elected by the residents in settlement in question. The project followed a general principle of keeping the layout of the settlement in its existing state as much as possible. This was a relatively easy task in views that the settlement happened in a rural setting; hence, occupants would settle having agricultural concerns in mind and therefore allowing ample space between inhabitants for small crops and cattle. Furthermore, Local Authorities assisted inhabitants in the settlement process, allowing ample space for main and secondary roads; even sometimes exceeding the minimum measurements' required.

¹ See: <https://luxdev.lu/en>

The programme had in general an “in the field” approach: trying to get as much as possible done in the site [rather than assuming further work done in office thereafter].

Were there many issues regarding relocation?

The project developed a compensation policy for the project. Rates were discussed, and it came about N\$10 per m². People would be able to claim extra amounts in case their relocation would imply further impact to their livelihoods; for instance, losing a fruit tree used for food or production purposes, it would be calculated and the household would be compensated for the loss.

In total, the project consisted on 66 township extensions. In the usual township establishment process, survey and drafting of General Plans are done after Townships Board approval. However, in the case of the current project the following process was followed: .

1. Need and Desirability Application [to NAMPAB]
2. Survey and drafting of General Plans
3. Township layout design
4. Townships Board approval of Layouts
5. Approval of General Plans
6. Township proclamation
7. Opening of Township Register in Deeds Office
8. Sale and transfer of individual erven

Factors of success

The project had sufficient budget to incentivise the SGO work. About five people were tasked to dedicate time in getting the project’s applications done promptly. There was also sufficient budget to cover for the expenses of parties based in Windhoek to travel to the site to address the matter in question.

All stakeholders were involved ‘from day one’. The project manager also did a good job in keeping all parties updated on the latest developments, so that whenever someone was called upon to act, it was relatively easy for them to do since they were well acquainted with the issue at stake; this was particularly useful for approvals. Matters that would ordinarily take five months, would take only a few days. Also, parties felt part of the project and there was a sense of working on the same project, therefore participants would be very collaborative. No one wanted to be seen as delaying the process.

The project was done in parts, not as a one single large piece of land. This also helped to keep the work manageable.

The success of the project is largely attributed to the availability of funds to be able to cover expenses, good management of such funds, clear deadlines; the existence of a well-remunerated project manager tasked to oversee the whole process; stakeholder involvement; and the creation of ‘special officers’ to assist the SGO.

Where were the bottlenecks in the process?

The SGO couldn’t have prioritised the submissions made by the project without the funding of ‘special officers’ to do this.

In the Ministry of Regional and Local Government, Housing, and Rural Development (MRLGHRD; today Ministry of Urban and Rural Development, MURD) had then more planners able to assist the process.

NAMPAB and the Townships' Board had a 'special meetings schedule' dedicated to this project.

Capacity was created to handle volumes, and other creative measures to ensure agility were accepted. For instance, some procedures were given a go-ahead only with 'provisional minutes' of the meetings that were prerequisite in order to move on to the next stage. Usually, official minutes can take up to a month, and since the process is sequential, it isn't possible to advance without having met all the requirements of the previous step.

Another key component of this programme was the economies of scale: to develop 66 township extensions in one go allowed for cost reduction, and also for prioritisation against other smaller projects. For example, by awarding several adjacent township extensions to the same surveyor and town planner, the unit cost (cost per plot) for professional fees were reduced substantially.

Replicability

The replicability of this depends highly on the nature of the settlement: its topographic condition, the settlement pattern of occupants, the availability of bulk infrastructure, amongst other things.

The informal settlements in Windhoek are a case in point. The settlement pattern is so dense, that one would need to reduce minimum plot sizes to 150 or 200m²; otherwise, if the 300m² standard would be kept, about half of the current residents would have to re-locate.

Contrasting the LUX project and the FLTS reveals some key lessons:

- The establishment of the 'land rights office' is a good initiative to add a local component to a process that is currently highly centralised.
- The FLTS doesn't cater for changes in the township layout, as once this is finalised it is very hard to effect any changes.
- The FLTS leaves the cost of upgrading from leasehold to freehold to inhabitants themselves, whereas LUX entailed the costs all the way through freehold titles.
- In terms of the FLTA, the whole process of formal subdivision or township establishment must be repeated when a landhold scheme is upgraded to freehold. This includes Need & Desirability application to NAMPAB, subdivision application to Townships Board (approval of layout plans), surveying of General Plans (GPs), approval of GPs by the Surveyor General's Office, proclamation and registration of the townships in the Deeds Office, and individual erf registrations in the Deeds Office. Establishment of landhold schemes in terms of the FLTA would have only postponed this (lengthy and expensive) process, instead of avoiding it.
- To register starter- or landhold schemes, the informal settlements would have to be subdivided into block erven, comprising typically of 50-100 plots per block erf. The process of creating these block erven, in terms of current town planning, surveying and deed registration procedures and legislation, would have taken several years. This process would have taken as long formal township establishment - so the FLTS would not necessarily always speed up land delivery to the poor.
- The FLTS prescribes that a landhold scheme may be upgraded to freehold if at least 75% of the scheme agrees to the upgrade, and that the (up to) 25% who do not agree to the upgrade, will be given plots elsewhere. The 25% who do not want to the upgrade, can therefore effectively be 'expropriated', which defeats one of the main objectives of the FLTA (i.e. security of title).

Current opportunities

There are several key pieces of legislation that are currently under review:

- Flexible Land Tenure Act.
- New Town Planning Bill, which could expedite processes involving NAMPAB and Townships Board; it could also allow upgrade from landhold to freehold without need to undergo full process.
- New Deeds Registries Act, which will remove the need for conveyancers in land registration.
- Amended Land Survey Legislation, which could allow for technical surveyors to subdivide block erven into freehold erven under certain conditions; it could also allow such surveyors to do subdivisions, consolidations and beacon replacements within such block erven boundaries.

Furthermore, Namibia could gain experience from South Africa's Less Formal Township Establishment Act (RSA). In this way, MURD could designate areas that would be exempted from certain conditions. This could be included in the new Town Planning Bill, for example.

Discussion

Did the local teams have the mandate to take decisions on the ground?

From the professional side, they had the necessary skills to operate so there were no delays in getting clarifications from a centralised body of specialists.

Regarding social matters, the community facilitators had legitimacy as they were themselves proposed by inhabitants of the place in question. These were part of a 'conflict resolution committee', which was headed by the Mayor. This committee had the faculties to facilitate decisions on the ground.

There is significant community work that would preferably be done before the teams come to do their job.

Another factor that made inhabitants' participation easier was the promise of a land title. Participants were motivated.

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There should be [sociological] research done to determine adequate number of m² per plot; otherwise the minimum of 300m² appears rather as an arbitrary decision. In Tanzania, research was done to deem whether 150m² was an adequate measure. A 'demonstration block' was built, and affordability issues were analysed. The result of this research was useful in changing perceptions of what an adequate minimum erf size is.

It is useful to remember that the minimum 300m² per plot regulation applies to single residential erven only. If one starts developing residential extensions with other collective and mixed uses, one can have a wider margin for different allocation of m² per household.

It was recently in the news that the City of Windhoek Town Council rejected proposals to reconsider the 300m² minimum erf size. This can be a hindrance.

However, projects like the Mass Urban Land Servicing Programme, which have national reach, should be able to establish their own conditions in views of the serviced land scarcity crisis.

MURD can override decisions taken at Town Council level if it considers this is on the national interest.

Did the project make the land more affordable to inhabitants?

Half of the money was spent on planning and surveying, and the other half on the actual servicing. It is the first half that can be seen as a 'subsidy' to the project. The land was supposed to be indeed sold to inhabitants, but only to recover the costs. In some cases, inhabitants only saw a discount of around 35%; in others, plots that would normally be offered for N\$50,000 were sold for N\$10,000. The idea was not to give these plots away, but for the Local Authorities to charge a fee for them in order to obtain resources to continue running the process even after the end of the support of LUX. However, the real number of people who eventually bought the land and currently have a freehold title to it is rather unclear.

Would the project have been more effective by just focusing on access to serviced land rather than putting efforts in producing freehold titles?

The need for freehold title is very relevant, as it can assist inhabitants in accessing finance to develop entrepreneurial activities.

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