



# **NAMIBIA'S URBAN FUTURE**

**RETHINKING HOUSING  
AND URBANISATION**

Book of Proceedings

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Guillermo Delgado & Phillip Lühl, eds.

With contributions by Richard Dobson, Anthea Houston, Bulelwa Makalima-Ngewana, Nina Maritz, Diana Mitlin, Rose Molokoane, Sheela Patel, Kwame Tenadu, Cecile van Schalkwyk and Members of the Shack Dwellers Federation of Namibia and the Namibia Housing Action Group

Foreword by Leilani Farha



**NAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY**

# NAMIBIA'S URBAN FUTURE

## RETHINKING HOUSING AND URBANISATION

2020 Namibia University of Science and Technology

*This volume is dedicated to the memory of Fabio Todeschini.*

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# Foreword

**Leilani Farha**

*United Nations Special Rapporteur on Adequate Housing*

I am sorry I am unable to be with you in Namibia, but I am very pleased to be able to offer you this message. I think the Urban Forum is coming at the right time and I do hope your deliberations include a full spectrum of the right to adequate housing and what it means in the urban context in Namibia.

Let me begin by saying Namibia is a party to a number of international human rights treaties which include the right to adequate housing included in the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>1</sup> and the Convention on the Rights of Persons with Disabilities<sup>2</sup>. Namibia also made commitments to the New Urban Agenda<sup>3</sup> at Habitat III<sup>4</sup> as well as to the Sustainable Development Goals<sup>5</sup>. This therefore has a direct impact on how Namibia moves forward in the area of housing and suggests that the right to adequate housing has to be taken quite seriously in order to meet Namibia's obligations and commitments.

So, the question is, what does the right to adequate housing mean? Most people would say it is access to four walls and a roof, and while that is true, the right to adequate housing also has a much broader definition. It means the right to live in peace and security and with dignity, and it identifies some key characteristics that inform what adequate actually means: characteristics like security of tenure and freedom from forced evictions, and access to basic services like potable water and electricity. One of the things that those of us who are close to the issue of adequate housing note is the way in which housing has 'tentacles' to any other socio-economic rights and many civil and political rights. Adequate housing is related to the right to health and/or the right to education as well as, of course, the right to life.

One of the misconceptions about the right to adequate housing that many government officials have is that, if we embrace the right to adequate housing, it means that we need to provide a home immediately to everybody. Under international human rights law, the right to adequate housing is a progressive right: it can be realised progressively. That means states need to take steps immediately and continuously through time to ensure that everyone, particularly vulnerable groups, have access to adequate housing. There are of course some immediate obligations on states, namely in those situations where there are violations of rights, for example, and a state is required to immediately address homelessness or to ensure access to basic services in informal settlements. One of the things that I have been discussing with states on an ongoing basis is the need for states to adopt national housing strategies that are based in human rights and I think now is the right time for states to start trying to draft those strategies if they do not have them already in place, because those strategies will be essential to meeting the commitments under

the New Urban Agenda and Target 11<sup>6</sup> of the Sustainable Development Goals, which deals with adequate housing for all. I think that, in the development of national strategies, a key component will be ensuring the meaningful participation of affected communities, particularly communities that are living in vulnerable situations, those in informal settlements, and those that might be subject to forced evictions. It would make sense to include these communities if you want to ensure an effective strategy going forward.

I would also say that, in moving forward in the area of housing, it is important that all decisions taken with respect to housing are run through the human rights framework, in other words, ensuring that every decision taken with respect to the strategy and with respect to financing the strategy are made in ways that further the right to adequate housing and do not undermine it. For example, I have been working quite recently on the issue of financing of housing<sup>7</sup> and it appears that, in many developing countries, there is a new push to have a financialised housing market that involves, for example, mortgage financing in order to enable sections of the population to buy housing. In Namibia we need to think carefully if that is actually realistic and a viable option. I think there are many creative housing solutions that could be considered, that go beyond just building new housing and that includes measures like developing forms of security of tenure for tenants and residents.

I would like to say that, as Special Rapporteur, I am available going forward if you need assistance on more information and knowledge on the right to adequate housing. I would like to visit Namibia at any time. I wish you all the success in the next two days and I do hope that the right to adequate housing remains central in your deliberations.

<sup>6</sup> "Make cities and human settlements inclusive, safe, resilient and sustainable"; <https://sustainabledevelopment.un.org/sdg11>, last accessed 10 August 2019.

<sup>7</sup> UN/United Nations. 2017. Report of the Special Rapporteur on adequate housing as a component on the right to an adequate standard of living, and on the right to non-discrimination in this context Human Rights Council, Thirty-fourth Session No. A/HRC/34/51. United Nations General Assembly. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/009/56/PDF/G1700956.pdf?OpenElement>, last accessed 10 August 2019.

<sup>1</sup> A multilateral treaty adopted by the United Nations (UN) in 1966 and enforced in 1976, it includes the right to an adequate standard of living. The Covenant is part of the International Bill of Human Rights, a 1948 UN General Assembly Resolution on human rights. Available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, last accessed 10 August 2019.

<sup>2</sup> Available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>, last accessed 10 August 2019.

<sup>3</sup> Available at <http://habitat3.org/the-new-urban-agenda>, last accessed 10 August 2019.

<sup>4</sup> The United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in Quito, Ecuador, on 20 October 2016.

<sup>5</sup> Available at <https://sustainabledevelopment.un.org/sdgs>, last accessed 10 August 2019.

## Welcoming Remarks

**Prof. Tjama Tjivikua**

*Founding Vice-Chancellor, NUST*

Ladies and gentlemen<sup>1</sup>:

It is my great pleasure to welcome you all on behalf of the Namibia University of Science and Technology to this special high-level event: the Public Forum on Housing and Urbanisation. The brainchild of architect Leon Barnard, the Forum was initiated in 2015 as a cross-institutional platform with a shared interest to explore, analyse and debate urbanisation in Namibia. Mr Barnard consulted me on this new initiative and I immediately agreed to our University hosting the Forum. Its success so far goes to show the need for its existence and the convergence of diverse stakeholders' interests. Well done, Mr Barnard; well done, our Team in ILMI – the Integrated Land Management Institute in the Faculty of Natural Resources and Spatial Sciences.

The initiative was launched in the presence of Honourable Sophia Shaningwa, Minister of Urban and Rural Development, who is again with us here today, and Her Excellency the First Lady of Namibia, Madame Monica Geingos, with the overall question: How can economic inclusion be facilitated through the progressive restructuring of cities?

The lively debate that ensued and the relevance of the discussions for the future development of Namibia led me to pledge that the event should become an annual multi-stakeholder gathering focused on urban, housing and land-related issues and to be hosted by NUST.

This year, the Forum – under the theme Rethinking Housing and Urbanisation – aims to address the broad spectrum of technical, economic, social and legal aspects that are relevant to the production of housing and urbanisation in general, and to prepare the ground for a holistic, cross-disciplinary review of Namibia's housing and urbanisation agenda. Recently, NUST signed an agreement with the Ministry of Urban and Rural Development to review the Blueprint and develop a Strategy for the implementation of the Mass Housing Development Programme. The same Ministry is also one of the main sponsors of this Forum, as the issues to be discussed in the coming two days are closely linked to the larger project of reviewing Government's response to the crises of housing and urban land use and management.

NUST is happy to involve many of its academics, students and alumni in this important project for the development of Namibia, and it is particularly proud to have established a competent team including experts from the University of Namibia and the private sector.

The Forum is conceived as a two-day workshop, with nine parallel sessions addressing relevant thematic areas related to housing and urbanisation, led by international and local scholars and experts, professionals and civil society representatives. Participants are invited to contribute from their wide spectrum of experience to discuss what is to be done to enable progressive and innovative strategies to avail adequate housing to the largest part of the Namibian population.

The closing panel discussion tomorrow evening, which is open to the general public, will bring together the various aspects that were discussed during the Forum in order to grasp the complexity of the question of housing and urbanisation. If we remind ourselves of the country's history of socio-spatial inequalities, contemporary urbanisation is to be understood as a challenge that can only be redirected if the complexity of the production of space is actively rethought in trans-disciplinary ways.

Such an approach must cut across the social and spatial divisions and include all spatial disciplines; Government organisations, ministries and agencies; civil society organisations; the private sector; and inhabitants.

Distinguished audience:

I am heartened by the initiative taken by the Integrated Land Management Institute (ILMI) here at NUST, which has partnered with the Ministry of Urban and Rural Development, the Namibia Urban Design Institute, the Namibia Institute of Architects and the German International Development Cooperation Agency (GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit) to collaborate in convening this event. This is not an ordinary academic conference, but a platform where you all should get involved in the formulation of a progressive housing and urban development agenda to shape Namibia's urban future. But such a huge effort requires every stakeholder's participation and contribution. Therefore, without imposing on and chasing the interested parties away, I would like to request the stakeholders to make a pledge towards a contribution that will sustain this noble cause. Kindly engage our team for a lasting partnership.

I have no doubt that the Forum is leading us to a productive and healthy society. Thank you, and I wish you fruitful deliberations!

<sup>1</sup> The official welcoming protocol has been shortened for ease of reading.



## Keynote Address

**Hon. Sophia Shaningwa**

*Minister of Urban and Rural Development*

It is a great pleasure to be back at the Namibia University of Science and Technology for the second Public Forum on Housing and Urbanisation. Last time I was here, two years ago, I was pleased to see this new platform for critical debate on urbanisation emerge. Urbanisation within a free society is a very complex process which requires many minds to come together in order to understand it better and transform it in progressive ways. Today, I see again a broad variety of stakeholders present to discuss issues of contemporary urbanisation and, especially, the aspect of adequate housing, which has a central role within this debate.

Since 2015, the urban land and housing crisis has only become more pronounced in the public discourse, and as a Government we have made a pledge to address it head-on, as laid out in the Harambee Prosperity Plan<sup>1</sup>. In fact, the President's notion of building the Namibian House is a metaphor for Government's ambitions to address the lasting socio-economic and spatial inequalities with which Namibia is burdened. However, today it is up to us to turn these legacies around in ways that confirm the vision of a shared future in the Namibian House.

I am excited to see invited speakers from neighbouring countries and overseas who will share with us experiences and useful knowledge from their own perspective and work with us in the next two days to devise strategies that will be able to shape the future of housing and urbanisation in inclusive and equitable ways. Besides that, Namibia has committed itself to various international resolutions, most recently the New Urban Agenda developed during the Habitat III conference in Quito, Ecuador, in October 2016. A Namibian delegation was sent to represent us in this relevant international event. This means that we are eager to learn from other countries' experiences and see what can be useful for the particular case of Namibia. It is now time to decide what the new urban agenda for Namibia will be.

Comrade Vice-Chancellor, distinguished participants:

I am thankful for the colleagues at the Integrated Land Management Institute at NUST who have heeded the call by my Ministry to organise a forum on housing which will inform the ongoing revision of the Government's Mass Housing Development Programme – a priority project which has been commissioned to a trans-disciplinary team led by NUST, but also including experts from the University of Namibia and the private sector. NUST has also assisted the Ministry by taking part in the committee meetings of the Massive Urban Land Servicing Programme, which forms an integral part of the Government's housing strategy.

Land provision, and adequate housing in particular, are issues for which it is difficult to find easy answers and which are even more difficult to resolve in a short period of time. Adequate housing concerns not only my Ministry, but many others; the structure of Government itself does not always encourage integrated development as responsibilities and budgets are sometimes fragmented across different ministries and other Government Offices and Agencies. Yet, the Ministry of Urban and Rural Development is taking a leading role in trying to achieve more integrated approaches to urban development, and the proposed National Spatial Development Framework<sup>2</sup> will be key to achieving this aim. The Ministry will continue to require the assistance of other ministries, academic institutions, the private sector and civil society to drive the future urban agenda.

While legislation and statutory requirements are being revised to decentralise and make urban development processes more efficient, this alone will not serve to provide land and adequate housing to Namibians. Given the current economic outlook of the country, which requires everyone to tighten their belts, public spending related to land and housing provision needs to be wisely administered. Although Government will not be able to build a house for every Namibian household, it can enable the conditions for Namibians to access the right to adequate housing through various win-win initiatives such as public-private partnerships that the Government fully supports.

Distinguished participants, ladies and gentlemen:

Therefore, one aspect we are looking forward to developing during this forum is to widen the definition of housing. Instead of understanding housing as "a house that is bought through some form of financing mechanism", we are interested in a broad array of housing opportunities which can range from secured land tenure with Government support for incremental housing investment, housing for special needs, informal settlement upgrading, densification of existing plots and underutilised inner city lots of land, to targeted interventions for social and rental housing, amongst others.

The dominant understanding of housing as property, as simply an economic asset, at times limits our vision of imagining better and more adequate housing. Proposals that rely solely on property values, financing mechanisms and formal income will only be adequate for one part of the socio-economic spectrum we need to empower. Compatriots who earn a living in the informal economy and low-paid wage economy need housing as much as anybody else and solutions for them will not be the same as for Government employees, civil servants or young professionals. The elderly, the unemployed, students and rural households are other specific groups we need to consider.

Furthermore, Government's commitment to decentralisation requires us not only to think deeply about the form of rural housing, but also to imagine economic opportunities that can be developed in more remote areas of the country. Shelter alone will not empower people: it needs to allow them to have a base for generating a livelihood in whichever way they can. The large part of the Namibian population that relies on livelihoods generated from informal economic activities will need to be enabled to grow economic activities from

<sup>2</sup> See Urban and Regional Planning Act, 2018 (No. 5 of 2018), available at [https://laws.parliament.na/cms\\_documents/urban-and-regional-planning--1b90438147.pdf](https://laws.parliament.na/cms_documents/urban-and-regional-planning--1b90438147.pdf), last accessed 20 July 2018.

<sup>1</sup> Available at <http://www.gov.na/documents/10181/264466/HPP+page+70-71.pdf/bc958f46-8f06-4c48-9307-773f242c9338>, last accessed 10 August 2019.

their homes, equipping them to improve their and their families' socio-economic situation from within.

Housing, thus, has a role to play in the larger economic development and industrialisation of the country. While we are historically very dependent on imports, especially from South Africa, housing does not only imply short-term jobs in the construction industry: people will also need to buy furniture and household utensils, materials that could be manufactured locally and local services –all of which could have a lasting economic impact. All these sectors and more could be stimulated with concerted efforts towards adequate housing provision.

Director of Ceremonies, distinguished participants:

Design and construction of housing should also be varied in relation to varying climatic zones in Namibia, environmental limitations and resource availability, sustainable energy production, affordable green-alternative solutions, and the social and demographic realities of households. Given the fact that Namibia's future is set to be predominantly urban, as in many other parts of the world, we need to understand that housing cannot be seen only in terms of individual housing units, but only also as the building blocks of streets, neighbourhoods and, ultimately, the city. Thus, it is critical to invest in the public and shared infrastructure in the urban design of well-integrated neighbourhoods and cities to ensure they are accessible and well-connected with regard to public transport options, public facilities and collective spaces.

Housing can be an issue that can be divisive, but it can also be an occasion for joining forces. Lack of access to housing and urban land can be a major factor leading to social instability, as people realise how urban opportunities become increasingly uneven. However, if we come together and develop inclusive, equitable and progressive strategies, housing can become a factor of unity, of solidarity, and of contributing to the sentiment of One Namibia, One Nation.

Let us therefore welcome our international guests, members of Government, local authorities, professionals, students, community-based organisations and members of the media to this Forum that invites us to “rethink housing and urbanisation” in Namibia at this crucial time for our country.

I hereby declare this event open and wish you all the best in the worthwhile tasks ahead.

I thank you.





# Editorial Introduction

**Guillermo Delgado**

*Land, Livelihoods and Housing Programme Coordinator, ILMI, NUST*

and

**Phillip Lühl**

*Lecturer, Department of Architecture and Spatial Planning, NUST*

It is not an understatement to say that the gathering that this book documents marks a key moment in Namibia's socio-spatial development. There are several reasons for this. Firstly, the gathering took place while the largest programme targeting urban areas, the Mass Housing Development Programme (MHDP)<sup>1</sup> was under review. It was a time of reckoning, reflection and reimagining of what would come next. Secondly, a wide coalition of stakeholders had eagerly joined together to make the event possible. The Ministry of Urban and Rural Development, the City of Windhoek, the GIZ, private sector institutions and professional bodies all responded to a call by a team at the Namibia University of Science and Technology (NUST), which hosted the event, to address the issue of socio-spatial development in the country. A third reason was that it may arguably have been the largest event of its kind, as it gathered more than two hundred participants from all over the country. These included local authority officials, councillors, politicians, professionals, youth leaders, students, grass-roots representatives, academics, businesspeople and trade unionists, among others. A fourth reason can be derived from the above, namely that the interest in urbanisation and housing in Namibia had finally taken centre stage in the public debate arena. There are several other reasons; these we will try to expand on in the course of this introduction. We will also provide some background on the founding of the Forum in 2015, describe the particularities of its 2017 iteration, and summarise the key contributions to the latter.

## Background

The Forum gathered about two hundred participants to engage with eight international speakers and a Namibian counterpart. All had been invited to share their experiences and insights on housing and urbanisation. The Forum grew in scale when it became part of the body selected to review the MHDP, which holds the potential to shift the way in which housing production takes place in Namibia.

The MHDP Blueprint review body was led by the two authors of this text and Charl-Thom Bayer, Head of the Department of Land and Property Sciences at NUST at the time. When the MHDP Blueprint was launched in 2013, it was conceptualised as the most ambitious public programme since Namibia's independence in 1990<sup>2</sup>. However, after only two years of its implementation, it was suspended by the new Government due to widely published irregularities.

Clearly, a new approach was required, so a public call was made to revise the blueprint that had guided the programme. When the NUST team's proposal was selected to undertake this revision, it seemed pertinent to utilise the Forum as a public platform for part of the review process.

The Forum is a multi-stakeholder event hosted by NUST every two years to focus on urbanisation. The first Forum was held 2015. For its second edition, namely in 2017, it seemed pertinent to give the Forum a broader reach and stronger focus on housing and related urbanisation dynamics, and to document the ensuing discussions as a means of informing the work undertaken by our 32-member team, which are acknowledged along with many others who made the event and the publication of this book possible (see Acknowledgements section).

## About the 2017 event

Each of the invited speakers made a significant contribution in his/her field and shared some of their broad experience in key issues related to housing and urbanisation. We took particular care to ensure that their message was relevant to Namibia at the time in question. Namibia is one of the least densely populated countries in the world,<sup>3</sup> with a population of only 2.3 million.<sup>4</sup> It is also one of Africa's youngest democracies. However, although the economy is generally considered stable, it is one of the most unequal countries in the world.<sup>5</sup> Furthermore, the urban question has only recently started to hold sway in public discourse as, historically, the population has largely been rural,<sup>6</sup> cities were the monopoly of 'whites',<sup>7</sup> and the country's last – and still only – national spatial development strategy was implemented in the 1960s to consolidate the apartheid regime in the then occupied territory of South West Africa.<sup>8</sup> At the same time, Namibia has had a remarkable record on bottom-up organising around issues of housing and access to land.<sup>9</sup>

Nonetheless, we rejected the idea of a 'Namibian exceptionalism'<sup>10</sup> that often attempts to dismiss experiences from elsewhere by retreating into a kind of certainty drawn from 'the way things were' and 'the way things currently are'.<sup>11</sup> This tendency prevents us from understanding how ongoing and long-standing processes that are unfolding globally – such as urbanisation, the precarisation of labour, climate change, digitalisation and neoliberalisation – also take place in Namibia. The question, therefore, is not whether Namibia's society is changing or not, but how it is doing so. For instance, we have argued that the future of Namibia is urban,<sup>12</sup> and while noting that the process of urbanisation can provide an opportunity to overcome inequities, it could also be a way to enhance them. This tension underlay our selection of topics and participants for the 2017 Forum programme, because we wanted to include the many conceptions and misconceptions about housing and urbanisation that we experience daily when lecturing at NUST, debating with colleagues, holding discussions with members of the private sector, engaging grass-roots groups and collaborating with the Government. It is from this tension that the list of speakers and the programme emerged.

<sup>3</sup> According to 2018 World Bank statistics, after Mongolia, Namibia is the least-densely-populated country in the world (<https://data.worldbank.org/indicator/EN.POPDNST>, last accessed 14 August 2019).

<sup>4</sup> NSA/Namibia Statistics Agency. 2016. Namibia Inter-censal Demographic Survey – 2016 Report. Windhoek: NSA. Available at [https://cms.my.na/assets/documents/NIDS\\_2016.pdf](https://cms.my.na/assets/documents/NIDS_2016.pdf), last accessed 13 August 2019.

<sup>5</sup> According to 2017 World Bank statistics, South Africa topped the list of Most Unequal Country in the World as measured by the Gini coefficient; Namibia ranked second (<http://data.worldbank.org/indicator/SI.POV.GINI>, last accessed 14 August 2019).

<sup>6</sup> Delgado, G & Lühl, P. 2018. Namibia's urban revolution. The Namibian, 29 June 2018. Available at <http://ilmi.nust.na/sites/default/files/20180629-Namibias-urban-revolution-GD-PL.pdf>, last accessed 14 August 2019.

<sup>7</sup> Several references document Namibia's spatial apartheid of the past; see e.g. Hishongwa, NS. 1992. The contract labour system and its effects on family and social life in Namibia: A historical perspective. Windhoek: Gamsberg Macmillan; Muller-Friedman, F. 2005. "Just build it modern": Post-apartheid spaces on Namibia's urban frontier. In Salm, S & Falola, T (Eds). African urban spaces in historical perspective. Rochester: University of Rochester Press, pp 48–72; Simon, D. 1991. Windhoek: Desegregation and change in the capital of South Africa's erstwhile colony. In Lemon, Anthony (Ed.). Homes apart: South Africa's segregated cities. Cape Town: David Philip, pp 174–190.

<sup>8</sup> Delgado, G. 2018. A short socio-spatial history of Namibia. Integrated Land Management Institute Working Paper 9. Windhoek: Namibia University of Science and Technology. Available at <http://ilmi.nust.na/sites/default/files/WP9-DELGADO-A-short-history-of-Namibia-WEB.pdf>, last accessed 10 January 2019.

<sup>9</sup> For a historical overview, see: Keulder, C. 1994. Urban women and self-help housing in Namibia:

<sup>1</sup> The project, entitled "Revision of the Blueprint and development of a Strategy to guide the implementation for the National Mass Housing Development Programme", was undertaken by a team led by NUST during 2017. A website for the project was established to disseminate the review findings (see <http://newmasshousing.nust.na>, last accessed 20 July 2019).

<sup>2</sup> Hailulu, V. 2014. Housing: An agent of economic growth. Presentation at the International Housing Conference, Cape Town, 2014. Available at [http://www.sahf.org.za/Images/2014Proceedings/2014\\_Presentations/4\\_HAILULU\\_VINCON.pdf](http://www.sahf.org.za/Images/2014Proceedings/2014_Presentations/4_HAILULU_VINCON.pdf), last accessed 10 August 2019.

A case-study of Saamstaan Housing Cooperative. Namibian Economic Policy Research Unit Working Paper 42. Windhoek: NEPRU; MRLGH/Ministry of Regional and Local Government and Housing & Ibis. 1996. Upgrading of shanty areas in Oshakati, Namibia. OHSIP Best Practice Report. Windhoek: MRLGH & Ibis. For a contemporary account of recent processes, see: Mitlin, D & Muller, A. 2004. Windhoek, Namibia: Towards progressive urban land policies in Southern Africa. International Development Planning Review, 26(2):167–186.

10 During the session with Nina Maritz (see chapter entitled “Design, construction and sustainable spatial processes” in this volume), Gabriel Marín Castro, Special Advisor on Mass Housing to the Minister of Urban and Rural Development at that time, noted the tendency among Namibians to regard their situation as unique.

11 Examples of which were “We Namibians want to own our house. We don’t want to live on top of each other” (referring to living in structures of two or more storeys) and “We don’t want to live in town; we just come here for work.”

12 Lühl & Delgado (2018).

13 According to 2018 World Bank statistics, South Africa’s population is more than 22 times that of Namibia’s (<https://data.worldbank.org/indicator/SP.POP.TOTL>, last accessed 14 August 2019) and its economy, measured by gross domestic product, is 26 times larger (<https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>, last accessed 14 August 2019).

14 To compare, see recent figures for Namibia: Weber, B & Mendelsohn, J. 2017. Informal settlements in Namibia: Their nature and growth. Exploring ways to make Namibian urban development more socially just and inclusive. Occasional Paper 1. Windhoek: Development Workshop Namibia. Available at <http://dw-namibia.org/wp-content/uploads/2017/11/Informal-settlements-in-Namibia-their-nature-and-growth-DWN-2017.pdf>, last accessed 14 August 2019; and for South Africa in: HDA/Housing Development Agency. 2012. South Africa: Informal settlements status.

## The programme

The Forum served as a platform for an intergenerational, multi-stakeholder and multi-country exchange, at the centre of which were urban matters, and particularly housing. Speakers addressed a broad spectrum of technical, economic, social and legal issues relating to the production of housing and urbanisation. The programme was structured as a two-day workshop with nine parallel sessions addressing relevant thematic areas. Each session had topic keynote address and a closing panel discussion.

The sessions profited from the experience of speakers from Ghana, India and South Africa, while others offered insights from their work across the world. Many sessions shared experiences from South Africa because of the historical bonds that make it Namibia’s closest ‘sister’ country. However, although the scale of the South African population and its economy is many times that of Namibia’s,<sup>13</sup> the relative magnitude and nature of challenges concerning informal settlements can be considered similar.<sup>14</sup> It would seem easy, therefore, for Namibia to emulate South Africa’s experiences. However, it was sobering to hear South African presenters speak with scepticism about their situation: how, despite massive subsidies, housing shortages were on the rise;<sup>15</sup> how, despite acknowledgment that their central government needed to work with inhabitants in informal settlements, the bureaucratic reality made it extremely hard to make such alliances work;<sup>16</sup> how, despite having a progressive and strong legal framework enshrining the right to adequate housing, the battle to give meaning to this right and to be effective on the ground seemed to be an uphill one.<sup>17</sup> Ultimately, focusing overtly on the South African experience might reinforce the pre-Independence situation that ‘provincialised’ Namibia by putting South Africa at ‘the centre.’ This, then, is one of the lessons that we have learnt: to reimagine a unique and decolonialised urban future for Namibia, it may be strategic to draw lessons from contexts beyond those presented by the former colonial powers.

## This volume

This publication of the second Forum’s proceedings presents transcripts of the contributions by invited speakers during the various sessions and the ensuing debate. Apart from one or two presenters, none spoke English as a mother tongue/first language. Editorially, we decided to respect the nuances of language use in the text to account more authentically for the different voices within the debate. Where necessary, transcripts were amended by our editorial team in respect of repetition or in the interests of brevity. Some of the contributions were reviewed by the speaker themselves, while others added new references for the reader’s benefit. Source materials are referred to briefly in footnotes and in full in a list at the end of this volume. The publication is distributed free of charge and is available online through NUST’s repository to ensure broad dissemination.

## A summary of key contributions

**Leilani Farha**, the United Nations (UN) Special Rapporteur on Adequate Housing, is part of the Office of the United Nations High Commissioner for Human Rights. In this capacity, Ms Farha monitors how governments across the world not only ensure that inhabitants enjoy the right to adequate housing, but also prevent the violation of this right. Unfortunately, Ms Farha was not able to join us in Windhoek and instead delivered a video address for the opening session in which she confirmed that Namibia was a signatory to the UN Conventions that recognise the right to adequate housing. Therefore, it seemed natural to invite the Special Rapporteur to what would have been her first country visit to Namibia in respect of her mandate.<sup>18</sup> In her address, presented as the Foreword herein, she reminds us how housing has “many tentacles” that have implications of national interest, including how the notion of housing affects public health and education and how spending public funds on housing is a social investment. She notes that housing offers better places for young people to do their homework, and provides healthier conditions for families – which in turn allows them to contribute to the country’s development.<sup>19</sup> The Special Rapporteur warned how some approaches that seemed logical might not necessarily be the most adequate or realistic; in this regard, she singled out housing finance approaches or ‘turnkey’ housing solutions. Most importantly, she offered assistance via her Office to ensure the right to adequate housing through public interventions in Namibia could be realised.

**Rose Molokoane** Chair of the World Urban Campaign and National Chairperson of Shack/Slum Dwellers International (SDI), brought to the fore the lived experience in informal settlements and how collective efforts gained low-income inhabitants a foothold to urban life. Her candid approach won empathy among a room full of professionals, local authority representatives and high-ranking government officials. Her presence – along with that of members of the Shack Dwellers’ Federation of Namibia (SDFN) and unions representing domestic workers – created a situation that **Sheela Patel** (Director of the Society for the Promotion of Area Resource Centers – SPARC – in Mumbai, India) noted was crucial in these kinds of debates: one where ‘poor people’ were ‘in the room’ as partners reimagining Namibia’s urban future. Ms Molokoane’s key message was that low-income groups had demonstrated the capacity to undertake their own development, and that governments employed their resources better when engaging and partnering with such groups and co-produced a kind of development where parties met each other halfway. Since her voice was one of experience, she did not sugar-coat the complex realities of such processes; she admitted that, every day, she and her organisation were involved in trying to solve one problem after the next. These challenges included conflicts within groups, bureaucratic hurdles, corruption, and the nature of authorities that are often ‘reshuffled’ (i.e. changing portfolio or office frequently). Therefore, she did not offer a panacea, but rather an alternative to state- and contractor-led strategies such as mass

Johannesburg: HDA. Available at [http://upgradingsupport.org/uploads/resource\\_documents/HDA\\_Informal\\_settlements\\_status\\_South\\_Africa.pdf](http://upgradingsupport.org/uploads/resource_documents/HDA_Informal_settlements_status_South_Africa.pdf), last accessed 14 August 2019.

15 See Session 9 hererin.

16 See Session 1 hererin.

17 See Session 6 hererin.

18 See <https://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx>, last accessed 14 August 2019.

19 How improved living conditions contribute to the national economy was a point also raised in the discussions following the session keynote address entitled “Community-based urban strategies and social innovation” by Sheela Patel.



housing, where inhabitants would be engaged as partners in a process that had proven to yield equity and other positive results. During the discussion, Ms Molokoane also shared that she had become the Chair of the World Urban Campaign to make it clear that professionals, as well as local and central governments, had a lot to learn from inhabitants of informal settlements. She ended her session with an invitation to join hands to find solutions to Namibia's urban housing problems.

In the session led by **Sheela Patel**, she proposed that instead of dwelling only on the experiences from India, the session should be focused on the processes that the SDI supported, with a specific focus on the Namibian achievements in the field of urban housing. Ms Patel, who also serves as a member of the SDI Board, explained the origins of her organisation and SDI in India. They soon realised that “the state was not the only one that had the wisdom to produce policy”. This realisation was not sudden, but part of a process of organising women in informal settlements (known in India as slums), and engaging professionals, government and the private sector in the upgrading of living conditions.

**Otilie Nailulu** and **Inga Boye**, two members of the SDFN, introduced the Federation and presented some of their successes. They clarified that they were only able to afford smaller plots than those of a minimum size that the Namibian Government promoted, and that this allowed them to accommodate more members on the land they were allocated by Local Authorities. **Ms Patel** reminded the audience that both India and Namibia had “imported colonial administration procedures ... that just [didn't] work for poor people” and called it “a mockery” to speak of ‘standards’ when two thirds of a community lived “in abject poverty”. The call for overcoming the apartheid and colonial city found resonance throughout the Forum.

**Richard Dobson**, who represented a South African non-governmental organisation (NGO) known as *Asiye eTafuleni* (AeT), shared experiences and reflections on his work on the case of the Warwick Junction, a transport node in Durban that has become a key example of multi-stakeholder intervention to support livelihoods through informal trade. This work, he argued, was particularly relevant in view of South Africa's exclusionary past, which had laid the foundations for a segregated reality “with parallel worlds” where neither party learned from the other. In a very down-to-earth manner, he spoke about informal trade as simply “people's reaction to joblessness”. At the same time, he cautioned that the scale of this kind of economy in South Africa, as well as in Namibia,<sup>20</sup> could no longer be regarded as marginal because it represented the livelihood of the largest portion of South Africa's population. Mr Dobson also outlined how so-called informal livelihoods provided “a new entrance to the city” for many coming from smaller towns or rural areas, and that while such newcomers were initially “not urban-literate”, they eventually acquired a significant “urban intelligence” that was different to that of municipal officials and professionals in urban development fields. He suggested that the process

of engaging with informal processes in urban areas allowed one to create unique spaces beyond the one-dimensional, modernist-apartheid vision that continued to characterise many urban areas. Key to his contribution was that local Government had transitioned from being “scared of informality” – associating it with crime, the ‘black market’ and tax avoidance, for example – to engaging with it through innovative modalities such as area-based urban management.

**Bulelwa Makalima-Ngewana**, Chief Executive Officer (CEO) of the Cape Town Partnership (CTP),<sup>21</sup> a public-private partnership (PPP) to improve the City of Cape Town's central business district (CBD), spoke about urban transformation and how public-private efforts have tried to create partnerships to adapt to these changes. She explained how, since South Africa's democratisation in 1994, the city centre gradually entered a phase of “decline”. The newly created City of Cape Town Metropolitan Area was not particularly interested in dealing with the main city-centre CBD since it had various other CBDs to attend to in the Cape Town area. As a result, property owners entered into an agreement with the City in what became known as the Cape Town Partnership. This entity was set up to provide certain supplementary services which they believed the city needed, such as security and additional trash collection. One of the key points Ms Makalima-Ngewana raised was how, through investment, the CBD indeed started to develop, but that this kind of development was not necessarily inclusive as much of it involved speculative investment. She noted how property prices in the CBD had since become unattainable for most Capetonians, and that this had contributed to rather than subverted the housing situation: affordable housing remained at the city periphery, while work opportunities remained in more central areas, resulting in vast and expensive commuting by those least able to afford it. She observed that “where high land values become problematic, they can only be mitigated by the municipality to ensure affordability”. However, she also presented successful examples of activating the city centre through art festivals, support to informal trade and sports activities. She stressed how it was not only that such activities took place, but also that they did so in public spaces: “I do not think we will be able to reverse the apartheid city design without paying particular attention to public spaces,” she stated.

**Anthea Houston**, CEO of Communicare, one of the largest social housing companies in South Africa, shared her organisation's experience with social housing in her country. As Namibia currently does not have a social housing sector, her presentation included recommendations for establishing such a sector within the array of housing options. Crucially, she explained not only the mechanisms of the social housing system in South Africa, but also its inherent contradictions and how such obstacles could be overcome. In South Africa, social housing was defined as rental housing for a specific, legislated income group, and was provided by accredited and tightly regulated social housing institutions such as Communicare. She highlighted that the provision of social housing was not merely a matter of administration and finances: crucially,

21 Shortly after this Forum, funding for the CTP ceased. The body is now defunct.

20 The latest Namibia Labour Force Survey shows that two-thirds of the population that is considered to be employed can be considered ‘informal’. See: NSA. (2019). Namibia Labour Force Survey 2018. Retrieved from Namibia Statistics Agency website: [https://d3rp5jat0m3eyn.cloudfront.net/cms/assets/documents/Namibia\\_Labour\\_Force\\_Survey\\_Reports\\_2018\\_.pdf](https://d3rp5jat0m3eyn.cloudfront.net/cms/assets/documents/Namibia_Labour_Force_Survey_Reports_2018_.pdf)

it was about “the way you engage with people”. She gave some examples of how various challenges had been overcome, such as negotiating for a social housing development to be built within a middle-income neighbourhood or familiarising new tenants with the ways of collective living. In her experience, “there is a social price to pay down the line when people are disengaged”.

**Cecile van Schalkwyk** of the Legal Resources Centre (LRC) in South Africa presented the experiences that that country had undergone with regard to the right to adequate housing. Although this right was enshrined in the South African Constitution of 1996, it was not until the 2000s that its full implications were made transparent through the Grootboom case<sup>22</sup> litigated by the LRC. She explained how the case was only the beginning of a sequence of struggles to advance the right to adequate housing. She shared key insights with regard to the lessons learnt through these struggles, namely how property titles had proven to be a problematic way of addressing security of tenure for the very poor; how individualised or ‘Westernised’ forms of ownership disregarded already existing social arrangements; how women were at a disadvantage, particularly because of customary marriages; how housing ‘waiting lists’ had caused confusion and corruption instead of equity; how South Africa’s various mechanisms to fight corruption in local government were not adequately enforced; how efforts to limit the resale of subsidised housing had instead created an informal market for such properties; and how political parties used housing allocations as a way to influence elections in certain areas. Despite being a legal practitioner herself, Ms Van Schalkwyk admitted that legal recourse had its limits, and gave as an example how only 1% of housing evictions took place in accordance with the law.<sup>23</sup> Although much had been learnt, in Ms Van Schalkwyk’s opinion, it still seemed that the right to adequate housing as a constitutionally entrenched prerogative had not ‘solved’ the housing question in South Africa; indeed, it had instead created a different set of conditions in terms of which the struggle for housing was unfolding.

**Kwame Tenadu**, Chair of the International Federation of Surveyors’ (FIG) Commission on Spatial Planning and Development, presented experiences from China, Ghana and Rwanda in respect of land reform. Speaking from a land administration perspective, and specifically referring to the process of land reform, he highlighted the questions of whether land reform happened “through due process” and whether it was “equitable”. He explained how China adopted a system in which the State retained land ownership, only selling rights of use to non-State parties. Turning to Rwanda, Mr Tenadu shared how its land policy and law created a clear distinction between urban and rural land, providing strong institutional systems and decentralised procedures that enabled systematic land registration nationwide. Ghana, the speaker’s own country of origin, was unique in that most of its land (80%) was owned by community chiefs. He explained how the country did not have a unitary system of land registration, but had different systems regulating different tenure modalities, similar to those which obtained in Namibia.<sup>24</sup> He concluded by proposing a hybrid model that created neither easy and abundant wealth for

some, nor abject poverty and dispossession for others, but rather encouraged the retention of a middle path where everyone got a relatively fair share.

Local architect **Nina Maritz** launched her presentation by offering an overview of the housing situation in Namibia, followed by the rest of her contribution in four sections. In the first section she defined housing typologies, and then outlined the various typologies that she had observed in the Namibian context. She discussed the latter in terms of cost, cultural adequacy, usefulness for different social groups, materials, social arrangements, and other aspects of housing adequacy. The second section of her presentation, which dealt with construction and housing delivery, highlighted the need to experiment with and to test housing strategies that recognised and responded to the reality on the ground. The third section dealt with issues of sustainability. Ms Maritz clarified that, in referring to environmental sustainability, she sought interventions that were sustainable in terms of, among other things, affordability, materials, environment, technology and design. In this regard, she emphasised the specific benefits of compact and dense cities. The last section of the presentation dealt with urban living. In this part, Ms Maritz explained how cities were places of multiplicity, where the criteria of what one group thought as ‘pretty’, useful or necessary might be contested by others; how cities were places where new ways of living could emerge; and how informal strategies were part-and-parcel of urban life, all around the world. Her presentation was rich in visual input by way of maps, photographs, diagrams and floorplans, and offered scenarios from many different parts of the world.

The concluding panel discussion brought together all Forum participants<sup>25</sup> and opened with a session address by **Prof. Diana Mitlin** from the University of Manchester and the International Institute for Environment and Development. In her work, Prof. Mitlin has focused on Namibia since the 1990s, but also profits from experiences of the SDI and the Asian Coalition for Housing Rights. A pre-eminent thinker on matters of the built environment across the world, she brought a synthetic set of insights that were relevant for Namibia to consider at this crucial time. She argued that housing was not simply a matter of shelter: it was also about engendering a sense of belonging, strengthening incomes and economic opportunities, reducing individual and social vulnerabilities, and contributing to the overall objective of promoting democracy through neighbourhoods where social groups interact and deal with each other. She also reminded participants that the urban present in Africa was informal, and that housing strategies recognising this may be more adequate if they reduced costs of living, promoted densification and shaped situations that brought different social groups together. She also pointed to the vast body of evidence showing that displacing low-income groups, even if part of a well-intended upgrading strategy, made the displaced even more vulnerable by disrupting support networks and often relocating inhabitants to more marginalised areas. She also stressed the need to go to scale,<sup>26</sup> and how this could best be done by collaborating with the residents of informal

<sup>25</sup> Anthea Houston, the CEO of Communicare, had to return to South Africa and could not join the final panel discussion.

<sup>26</sup> This point was also raised by Patel in her session discussions, where she mentioned that the need to “produce full evidence for each town that poor people can do something” as being one of the key barriers to going to scale. See chapter in this volume entitled “Community-based urban strategies and social innovation” with Sheela Patel.

<sup>22</sup> Grootboom and Others v Government of the Republic of South Africa and Others - Constitutional Court Order (CCT38/00) [2000] ZACC 14 (21 September 2000).

<sup>23</sup> The limits of legal recourse coincide with Patel’s assertion herein (see chapter entitled “Community-based urban strategies and social innovation” in this volume) that “poor people institutions feel that they get further impoverished if they take anything to court”, and how the SDI only resorted to this recourse when it was strategic to do so.

<sup>24</sup> LAC. (2005). A place we want to call our own: A study on land tenure policy and securing housing rights in Namibia. Legal Assistance Centre. <http://www.lac.org.na/projects/lead/Pdf/aplacewewanttocallourown.pdf>



settlements. In her last point she stressed the need to understand housing provision as a learning process: “What makes the difference is learning from experience, convening people to understand what is going on and what has been tried on the ground, and looking at the evidence together.” She noted the success of bottom-up processes such as those undertaken by the NHAG, SDFN and the Build Together Programme. At the same time, she admitted that “communities cannot do it alone”, and that multi-stakeholder alliances and co-learning would be required to go to scale. The ensuing panel discussion provided some synthesis of the event.

### Concluding remarks

When the closing panel was opened up for contributions from the floor, a NUST student argued that the costs incurred in holding the Forum would have been enough to build “one or two houses”. **Sheela Patel** replied that, in her long experience, she had heard similar criticism to events aiming only to create a platform for discussion. She said that she had learned, through her engagements with other women activists, that building one or two houses was merely “Band-Aid”:

*We do not want Band-Aid. We want to be part of a multi-generational process in which we make sure that we, the young people, do not make all the mistakes that you have made.*

This was the spirit of the Urban Forum: to collectively convene a process to disrupt some of the ongoing and long-standing patterns that produce uneven socio-spatial development. It is still too soon to measure the effect that the Forum had, but one of the concrete outcomes was that a group of lecturers from NUST and the University of Namibia as well as members of NHAG got together to draft a concept note on how to scale up participatory informal settlement upgrading,<sup>27</sup> which is currently receiving some attention from Government. The debate on urban land reform and related matters in Namibia has continued to gain traction, and is to be one of the key thematic areas discussed at Namibia’s Second National Land Conference slated for 2018.<sup>28</sup> Now that the platforms for ‘multi-generational’ and multi-stakeholder engagement have been created, that bottom-up processes are recognised as valuable and impactful, that lessons have been learned from previous approaches, and that political will seems to have been kindled, Namibia’s urban future is entering an interesting phase.

27 National Alliance for Informal Settlement Upgrading. 2017. Concept Note. Available at <http://nationalalliance.nust.na>, last accessed 10 August 2019.

28 The thematic areas were Commercial land reform programmes and related matters, Communal land reform programmes and related matters, Land tax and valuation systems and related matters, Ancestral land rights and restitution, and Urban land reform and related matters. For the official Government website, see <http://www.mlr.gov.na/land-conference1>. NUST opened a ‘mirror’ website at <http://dna.nust.na/landconference/landconference.html> to have the documentation of the Conference available online.



Photograph by Martin Namupala





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*The Editors*





Photograph by Taleni Iiyambo

## SESSION 1

# Informal Urbanisation and Peoples' Processes

**Rose Molokoane**

*Chair, World Urban Campaign*

*National Chairperson, Shack/Slum Dwellers International*

*A veteran of the anti-apartheid struggle and recognised as one of the most internationally known grass-roots activists involved in land tenure and housing issues, Rose Molokoane is the National Chairperson of the 80,000-member South African Homeless People's Federation, their national savings coordinator, a Board Member of Shack/Slum Dwellers International (SDI) and a Board Member of the Federation of the Urban and Rural Poor (FEDUP). Based in South Africa, she is a resident of the Oukasie a settlement outside Pretoria and a member of its savings scheme. Ms Molokoane has initiated federations of savings schemes throughout Africa, Asia, and Latin America. To acknowledge her achievements in bringing land and homes to the poor, she was awarded the United Nations Human Settlements Programme (UN-Habitat) Scroll of Honour in 2005. In the same year, she was appointed to the Council of South Africa's Social Housing Regulatory Authority (SHRA) by that country's Minister of Human Settlements. In 2016, Ms Molokoane was elected to chair the World Urban Campaign Steering Committee for the coming two years for the next two-year period.<sup>1</sup>*

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The session was moderated by **Geraldine van Rooi**, Lecturer, Department of Architecture and Spatial Planning, NUST.

<sup>1</sup> <https://www.worldurbancampaign.org/civil-society-takes-over-leadership-world-urban-campaign>, last accessed 26 July 2019; <http://habitat3.org/the-conference-programme/speakers/rose-molokoane/>, last accessed 26 July 2019; <http://www.sasdialliance.org.za/minister-sisulu-appoints-fedups-rose-molokoane-to-council-of-social-housing-regulatory-authority/>, last accessed 26 July 2019.

I am fed-up. I become strategically fed-up, because I do not go on the street to fight my government: I invite my government to come and sit around a table and then we engage, deliberate, argue, and compromise and end up agreeing amongst each other.

My organisation is called the Federation of the Urban and Rural Poor. In short, it is called FEDUP. I am a coordinator there, and I am also part of a saving[s] group called *Oukasié Savings Scheme*, which is part of the Federation. FEDUP is a South African organisation led by women using their savings as a tool to mobilise and organise. It has given birth to many other countries' federations, like the Federation in Namibia. Why am I just bringing this picture to you? To understand that poor people can be homeless and landless, but they are not hopeless. They can build themselves up to achieve what they want in their lives.

Shack/Slum Dwellers International (SDI) is an organisation of 33 countries around the world, especially in Latin America, in India and many in Africa. We are really sick and tired of becoming subjects of discussion from the side of the formal world. We come from the informal world, and we are really sick and tired of becoming beneficiaries of the decisions that are taken by other people without involving us. But we didn't give up; we just said. "Let's organise ourselves so that our voices can be heard."

In 1987, the Catholic Church organised civil society, brought them together and told them: "Stand up and do it for yourself, because government cannot do it for everyone." 1991 they came to South Africa. I was interested to listen to the discussions. The Indians were leading the discussions then. They said to us, "We have voted for our government for 40 years and we waited for honey and milk." The Indians said, "We have voted for our Indian Prime Minister expecting honey and milk to flow on the street, but at the end of the day we received a queue of 800 people sharing one toilet." As poor people, if you vote for your own president, like I did with Nelson Mandela, I thought everything will be alright.

How can 800 people share one toilet? I wanted to see the queue! I was then invited to India. In 1992 we went there to experience the queue, but you will never see people in the queue. If you really want to see the queue, you will go where the people are and you will find people squatting on the pavement relieving themselves because there are no toilets.

Coming back to southern Africa, you will find that those people who are very poor, who the government is neglecting, started organising themselves and they said: "It is never too late. Let's come together." Poor people do not know how to read and write, but they are strong in savings. These women came together and said, "These are our lives. These are our families' lives. We are the only ones that can change the way we live, and if we change it, we will show our government that we can do it."

I am telling you, today, the very same women are still there from 1991. Now, when the Government of India wants to do something in the informal settlements, they go to these women and say, "Can you help us to do it?" That is the power of organising, and that is the power of putting women at the centre of the organisation.

In 1991, the Indians challenged us in South Africa: "We are hearing you say, 'Mandela! Mandela! Release Mandela!'. What are you going to do when Mandela comes out from prison? Are you going to wait for him to build more houses? To build more schools? To build more toilets? To give you more water?" And then we said, "Yes. He will be our president." After going to India, I realised I had to prepare myself for rainy times.

We started our savings scheme in 1992, but we didn't just say "Save!". We had to come up with an agenda that could bring us together as poor people. The agenda belonged to us: it was driven by no one else but us, to take decisions on our own behalf. The agenda was about saving, putting women at the centre, data collection through information-gathering, profiling and enumeration, mapping, shack counting and all that. Then we said, "What are we going to do with it?" Then we also said, "Create partnerships with our councillors, our municipalities, with our provincial government, and with our national government." But the one that we targeted mostly was the housing department [Department of Human Settlements], because we know that housing is one of the biggest problems in communities and if we do not target the housing department, the policies will be drafted by the people who do not understand the life of the people in informal settlements.

In 1994, when South Africa got democracy, I was part of it. We went there and said, "How are we going to do [it], so that this government sees our process? We do not want to be like the Indians and get there very late." The first Minister of Housing was Joe Slovo.<sup>2</sup> At that time, we had a small NGO that was supporting us to formalise our informal language. Our language was just like a street language; we had to go to somebody who was educated to change our language for it to be understood by the formal world. During this Minister's first hundred days in office, we knocked at his door. Our organisation was already four years old. He opened the door. Then we said, "We are here. We do not want to be late. Listen to us. We need your support. We want to build our own houses." He said, "Give me the model." We gave him the model, and he used that model to open a conference in the Free State.<sup>3</sup> In that conference, he brought all the people to come and make a pledge: businesspeople, academics, local government. We were the only poor people's organisation that attended, and we were so afraid. I remember, I was part of that; and I remember the guys from the unions telling me, "What do you want here?" Then I said, "The Minister invited us. He told us to come and attend this." Fortunately, my NGO wrote a statement for me. I can read, but at that time I could not speak English fluently. I was the only young and thin one among the huge, white and black men with ties and suits. I started reading our pledges and organisation. We pledged that we would continue to organise and mobilise poor people

<sup>2</sup> Anti-apartheid activist, member of the South African Communist Party, and Minister of Housing from 1994 until his death in 1995 (<http://www.sahistory.org.za/people/joe-slovo>).

<sup>3</sup> One of the Provinces in South Africa.



around savings, putting women at the centre, making sure that we continue to drive our own development through self-reliance. It was the only speech that the minister took seriously, because the others wanted profit. We did not want profit, we just wanted to build houses. We signed the pledge and from that day, the Department of Human Settlement knew that, when we talk, we do what we say. We do not just talk what we write, but we talk what we do. Then the Minister called us for another meeting on our own, without any other people. Then he said, “I am pledging R10 million to you to start your own housing development.” That is how we started to build our own houses. At that time, we were able to build 70 m<sup>2</sup> and 80 m<sup>2</sup> houses. We shared the money amongst ourselves, using it as a revolving fund, lending to each other. At that time a house cost N\$10,000. To date, all the people we have built houses for through this organisation are still occupying their houses; they are continuing to improve them through the savings that we are making: plastering, putting in a new kitchen and extending their houses. The savings did not stop: every week people come together to share their experiences of life. Our savings are not just to put money together: we use savings to bring people together, to share their challenges and their daily problems, and to come up with solutions to address these daily problems.

In 1995 Joe Slovo died, and they brought in the new Minister, Sanki Mahanyele. At that time, the N\$10 million was not yet in the bank. Then we went to her and said, “You know, in our black culture, the word of the dead person should be respected. The minister promised us N\$10 million. Can you bring it?” She was frightened by the words of the dead person, and she agreed and said that we should sign an agreement. We then had the uTshani Fund Agreement. *uTshani* means “it is us.” On top of that, she established the National Housing Board. On this Board she invited experts: the architects, the urban planners, the financiers, the lawyers, everyone. And again, I was the only one there from the community, without any degree. During that time, I became an unprofessional professional, because while they were talking, for the first three meetings, I sat listening to them. Every time before the meeting, they would give you a very big bible that you had to go and read.<sup>4</sup> I can’t read: I just need money to build a house. *Finish en klaar*.<sup>5</sup> In the third meeting I told them, “Guys, I am not here to come and read this bible. I am sent here by the poor people from a grass-roots community to come and tell you to give us money. We want to build houses. How you can give it to us? I can explain it you.” So, they gave me a chance to make a presentation. It was the first time I did a presentation to the formal world.

We are the people who can drive the People’s Housing Process (PHP) Programme.<sup>6</sup> We can do our own plans, we can do our own costing, we can identify our own builders, we can manage our own finance – only if you give us our own subsidies upfront. They gave us money on top of the N\$10 million that we have been revolving.

So, we continued. They saw we were building bigger and better houses. But they said they would continue with their way of building houses. They called

them Reconstruction and Development Programme houses, we call them RDP;<sup>7</sup> but in our different languages we call them *ovezinyawo*. You know what *ovezinyawo* is? When you are sleeping in that house, your feet are outside. So, we used to call them that because they were so small. When government saw that people were now building bigger houses and [that there were] other people who were lazing around, being too dependent on government, they said, “[How can] they build bigger houses with the same money we use to build smaller houses?” They realised it was a divide-and-rule situation, and they said, “No, let us review this PHP policy.” They tried to review it. Then they called developers, and the developers ran to banks and got loans and identified the beneficiaries on their behalf. The beneficiaries contributed that money and it failed because they could not build the way we build. For us, when the subsidy comes, we do not need profit. All the money goes into the houses.

That is where the problem is in South Africa. To date, maybe 45% of the houses that they built for the people do not belong to the people that were supposed to be benefitting. They came and saw it was Rose Molokoane’s house; then she sold it to Anna Muller and moved out to the shacks again. It’s a continuous problem. The very same people that were told, “We are building it for you,” have moved out. They have now again started other informal settlements. So, doing it for the people is good, but you should do it with them.

Anna Muller told me when we were at the SDI meetings [that] mass housing was coming to Namibia. I thought, “Oh my God, Namibian Government, you are going to throw a lot of money into the sea.” Because our governments are spoiling us by saying, “We are doing it for you.” I will never enjoy something that you are providing for me; but if my sweat is there, I will preserve it because it will become a treasure to me.

When we [FEDUP] came here to Namibia, it was in 1991, we came to a conference to start the Federation in Namibia. Then, in 2000, when I came to Namibia for the first time, we met with Minister Nicky Iyambo.<sup>8</sup> We started the first enumeration project in Okahandja Park. Then we made the model house to show the Minister that we could build this house. We built the model house with conventional construction materials and the Minister came and inaugurated [it]. After that, we said, “Now, what do you pledge, Minister? We do not just want you to cut a ribbon without a pledge.” Then the Minister pledged N\$1 million to our Federation of Namibia. That is how we started to build bigger houses, bigger than the South African ones. From then on, Namibia [the Namibian Government] gave us N\$1 million every year because they built trust in us. “If the people can do it, [it’s] better; if we do it for them, it becomes a disaster.” It forces you to change the policy, because if you let government do it by themselves, they will just come with the mass housing copied from South Africa. Then your policy will be a very beautiful policy – like a beautiful lady who is waiting for somebody to propose love, but nobody comes to her and says, “I love you.” Government can join us today in doing it together, to build bigger and better houses for everyone. I am not criticising, we are calling for joining hands.

7 The RDP is a socio-economic programme in South Africa launched in 1994 to address past imbalances, particularly in the provision of basic services (RSA 1994). Housing represented one of the key aspects of this programme. By 2016, about 4.3 million “housing opportunities” were reported to have been delivered since 1994 (<http://www.dhs.gov.za/content/media-statements/minister-sisulu-calls-south-africans-celebrate-43-million-houses-and>). See: RSA/ Republic of South Africa. 1994. White Paper on Reconstruction and Development. Government Gazette No. 16085, Notice No. 1954 of 1994. Cape Town: Parliament of the Republic of South Africa. Available at <https://www.gov.za/sites/www.gov.za/files/governmentgazetteid16085.pdf>, last accessed 14 August 2019.

8 Minister of Regional and Local Government and Housing from 1996 to 2002.

4 Most likely documents commonly distributed to those participating in institutional boards, such as the minutes of the previous meeting, the agenda and other supporting materials.

5 A common expression in South Africa and Namibia, which literally translates as “finished and finished” and idiomatically as “that’s the end of it, that’s final”. In the Afrikaans language, *klaar* means “finished” and *en* is “and”.

6 The People’s Housing Process (PHP) Programme was adopted in 1998; in 2008, it became the Enhanced People’s Housing Process (ePHP); see Tissington (2011).

## Discussion

**Rita Khiba, an urban planner**, asked whether they had any experience with building on plots of land smaller than 300 m<sup>2</sup>.

**Guillermo Delgado of NUST** asked what their relations were like with the different government levels and other parties, like professionals or other movements.

**Barry Watson, an urban planner**, mentioned that government funding should be placed in servicing land as a form of subsidy to mitigate housing costs.

**Mike Ipinge, an official from the Swakopmund Municipality**, asked about how the South African Federation participated in the construction of houses and how it dealt with the issue of building standards.

**Ms Molokoane** responded that they generally employed builders and that they bought materials such as windows and doorframes from suppliers that sourced products of good standard. She clarified that they sometimes went as a group and tried to negotiate with suppliers and builders for better deals. She also said that it was sometimes necessary to build incrementally, as the funds were not always enough to build the house one needed from the start. She clarified that, in South Africa, a variety of subsidy mechanisms existed, including institutional, individual, RDP and social housing subsidies.<sup>9</sup> She also mentioned that the PHP Programme<sup>10</sup> created some support for community-led housing initiatives. Nevertheless, she noted that PHPs were not only about the house per se, but also entailed the education, health and livelihoods of housing beneficiaries. She added that the South African Government had learned that building houses for low-income groups through developers sometimes led to corruption. She named examples where builders would be appointed and work would commence, but later the project was left unfinished and the developer disappeared. She mentioned that they had a good relationship with all the levels of government and had signed memoranda of understanding with various parties. She also noted that money was sourced from the national government but was administered at provincial level, so they had to fight for their projects to be allocated funds. She also stated they had a very good relationship with the Minister of Human Settlements<sup>11</sup> and her officials. However, although they knew each other by name, the difficulties would start when it was time to implement partnerships, she noted. She added that, sometimes, even when a Minister gave an order, when the Federation had to follow it up with Ministry officials, they would be told that the order could not be implemented as agreed because of a potential conflict with certain policies. She also stated that a relationship would be built with specific officials, but when such individuals were promoted or demoted, their substitutes might not necessarily understand how to work with low-income groups. In addition, she related that they had faced some corrupt

officials who demanded to be allocated a portion of the funds for a Federation project before authorising the money to be transferred. She made it clear that she was not trying to gossip about or badmouth anyone but wanted to paint a clear picture of the nature of the challenges that community-led processes faced.

**Ms Molokoane** also shared her experience in respect of the State-owned enterprise known as the Independent Development Trust,<sup>12</sup> which had developed infrastructure in peripheral areas for communities relocated there from central areas. She mentioned that, in such cases, communities usually refused to be relocated because of the resultant increase such a move would mean for transport costs. She also spoke of instances where the houses had been developed by the RDP, but the toilets had been installed by the Independent Development Trust. However, since low-income beneficiaries were then required to pay monthly rates for municipal services, some of them were forced to move back to informal settlements. Furthermore, she noted that some of the houses developed by the Federation were built to higher standards than those employed by the commissioned private developers. She informed the Forum that, for every project that the Federation developed, they liaised with the National Home Builders Registration Council.<sup>13</sup> She referred to municipal and provincial inspectors as well in this regard, stating that, without engaging and satisfying the requirements of such entities, they would not be able to get subsidies. However, she also admitted that it became challenging when three different assessments were given, which created confusion. She also acknowledged that some inspectors expected something in return for a positive assessment, which was another problem. She explained that the Federation's strength came from the information that they had gathered about their membership over the years. She pointed out that, although they had few means, the Federation was 'rich in information'. Regarding plot sizes, she mentioned that the ones in the Western Cape Province measured about 180 m<sup>2</sup>, but in the Gauteng, North West and Free State Provinces, it was 250 m<sup>2</sup>. She described how Federation processes created some form of organisation and discipline among low-income groups, offering as an example how they avoided illegal electricity connections. She also pointed to some resistance from councillors who feared that Federation leaders could take over their positions.

**Nghidinua Daniel, Executive Director of MURD**, stated that, in Namibian policies, there was room for everyone. He noted that, in the MHDP Blueprint, there were seven sub-programmes catering for the needs of all groups.<sup>14</sup> He believed the perception that mass housing was only about credit-linked houses was because they were the only ones developed for a pilot phase. He mentioned that, even as the current Urban Forum was taking place, officials were inaugurating houses in Tsandi that had been developed in partnership with the SDFN and the private sector.<sup>15</sup> He added that the MURD had commissioned NUST to review the MHDP Blueprint, and pointed to the Flexible Land Tenure System<sup>16</sup> as a Government effort to secure tenure

12 The Independent Development Trust is responsible for delivering social infrastructure and social development programme management services on behalf of the South African Government, e.g. public schools, clinics, community centres and government offices, predominantly in rural communities (<http://www.idt.org.za/>, last accessed 27 July 2018).

13 This regulatory body in the home-building industry assists and protects housing consumers who have been exposed to contractors who deliver housing units of substandard design, workmanship or material (<https://www.nhbrc.org.za/>, last accessed 31 July 2019).

14 These programmes are (1) Land use planning, design and service infrastructure; (2) Construction and delivery of credit-linked housing; (3) Informal settlements upgrading; (4) Social housing; (5) People housing processes; (6) Rural housing and sanitation; and (7) Strengthening the legislative, regulatory and policy environment, and capacity building (Republic of Namibia 2013).

15 Ohorongo Cement, FNB Namibia Holdings Foundation Trust, Pupkewitz Foundation, and Shack Dwellers Federation of Namibia. (2017). Combined press release. Changing lives for the better: Official opening of Tsandi houses in fight against poverty. Retrieved from [http://www.ohorongo-cement.com/cms\\_documents/changing-lives-for-the-better-official-opening-of-tsandi-houses-in-the-fight-against-poverty-e7a3594fbd.pdf](http://www.ohorongo-cement.com/cms_documents/changing-lives-for-the-better-official-opening-of-tsandi-houses-in-the-fight-against-poverty-e7a3594fbd.pdf)

16 The object of the Flexible Land Tenure System is to provide a more accessible titling process in terms of land ownership costs and procedures for persons who live in informal settlements or who are provided with low-income housing (Ed's note: this is what the Act states in section 2(b)). The idea was first mooted in the mid-1990s, but the relevant legislation, the Flexible Land Tenure Act, 2012 (No. 4 of 2012) and its associated Regulations, would only become operational on 31 May 2018 (Ed's note: checked the GG 6607 online).

9 For a thorough explanation of social housing in South Africa, refer to the contribution in this volume by Anthea Houston in Session 5.

10 See footnote 6.

11 At the time of the event, the post was held by Hon. Lindiwe Sisulu.

for lower-income groups. He acknowledged the need to mainstream people-centred development and that having people organised helped Government efforts. In closing, he asked Ms Molokoane to share some of the challenges the Federation had faced with regard to its internal dynamics and to expand on its work in the rural areas.

**Ms Molokoane** related that it was challenging to develop projects in partnership with the government. For example, she stated that, when money was allocated to their projects, they were required to produce a business plan. However, it took government about six months to respond to that plan. The Federation were then required to produce an implementation plan. This was followed by another waiting period. They might then sometimes need to produce a geotechnical investigation on the plot they were intending to develop. They had to ask the provincial engineers to undertake the investigation, which again took time. Once everything was in place, the Minister or an official needed to co-sign the contract to launch the project, but the Minister might be abroad and the official in question might be at a workshop. Once the Minister or official had returned, s/he might need to address a backlog of work and the proposed projects might not be prioritised. Moreover, once the contract was finally signed, the Federation was given a short timeframe to undertake and finalise the project or risk termination of the contract. She also mentioned that some processes now required online applications and she, for example, had no computer skills. Nonetheless, she acknowledged receiving assistance from their support NGOs in this regard. When it came to councillors, Ms Molokoane related that when some of them felt their authority was being threatened by organised groups, the Federation engaged them to ease some of those fears. Councillors would sometimes be invited to inaugurate some of the houses, and they would be provided with facts about the project; these engagements could then be counted among a councillor's achievements during their tenure. Ms Molokoane noted that, during the Habitat III<sup>17</sup> process, much had been said about institutional partnerships. In this respect, she mentioned the Pretoria Declaration in particular.<sup>18</sup> She also encouraged professionals, particularly urban planners, to understand 'the language of informality.' She called on governments to draft policies that worked with the people and to develop awareness campaigns about urban rights so that as many people as possible knew what was available and understood what was at stake. She stressed that they the Federation and people living in informal settlements wanted to be part of 'mass housing.' In her conclusion, Ms Molokoane stated that the Federation wanted to be partners in – rather mere end users of – government processes, and wanted to be involved not only in project planning, but also in project implementation.

**Heinrich Schroeder, owner of Kavango Block Brick**, pointed out that, before Namibia's independence, building societies<sup>19</sup> existed to assist lower-income groups. He felt these institutions needed to be brought back.

**Otilie Nailulu, an SDFN member**, clarified that the SDFN had been part

of the process of developing the MHDP Blueprint, but then they had been left out of the pilot project.

**Naomi Simion, Director of MURD's Habitat Division**, asked how FEDUP dealt with the issue of security of tenure.

**Taro Ashipala, from the City of Windhoek's Community Development Division**, asked Ms Molokoane what happened when a plot of land took long to be serviced by the South African local authorities. He also enquired about FEDUP's experiences with groups that were uncooperative and about conflicts among group members. A third question from this participant related to whether FEDUP groups eventually dissolved after attaining security of tenure or whether they maintained their status.

**An unidentified participant from the University of Namibia** asked about FEDUP's projects in the rural areas.

**Ms Molokoane** responded that they had a rural subsidy programme and that they negotiated with traditional authorities who owned communal land where FEDUP intended undertaking a project. She noted that they needed a certificate allowing them to obtain ownership of the land, so they required a letter from the relevant traditional authority confirming ownership and then applied for permission to occupy the area in question. Once they had that permission, FEDUP could apply for the rural subsidy from government. She recounted that this system operated well in the provinces of the Eastern Cape, KwaZulu-Natal, Limpopo and Mpumalanga, where FEDUP had several projects in rural areas thanks to the traditional authorities' receptivity to them. However, in another case, the Federation had bought a piece of land from a private owner with their members' savings, but had not been eligible for a subsidy because the land was privately owned in an urban area. FEDUP therefore gave over the ownership to the Municipality concerned and were then able to access the subsidy. She did mention that groups do dissolve. In other example, Ms Molokoane described how they had entered into a partnership agreement with a Municipality and were able to access land, but a new councillor had later opposed the partnership and the Federation had to take the matter to court. She noted that, 20 years later, the case had still not been resolved, entailing that the beneficiaries had still not been able to obtain their title deeds. She acknowledged that some only approached the Federation to get a house: they had no interest in saving or the collective processes. Others signed up but then disappeared. However, once it looked likely that they could access land, they suddenly reappeared, claiming they had been registered all along. Ms Molokoane reported that they mitigated such issues through regular meetings and exchange programmes<sup>20</sup>, and acknowledged that FEDUP was an entity that continuously needed to solve problems.

**The Moderator** asked the speaker what message she had for central and local government.

<sup>20</sup> Learning exchanges between federation groups nationally and internationally are key practices of SDI members; see: SDI. (2016). About Us. Retrieved September 18, 2019, from Know Your City—SDI website: <http://knowyourcity.info/who-is-sdi/about-us/>

<sup>17</sup> Habitat III refers to the United Nations Conference on Housing and Sustainable Urban Development in Quito, Ecuador, from 17 to 20 October 2016 (<http://habitat3.org/the-conference/about-habitat-3/>, last accessed 28 July 2019).

<sup>18</sup> UNGA/United Nations General Assembly. 2016. Pretoria Declaration of the Habitat III Thematic Meeting on Informal Settlements (A/CONF.226/PC.3/12). Available at <http://habitat3.org/wp-content/uploads/Pretoria-Declaration-E.pdf>, last accessed 19 August 2018.

<sup>19</sup> A building society is a financial institution owned by its members usually specialising in lending for the purpose of housing. In Namibia, these are legislated by the Building Societies Act, 1986 (No. 2 of 1986), but they are currently largely in disuse.



**Ms Molokoane** replied that the former UN-Habitat Director, Dr Joan Clos, admitted to her that urban planners were not doing a good job because they thought they were convinced they knew what people wanted. This was the background for launching the World Urban Campaign and naming her as the chair: it meant a grass-roots member would lead and compel urban planners and architects to work with inhabitants. She related that the conventional way of working with aerial photographs and designing without meeting the inhabitants of the spaces in question needed to change.

**Gabriel Marín Castro, the Minister of Urban and Rural Development's Special Advisor on Mass Housing**, described himself as an architect by profession. He related that mass housing had been attempted in many parts of the world. He mentioned the Million Homes Programme in Sweden,<sup>21</sup> but clarified that Swedish society was very different from its Namibian counterpart. Instead, he encouraged looking for lessons in Asia and Latin America for the similarities they shared with the African context. He noted that experience had shown that mass housing programmes only benefited the middle classes, not the very poor. He stated that this was exactly what had happened in Namibia. He recommended that Namibia issue a set of guidelines on the PHP Programme, and that it was important to help groups to organise and empower those in direst need.

**Ms Molokoane** explained that, in Uganda, FEDUP had partnered with the cities of Kampala and Jinja to create a forum for bringing together the various community-based organisations as well as other stakeholders such as residents and local authorities. The forum had since been institutionalised. She mentioned that some without interest eventually fall out the process, but that some remain. She reckoned that this has been a way to bring together inhabitants and local government. She observed that social processes could be 'messy'; this created tension with government, who were more interested in developing housing units than in the necessary time-consuming discussions. She nevertheless encouraged exploring the idea of a forum and suggested governments ringfence funds in their budget to support such gatherings and to create mechanisms to institutionalise cooperation through them.

**The Moderator** asked the speaker what message she had for students and young professionals.

**Ms Molokoane** mentioned that when professionals came to work with FEDUP, what the Federation wanted from them was not so much their certificates as their willingness to 'get their hands dirty'. She clarified that this was not because FEDUP did not respect degrees, but because they wanted to encourage professionals approaching them to use their education strategically, e.g. to mediate between them and local government. She described FEDUP as 'the informal university', although it nurtured relationships with various universities as well, including the University of Cape Town, the University of Johannesburg and the University of the Witwatersrand. Such partnerships

worked through what were known as planning studios, some of which had taken place in Namibia as well.<sup>22</sup> She encouraged students and young professionals to approach FEDUP and see how they could contribute. She also thanked the MURD Executive Director for listening to her and invited him to take action.

**Mr Daniel** thanked the audience and NUST and encouraged participants in the session to become involved.

<sup>22</sup> With support from the Association of African Planning Schools as well as Cities Alliance, two planning studios took place in Gobabis through a partnership between the Gobabis Municipality, the SDFN, the Namibia Housing Action Group and NUST (SDFN & NHAG 2014).

<sup>21</sup> The Programme was an effort by the Swedish Government between 1965 and 1974 to build one million affordable housing units ([https://en.wikipedia.org/w/index.php?title=Million\\_Programme&oldid=876391963](https://en.wikipedia.org/w/index.php?title=Million_Programme&oldid=876391963), last accessed 28 July 2019).



## SESSION 2

# Community-based Urban Strategies and Social Innovation

**Sheela Patel**

*Society for the Promotion of Area Resource Centers, Mumbai, India*

**Members of the Namibian Housing Action Group**

**Members of the Shack Dwellers' Federation of Namibia**

*Sheela Patel is the Founding Director of the Society for the Promotion of Area Resource Centers in India. Since 1984, this NGO has been supporting community organisations set up by the urban poor in their efforts to access secure housing and basic amenities and claim their right to the city. She is recognised nationally and internationally for her work in seeking and getting urgent attention from governments, bilateral and multilateral international agencies, foundations and other organisations in respect of the issues of urban poverty, housing and infrastructure. She is a co-founder of Shack/Slum Dwellers International (SDI), a transnational social movement of the urban poor, whose Board she currently chairs. She has also authored many articles on the work that the Alliance formed by the Society for the Promotion of Area Resource Centres (SPARC), Mahila Milan and the National Slum Dwellers' Federation (NSDF) does. She participates in local national and international events on their behalf, occasionally serving on committees for policies on issues impacting the urban poor. In 2000, she received the UN-Habitat Scroll of Honour Award. In 2006 she received an Outstanding Contribution towards Mumbai Vision 2015 by the Observer Research Foundation in New Delhi. In 2009 she received the David Rockefeller Bridging Leadership Award from the Synergos Institute in recognition of her efforts to ameliorate urban poverty, and the Padmashree – a national award from the Indian Government for her work on urban poverty issues – in 2011.<sup>1</sup>*

*The Namibia Housing Action Group is a Namibian service organisation that aims to support and add value to the activities and processes of the Shack Dwellers' Federation of Namibia in achieving their mission. The NHAG strives to facilitate change in the livelihoods of the urban and rural poor through pioneering pro-poor development approaches. To achieve these aims, the NHAG collaborates with local, national and international partners and networks.*

<sup>1</sup> <https://www.rockefellerfoundation.org/profile/sheela-patel/> and <https://www.sparcindia.org/>, last accessed 28 July 2019.

The **Shack Dwellers' Federation of Namibia** is a network of housing saving schemes. It aims to improve the living conditions of low-income people living in shacks and rented rooms as well as those without accommodation. It specifically promotes participation by women. The SDFN is affiliated to the SDI.<sup>2</sup>

**Dr Anna Muller** has been the National Coordinator of the NHAG since 1993. After registering as an architect in 1984, she pursued Housing Studies at postgraduate level and was awarded a Master's in Philosophy (1988) and her Doctorate in Philosophy (1995) from the University of Newcastle upon Tyne (UK). Her working career in housing started in 1988 as a researcher with the National Housing Enterprise in Namibia, the Government agency responsible for developing low-income housing in the country. Her interest in working with communities resulted in her voluntary assistance to low-income women housing groups which contributed to the establishment of NHAG as an association of housing groups in Namibia in 1992 and their support service in 1993. She co-facilitated the transformation of NHAG in 1998 into a national network of housing savings groups, the SDFN. In this national network, NHAG remains as a technical support service.

**Inga Taatsu Boye** has been a member of the SDFN in Windhoek since 2004 and has participated in CLIP as a National Facilitator since 2009. She facilitates CLIP activities such as the enumeration of households in informal settlements, the profiling of informal settlements, data analysis, the presentation of survey results to communities, and data capture into the national CLIP database. Her work has also entailed numbering structures, mapping structures and amenities, and mapping settlement boundaries. She has trained other CLIP team members at local and national levels; as well as presented international visitors regarding all these activities.

**Ottilie Nailulu**, a mother of two, joined SDFN in 2000 to acquire an affordable house. She currently resides in Otjomuise, Windhoek, where she is an SDFN Network Leader. In addition, she serves as an SDFN Regional Facilitator for Savings. Besides being a Member of the Rent Control Board in the Khomas Region, representing the SDFN, she is also a fourth-year Bachelor of Marketing student at NUST and is employed at Timothy Real Estate in Windhoek as an Agent.

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The session was moderated by **Guillermo Delgado**, Land, Livelihoods and Housing Programme Coordinator, ILMI, NUST

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**Editorial note** This session was originally conceived as being led by Sheela Patel, but together with the Namibia Housing Action Group (NHAG) and Shack Dwellers' Federation of Namibia (SDFN) teams, Ms Patel decided to speak about the SDI in general, with a specific focus on the work undertaken in Namibia. Furthermore, the combined presenters proposed having the entire session as a discussion, with only some initial input by the speakers, coupled with the screening of a video. The discussion in this session is not presented as a report but is cited verbatim.

**[Sheela Patel]** I was supposed to be the main speaker, but as usual in SDI we turn things on their head, so we decided on a little change of strategy. I will start off by talking about SDI, what we do, how we do it and why we do these things. And we will use the experience of the Namibian Federation to look at how those principles are turned into practice based on a country-level context. The purpose of this particular session for us is to sharpen and to improve our own articulation of how we invite people to go into partnerships with us, why we do that, what the challenges we face are, and why we still persist on working with municipalities and governments even when they give us a lot of grief. Rose, if everyone is feeling sleepy, shall we wake them up with a song?

**[Song sung]**

**[Rose Molokoane]** The song says we don't need lazy people in our organisation. If you are lazy, don't join us, please. Because we mix mortar and cement, we lay our own bricks, we get into our own houses, because we are doing it on our own. So, if you think you don't want to dirty your hands, please don't join us. That is the meaning of the song.

**[Ms Patel]** Very briefly, the history of SDI started in Mumbai with a bunch of people, like me, who are professionals that went into partnership with a much older grass-root[s] movement of slum leaders fighting evictions. What we realised is that the State was not the only one that had the wisdom to produce policy, and that the litmus test of how poor people survived despite the State was an important starting point to find solutions for an expanding number of very poor people who were living in cities in informality, working in informality, and generally [being] invisible to the State, to the middle class and [to] the professionals working for the city – and even to the NGOs.

If you take me as an example, I was radicalised by the evictions. Before that, I dished out welfare. Women from the communities were my beneficiaries. I was telling them what to do – without understanding that they didn't have the resource structure to do what I was asking them to do. I brought together the slum dwellers, my colleagues and I, as professionals, to produce a partnership in which we set ourselves some principles. First thing was that, in informal settlements, women as collectives had to be at the centre of transformation because they were the managers of the informal settlements with no acknowledgment for what they were doing, always stepping back when the government came in. We said that our work would focus on the bottom 30% in informal settlements because we know development likes low-hanging fruit: it believes that everything will trickle down and that everybody that said they wanted to work with the poor were doing it to solve their sense of guilt. They weren't interested in scale, they weren't interested in change. We agreed that our commitment would be to work with women's collectives; we would work with informal settlements; we would aggregate to a critical mass; we would not be ignored by the city or the State; we would transform ourselves to produce knowledge, data, strategies, and experimentation that work for



us; and that we would explore new relationships between poor people and government, professionals, [the] private sector, educational institutions and the like, because they all treated poor people like they had no brain. In Hindi, we have an expression referring to how poor people are like empty vessels: they rattle a lot because they have nothing inside them. People got angry with this sort of attitude, and it is important for all professionals to examine their own values, to see how much of that stands in our way.

In 1991, many of us came to South Africa for the first time. We helped many of the community networks form there. Rose was one of the first people that came from South Africa to India. She now heads many of our committees. We began this process in Asia, Africa and Latin America, and today we have 33 countries – and Namibia is one of them. The Namibian Federation is one of the oldest.

What we are trying to do is to create federations of the urban poor, led by women that examine ways by which they can demand accountability from the State, but also contribute to finding solutions. We know that poverty-linked solutions can never come out like a perfectly boiled egg: [they keep] breaking down. The idea is to treat transformation as an ongoing process and keep trying to improve and refine.

**[Dr Anna Muller]** Thank you, Sheela. I think the reality is that we know that that majority, the larger portion of the population, cannot afford any conventional [housing] process. What we are offering is one way we can go, but we cannot do it alone. How can we move from this self-help group into something that will impact the majority of the people? If we are talking about reaching 185,000 houses [the number of units that the MHDP Blueprint aimed to produce] with the available resources in this country, we might just repeat the same kind of mistakes that have happened elsewhere.

Firstly, we will do a presentation about the Federation and then we will screen a short video illustrating the process in Gobabis, which we believe has the potential to be scaled up.

**[Ottilie Nailulu]** As you can see here, there is a network of 724 saving schemes in Namibia, that is, countrywide. I belong to a group named Humble Valley – it is somewhere in Otjomuise [Windhoek]. Because we are not literate, we don't do technical things; we have an NGO that is supporting us with anything that is strategic – [like] how to speak English to you. If it was not for SDFN, I wouldn't be able to speak to you. Meme Anna, thank you very much.

The first group was started in 1987. People mobilised and came together. People that live in shacks or in your backyard, those are the people that we mobilised. We decided: let's get together and maybe we can own houses; or maybe not for you, but maybe for your kids. That's how it worked and those are our target groups. Maybe you identify ten people and get together. The

group should not be more than 30 people – this is just for management issues. In 1992, the first block of land was bought, near Club Thriller, and the houses located there belong to the Federation.

The purpose of grouping ourselves is to buy affordable land. We don't do things individually: we do things collectively as a group. If something affects one of the group members, then we cannot move forward. We all have to overcome that challenge, regardless of what it is. Then we solve it together. Most of these groups are in urban areas. These days, everyone wants to come to urban areas and it's becoming a challenge to have land. We find it difficult to acquire land from the City of Windhoek, but since we are organised and we can group ourselves and approach the City of Windhoek or the Government, this is the only way we can get land.

As poor people, we cannot afford a big plot of land that is already serviced by the Municipality. We identify a piece of land and say how many people will be able to stay there. The Municipality gives it to us unserviced, in order to cut costs. We get services only up to the boundary. So, the people on the ground, with approval from the City of Windhoek, will service the land ourselves. The City will help us because we have to maintain the standards.

Community intervention programmes are also there to help with the affordability issue, but my friend will add more on how that is happening.

**[Inga Boyes]** CLIP is a Community Land Information Programme that maps the informal settlements, then quantifies them to see how big the settlement is. If the Town Council or the Municipality want to upgrade the informal settlement, at least they must know how big the informal settlement is, and how many people it can accommodate – and therefore plan properly. Enumeration involves collecting data by going door to door to establish whether or not people can afford the land or the house, if it were to be built. CLIP allows us to meet with various Town Councils and Regional Councils, as they possess more knowledge on how to better plan for informal settlements. Phase 1 was launched in 2008, where 235 informal settlements were profiled. More than 134,000 households live in informal structures; 541,000 do not have secure tenure. About 75% of people living in informal settlements make use of 'the bush' as a toilet.

We did not know how to use a computer; but, working with CLIP, I now know how to do so. I also know how to analyse data, thanks to CLIP. Seventy per cent earn below N\$1,500 per month, while 6% earn above N\$6,000. By December 2016, members had saved N\$25 million; 24,000 members, 724 groups; countrywide, 6,500 have access to secure tenure; and 4,700 constructed a house.

**[Dr Muller]** How can we scale up this contribution where people already proved that they are willing and capable of getting security of tenure, getting

their basic services and building houses? What we learnt from the existing practice is that you cannot work in isolation. We cannot work without the support of the local authority, without the support of our Government, without the support of other stakeholders – like this university that has come on board and helps us demonstrate that communities can actually plan from the bottom up. Cities find themselves fighting with numerous developers, other little [community] groups, and all the other individuals who are very powerful. We don't get the attention. The other aspect is that we centralise. Because everything is in Windhoek, we try to control things from the top here. However, the ownership of the process and the programmes should be on the ground.

What we propose is to work in a partnership that will enable us to scale up the provision of basic services, security of tenure, and the building of houses within the spirit of our President's Harambee [Prosperity] Plan. We do not only work with savings groups, but we also encourage communities in the informal settlements to participate in this process. We learn from practical implementation. We join resources: communities bring something on board, Government brings something, local authorities bring something. At the moment, we are involved in Gobabis in a pilot project, where the community got involved when the local authority took on the challenge of bottom-up planning.

[Ms Patel] I want to go over the features that were presented there and explain the logic and the history of it. The first thing we realised in India, which is universal everywhere else, is that there is no accurate data about poor people in any country. Municipalities, whether they would acknowledge it or not, have usually two thirds of the settlements' [data] of any given city; that is even something almost rare in many countries. In India, on average, the city register only contains one third of the informal settlements in the city, and most of those settlements are those [which] are old, which have fought, and which have resisted evictions. The new ones that emerge are ignored until they get consolidated; and when they get consolidated, they get too dense. So they can't be enumerated properly, you can't put in services, and all kinds of problems. The first thing that the Federation members do is that they count themselves. Earlier on, everything was manual; as you can see, it is getting digital and more efficient.<sup>3</sup> Unless you have accurate information about informality, you can't do anything about it and hold yourself accountable to make an impact. We produce that data for everybody in the city: not everybody we count is a member of the Federation.

The other very important critical issue in all our work [is] to keep tweaking norms and standards. We all know that our country is in the Global South. We have imported colonial administrative procedures, we have minimum plot standards, we have all kinds of regulatory frameworks and development control rules that just don't work for poor people. And the reality is that our cities are going to get more informal before they get formal. We are going to



Screen shots of 'Bottom-up Planning: Freedom Square' video, screened during the session.  
Link to video: [https://www.youtube.com/watch?v=l1Xy\\_LSq7Js](https://www.youtube.com/watch?v=l1Xy_LSq7Js)

<sup>3</sup> The SDI hosts the "Know Your City" website, where all the data collected by various Federation members is put up. Partners and stakeholders such as municipalities and government then also have access to the data (<https://knowyourcity.info/>, last accessed 29 July 2019).

get more and more people [coming] from rural areas who have very poor education, who are short on the type of skills that can give them wages, yet the city has to accommodate them. A very important part of our internal commitment is to try and find a balance between existing norms and standards and what the poor can afford. Many people, when they look at our small houses, will say, "Oh! This is unfair. They should get the same size houses as the minimum standard." Well, two thirds of your city lives in even smaller houses without any services, so which is better? We are trying to look at ways by which there can be some incremental development of norms, because when you have two thirds of your community living in abject poverty and your standards don't work for them, it makes a mockery of what should work for everybody.

One of the reasons why we have structures that span from local to global is because we know that action can only be taken locally, but that it is often influenced by global discussions. Many of us know that international organisations come and negotiate for things that don't work for us, and our voices are not there. So, when Rose tells you very proudly that she is a convener [at the World Urban Campaign], it's after 20 years of working on these issues: there is acceptance that it is not only professionally educated people who have the skills to contribute to these discussions.

The structure is also useful just to give you a broader understanding. We learn a lot from each other. We only have three countries in our entire group where the State has formal subsidies available for slum dwellers. These are India, South Africa and Brazil, and they do so in huge volumes. An interesting fact is that these three countries don't even utilise two thirds of these [subsidies]: [they remain] unutilised because the design of delivery does not accept the reality on the ground. And part of what we do in our negotiations is to say, "How do you change procedures? How do you give easier access to communities to hold the city and the various construction companies accountable [for] what is happening?" Most of the countries that we're working in are poor countries with very poor people, where there are no subsidies from the government; they really represent a very different form of challenge. Namibia, Thailand and South Africa initially were the only three countries that actually put aside money to allow communities to do experiments towards a solution. Very interestingly, many countries, including my own, have billions of unutilised resources, but they will not put [them] aside to allow for experimentation.

Finally, what we find in our work is that we start with imperfect solutions – which is better than no solutions – and we seek to learn from those mistakes and improve on them. We persist in working with government. We have many activist groups that don't like that, but we believe that you have to learn to engage the State to make it accountable to you because it's much easier for the State to say, "We can't do anything," and give it to the private sector. That solution never works for poor people. Our latest attempt is to actually have a conversation with the private sector. We struggle, because our paradigms

are every different, but we do believe that cities produce a space for strange bedfellows to interact and negotiate with each other. So, just like the women's groups who negotiate with the slumlords and the invisible house owners, we use the same approaches. The thing that works the best are strong women's networks that come in very large numbers to negotiations. When we go to talk to Government, it isn't just me, Anna or Rose, but we go as five women to talk to the Minister. It makes a difference.

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## Discussion

**Guillermo Delgado** You are talking about negotiating not only with the State, but also with the slumlords or other parties; do you have some practical strategies? I ask this because different tactics work differently in different countries and I don't know whether in Namibia, where social protests or demonstrations are not particularly appreciated, appearing in large numbers at the Minister's door would have an impact. Can you speak about experiences when you are negotiating with your counterparts?

**Ms Patel** I will give you an example of [the] city of Mumbai. The island of Mumbai is like Manhattan. It is long, with two railway lines that go up and down, and they represent the basis of 85% of the city's journeys. The line was breaking down often, but one of the crises we had was that there were 120,000 households living very near the railway tracks. Now these people were part of our Federation in India. When the railway line was set [up], it was given land by the government on both sides; but it is unclear who has to ensure that no one encroaches [on] it. In the case of India, it was the State government and the railway doing that.

There was a general feeling that those living there couldn't be moved. The community women felt that they could move away, because many of the households had some sort of accident on the track. They weren't allowed to get water or sanitation, so they said, "We just want to get out of here. You design some relocation for us." We tried to do that, but no one would listen to us. But we did a detailed survey of people according to the different distances from the tracks and [we] marked every house. No other group could have done it but [the] community itself: it numbered the houses and registered them. Five years we fought, and nothing happened. Then the government brought in the World Bank and they said they wanted to relocate, but they would not be able to do it because a third of the houses were rented. So, how do you decide to whom do you give the new unit for relocation? If you don't give it to the owner, the owner can take you to court. But we did the study and we found that absentee owners lived somewhere else and the people who lived here [had done] so for some 20 years. So, we said, "Even if you calculate the value of that horrible structure, the owner[s] have made five times the money already." On the day of the survey, which was five years ago, we asked the government to make a policy to say, "You



give it to whoever is living there.” Households were given an identity card by the Federation, and they got the house. So, all the absentee owners, who were mostly local politicians, felt threatened. In most of the countries we have worked, absentee landlords are politicians, judges, policemen – and some of them are private businesspeople. The Federation was strong, and we had publicly announced how we were doing things. We said to the absentee landlords: “You can get one house, but you have 40 houses [for] rent! If you want your house, come and get an identity card.” And nobody came. It wasn’t done with fighting and conflict.

Even when we went to meet the Minister, we don’t go there toyi-toying<sup>4</sup> or fighting. We simply say, “Look, we are women from this area, and we want this. Are you going to help us?” And I promise you, it makes a difference. If I go there and 35 community women go there with a clear plan of what to do, proudly explaining their plans, it works because this is not expected. It is always expected that Anna or I will go there, give nice speeches or report. We never do that. We say, “We will design the programme with you.” So, I think that makes a difference. Then, when we go internationally, by the time we have started attending all these international meetings, it is very interesting to see what happens. When there is the presence of five to ten slum dwellers in a discussion with the professionals, you can no longer call slum dwellers “them”. You cannot! Rose would say, “Talk to me! I’m a slum dweller!” So, you cannot objectify poor people and say, “This is good for you.” It changes the conversation in the room. So, the purpose of all this is to see how representation[s] change, how community leaders represent themselves and participate in a governance structure that is accountable to them.

**John Nakuta, Law lecturer at the University of Namibia** I’ve got two questions: one for SDI, and one for SDFN and NHAG. For SDI, based on your international experience, as you have mentioned, Namibia has this budget set aside for assisting the SDFN. This amount of money that the Federation is receiving from Government has not yet been contractually agreed: it is like Government decides every year how much will [be] put aside for SDFN as part of the budget. My problem with that, especially now that the country is going through an economic slump, is that funding could be cut. As part of your international experience, how should the Government contribution be secured?

To Anna and SDFN: when will you, as SDFN and NHAG, start using our laws to your advantage? When will you invoke the right to adequate housing? The reason why I am asking is that last month we had a demonstration in Walvis Bay, and a representative complained about how they have saved money to buy unserviced land from the Municipality but it’s not possible because of the bureaucracy. It seems that, because we don’t want to rock the boat, we would rather not use some of these legal avenues that are available. So, when will the movement start? When will we be raising our voices in the most tangible manner, by going to court?

**Ms Molokoane** The challenge is that Government and the City think that they are always fixing things for us. We don’t want to be pitied, because we are not beggars. You can keep your money. We will continue to organise and mobilise ourselves because, at the end of the day, we are the people where you are going to implement your policies. Yes, it is difficult. Like I explained in the other session,<sup>5</sup> in South Africa, we start to vigorously talk to our government to give us our subsidies directly. The first batch of the subsidies was up front, and we [built] bigger houses. But, because our government was building smaller houses, they felt intimidated and they went back to the office to review the policy to a “developer-driven PHP”, meaning that private developers would come and build the PHP houses. But private developers need profit and we don’t, so that is where the difference came about. That is what blocked us from getting our subsidies. Although private developers were trying to build, the houses that they were building were not of a good standard.

Because it will be a decision from national government, the allocation of money will go to the Provincial department, and the Provincial department will call the shots. If they don’t like what the people are doing, they will not ring-fence [money for PHP]. [Then the decision] goes down to the municipality and the municipality will say they are working through a waiting list [...]. But our people are organised: we are not interested in waiting lists because waiting lists make people fold their arms and say, “I am waiting for my turn.” And when the waiting list is implemented, the official will come [onto] the waiting list; he will bring all [his] relatives and all of them will replace the waiting list. They will come from the rural areas and occupy the houses. When we ask about it, they will say, “It is the procedure, it is the policy.” That is why I am saying the policies are so beautiful – but like a beautiful girl that does not have a boyfriend to propose love to.

The money is there. The South Africans can verify what I’m saying here. Every year, many of the Provinces don’t spend the money. They give certain millions to build houses in the new financial year, which ends on 31 March. Then it turns out they underspent R600 million in my Province. They [have owed] my organisation R8 million [for] two years, yet R600 million was not spent. It is because they do not have trust in poor people. They don’t believe they can manage finances. Although we [show] them through our savings that we are doing it, there is no trust. They think that poor people are not educated, and it is the lack of trust in us that [explains] why we are failing.

**Ms Patel** You may have a lot of faith in the legal system, but poor people don’t. Poor-people institutions feel that they get further impoverished if they take anything to the court. In many of our countries, the judges are as polarised against the poor as many of the upper-income groups are. The legal recourse is the last thing – unless we feel it is an important, solid case. In South Africa, there have been so many very important judgements that have come through, but the result hasn’t been scalable and workable solutions. They do give judgements that can give you higher moral ground, but they do not necessarily give poor people immediate relief.

<sup>5</sup> See Session 1 herein.

<sup>4</sup> Toyi-toyi is a dance typically used in public demonstrations in South Africa and Zimbabwe, where it became synonymous with protest and struggle.

The second thing is, and maybe in the case of Namibia it is different, but in all of our cases when we are working more than one town, we end up having to produce full evidence for each town that poor people can do something. Every town says, "Show me, in my city, a solution that works for us." That is one of the reasons why real scaling doesn't happen. At the same time, the bureaucracy also changes in the process, and this also slows down everything. There is the need to train our new commissioners, mayors, engineers, architects; everyone gets rotated every three years in most of our countries, so you have to start again and again. It is a very slow process; it's not moving as fast as it should.

**Lucy Edwards-Jauch, Sociology lecturer at the University of Namibia** I would like to ask if you have a particular policy around political engagement, because obviously you have quite a force. Such a massive amount of people is a force for demanding those entitlements, because if legal process doesn't work, and if Government appears to be disdainful of realising rights and entitlements, do you have any particular policy to assert those demands? And my second question is, when I was listening to Anna, you were talking about upscaling, and I read that mobilisations seem to be a challenge. And my question is what you have now – and the members can answer – are you satisfied? Does it meet your standards, in terms of the needs of your families, in terms of sanitation, in terms of all the other expectations that you have for housing? That which you are able to build on your own terms is admirable, but is it enough, and does it meet your needs?

**Ms Nailulu** I am one of the beneficiaries when it comes to a piece of land. I can speak only on behalf of my colleague who is a beneficiary. She managed to build her house on a piece of land that was allocated to her, which is 150 m<sup>2</sup>. On this piece of land that she bought, she constructed a three-bedroom house with two bathrooms, and she has some space left to allow for extensions. Me, as a poor person, I don't think that I would like to have more than [what] I can afford, because the more you demand, the more money you have to give. If you give me 150 m<sup>2</sup> I will be more happy than living in a backyard shack on someone else's yard. So, I think it meets my standards and needs.

**Ms Boyes** I am also a beneficiary. My plot is 126 m<sup>2</sup> [like] my neighbour's. I am still waiting for my house plan to be approved by the City of Windhoek in order for me to start constructing my house. The house plan allows for a two-bedroom house with a bathroom. I am proud to have it, because at least I have something.

**Ms Molokoane** I think when it comes to the policy, what we do, we do by doing. We create programmes and projects on the ground that give impact to the policy of Government. I am going to give you an example of what happened in Cape Town. We've got 32 communities. Every now and then there will be a fire outbreak and then the Municipality wants to relocate or evict the people. Then we went to the meetings and told them, "Let's re-plan this community." The community is [made up] of at least 400 families. How

can we re-plan it? We got a programme called re-blocking, because the shacks were so congested that even the ambulance can't come in. We then sat down as a Federation and decided to get all the information about the community: how many people do we think are living there, how many women, how many children – all that information that was relevant for us to identify.

The result of the information collection was the re-blocking exercise. Re-blocking means that we come together and draw up a new plan for the community while the people remain there. So, what we are going to do now [is] we are going to [make space] where the ambulance can get into the community. We have to create a space, so when the fire outbreak starts, it cannot spread and burn down the entire community. We did it on our own and it was successful. We then invited the Mayor to come and see what we have done, so that people can see that, once people are given the chance, they can change their own place. This influenced the Mayor of Cape Town to say that, instead of relocating, let's bring in the infrastructure. Every family has a flush toilet and electricity, but before that they were doing it [getting services] illegally.

With the change of the plan, they also changed the policy to use the Federation to profile all the settlements around Cape Town. But they put it out on tender! The challenge is that they want us to dance to their tune, [but] we are the ones that started the tune! They changed the music and now they want to say to us, "You go and profile in so[-and-so] many communities." They will tell us to do profiling in 300 communities while we know we can only do 200. They take our ideas, but then they start to dictate to us how to do it! So, we make an impact in different communities. In some areas, Government has open ears and [they] listen, and in others they don't.

**Ms Patel** But I think the evidence makes the difference.

**Naomi Simion, Deputy Director: Habitat, Ministry of Urban and Rural Development** I want to react to the issue of the SDFN and the gentlemen's agreement [with Government]. It is true: when we started off working with the SDFN, it all started off as a relationship. There is a difference between a relationship and a partnership. But I will not say that when it comes to the SDFN, their funding is nowhere in the programmes or projects of Government. All of us are here to learn. I know from the community-based organisations there are challenges – challenges from Government, challenges from the private sector. We need to bring all those issues up in order for us to learn and see how we can strengthen our relationships. It seems like central and local Government are attacked, but we also would like to see from the community-based organisations and the NGOs what challenges they are facing and how the Government can best assist in that regard. As for the SDFN, if you go to the National Housing Policy of Namibia of 2009 – Anna, you were also part of that process – the SDFN is there as the key stakeholder of the Namibian Government. The PHP is also part of that. Even when we

started with the National Housing Policy process, we were not talking about PPPs, we were talking about four Ps, that is, people PPPs, meaning [that it] includes the PHP.

If you go to the [Government's] Medium-term Expenditure Framework,<sup>6</sup> you will see a project called Twahangana Fund, which is specifically for the SDFN. When the Fund started off with the previous Minister, Dr Nicky Iyambo, it started with N\$1 million, but it is now N\$7 million. For every financial year, we sign a service level agreement with the SDFN, showing how many houses are to be constructed and what they can bring on board. It is a learning process. I wouldn't say that there is no way for PHPs in Government programmes or projects; all I can say is that I hope our partnership with the SDFN and other community-based organisations will strengthen more so that they can contribute to reduce the housing backlog of Namibia.

**Dr Muller** If we want to scale up, we need to scale up resources. I think that, in this context, one of the things we need to look at as a country is where we are going to put our resources in the future. We have found out that we cannot build houses for N\$300,000 each and then subsidise half of it and the poorest still won't afford [that]. I think that was a tough consequence that emerged out of the mass housing [development] experience, because the ones that implemented the project said Government [would] subsidise it [up] to a certain amount. We made the calculations of a process where you bring in different resources, the people themselves plus their savings and their collective action, and with N\$300,000 you could have supported ten households. If Government really wants to scale up resources to fight the housing crisis, where will be the best investment? Where will be the best way to invest their resources? That is where we think that informal settlement upgrading will scale up land delivery. Our communities are willing to participate in the process. We can make a vast difference on land provision at scale. I would still like to know whether Government can scale up if every plot costs N\$80,000. And who are going to be the lucky beneficiaries in this process?

I believe that there is a way, but you cannot put it on the NHAG and the Federation's shoulders: we are talking about a vast number of people involved. However, with our learning exchanges, there is potential for people to take ownership. Local authorities are already buying in on the process, and the Universities are already showing their willingness. We are talking with consultants to 'adopt' an informal settlement so that we can take care of the technical issues. It is a blend of resources – it does not only come out of one pocket.

We avoid the talk about subsidies; we don't fight for subsidies until Government says, "We are going to subsidise each and every person." When we know we have that type of money, we can say, "Let's subsidise at least the people's process to build a toilet." Can Government do it? Do they have the resources? Do they have the income? Until we have the picture of what is a financially viable

option, we try to do things that can evolve, that we can sustain. The Federation never uses its money to subsidise, members pay back each and every cent and, in that way, they can help the next one.

Talking about the courts, we had a long debate about [this option]. I don't know if I can give you a straight answer, but our courts are relatively slow. We could have tried the courts, but we would rather work together with our stakeholders to see how we can help the maximum number of people in this country – and I don't know if the courts can help us to do it faster. It is about practically doing things that might not even cost us so much money, and where people can feel the difference immediately. For example, with security of tenure, please don't tell people you should get individual titles if you do not have a budget to back it up. [We need] some form of development rights, some form of security of tenure so that people can start developing their own houses. That is what it is about. Let's see what will happen in Gobabis,<sup>7</sup> with giving people in informal settlements rights to develop their own houses.

**Catharina Nord, a Swedish researcher** I come from Sweden and I'm here to do a study about old age and housing. If we talk about money, are we talking only about the money that [it] costs to build the house? I have [been wondering] if anyone has ever calculated what the Government could get back if they subsidised [mass housing development], because what they invest in housing is, for example, also a better environment for a child to study. The children might come back home with better results because they have will have a decent environment where they can do their homework. It is also an investment in [public] health, the Government might save money on health expenditures because people would be more healthy if they lived in decent housing. So, there are more gains that come with better housing, [it's] not only the costs. I was wondering whether any one of you ever put a value on what is gained and not just the cost of a house.

**Ms Patel** Actually, that is a point that has emerged very strongly in the last few years. In the worldwide campaign on improved sanitation, there is evidence that, if everyone has access to improved sanitation, it affects 2% of your gross domestic product (GDP). These are numbers from the World Bank.<sup>8</sup> It is only when it comes to impacting the GDP and the economy that we get impressed with these numbers. But the fact that everyone will get a decent place to live, a nice neighbourhood, a nice place to grow up, is in itself not good enough. We are so sucked into the economy angle! We were having this conversation in the morning, that there is no balancing on the people's quality of life, especially the poor people's. It has to have an economic logic to make it legitimate. That is worrisome.

**NUST student** My question is more to the SDFN. As it was stated earlier, some members got plots [of] 126 m<sup>2</sup>. With the regulation of a minimum erf size of 300 m<sup>2</sup>, how did you manage that? And how do you determine who gets 126 m<sup>2</sup> and who gets 120 m<sup>2</sup>?

<sup>6</sup> This refers to upgrading efforts through a partnership between SDFN/NHAG and the Gobabis Municipality, with support from the MURD and the GIZ, among others. See: SDFN & NHAG/Shack Dwellers' Federation of Namibia & Namibia Housing Action Group. 2014. Participatory planning for informal settlement upgrading in Freedom Square, Gobabis. SDI-AAPS Planning Studios. Windhoek: SDFN & NHAG. Available at [http://sdfn.weebly.com/uploads/2/0/9/0/20903024/freedom\\_square\\_report\\_clip2.pdf](http://sdfn.weebly.com/uploads/2/0/9/0/20903024/freedom_square_report_clip2.pdf), last accessed 14 August 2019.

<sup>8</sup> A study found that financial losses resulting from poor sanitation including overall welfare losses could average 2% of GDP. The losses are largely in the health and water resources, but also labour including the time spent in accessing poor sanitation facilities. See: World Bank. 2008. Economic impacts of sanitation in Southeast Asia. A four-country study conducted in Cambodia, Indonesia, the Philippines and Vietnam under the Economics of Sanitation Initiative (ESI). Jakarta: Water and Sanitation Programme, World Bank. Available at [http://www.wsp.org/sites/wsp.org/files/publications/Sanitation\\_Impact\\_Synthesis\\_2.pdf](http://www.wsp.org/sites/wsp.org/files/publications/Sanitation_Impact_Synthesis_2.pdf), p. 32, last accessed 30 July 2019.



**Ms Boyes** It depends on the flatness of the area where you are. If we have to design the area, maybe you are in the corner. Sometimes the people who are at the corner benefit more than the people who are in the middle. I also happened to be in the middle and I got 150 m<sup>2</sup> and the other people that are on the side got 200 m<sup>2</sup>. The regulation that [the] City of Windhoek has put in place stating that everyone should get 300 m<sup>2</sup> is a debate on the table that we are all fighting. We have physical evidence that we can manage with 150 m<sup>2</sup>. It is unfortunate for this person to get 126 m<sup>2</sup>, but it might be because we do not want to exclude the person but accommodate [them] because they need the house – instead of leaving you out because of the smaller size. We will consult you and illustrate the house size that might be constructed on the plot. [This is] not to convince you, but to give the person the option. If the person says, “No,” [another] person can come who is on the list. There are so many people on the list!

**Ms Simion** I just want to add [to] the 300 m<sup>2</sup> [issue]: there is a provision that states that smaller plots can be acquired, but there is a procedure that needs to be followed. But it can be done.

**Braam Harris, Urban Planning lecturer at NUST** I would like to get some clarity on how the group organises themselves.

**Ms Nailulu** Before you come to an area where you [will be] located, you are in a saving[s] group. And when the piece of land is allocated to you, it does not come to you as a person, it comes to the Federation. They say, “The City of Windhoek has identified this piece of land which can accommodate about [so] many people.” They only bring us the information, then it is us that go to the piece of land and start mapping it, showing who is staying where. To be more precise, the mapping does not involve the whole bunch of people: even though some of the group members are not there due to other reasons, they will still benefit because they are part of the group. So, we map it out and then we portion it off and then we allocate the portions. The municipal professionals tell us, “It is ready to go. You can do it.” But we draw the map – they only have to approve.

**Dr Muller** The group that the land belongs to is an association, and they decide the rules and regulations they will put onto the land. It is usually in high-density residential areas where these blocks of land are developed. They [don't subdivide] it into single erven, and we have not found a big need for that. One of the earliest members of SDFN keeps reminding us: she got her land in 1991 and she still hasn't got her title deed. They managed it as a community. That is where the Flexible Land Tenure Act<sup>9</sup> comes in, where you can register and transfer your rights on such a property. So, the higher density is a choice: it came from people because they said, “If we take 300 m<sup>2</sup>, where will we put the other 30 of my group? Because we are 60 people.” That pragmatic decision has been taken again and again by the groups in Windhoek because the land demand is totally out[side] of what the city of Windhoek will deliver. They

can't do anything because they have no space to relocate the people that they want to displace to have 300 m<sup>2</sup> plots. They got stuck and the development stopped because the city fathers decide[d] that, where we cannot properly subdivide into individual titles, [we] will not allow the community to stay. So, the community no longer has a say in that. According to the city fathers, there are people who insist that they want a 4m panhandle plot. But a 4m panhandle on a plot that is smaller than 300 m<sup>2</sup> does not make sense. The house is already 4m wide and now the panhandle is wasting space. It is such standards that are delaying the process – and actually brought us to a standstill. As we sit here today, the standards have changed four times since we submitted the first plot for Humble Valley in Otjomuise. We are bogged down: the roads need to be wide, the subdivision of plots should be big enough, the people need to receive individual titles. So, we are not moving in this city.

**Anthea Houston, CEO of Communicare in Cape Town, South Africa** You said you haven't subdivided the group plots, so how are you working with water and electricity charges after people are settled? What happens when someone does not want to pay or can't pay?

**Ms Nailulu** We have separate municipal bills. We only pay [collectively] for water, because our electricity is prepaid. If we receive our water bill, which is about N\$4,000, we divide it among the households, and every household brings that money and then we pay. The electricity is prepaid, so if a particular member does not want to pay for water, we go to the City of Windhoek and disconnect the electricity for you to pay your water.

**Ms Patel** This is very interesting: the issue of self-governance, and how the savings group does not only do this virtuous thing of saving money, it also produces the capacity to do financial transactions and negotiate collectively. Wherever community groups are strong, the city is happy to do what they tell them. For those of you who have worked in municipal administration, you will know it takes money to send collectors to collect money from debtors. So, if you have collective mechanisms that just come and dump the money in the municipal account, it is a godsend. So, the negotiations to make that happen worked; but the foundation for that is also very good internal governance because, whenever there is a family in crisis, a temporary crisis – say a family member is ill – the group subsidises it once or twice, but the person is also morally bound. So, when they get the money, they pay it back. And the difference is, when everyone pays, it is difficult not to pay back; and that is the power of the collective that Anna was talking about. In modern society we have individualised everything, so delinquency [in payments] increases. So, that balance of producing collective supportive behaviour is at the centre of the SDFN philosophy. When you are well-to-do, you have a formal job, a good income, you can afford to do things independently; but when you are poor, you need to do things collectively because your individual identity does not give you entitlements. So, we don't romanticise collective behaviour: we say that this is a function of surviving with dignity and with power.

<sup>9</sup> Act No. 4 of 2012.

**Mr Delgado** It strikes me every time that we have to mobilise student input towards the end because we didn't hear much from them throughout the session. We're at NUST, so there are students and lecturers in the room. We know that most of what is being taught is 'formal development' and not much of what we've been discussing here. At the same time, our realities in the Global South demand different ways of engaging, which we have spoken about today. Can we have some concluding remarks from Sheela, who was herself politicised as a young student, directed to the young students and professionals in the room?

**Ms Patel** My first experience of evictions was with pavement dwellers. [At that time, I supervised health services to the community. In front of our centre were 46 houses and every two weeks there used to be an eviction. So, one day, I couldn't stand it and I went down [to intervene] and the policemen told me, "Madam, come and stand here." And he made me stand next to the house and continued to break it down. I sat on the pavement and I wept; and all of the women whose houses were broken [down] told me, "Don't cry, don't cry." It made me realise how protected we are as upper-class people living in the formal world. We take all these things for granted. If you are ever in a place where there's an eviction, go and stand there; just experience the total and complete vulnerability that you would feel. You will never again question your commitment and responsibility as a professional to do something.

So, one of the things we have started in SDI in the last five years is to work with associations of professionals: planning schools, architects' associations, structural engineers, social sciences, economists – anybody who is willing, as an educational institution, to explore the creation of exposure, ultimately leading to a stream of educational activities that are incorporated in[to] the curriculum. The idea is that you learn. So, when I went to a college of civil engineering, they showed me one of their labs. And in the lab they [were] being taught how to do a contour. I said, "Why don't you come to a slum and do contours? Why don't you come into an informal settlement and do your soil testing?" The first time the students were doing it, they said, "This is so much more fun than going to the boring lab!" So, this is now incorporated into their studies. We do the same thing with colleges of architecture, colleges of planning; and our goal is not to have architects, urban planners, [etc.] come and dedicate their lives to working in slums: we are saying, "Develop a practice in which 20% to 30% of your [work] deals with informal settlements. Use this as part of your professional development so that the principles you learn from the one can be used for the other."

Today I spoke to your Dean: we would like to see what we can do. We already have an MoA.<sup>10</sup> The question is, how do you integrate it into your curriculum? And how do you produce materials that can be used for references for not only feeling good about working with slum dwellers, but where you can do theory building? It's like when you were talking about plot size: I mean, all of us here are living in post-colonial contexts in our countries. We have inherited

these colonial rules; and we legitimate them to an extent [when] we prefer people having nothing than [have] something that doesn't meet the standards. People can live in 30 m<sup>2</sup> houses, but we will not allow them to subdivide their land below a certain value. These are all kinds of things that have political underpinnings. So, whether you are a town planner or a lecturer, we encourage you to question why that norm or standard exists, and I think young people are best equipped to do that. As you get older, you get more comfortable with what you have learned, and you want to stay with it. I keep on telling myself I want to be a new 25-year-old, continuously questioning and rebelling against the rules that are there. But I think that is a state of mind and I think it will be exciting for young people. The other announcement to all of you is that, if any of you can get some form of scholarship, you can come to any of our countries to experience local work. We don't have resources to pay you for your internship, but we will give you an experience that you need.

**Ms Molokoane** We can give you a house to sleep and food to eat. I think there are some planning students in the Philippines. They are every day in the office of the Federation, doing informal work with the Federation – and they enjoy it and they don't get paid.

10 A Memorandum of Agreement between NUST (then Polytechnic of Namibia) and SDFN-NHAG was established in June 2015.





### SESSION 3

## Urban Livelihoods, the Informal, and new roles for Professionals and Local Government

Richard Dobson

Asiye eTafuleni, Durban, South Africa

*Richard Dobson, an architect by profession, worked for the eThekweni [formerly Durban] Municipality as a project leader for over ten years, first leading its Warwick Junction Urban Renewal Project and later its Inner-city Renewal Programme. He left eThekweni in 2006 to establish Asiye eTafuleni (AeT) and focus on offering design and facilitation services to those working in the informal economy. His technical, design and project work has been recognised through various local, national and international awards and citations – one example being his receipt of the 2014 Diakonia Human Rights Award for advancing the rights of informal workers.*

*Asiye eTafuleni (AeT) believes that urban planning and design are key drivers of change that can support the livelihoods of informal workers. AeT brings communities together through inclusive planning and design processes in order to build a better, more sustainable urban future for everyone. AeT believes that informal workers and the working poor must have a voice in urban planning and design processes. AeT works to provide a facilitating role – as well as an active role – in promoting informal workers' voices in urban design and planning, including support in spatial planning, infrastructure and urban furniture, and regulations, laws and policies.<sup>1</sup>*

<sup>1</sup> <https://aet.org.za/>, last accessed 30 July 2019.

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The session was moderated by **Phillip Lühl**, Lecturer, Department of Architecture and Spatial Planning, NUST

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**Editorial note:** All images are sourced from a presentation restricted to the use of the event, and are copyrighted to Asiye eTafuleni.



## Introduction

I am an architect by profession, privileged over the last 20 years or so to be involved in urban regeneration, particularly in a part of Durban that has focused on urban informality. I am with an NGO we founded called *Asiye eTafuleni*, which in isiZulu means “come to the table”. That is just the literal meaning, but figuratively an isiZulu speaker will understand you are saying “Let’s negotiate”. The NGO is about negotiating the urban future or urban present for people who use public spaces for their livelihoods. I will talk a little bit about urbanisation, informality, exclusion, about being alienated from what I will describe as an urban scene, and the consequence of that: a reality with parallel worlds where neither learns from the other. The case study which I will present is the Warwick Junction in Durban, and I will tease out some observations, but I will not be making conclusions; I am hoping we will be doing this together. I will not really focus on the labour aspects. First of all, I am not an academic – so I am not even going to try to perform as one. Often in relation to informality, labour comes up mainly because people are struggling to define *informality*, so they start comparing it to the *formal*, and *formal* generally means “formal jobs”. A lot of definitions of *informality* start challenging the trade union movement in terms of how they describe formal jobs. Based on these definitions, informal jobs are not protected, and then it becomes problematic. I am not going to go there, other than [make] some general observations.

## Urbanisation and the informal

If we talk about urbanisation, it is really important to talk about some global realities. We all know that we have reached the mark where, now, the world is predominantly settled in urban spaces.<sup>2</sup> One in eight people live[s] in megacities, which are cities with over 10 million people; but what I think is more interesting is that half of the urban population does not live in megacities. They actually live in cities with about 500,000 habitants. I mention that because, in my mind, when we start thinking about informality, we start talking about urban; we sort of start moving towards the catastrophic version. Your context here is Namibia and, for myself back in Durban, I think our challenges are those of smaller towns and cities.

Then if we start talking about economics, there is the story about ‘Africa rising’.<sup>3</sup> The story is that African countries are actually performing better than other countries in the world. However, that is largely jobless growth.<sup>4</sup> While this is linking us to international markets, the trickle-down to the rest is incredibly poor. It is postulated that there are two models that we should be pursuing: one is the Market Model, which is the one I was referring to in which we are trying to link Africa to global markets – which in fact leaves us with jobless growth. The other one is the Equity Model, where you actually try do both, but you are very conscious of the trickle-down; [where] in fact all the players have to win in the equation. I mention this because these do start to bump up against

informality. Because part of what informality is about is people’s reaction to joblessness: being busy, but not necessarily being productively busy.

We need to look at where we are from an urban point of view, from a global reality. We are seeing huge displaced populations which are politically displaced, who now, through survival techniques, try to reconfigure how they operate in the urban [sphere] from a political point of view, from a settlement point of view, and of course from the [economic] point of view. An example of this is mobile money in Somalia,<sup>5</sup> which is amazing because it is really a response to the meltdown of the money system there. In doing so, people invented another way of doing money, and the reach of that money is incredible. It may again [be] tainted with the black market and the illicit side of how that money is being moved and laundered, but the upside of it is a really functioning circulation of money being able to purchase goods.

If we start looking at the informal economy and start throwing numbers, the reality is sobering. In Southeast Asia, anything around 80% in terms of how people earn their livelihood is deemed *informal*;<sup>6</sup> and if you go to India, the figures are at about 90%. So, what is the reality? Is the reality formal or informal? Then there is sub-Saharan Africa, where the prevalence of the informal economy ranges from 82% in Mali down to 33% in South Africa – that is, excluding agricultural employment. There are many figures about informality today, but at the same time the reality is highly contextual. The big surprise for me is that, in South Africa, 44% of the wholesale and retail activities go through the informal economy, and it is estimated that this is worth N\$52 billion, or 5.2% of the GDP.<sup>7</sup> Therefore, informality is not something which is marginal: we are actually looking at something which is now starting to be really mainstream.

Informality is a new entrance into the city, into an urban economy. However, these new participants are not urban-literate: they do not know about governance, by-laws, how you access services, planning processes, how you get in the queue to get a house, how you get a place to sell your goods. There is a huge deficiency in terms of people’s ability to engage with the new urban environment that they are in. It is really natural that people come to the city because the city is the repository of resources. People come to the city because of the hope of a job, access to resources, and some way in which to earn a livelihood. However, you are going to explore and deploy the resources around you, not necessarily in the way they were intended. You will find [an] electricity supply in all sorts of innovative ways; you will collect your water from all sorts of interesting places; and so, you hustle. When you do that, you are causing additional expenses to local authorities, such as extra generation of waste or maintenance of public conveniences that are used in ways [for which] they were never designed.

Urban management is a real challenge, and unless municipalities tackle this reality, you are going to perpetuate prejudicial views about informality: ‘they’,

5 Onyulo, Tonny. 2016. More phones, fewer banks and years of instability is transforming Somalia into an almost cashless society. Quartz Africa, 26 February 2016. Available at <https://qz.com/625258/more-phones-few-banks-and-years-of-instability-are-transforming-somalia-to-a-cashless-society/>, last accessed 14 August 2019.

6 ILO/WIEGO. (2013). Women and Men in the Informal Economy: A Statistical Picture (2nd Edition). Retrieved from International Labour Organisation website: [http://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/publication/wcms\\_234413.pdf](http://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/publication/wcms_234413.pdf)

7 Estimates vary greatly depending on the study, but the available figures are higher than this; see Wills, G. (2009). South Africa’s Informal Economy: A Statistical Profile (Working Paper No. 6). Retrieved from Women in Informal Employment Globalizing and Organizing website: [http://www.inclusivecities.org/wp-content/uploads/2012/07/Wills\\_WIEGO\\_WP6.pdf](http://www.inclusivecities.org/wp-content/uploads/2012/07/Wills_WIEGO_WP6.pdf).

2 About 54% of the world’s population lives in urban areas. See: UN-Habitat. (2016). World Cities Report 2016: Urbanization and Development – Emerging Futures. Retrieved from <https://unhabitat.org/books/world-cities-report/>

3 The narrative has been one promoted by pro-business institutions internationally; see: The Economist. (2011, December 3). Africa rising. The Economist. Retrieved from <https://www.economist.com/node/21541015>. However, it has been criticised in respect of whether the development is actually pro-poor see e.g. Biney, A. (2013, September 4). Is Africa really rising? Retrieved September 5, 2013, from Pambazuka News website: <http://www.pambazuka.org/en/category/features/88748>

4 The condition of an increase in economic growth without a concomitant increase in employment. This has been observed in the case of sub-Saharan Africa; see: UNECA. (2015). Economic Report on Africa 2015. Industrializing through trade. Retrieved from United Nations Economic Commission for Africa website: <https://www.uneca.org/publications/economic-report-africa-2015>. It has also been observed in the Namibian case, see: World Bank. (2013). Country Partnership Agreement for the Republic of Namibia (No. 77748-NA). Retrieved from <http://documents.worldbank.org/curated/en/247341468323960034/Namibia-Country-partnership-strategy-for-the-period-FY2014-FY2017>.

the newcomers, are the people who are breaking the public toilets or stealing the electricity; and all the [other kinds] of judgements that people have towards informal workers, simply because provision has not been made for them. Then, there is little participation in the urban economy, partly because this is predicated on the fact that, generally, economic activities will be operating out of fixed property. If you are deprived of access to fixed property for whatever reason, you are already at a disadvantage before you even start the game



Image 3-1

We could probably spend all afternoon speculating why this image represents alienation from the urban scene. Generally, in Africa, we have inherited an urban typology from our colonial benefactors. So, most of our cities are not responsive to our endemic cultures, our cultural preferences. Even before we start to discuss any issue, we [have] got an urban form which is not responsive to how we want to 'live urban.' In this backdrop, we see clearly depicted deficiencies in [the] relationship with public transport: we know that, in Africa, the minibus taxis are prevalent. They are highly criticised because of their excessive demand on the road network [and] excessive congestion; but, for people that need to access urban spaces, [minibuses are] highly efficient. At the same time, there will be those that will be demanding good road condition[s] so that they can drive their luxury vehicle[s]. However, the primary figure in the photograph is really what the challenge is all about (Image 3-1): here is this individual, a traditional healer, highly respected in his traditional culture, who now has to assert his presence and his cultural significance in a foreign environment which is not catering for him. He then starts to acquire symbols of urban life – a briefcase – which matches his image as to what a businessman should look like from the mobile phone adverts. Then he applies his trade on the sidewalk. For us Westerners, that is equivalent to [going] into a pharmacy to buy our medicine. However, in his dignity, he maintains his cultural recognition as traditional healer by the necklace that he is wearing. In the alienation and the deprivation, the level of dignity is unbelievable – and

I think that is one of the main things that is being exploited with [regard] to informality. Here are people that are coming to the city, making a go [of it], trying [to] find an urban presence, and in the main, doing it with incredible dignity. That is the message I would like to talk about.



Image 3-2



Image 3-3

So, what are the consequences? I mentioned earlier the parallel worlds, neither one learning from the other. In the picture (Image 3-2) there are a lot of guys cooking corn on the cob – mealies. They use timber and wood salvaged around the city for that activity. They probably know more about how the city works than the city managers [do]. They've got urban intelligence, but no one is bothering to go to those guys and say, "Let's engage you in the system so we can actually find out what's happening." The other thing is that, through this facility, they cook 26 tonnes of cobs a day, equivalent to N\$1.5 million a week. Most people do not even know that there are these incredible economic activities going on which are providing a culturally preferred carbohydrate meal in the middle of the day. Probably 500m away from the first picture are people who cook cow heads. A marginal intervention from the City in terms of health and safety created some infrastructure for them, and suddenly they are one step up. The margin in terms of recognition is actually very small: it is not about quantum leaps.

But then we also get the complete opposite end of the spectrum, where there are the ideologies that many universities drive and that are driven by international norms of converting cities into devices for branding. South Africa, as you know, has suffered from that with the World Cup (Image 3-3), and a whole sub-lecture could be done about that. This drives a completely foreign focus, which is very seductive, but it leaves the majority behind.

### Warwick Junction

Warwick Junction suffered from apartheid's spatial regulation, which was particularly bad in Durban (Image 3-4). The area around it was generally designated for white use and occupation, but black people could transit freely as it was the black public transport node of the city. This was the place that you had to come to if you wanted to access the 'white city', and it is from here where the public transport network radiated out into the rest of the city. Today, there [are] something like 2,000 minibus taxis coming into this area, 460,000 people



[traverse] that area a day, coming into the city. Clearly, those are the customers for those trading in the public space. There are about 6,000–8,000 informal workers who [operate] in this market complex, trading traditional herbs and medicine, corn on the cob, the cow heads and so on.



Image 3-4. The Warwick Junction, Durban, South Africa.

In Durban, back in 1996, there was a honeymoon period after the fall of apartheid. Local government throughout the country was trying to restructure, and it embarked on urban regeneration programmes. Durban took its most blighted area, which is this market area, and tried to restructure it. The first immediate challenge was the herb market. Even back in the colonial years, people were trying to establish a traditional medicine market in the city, but it was totally disregarded. The only land that was immediately available was an unutilised portion of the city's road network, so it was clear that one could turn that into a linear market and create the herb trading stalls along the sides.



Image 3-5. The Warwick Junction, Durban, South Africa: Pre-existing conditions in 1996.

Since 1996, about R5 million was committed to work in public spaces and building the market. However, it was only after building the market that people started to realise what was really there. Turnover in the first year [of the market] was R170 million; between 800 and 1,000 traders were employed in the market and benefitting an estimated further 14,000 jobs outside of the market. In informal economies, there are both the visible and invisible workers, and the ratio is of about 1 to anything between 3 and 5. Informal workers have anything from 7 to 12 dependents, so the impact of informality is huge – and disregarding it and disrupting it can have huge and negative consequences. The message here is with regards to the innovation in terms of how you can start to get a toehold and start to implement some sort of response to informality, and that there is a huge amount of assets that are not being recognised.



Image 3-6. Herb market

[Cooking] corn on the cob is a really aggressive process. One requires a 200-litre drum to cook 13 dozen cobs. The damage to the sidewalk is quite considerable, so the intervention here was to build a small facility slightly on the edge of the market where the City would tolerate smoke-generating fire, as the city is a smokeless zone. This enabled the – predominantly – women to cook their mealies and then to hawk them around the city. The interesting thing of this particular example is the struggle to get the capital from the City to build that little facility. The facility cost about N\$60,000, and at that time we discovered that the turnover was N\$1.5 million a week. So, in essence, they could have paid for this by coffee break on the first day. Often, the intervention with infrastructure is virtually disposable architecture, requiring very low capital but having a huge impact.





Image 3-7. Corn-on-the-cob

The next example is a partnership between two communities. The first one was a religious group of Muslims who venerate a saint who is buried in a shrine alongside a disused part of the city road network which became inactive when the freeway network was built. Trade had started to occupy the area with shack shops, but at the annual veneration ceremony, the communities agreed to demolish their shops for the [veneration] ceremony to take place. The ceremony lasts for two weeks. Afterwards, the Muslim community provided the nails and timber for traders to rebuild their shops, and then it was business as usual again. This is an annual cycle of activities and, right now, they are on the 70th year of the veneration ceremony. So, the religious community came to the City and said that it [was] getting more and more difficult to hold their ceremonies because the scale of the ceremony was getting bigger and bigger. So, they came up with a proposal to build an adjacent roof, which the traders could then use for the rest of the year. The City took on the project and now that roof is 300 meters long, and it provides almost an urban galleria, which allows for open space trading (Image 3-8). We would describe it as an 'urban umbrella', so it is a typology we think allows for some quite interesting urban space interventions that one can implement and that can be a wider asset other than just simply the trading.



Image 3-8. Brook street market

For AmaZulu people there is a cultural preference in their rural context in which women are not allowed to touch the head of the cow. Traditionally, the head was given to men as a reward for slaughtering the animal, and they prepared it for a traditional feast. This practice, which was deeply rural, started to come to the city. I joke with AmaZulu men back at home that whenever the work starts really getting difficult, the women have to start taking over. So, in the city, slaughtering is essentially done by women. The interventions in this case were really very simple, but they had to be incremental. The first step was observing the situation, then designing an intervention, starting to structure the activity, providing appropriate training, then slowly starting to dignify the activities.



Image 3-9. Bovine head cooks

### Observations in lieu of conclusions

We are looking at a sustained presence of this urban activity and a local government commitment to informality. This stretches now for over 20 years, and the City has sometimes gone a little bit off course. In 2006, when we had the World Cup<sup>8</sup> [coming in 2010], they wanted to demolish the green roof market and build a shopping mall; but those are the struggles that you have to engage in. However, by and large, the City has maintained the market and continued to respect the activity. Right now, we are almost in the second generation of street traders who have actually benefited from that. I am starting now to describe informality in Durban as a career path of being a street trader. It is not this urban guerrilla [anymore], who has come in and started to hustle and found space on the street. This is your chosen profession: your children are taking over your site or aspire to be this sort of urban participant. I think that is really significant.



Image 3-10. Sustained presence, 1996 (left) and 2016 (right)

Interestingly, over this period, [in] just around 1990, we had ten megacities, and by about 2014 we had 28 megacities. That is to say you can get stability in one area, but you get a tidal wave coming at you from another side. I think a lot of people see informality and they do not want to get involved in it. I do not want to be critical of any government officials that are here, but generally, a lot of the writing that there is about informality suggests that government officials are scared of informality in terms of the implications in dealing with it. What many governments do is that they try to malign it, associate it with the black market, with tax avoidance, and all those [kinds] of things. However, interventions can actually be really simple.

I want to discuss three stages here. The first concerns the original conditions back in 1994–1996. To get started was incredibly simple: we just had to make sure that there were solid, drained sidewalks that would allow you to demarcate spaces, to number those spaces, and have some permit system that [related] to it. You are not punitive in terms of how you make people move from one [space] to the other, but you say, “Take your pallet tables: we prefer it to be of [a specific] design because, if not, the streets are not clear and we have to sweep and wash them. But you can use the same salvaged material to build a different table.” Over time, you start to implement higher-order infrastructure that starts to bring about some sort of urban aesthetic – and, probably, a greater level of management.

This is about the processes of assimilation. If someone has been part of that 20-year journey, where they met professionals and municipal staff at their pallet tables who persuaded them to now change the table [and] move into a square, this person is starting to develop what I earlier referred to as urban literacy. People start to understand it: “You want me to collapse my table because you want to make the site cleaner for me in the morning. That makes sense. I’ll participate in the programme.”

We started an NGO with a three-year funding programme; we are just ending the first phase of it. We have embarked on participatory action research, and we like to believe we have taken it one step further, where we have trained the informal workers to do their own research and determine their own needs and preferences.

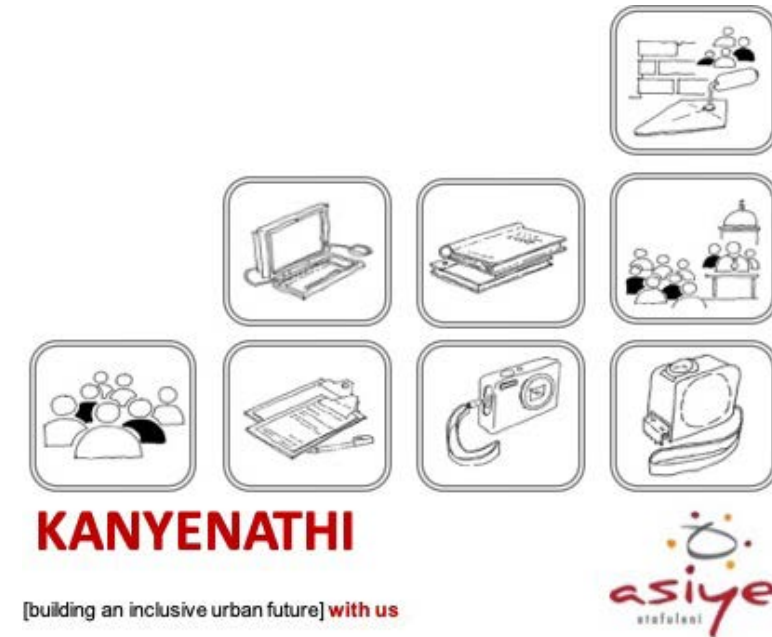


Image 3-11.

The logo represents the three-step process (Image 3-11). The bottom part is to engage with the community [and] initiate research. In the middle [are] the three stages of analysing that information and presenting to local government and then, ultimately, implementing projects. The training process in itself is, of course, incredibly enriching in the sense that the questionnaire is co-designed: Can we put in this question? Will this be helpful? Will this be offensive? Then afterwards comes role-playing and training of the researchers so that the traders themselves start becoming acquainted with the intrusion of someone coming to do the survey. Then the technical team goes in and does the photographs and the measuring. This was for us to know the footprint of all the traders and then to take photographic records of that. Community introductions were also part of the process: you cannot just go around putting



numbers on people's tables without explaining why you are doing it. Finally, [there is] the process of implementing the questionnaire. About 10% of the people were surveyed in the three districts. We ranked people's preferred needs according to the districts; then we tried to present these with graphics which the trader leaders are then able to use and interpret. There are also further graphics through which we now start to prioritise those preferences.

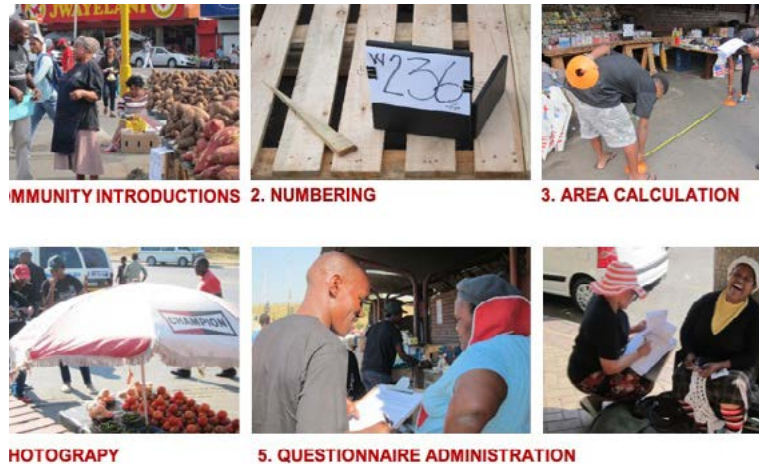


Image 3-12

The results were an amazing surprise, as I would have prioritised shelter, toilets and storage far above water, but water popped up as being one of the key things that the people wanted. If you start to allow these systems, you can start to respond to the real needs that people can relate to. The moment the leaders saw this, they said, "Yes, of course, we told you." This now becomes the springboard to other projects.

We have now got a project with funding to look at toilets. This is done in the streets of the core part of the CBD, where trader shelters built nearly 20 years ago have become dysfunctional over time. They have outgrown their ability to serve the needs of the traders. So, now, we start looking at design responses that could be implemented to mitigate some of the challenges and the prejudice that is projected against informal workers, as they are seen to be an intrusion in the high streets of the city. Part of that process was to train the leaders to make their presentation to the City. The response from the City came back and it was surprising: they expressed interest in four of the proposals. One was about storage; another was looking at a node where there were old shipping containers used for storage and additional toilet facilities; another storage facility; and then another traditional market that sells African incense. The City is now going to commit capital to these interventions. The traders are already invested in the ideas that were discussed when these visuals were generated; and so, already, they are part of the process which is going to be rolled out with their participation.



Image 3-13

Much [more] could be said, [but] I am going to leave it to question time. We need to remember that South Africa has a particularly exclusionary past, particularly from an economic and racial point of view, which aimed at annihilating any cultural preference or cultural expression in the city. Now you [not only] have people present in the city economy, but you also have cultural preferences being expressed. The infrastructure I have shown varied from very small to others that are at large scale, but they are all catalytic. If you were to see a layout of Warwick, it is almost like a new corridor that actually traverses and is starting to link the city. We need to start recognising that there are new entrants into cities and urban economies. We label them informal workers; but recognising them is a primary requirement in terms of how we start to become more proactive and be urbanists of the future. Urbanists start to recognise that we have got this incredible endemic energy in our cities which we are not realising; and, with that energy, we got a unique urban aesthetic which is going to set us apart from anywhere else in the world.

### Discussion

**Nina Maritz, a Namibian architect**, asked how one could get a society to respect instead of disrespecting informal trade.

**Mr Dobson** replied that, in the case of Warwick Junction, the local authority [was owed] a lot of the credit, as they strongly committed to area-based management and prioritised the area through an interdisciplinary approach. This wavered somehow with the arrival of the World Cup mega-event in 2010, but attention on Warwick was regained through challenging the City – in some cases, with litigation. He said there was a need for support organisations, as the local authority could only do so much. He also gave credit to other organisations that had kept the City in check.



**Maria Marealle, a former lecturer at NUST**, asked whether AeT had done work in residential areas or only in Warwick. She also asked what percentage of informal trade activities happened in public spaces and residential areas.

**Mr Dobson** replied that the AeT currently only focused on Warwick. He stated that, through his work and travels, he had seen the relevance of working with informality. He mentioned that the organisation had started with recognition, but then it had moved on to claim the right to design the city for the actual needs of those inhabiting it. For him, sidewalks were a good example: the usual complaint was that informal traders left no space for pedestrians. But he then challenged everyone to think about a sidewalk for various alternative uses. He also prompted the audience to imagine taking away parking lots, and to activate these for other uses. He warned that it was important to acknowledge what the reality was on the ground – otherwise it might simply ‘go underground’.

**A student** remarked that she had seen street vendors being chased by the police in Windhoek. She also noted the stringent informal trade regulations in Windhoek, which in turn obeyed zoning. Because the city was not geared for informal trade, she said, in many cases informal traders ended up doing business in very odd spaces.

**Mr Dobson** indicated that a City needed a process, a project and a policy. He said it was important for a City to recognise how much they needed to allocate from their resources to the informal sector and to reorganise if necessary. As an example, he suggested closing down a street one day a month for pedestrian and street trade use, just to send a message that the City recognised and favoured informal sector activities. He noted that some cities feared that, by supporting informal trade, they were supporting illegal activities or mafias; but, as he pointed out, so-called formal trade was not exempt from corruption or bribery, for example, so it was discriminatory to say that informal trade was inherently corrupt.

**Phillip Lühl of NUST** asked how useful it was to demonstrate how much informal trade was contributing to the economy in order to make others hear the argument. He also remarked on the danger of addressing the informal as something that was just happening temporarily until things formalised more.

**Mr Dobson** said that the economic argument was very powerful, and it was useful in persuading City officials to publicly commit additional money to potentiate existing activities. He also said that such figures were currently even used at ministerial level, and that there was a certain awareness that, by shutting down businesses due to licences or procedures, would also shut down a lot of business activity. Nevertheless, as he remarked, while showing statistics was important, it was as crucial not to leave out the back stories: these helped to nuance the reality. As an example, he noted how the stories of informal traders in Warwick had been useful in avoiding the displacement of informal

trade in favour of building a shopping mall: the argument had been that the mall would only create a few hundred temporary jobs, while the established informal trade sustained tens of thousands of livelihoods.

An **unidentified participant** mentioned that Namibia was very town-planning-oriented and that many were ‘stuck to the drawing board’. The participant proposed having more flexibility in order to see how things could work on their own.

**Ms Marealle** remarked that many activities in the formal sector were supported by those in the informal one. The example she offered was that some of the meeting participants who were wearing clean and ironed clothes probably had an informally employed domestic worker performing those duties for them.

**Mr Dobson** noted an example from the United States (US) when immigrant workers had gone on strike for one day:<sup>9</sup> it had demonstrated to everyone the impact that their absence would have on the running of the country.

**Ms Maritz** recalled that, during a trip to India, in a place where civil servants and university staff convened, she had seen a man in a small corner with a coal-heated iron who was ironing people’s shirts. She described his services, which were very popular, as an example of exchanges between the two economies.

**Kristy Asino, an Urban Planning lecturer at NUST**, remarked that town planning schemes, especially the more recent ones, made provision for trading as long as there had been consultations with neighbours and the business had been registered. It became an issue, however, when regulations required structures to have certain special characteristics in order for the business to take place, such as food preparation areas or bathrooms. She mentioned that the current rules were largely inherited, but that they continued to be used. She asked the presenter whether he had achieved any policy reform as a result of his work.

**Mr Dobson** responded that in the area-based management example, most of the City departments had been represented. The official from the Health Department was in an interesting situation because, in South Africa, health inspectors themselves could be prosecuted if they did not enforce municipal regulations. However, the speaker had engaged with the situation – particularly with the cooking of cow heads – in a way that would mitigate some of the challenges while not completely outlawing the practice in an urban environment. He also organised public talks to the traders in Warwick, where he explained ways of dealing with the food to comply with regulations. The traders also became inventive in their compliance with regulations: for example, the health requirement of having running water, which was thought to require a water tap, was instead met by having drums of water around for traders to wash their hands and other items. Seeing how City officials’ attitudes

9 Lam, B. (2017, February 16). A Strike to Show What America Is Like Without Immigrant Workers. The Atlantic. Retrieved from <https://www.theatlantic.com/business/archive/2017/02/day-without-immigrants/516969/>

had changed in this process, Dobson acknowledged that he had much respect for them. He said that, today, City officials – and even government workers – knew that there were creative ways of complying with regulations.

**Mahongora Kavihuha, the Secretary General of the Trade Union Congress of Namibia**, disagreed that domestic workers were part of the informal sector.

**Mr Dobson** agreed, but stressed the need to engage with the informal economy. To illustrate his point, he mentioned how, in Nairobi, Kenya, by forbidding informal trade, the police could take advantage of the situation; today, the economy of bribes in that country was considerable. He went on to say that engagement with the informal sector was not based on a formula: it often came about through circumstance – e.g. where one found a sympathetic politician – or it was a matter of timing. Having worked as a consultant for the City, he was able to see for himself not only how the issue was regarded from the City’s perspective, but also from the traders’. In illustration, he referred to a colleague of his that had started as a policeman and now worked as a City official: experience in both fields had enabled his colleague to gain considerable ‘urban intelligence’. A specific challenge that Dobson highlighted for the AeT was limited funding. He informed the meeting that all AeT funders except one were from overseas.

An **unidentified female participant** stressed the difficulty of complying with municipal regulations, particularly the need to have a fitness certificate which in turn required the availability of toilets. She referred to the fact that there were very few toilets in informal settlements – never mind no connection to the sewerage system and the absence of roads in some cases.

**Ms Maritz** recognised how the original intent of urban planning legislation had become lost. She explained that, today, it was not the primary objective to own the land and have full infrastructure, as long as there are some basic services that can help those who would like to start trading and make a living. She also pointed out that regulation could further marginalise people; thus, the underlying principles of legislation and regulations should be not to close businesses, but to enable them.

**Mr Dobson** explained that new technologies had helped to overcome some pre-Internet limitations. He remarked how, in some places, having a registered physical address was a requirement for business certification; now, with digital maps, one could simply submit one’s geographic coordinates instead of a street name and number. He also remembered how registered architects had been required to have a fixed telephone line before they were permitted to start practising.

A **female employee from the City of Windhoek** clarified that, in the municipal regulations, there were gradients along the axis of formality–

informality.<sup>10</sup> She illustrated this by way of an area called Onyika, where the housing structures looked very informal, but each plot was provided with municipal services.

**Ms Asino** added that it was indeed possible to have formal aspects in areas considered to be informal. However, many simply thought of informal as being a shack.

**Martin Mendelsohn, an urban planner**, remarked that not only was regulating the informal sector problematic, but it also had its own rules. In many cases, it was not about choice between the external or internal systems. In his view, a sensible approach would be to provide spaces that were conducive to trade.

**Mr Dobson** remarked that debating the definition of informal had had a long history, starting with Keith Hart’s work in Ghana.<sup>11</sup> However, he said that informal trade could not be seen in isolation because there are many aspects that impacted the city which could not simply be understood or managed according to conventional perceptions and regulations.

**Mike Ipinge, from Walvis Bay Municipality**, remarked that he worked with informal traders, but sometimes the areas that were slated for informal trade were not the most conducive to trade. Some traders had moved near big businesses, and there seemed to be a symbiotic relationship developing between the two. He referred to a pilot project they were working on in Swakopmund in this regard, where a plot of land slated for formal businesses lay next to one for informal traders. The condition for the purchasers of the formal business plots was that they had to agree to work with the informal traders.

**Mr Lühl** noted that informal economies were often in well-connected parts of the city.

**Mr Dobson** agreed, adding that a common example was taxi ranks.

**Ms Maritz** reiterated that informal traders knew the best places in the city to trade. She encouraged NUST to do further research-oriented work with students on this matter and requested Mr Dobson to write about their methodology.

**Mr Dobson** responded that transport interventions and policy were crucial for informal trade. He explained, for example, how South Africa was now shifting to a bus rapid transit system, whose concept originally developed in Latin America.<sup>12</sup> He said that this shift had had a negative impact on informal trade, many of whom profited from taxi ranks and minibuses.

<sup>10</sup> This refers to the six levels that the City of Windhoek outlines in its Development Upgrading Policy (1999), which was recently updated in 2019.

<sup>11</sup> Hart, K. (1973). Informal income opportunities and urban employment in Ghana. *The Journal of Modern African Studies*, 11(1), 61–89.

<sup>12</sup> This was first introduced in Curitiba, Brazil. The idea was to create a designated lane for a bus that would perform a function similar to that of a subway, but with much less of an investment. See: Lindau, L. A., Hidalgo, D., & Facchini, D. (2010). Curitiba, the cradle of bus rapid transit. *Built Environment*, 36(3), 274–282..





## SESSION 4

# Urban design, Public Space and Local Governance: Experiences of the Cape Town Partnership

**Bulelwa Makalima-Ngewana**

*CEO, Cape Town Partnership, Cape Town, South Africa*

*Bulelwa Makalima-Ngewana is a town planner with extensive experience in managing and coordinating PPPs. An urban revivalist at heart, she has spent the last ten years with the Cape Town Partnership managing, developing and promoting Cape Town's city centre as an economically thriving, creative and valued public and private space in which to live, work and play. She is a board member of several national and international bodies, including the Central City Improvement District, a PPP for Cape Town's CBD; the Investment and Trade Promotion Agency for the Western Cape, Wesgro; and the Table Mountain Aerial Cableway Company. She is also on the board of the International Downtown Association as well as being an ambassador for the Cape Town International Convention Centre, a member of the World Design Capital 2016 International Advisory Committee for Taipei, and a World Cities Summit Young Leader.*

*The work of the Cape Town Partnership, since its beginning as a non-profit organisation in 1999 (founded, at the time, by the City of Cape Town, the South African Property Owners' Association and the Cape Town Regional Chamber of Commerce and Industry), has been about helping make the city work. It is an organisation that brings people together around common goals for Cape Town's transformation. It defines its staff as connectors, facilitators and translators, working to help people find a common language and a shared set of priorities specific to projects that can make a positive impact in people's lives.<sup>1</sup>*

<sup>1</sup> <https://web.archive.org/web/20161003181139/http://www.capetownpartnership.co.za/>

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The session was moderated by **Jenny Botha**, Lecturer, Department of Architecture and Spatial Planning, NUST

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**Editorial note:** Shortly after this Forum was held, the CTP came to an end since funding from the City of Cape Town ceased.



## Introduction

I am going to talk to you about the work of the Cape Town Partnership (CTP). It is housed in a small space in the CBD of Cape Town. It started in 1999 without the luxury of hindsight of anticipating of what cities were going to be. Remember that, by 1994, after the first democratic elections [had] just [taken] place in South Africa, there were many changes in municipalities and governance. For example, at that time, Cape Town was in the process of amalgamating into one metropolitan area: a lot of smaller municipalities were incorporated together to form one single metropolitan area with an executive mayor. This was happening from 1994 to 1999, which were years that were marked by a serious decline in the [Cape Town] CBD. In 1994, you could still have high street shopping in the middle of town. There were major retailers based there – Old Mutual had their headquarters there. By 1999 a lot of corporate entities left the CBD to relocate to other areas, and the reason was very simple: the CBD was declining – crime and grime had taken over. It was no longer safe to be in the CBD; you could not conduct business. We were left with a CBD that was decaying, with empty buildings, and an increasing ghettoisation of the city.

We, as CTP, emerged out of conflict. That conflict was between the South African Property Owners' Association and the City of Cape Town in terms of municipal governance. On the one hand, the Municipality was saying they were in the process of amalgamating. There [were] a lot of municipalities and that they did not have the time to pay attention to one small space. They said that they were dealing with a multimodal economy, where there were a lot of CBDs in Cape Town – many in a state of decline. So, they asked why they should pay attention to a space that, in comparison, was better off than the centre of Khayelitsha.<sup>2</sup> On the other hand, you had property owners who said they [were] paying rates, but they [couldn't] rent their buildings because tenants were complaining; therefore, the Municipality's rates base was declining. More importantly, the property owners could not do business. And so, out of this conflict, which happened over a period of time, a compromise was reached by both parties. Instead of leaving the CBD only to the private sector or leaving it to the Municipality and abandoning it, the parties needed to come together to form a PPP with the mandate to rescue the CBD. And that is how the CTP came about in 1999.

In this presentation I will take you through some of the lessons which we have learnt, our current challenges, how this relates to housing, and what the future [looks] like at the moment.

### About the CTP

When the CTP was established, there was crime and grime in the CBD. People were mugged at gunpoint on their way from their offices to get lunch, cars were broken into, the rubbish piled up in the streets, and there was no parking

system. So, when we came in, we had to convince property owners to pay a levy on top of the rates for the services that the Municipality provides, because clearly those services were not sufficient. This top-up levy was for urban management, including cleaning, security, parking and, most importantly, dealing with homelessness and street kids. We assisted the Municipality with developing a bylaw that allowed the establishment of City Improvement Districts (CIDs). It means that, if you are a property owner within a certain CID, in addition to your usual rates you pay a top-up levy. This levy is collected by the Municipality who then passes it on to an agency that provides the top-up services. For example, if your garbage is collected on Tuesday, and by Friday there is already a need for another round of garbage collection, but the Municipality is unable to do it, [then] the CID, through a service level agreement with the City, would come around and collect the garbage. The same applies to security. If there is not sufficient security provided by the City, the CID provides top-up security. There are currently about 80 security cameras around town which provide visible security in every corner. That security system works hand-in-hand with the Government's security system, so that there is a seamless provision without competition.

The relationship sounds easy, but it is quite a complicated [one] to manage. Our responsibility as the CTP was to create and manage the Central CID, and to provide a strategic vision of where the City of Cape Town CBD [needed] to be. We created four CIDs and became the managing agent for all four. [The] CTP then provided a development strategy that laid out a vision for the CBD for the following ten years. So, one responsibility is operational and the other is strategic, but they need to work hand-in-hand in order to provide a seamless experience.

Today, 17 years later, we have an urban management focus. You first need to get this right, because the urban management focus provides the basics: security, cleanliness, parking, and attention to homelessness and street kids. Then you move into urban regeneration: this is where you bring back investment into a space. Once the basics [were] in place we went out to look for partners in the private sector who [were] willing to invest in the space. The first real investment in the CBD was through the Irish, who invested N\$1 billion by buying up buildings in town and renovating them. If you have been to [the] Cape Town CBD, you will know [the] Mandela Rhodes and TAJ hotels: that was the first block of buildings that was bought. They initiated a trend where, instead of only commercial buildings in the CBD, they provided residential space – and suddenly, we had housing in town. Mandela Rhodes is high-income housing, and at the bottom of the building there was retail, including hotels.

We really celebrated it. At that time, we had the Waterfront development down the road, Cavendish Square in the Southern Suburbs, and Century City was developing. So, the CBD was competing with malls or other areas that were really thriving. Given the context of this conference, I want to note that, at that time, nobody spoke about affordable housing or accessibility. It was all about celebrating that there was an investment in town. We then saw a very

<sup>2</sup> An informal settlement on the outskirts of the Cape Town CBD.

rapid trend, e.g. Old Mutual abandoned their building to build a new campus in Pinelands. They boarded up their building in the CBD and literally left it empty. Later, they came back and reinvested in the building, [renovating] it as residential units. We suddenly saw an influx of residential owners within the CBD, which again was something to be celebrated.

Between 2006 and 2007, almost 4,000 residential units were built in the CBD. However, unfortunately for us at that time, the people who were buying into these units were people that were not occupying them, but were speculating for investment. So, what we saw [was] that the lights were on in December, and after December it was dark. This caused a lot of problems for us, because we did not have owner-occupiers – which meant we did not build communities within the CBD.

At the same time, in District Six, just outside the CBD, the land restitution project started. You [will] remember that almost 60,000 people were moved out from District Six to other parts of Cape Town during apartheid.<sup>3</sup> It would have been ideal to build houses in District Six for the original owners. It was a process that was incredibly complicated, that involved all three levels of government, and that was highly politicised. To this day, only about 20 houses have been built in District Six.

So, here we have this big open space which could be a huge opportunity for the CBD – which, if you remember, is squeezed between the mountain and the sea, so we do not have a lot of land to begin with. In addition to that, we have heritage guidelines that regulate that no building should compete with the view of the mountain. So we do not have a lot of opportunities to go vertical, leaving a very restricted zone to build. This also means that we have very expensive land, and very little of that land is owned by the City of Cape Town. Some of it is owned by Provincial Government, but they have opted for what was more attractive in economic terms. In other words, there is currently no social agenda to make the CBD an inclusive residential zone. We would require different residential zoning and tenure offerings in order to make it a more inclusive space. That is the current challenge we face.

We also realised that, while we have 4,000 residential units which are empty, every morning we have 400,000 people driving to the CBD and 400,000 people driving out at the end of the day, leaving the CBD with no life. I had a lot of people complaining to me, especially [in] hotels that are full, that they spend a lot of time marketing the city [overseas], but on Sunday, when visitors open their windows, they are all by themselves. [They] ask where everyone is because no one actually lives in the CBD – which makes it very unsafe. Our retail strategy of having a 24-hour city is actually affected by the fact that, at the end of each day, people are rushing to get out of the CBD. However, our mandate is mainly the management of the spaces in between the buildings. And although we realised that the CBD really has something to offer for everyone in the metropolitan area, whether you come from Mitchells Plain,

Khayelitsha, Llandudno or Constantia, you do not feel like the CBD belongs to you. When we started, there was a fragmented retail pattern within the CBD. Our first strategy was to integrate the retail offering, and to do this you need to activate the spaces in between the buildings.

It is similar when you provide a house. If your house is part of the RDP, it is likely that it is just a house and not a home, because no one is paying attention to the public spaces. You may end up as a 'hostage family', where there is nothing outside the house; therefore, you will spend all your time inside the house. So, what we are trying to do is to prevent our current workers from being 'hostage workers', because they come to work in their cars, which they park inside their buildings, go to work, and go back to their cars and back home. We want to get them out of the buildings and into the public spaces. So, we animate public spaces in various ways: we have a programme called City Walk on the third day of every month, where we activate public spaces with music [and] poetry, and we theme it accordingly. We also have the *First Thursdays*,<sup>4</sup> which happens [on] the first Thursday of every month, [when] businesses remain open until late so that everyone comes out to the streets after hours. The transition period is between 16:00 and 20:00, and if you catch your target during that time, they will linger longer in the CBD, and then you will be able to turn the tide.

So, to recap: in 1999, the CBD was a space that was abandoned, where nobody wanted to invest. In 2017, the CBD has become an economic engine for the GDP of Cape Town. When the city experienced a decline in property values and sales, the CBD was not affected. If you come to Cape Town, you just have to look at how many cranes are up: [it] shows that construction is still happening. We have been having this boom for a very long time now.

### Significance to housing

In terms of residential property, you will be very lucky to find something below N\$1.2 million in the CBD, no matter how small the space is. One of the buildings approved by the City of Cape Town is very controversial because it casts a major shadow on the Bo-Kaap area. The cheapest apartment in that building is about N\$1.9 million, and the project includes 250 apartments. What you can see is that our success has become our weakness. With that kind of investment coming in, we would have liked the Municipality to say that, "If we are going to approve this building, you have to provide different levels of affordability in order for young professionals who want to work in town to afford apartments in the building, [or] for students to be able to rent in the building."

As CTP, we spent a lot of time and energy in providing the City of Cape Town with guidelines for land use management so that they [would] understand what type of approval they should give for what types of buildings and in what part of the city. There are a lot of developers that are willing to provide

<sup>4</sup> First Thursdays is a project that encourages galleries, restaurants and shops to stay open in the evenings on the first Thursday of every month to attract visitors and activate public spaces (<http://first-thursdays.co.za/>, last accessed 31 July 2019).

<sup>3</sup> Today, a dedicated museum holds the archive of such displacement (see <http://districtsix.co.za/>, last accessed 31 July 2019).

affordable housing on the basis of an incentive strategy, either in terms of land prices [or] approval systems, etc., but that has not happened yet. I understand that the housing market in Windhoek is in fact similar in this respect. So, the question is: whose responsibility is it to make sure that there is a gradation of different housing options, from the lowest to the highest incomes in society? There is a gentleman who has taken aerial photographs of neighbourhoods in South Africa (Image 4-1). In Hout Bay you can see how RDP houses and shacks are right next to mansions. You would assume that someone in power would see this as an issue, because if this inequality continues, in a few years' time we will all be at each other's throats.



Image 4-1 Hout Bay / Imizamo Yethu, Cape Town, South Africa<sup>5</sup>.

In Cape Town, you will notice that many people are starting to react negatively to what some call dormitory housing. The cleaner at my office in the CBD lives in Delft and wakes up at 05:00. [She] takes three modes of transport to my place: first a taxi to the train, then the train, then she walks. It takes her two hours and 40% of her salary just to get to work. You can see that this is unsustainable: we have an unsustainable type of growth. We have a 'doughnut' situation, where you have centres of prosperity surrounded by a sea of poverty. What is the solution to something like this?

You cannot have a thriving neighbourhood without paying attention to public spaces. You need public squares; the streets must serve cyclists, motorists and pedestrians; and you need to be able to manage parking. We are lucky in the CBD that we had the 2010 FIFA World Cup which allowed us to invest in public spaces [and] turn our car-dominated streets into multi-purpose [ones] for different users. I do not think we will be able to reverse the apartheid city design without paying particular attention to public spaces, because people meet each other in public spaces. Once I saw a mother with two children from Constantia and a mother from Mitchells Plain sitting next to each other, enjoying the music, and their children playing together. That is how you build [a] society. In other words, you cannot reverse the apartheid city through

infrastructure alone: you need to hook [people's] hearts and minds. Public-space activation is a science, which requires a methodology and consistency. It is extremely fragile: it does not happen by mistake. Someone behind the scenes must make it happen. However, when it happens, you take it for granted; [and] when you do not have it, you realise how valuable it is.

### Lessons learnt

Conflicts of interest carry opportunity within [them]. If we did not have the conflict of interest at the beginning of our existence, we would not have embarked on this process. You need to engage with developers: they want to make money because they want a return on their investment, but they are willing to help, especially if they understand the context in which they are investing. It is very rare to get municipalities who have dealmakers on their staff who are able to entice developers to provide what the municipality cannot provide. Especially with regards to housing, there is no single sector that can provide multi-tenure housing: it needs to be a PPP. Where high land values become problematic, they can only be mitigated by the municipality to ensure affordability. We have [difficulty] in convincing our municipality, based on their social mandate, to use their own land to show leadership of what is possible. There is no one-size-fits-all strategy for housing.

In the rural areas in the Eastern Cape, people do not have full tenure security; they do not have a title that allows them to use it as bank [loan] collateral. In many cases, the land has been passed on from generation to generation, and there is no fear of displacement. What you see is that people are investing in their houses; they are building mansions on land that is not secured in the formal way. We must understand that land is being secured for the next generation – they are not interested in selling. They are building because they feel that this is their home. This is the same situation in Namibia. Imagine that, instead of providing houses, one would provide security of tenure. We would see an amazing and innovative way of housing provision by [the] people themselves.

### Discussion

Jenny Botha asked how the City could encourage affordable housing without necessarily providing affordable housing.

Ms Makalima-Ngewana mentioned a new programme that the Mayor of Cape Town had announced to introduce affordable housing in the city's central areas.<sup>6</sup> On the other hand, she noted the difficult situation that the MyCiTi<sup>7</sup> bus system had created in the city, and that its sustainability was still in question. She also referred to Metrorail's<sup>8</sup> plans to build housing on top of its building in the CBD to contribute to the inner-city housing stock.

6 This may refer to the release of 13 centrally-located sites for affordable housing projects, also through a call for proposals; see Yoder, W., & Hendricks, A. (2017, September 14). In photos: Cape Town's affordable housing sites. Retrieved September 24, 2019, from GroundUp News website: <https://www.groundup.org.za/article/photos-cape-towns-affordable-housing-sites/>

7 Cape Town's integrated rapid transit system (<http://www.prasa.com/Index.html>). It has been criticised for being costly and serving only wealthier suburbs, making it operate way below its capacity; see Eichhorn, M. (2013, May 29). MyCiTi: Brilliant service delivery or irresponsible public planning? Retrieved September 24, 2019, from GroundUp News website: <https://www.groundup.org.za/article/myciti-brilliant-service-delivery-or-irresponsible-public-planning/>

8 Metrorail is a division of the Passenger Rail Service of South Africa, a State-owned enterprise and implementing arm of the national Government's Department of Transport (<http://www.prasa.com/Index.html>).



An **unidentified participant** remarked that the construction of Maerua Mall in Windhoek had had an impact on the CBD and lamented that this caused less diversity in the CBD.

**Ms Makalima-Ngewana** agreed that malls were a threat to urban life in the CBD. She stated that malls provided a 'predictable experience' which the city could not really guarantee. At the same time, she noticed how shopping malls were in decline in the US.<sup>9</sup> She encouraged participants to focus on the 'CBD experience' that would make inhabitants gravitate towards it.

**Nina Maritz, an architect**, explained how new apartment buildings were emerging in Windhoek's CBD, but that they were not offering affordable housing. She proposed looking at proposals where inner-city developers were required to ensure a certain percentage of their developments constituted affordable housing.

**Britta Hoffman, an architect**, asked about the CTP's sources of funding and how the City dealt with the issue of the homeless.

**Ms Makalima-Ngewana** mentioned that the City of Cape Town was giving additional bulk and tax incentives in order to persuade developers to agree on certain demands. She cited the case of Singapore, where the model was that of the vertical village, i.e. a tall building consisting of housing, retail, schools, public spaces, etc. Regarding the CTP's funding, she explained that they received public and private money, municipal grants and funds from other foundations. She added that their relationship with civil society and the Municipality was based on trust: there was no situation where one party 'owned' the partnership. Regarding the homeless issue, Ms Makalima-Ngewana responded that efforts were made to take them back to their family's homes or to formal children's homes. However, the issue involved those in their mid-teens who were more prone to organise into gangs, and in some cases not even their families were willing to welcome them back into their houses. She also mentioned that begging had reached a point in the CBD where some women begged with a baby in their arms or 'rented out' the baby for a day to increase their earnings.

**Ms Botha** proposed a situation where urban planning, transportation and housing issues could be dealt with 'under one roof'.

**Ms Maritz** remarked that housing was often seen as something apart from public space. Often, the housing objectives were reduced to a matter of building as many units as possible instead of thinking that a proportion of public space should be allocated to each unit at the same time.

**Ms Makalima-Ngewana** agreed, reiterating the importance of public space. Referring to Ms Botha's question, Ms Makalima-Ngewana responded that budgets were often allocated per department, so one was in a situation

where there were multiple teams and multiple budgets. These could be streamlined to encourage collaboration between departments, she felt. She also stressed that, to activate the city, one needed innovative ideas. She offered the example of *First Thursdays*,<sup>10</sup> which was started by a two 20-year-olds who asked for support but not money, and their project led to 30,000 visitors attending these events. She termed this organised civil disobedience. Another example was the social bicycle night-ride in Cape Town at full moon known as *#moonlightmass*,<sup>11</sup> where cyclists started out at the Green Point Circle at 21:00 and cycled to the CBD. She explained that the event's aim was to raise awareness of cycling as an alternative to the car for transport, and that it had encouraged the City to provide bicycle lanes.

**Pieter Genis, a lecturer at NUST**, asked about the relative relevance of the public and private sectors when it came to public spaces or 'the space between the buildings'.

**Ms Makalima-Ngewana** responded that it was important to create partnerships to transform public spaces. The example she gave was Church Square offering free WiFi, which succeeded in attracting more visitors to the space.

An **unidentified participant** wanted to know how the issue of security had been addressed.

**Ms Makalima-Ngewana** replied that the security response in the CBD was very efficient. She also mentioned a significant presence of security cameras, but that they also had to address the need for 'visible security' to put people's minds at ease. Mounted police had proved not only to be a good way to tackle visible security, but also provided a higher vantage point for the rider. Another measure, she added, was to ensure buildings had retail entities at street level rather than parking garages, and for the retail entities to have glass windows and to keep their lights on at night for good street illumination.

An **unidentified participant** asked how the partnership dealt with informal trade.

**Ms Makalima-Ngewana** clarified that no African city would be without some informality, so there was an initiative to get trading zones in the CBD managed by one entity who would then oversee informal trading activities. She noted that trading had become more sophisticated, and that some of those selling local art and crafts were in fact selling items manufactured in China.

An **unidentified participant** asked what urban design guidelines existed for Cape Town's CBD.

**Ms Makalima-Ngewana** responded that there were general guidelines that needed to be followed.<sup>12</sup>

<sup>10</sup> See footnote 4 of this session.

<sup>11</sup> A night bicycle ride in Cape Town (<http://www.moonlightmass.co.za/moonlightmass/Home.html> and <https://www.facebook.com/moonlightmass>, both last accessed 31 July 2019).

<sup>12</sup> This may refer to the Draft Guidelines for the Provision of Open Space (Isikhungusethu Environmental Services with Louw and Dewar 2017) published by South Africa's Ministry of Agriculture, Rural Development and Land Reform.

<sup>9</sup> Several news sources document this phenomenon; see e.g. BBC. (2014, October 21). The death of the US shopping mall. Retrieved from <http://www.bbc.com/culture/story/20140411-is-the-shopping-mall-dead>; Thompson, D. (2017, April 10). What in the World Is Causing the Retail Meltdown of 2017? The Atlantic. Retrieved from <https://www.theatlantic.com/business/archive/2017/04/retail-meltdown-of-2017/522384/>.



## SESSION 5

# Social Housing and Finance

**Anthea Houston**

CEO, *Communicare*, Cape Town, South Africa

*Anthea Houston is the CEO of Communicare. She is renowned in the housing sector as an advocate for housing rights and sustainable urban development. Between 2000 and 2009 she was CEO for the Development Action Group (DAG), a leading South African non-profit organisation focusing on low-income housing and urban development. She developed an understanding of the East and Southern African regions through undertaking field studies whilst conducting research on housing and housing microfinance in East and Southern Africa. She currently serves as a Director of the National Housing Finance Corporation (NHFC), a development-finance institution of the South African Government. She has also served on advisory panels and reference groups for three former Ministers of Local Government and Housing in the Western Cape. She has a Postgraduate Diploma in Management (Organisation and Management) from the University of Cape Town and is completing an MBA at its Graduate School of Business. In respect of her global profile, Ms Houston is a Fellow of the African Leadership Initiative and a member of the Aspen Global Leadership Network – both Aspen Institute programmes. She has contributed to the development of various housing policy documents and has regularly commented on housing issues in the South African media. She is passionate about social justice, community participation and the civil society sector, where she has chosen to work to strengthen value-based leadership in South Africa.*

*Communicare is the oldest social housing non-profit company in South Africa. It is based in Cape Town. Its core business is the provision of affordable rental accommodation in well-located areas. Its stock holding amounts to 3,600 rental units.<sup>1</sup>*

<sup>1</sup> <https://communicare.co.za/>

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The session was moderated by **Phillip Lühl**, Lecturer, Department of Architecture and Spatial Planning, NUST

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**Editorial note:** All images are sourced from Ms. Houston's presentation and are property of Communicare.



## Introduction

Just imagine that you could go into the leafiest, most privileged suburb in Namibia and you could find people of all income groups living there harmoniously. On Saturday we visited an area called Wanaheda, where a little bit of that is sort of happening, but we all know it is not the most privileged neighbourhood. However, just imagine you could achieve that more and more. I do not know how you will do it. We are not managing to do it in South Africa, so I am certainly not here to give you any recipe. I am just here to share some of our imaginings and how that has played out in the institution I work with, and the challenges we had doing that. If this is something you want to imagine in your housing future and something you want to pursue, then hopefully there are some lessons from our experience that can help you. Maybe one day you can come and help us reimagine something we thought we'd figured out, but which we know now we are still struggling with. Welcome to the imaginary session!



5-1. Bothasig Gardens, Cape Town.

## The power of change of social housing

This picture (Image 5-1) is an area called Bothasig, an Afrikaans suburb in the Western Cape [Province, South Africa] of mainly free-standing houses. It was a tiny complex for whites only that Communicare [has owned] since pre-1994, the time before change happened in our country. So, post-1994, we imagined that people of all colours and all income groups could live in Bothasig. We conceptualised and eventually implemented the Bothasig Gardens development, after a long, difficult, hard journey. So, the urban planners and architects amongst you will forgive me as you see we only managed to do two-storey buildings in the end. A lot of people worry when you talk about this kind of development. Are you going to build a slum? Is it going to be an eyesore? Is it going to devalue our surrounding properties? And are we going to be able to live together?

One of the lessons I am going to share has to do with this set of questions. This has to do with two things: the built form and the way you engage people. You can build housing that creates slums. Physically, you can do that for people of all incomes, it does not matter; you can always make something uninhabitable. I am not promoting two-storey buildings as the key to not achieving a slum effect; what I am saying is that, in this development, we had to negotiate – and we ended up with two storeys. This was not because of what was acceptable to the people who would live there, but what was acceptable to the people in the surrounding houses, the city council, the politicians, the ward councillor, and all those interests that needed to be mediated in the process.

The second thing in our engagement was about what you do when you provide people with social housing: do you put them somewhere and hope that life is going to get better, or do you involve them in a way that enables their lives to get better for certain? This has been done all over the world: people are engaging social housing residents with success, and lives are getting better.

Property values are rising in this beautiful area of Bothasig Gardens. Before we built anything, we spent years talking, negotiating. In the year when the city council said “Yes” – but nothing had been built yet – there was a tiny dip in property values, about 1%. From the day the construction ended about 18 months later, property values have just been going up at the same rate in this area as elsewhere. Bothasig is a huge area, and I would dare to say that there has been no negative effect of having added social housing into the mix. If you challenge the myth that such projects are going to bring down property values, it is possible; but it is all about how you plan and how you implement [such projects].

## Communicare and the Cape Town Context

Communicare is a non-profit organisation and a social enterprise. That means we are involved in both non-profit activities and activities that are profit-



making. The surplus generated through commercial residential developments is reinvested in our social housing so that we are able to build beautiful vibrant spaces that people can live in, like the development I discussed above. We focus on the provision of affordable social housing for people with low and moderate incomes in the Western Cape, and we currently own and manage 3,375 rental units. All units are social housing. Only about ten of those units are now leased at market rates. The units are spread over 39 complexes.

The organisation was formed in the 1920s. We did a lot of questionable things pre-1994; but, for our sins, we have set ourselves a goal to develop 2,000 new social rental opportunities. We are thinking how we can do this at a much bigger scale. Communicare is one of the largest companies in this sector, with only two others in South Africa that are larger.

A little about the Cape Town housing context: South Africa has very high levels of inequality, and more so in Cape Town. You will find a 0.67 Gini coefficient is amongst the highest in the world at the moment.<sup>2</sup> Cape Town had around 3.7 million inhabitants in 2011,<sup>3</sup> so probably there are a few hundred thousand more by now because we have a growing population, like yours. Only 14% of our households earn over N\$26,000 a month and live in formal accommodation, either rented or owned. Everybody else is in some kind of informal housing solution, be it in a backyard structure or in an informal settlement. They have to find their own way. Nearly half our city's population is in need of adequate housing as a result of this. Even those who have shelter, perhaps [even] decent shelter, still do not necessarily have a secure tenure arrangement, which leaves many people in fragile housing situations. A N\$26,000 monthly income is when banks start talking to you, but we have around 50,000 households with incomes lower than that. A fair amount of people have an income of about N\$3,200 [a month], including domestic workers, security guards and other low-level jobs. They are all stuck in informal living arrangements and they are not living for free. They are renting from some shacklord, slumlord or landlord – all these 'lords' that own properties. Currently in our country, formal rental accommodation only accounts for 40,000 households. A lot of those are privileged, middle-class households. We do not know how many people are renting informally.

The other interesting thing about Cape Town is that our average house price, based on our Deeds Office data, is N\$1.1 million. On the other hand, based on our census data, the average price that someone can afford for a house based on their income is N\$360,000. This means that there is a huge gap between what we can afford and what is available in the market. So, even people earning decent salaries are struggling to find decent housing.

What we are trying to do in our organisation is to explore the parts of our property market that work well and use what these investments can generate for us to support the bottom end of the market, that part of our market that is still very informal. Our business model is like a Robin Hood policy: built into

what we do is a very big economic development programme for people in our social rental units – which I am not going to talk about because it is not the focus of our session today.



Image 5-2. Drommedaris, Cape Town.

Drommedaris is another development where we did some infill<sup>4</sup> in a previously whites-only development. We were able to add a good number of units there as well.

### The concept of social housing in South Africa

If you look at social housing in the world, everywhere there is a different take on it. So, we need to be wary of the term as it does not have a universal meaning. In South Africa, social housing is the following: it is always rental or co-operative housing, [and] it is always at a scale that requires institutional management. For instance, we own 380 free-standing houses that we can rent out but that cannot be termed social housing in our policy context. Social housing is for a low-income target market, legislated for households with monthly incomes [of] between N\$1,500 and 7,500, with a distinction between a primary and secondary market. The primary market is for incomes between N\$1,500 [and] N\$3,500; and the secondary for incomes between N\$3 500 and N\$7 500. I will tell you later about the problem with these definitions, [but] it was a distinction that our Government felt was important to make at the time of passing the legislation.

Our [country's] social housing policy also goes as far as stipulating who must deliver those services, [i.e.] accredited social housing institutions. So, we and others who own properties in this market can do so, but if you cannot tick all these boxes, then it is not social housing in South Africa.

It also has to be located in designated restructuring zones,<sup>5</sup> where we start to transform the spatial patterns of the apartheid city. No other housing programme in South Africa is doing [this] because it is not a funding requirement for them. And, finally, social housing is partly funded with public money.

All of this is regulated by the Social Housing Act,<sup>6</sup> which established a Social Housing Regulatory Authority. For the Government colleagues in the

<sup>4</sup> Rededication of urban land to another purpose than the one it had.

<sup>5</sup> These are among the instruments pursuing economic, social and racial integration in South African cities (<http://shra.org.za/resource-centre/shf-archives/90-urban-development-zones>, last accessed 2 August 2019).

<sup>6</sup> Act No. 16 of 2008 ([https://www.gov.za/sites/default/files/gcis\\_document/201409/315771199.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/315771199.pdf), last accessed 2 August 2019).

<sup>2</sup> For 2017, South Africa topped the list of most unequal countries in the world as measured by the Gini Index, while Namibia ranked second (<http://data.worldbank.org/indicator/SI.POV.GINI>, last accessed 14 August 2019).

<sup>3</sup> See [http://www.statssa.gov.za/?page\\_id=1021](http://www.statssa.gov.za/?page_id=1021), last accessed 14 August 2019.

audience, if you decide to establish a regulatory authority, you must look at ours to see what you must not do. Even Government itself will tell you that they learned some really hard lessons. However, social housing has two strategic advantages in the South African context. [Firstly,] land in Bothasig is very expensive – as is land anywhere that is not owned by the City or the Government anymore. High-density housing is more expensive than low-density housing in terms of the initial capital investment. But once you factor in the cost of providing services to locations that are far away and consist of free-standing houses, medium-density [housing] starts to make more sense.

The second advantage is because it is a rental option, which [focuses] on the realities of rapid urbanisation where a lot of people are coming into our cities who do not necessarily want to buy. Some people might be moving around; for others perhaps, home is somewhere else. So, rental becomes an option in an urban context where it might not be an option elsewhere. There is a perception that renting is not acceptable to African people, but many are renting backyard types of shacks or renting a room somewhere.

Social housing is, thus, a response to the inflationary, exclusionary and stubborn nature of the housing property market. That is important because our other housing programmes struggle to counter the system where land values and building costs are climbing, because all other housing delivery models are grant-driven. From that point of view, and despite a lot of challenges, social housing is able to navigate those obstacles and deliver something to the poor.

Our Government puts up about 60–70% of the money that it would actually cost to do a decent housing development. They give us two grants. One is called an institutional subsidy, which is a once-off capital grant that goes to the accredited social housing institution – not to the beneficiary households.<sup>7</sup> Because Government is concerned with who will rent, social housing companies have to prove that they accommodate the right target market. This is not a subsidy that is being counted against the individual tenant; so, tenants can continue to be eligible for other kinds of free housing that our Government makes available. Government just keeps track that we are not servicing the wrong market. The institutional grant is usually between N\$125,000 and N\$170,000 per unit, depending on its size.

Then there is a *restructuring grant*,<sup>8</sup> which is N\$125,000 per unit, once-off, and which can be higher if you manage to get up to 30% of people from the primary market in the complex. There is a huge challenge with this stipulation because our Government passed this legislation in 2008 and we are now in 2017. In the way the legislation was written, the income brackets were not allowed to change with inflation and rising incomes. So, in practice, both the value of the grant and the income brackets of the target group have not moved since 2008. Back then, someone who earned between N\$1,500 and N\$3,500 might have been a domestic worker or a security guard. Today, domestic workers are earning more than that. It is so far below what is regarded as an acceptable

minimum wage that it is hard to find someone in secure employment who is earning [only] N\$1,500 [a month] to sign a lease, and it is irresponsible to sign a lease with someone who is not in secure employment. In fact, it is illegal to do that, based on our [National] Credit Act<sup>9</sup> and the Consumer Protection Act.<sup>10</sup> Obviously, someone who earned N\$1,500 in 2008 is earning way more in 2017; so, if our regulator were to audit and find that this person is [was] now outside the target income group, we would be breaking the law.

The other 30–40% of funding has to be raised by the institution itself through debt funding or equity. However, there are very few organisations that are able to do that because it is quite a cash-demanding activity to be delivering social housing.

The Regulations of the [Social Housing] Act specify how social housing must perform. They stipulate things such as that the rental amount cannot exceed 30% of income so [that] landlords do not exploit people. The problem is that, because income brackets are not allowed to adjust with inflation, the real market costs of servicing, cleaning, gardening and so on are actually rising. The [social housing] institutions are responsible [for maintaining] the housing, and there is a tribunal where people can take you to if maintenance is not done. At the same time, the [Regulations say] that developments must be financially viable. So, we are in a Catch-22 situation. All of these are very good intentions and, for the Government officials present there today, we need to carefully think through such policies. This exercise does not have to be self-defeating: there are many places in the world where regulations work well; in South Africa they are just not working well right now.

If a tenant leaves or dies, you must find another tenant who earns N\$1,500 to N\$3,500. While this is good in principle – as it is the income group that you are trying to help, what this does is for your property to go from financially viable to unviable overnight, while you [still] have to keep it well maintained. This is why we are active on the other side of the property market: [it] allows us to cross-subsidise. Other countries have operating grants in addition to capital grants in order to ensure they can keep servicing the target market at the bottom.

If it is desirable for you to explore social rental housing in Namibia, you have to be prepared to invest in it continuously. This is desirable where the intention is to help a lot of people initially. And regulate this, so that other people do not displace them all the time. However, you will have to allow for some inflationary-linked increases if you are not prepared to put a lot of operating money into the equation. In order to encourage funding affordable housing, the South African Government established the National Housing Finance Corporation.<sup>11</sup> They provided affordable finance to social housing institutions in [the] early days, but they made a big mistake: they gave too many soft loans – to the point where they themselves became unsustainable and could no longer provide loans. Nowadays, social housing is rarely done with their involvement.

9 No. 34 of 2005 (<http://www.justice.gov.za/mc/vnbp/act2005-034.pdf>, last accessed 2 August 2019).

10 No. 68 of 2008 ([https://www.gov.za/sites/default/files/gcis\\_document/201409/321864670.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/321864670.pdf), last accessed 2 August 2019).

11 <https://www.nhfc.co.za/>, last accessed 31 July 2019.

7 <http://www.shra.org.za/investment/capital-investment>, last accessed 2 August 2019.

8 (ibid.).

12 Graham, N., & Berrisford, S. (2015). Development charges in South Africa: Current thinking and areas of contestation. Presented at the 79th IMESA Conference. Changing the face of the municipal engineer, Cape Town. Retrieved from <https://www.imesa.org.za/wp-content/uploads/2015/11/Paper-1-Development-charges-in-South-Africa-Current-thinking-and-areas-of-contestation-Nick-Graham.pdf>

13 Aedes. (2018). Dutch Social Housing in a Nutshell. Retrieved from <https://aedescms.getbynder.com/media/?mediaId=0A645A73-1A6F-4970-83F2CBF84A1E4136>

14 Afrikaans, "farmers' cooperative".

Something that is helping us at the moment to continue to deliver social housing is being able to acquire land below market cost or at no cost at all from Government. In the beginning, our Government was not prepared to do that; but now, as social housing development is stagnating, they realise that they need to get involved a little more. Of course, it would make much more sense to change the Regulations, but somehow that is not happening. However, land is availed, which is good because it is very expensive. In South Africa, we also have so-called development charges:<sup>12</sup> if you develop something, you not only pay for your connection to bulk infrastructure, like here in Namibia, but you will [also] have to contribute to every infrastructure development the Government is [implementing] or has [implemented] around your locality. In our view, these charges are very [low] compared with [charges in] other parts of the world. This is good, because Government recoups money from the market. For example, if you are proposing a residential development and a road needs to be built to support that development, the Government would split up the cost of that road. They will take their share and developers take the rest. In some countries, governments charge infrastructure costs even where the infrastructure was built 50 years ago – and then translate the charges in[to] today's costs. Unfortunately, the South African Government was charging social housing institutions development charges for the development of social housing that they themselves were funding through Government grants. More recently, there is some flexibility on reducing development charges. What I am suggesting is that giving State money and taking it back at the same time makes the process unsustainable.

Another aspect that made our social housing possible are guarantees. The Dutch Association of Social Housing Institutions<sup>13</sup> has set up a guarantee fund to encourage and facilitate social housing development in other parts of the world, so that social housing developers can borrow at more favourable rates. If the cost of finance is too high, it kills the whole project before you get started. Guarantees are powerful because, now, you can promise the bank that, if you default, the guarantee fund will settle the debt. There are governments in the world that issue guarantees on behalf of institutions so that they can borrow from the banks.

I have mentioned that, for social housing to exist, there need to be accredited institutions. In South Africa, these institutions can be non-profit organisations, co-operatives, municipalities, government entities, etc. Our [Social Housing] Act stipulates that social housing is either rental or co-operative housing. Co-ops are different from rental housing because everyone that lives in a co-op has an equal stake in the ownership: it is a communal form of ownership. Co-ops have been a popular way of delivering social housing in many countries around the world, such as Canada, Kenya, Norway and Holland. However, we found that, in South Africa, although we use co-ops in agriculture such as the *boere kooperasie*,<sup>14</sup> and although people know communal land ownership in a tribal context, the co-operative model has not yet translated into a housing model. Some of the best NGOs with the best training and capacity-building

have tried it, but inhabitants still considered the [NGO] committee as 'the landlord'. In many cases, when the committee failed to perform some of the functions, some stopped paying in the same way that they would do to a landlord. That is why many co-ops in the social housing context in South Africa were not successful. Although there are those that are really successful, they are exceptions and we do not know why they work better than the others. We tried co-ops because there was support from Canada, the Netherlands and Norway. They sent experts, they did the financial model, but we found that they were just replicating their models here, which was not the most appropriate for our context, as I explained before. So, you need to be careful with this.

Most of the social housing institutions in South Africa are non-profit organisations, with a few private companies and a small number of Government entities. We also found that private companies – compared to the non-profits involved in social housing – were not really invested in the tenant engagement aspect [or] social development. Only time will tell us what the consequences will be, because there is a social price to pay down the line where people are disengaged. When you put people in an environment that is alien to them, they may not necessarily feel welcome, and one needs to provide the tools to help people navigate through that. You need to nurture the community for it to transform into something stable.

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## Discussion

**Sheela Patel** mentioned that the concept of social housing had been exported aggressively from Europe. It basically preached State provision of housing; but, in the contexts of South Africa or India, this only worked for a very small amount of people. She noted that this was in part due to the way that the economics of it were worked out, which, in European contexts, could assume a relatively fair wage. In South Africa, however, she explained that the Europeans would encourage housing activists to start up construction companies, but this did not work well. She clarified that, ever since she had been working with social movements in the informal sector, she had refused to engage in social housing projects because they did not apply to shack dwellers. She referred to a successful mixed-income development she had experienced in Surabaya, Indonesia, where traditional villages eventually became slums (kampongs) where new urban development had begun catching up with rural areas. The government's intervention was to allow the houses to remain as they were, but they improved the infrastructure in the neighbourhood. This enabled the rich and the poor to remain next to each other and to service each other.

**Ms Houston** agreed that one should be careful of simply importing models; it was better to figure out adequate solutions from within. She noted that, in South Africa, there was a 'second generation' of social housing, where



mixed-income developments were becoming more widely accepted. She favoured these not only for financial cross-subsidisation, but also for what she termed their “social sustainability”. She also noted that social housing had performed well from the rental point of view. Speaking from her own experience, the success rate in respect of rent collections was above 95% and vacancies were below 2%. She attributed this to the undersupply of housing; people made sure they were good tenants and made an extra effort to pay rent because they knew that finding new accommodation would be a challenge.

**Mahongora Kavihuha, a trade unionist**, made clear that they rejected PPPs as they did not emphasise the communities, but were rather a matter between Government and the private sector. He rejected the commodification of social programmes, stating that capitalist propositions were not compatible with the provision of social programmes. He noted that cooperatives, as a recourse, were not often employed in Namibia due to the tendency to promote business issues above social ones. He asked what level of government in South Africa – national, provincial or municipal – oversaw social housing. He also asked which of the two – Cape Town or the Western Cape Province – was the more active in terms of social housing.

**Ms Houston** responded that National Government decided on national housing programmes such as social housing. Money flowed from there through Provincial and Municipal Government levels. The Provincial Government oversaw administration of the housing budget. She reiterated that Communicare was one of the three largest institutions providing social housing. Communicare was based in Cape Town, but the other two were in Johannesburg. She noted that the Government in South Africa supported a free-market economy, so there was a reluctance of interventionist programmes that might affect housing markets.

**Phillip Lühl** noted that Namibia was also reluctant to entertain interventionist measures. He illustrated this by referring to the common concern that such measures would affect property prices. He explained that this barrier to creating mixed-income neighbourhoods arose out of a fear that prices for higher-income units or for other properties in the surrounding areas would be affected. However, he cautioned that property prices could not be given top priority when discussing housing options.

**Ms Houston** replied that, in South Africa, there had been a conversation about a ‘living wage’ of about N\$8,000 per month. She noted that various institutions tracked how income and inflation affected the cost of living. For example, she explained how an income of N\$3,500 in 2008 would need to be almost N\$14,000 in 2017 to be able to have the same value. She also acknowledged that most people in South Africa did not earn that much, so that was another conversation, namely what constituted an acceptable amount of rent for this lower-income sector.

**Uazuva Kaumbi from the National Housing Enterprise (NHE)** stated that it was important to note that social housing was mostly of a rental nature. He asked whether there were examples of rent-to-own in South Africa, and whether tax incentives existed for social housing developers there.

**Ms Houston** responded that certain tax benefits existed for social housing developers. She also said she was aware of rent-to-own options in countries such as the US, but they were not available in the South African social housing sector. She noted that the bottom of the middle-income group could in principle afford the monthly instalments of a mortgage, but the challenge then became the down payment. To overcome this barrier, the South African Government had developed a subsidy mechanism. The challenge then became the supply of housing in that bracket, she said.

**Mr Charl-Thom Bayer, Head of the Department of Land and Property Sciences at NUST**, asked where the South African Government got its funds for housing. He also referred to social housing programmes in Denmark which were not necessarily focused on ‘the poor’ but on students, young professionals, couples with no children, or those who were downsizing. He also enquired whether the South African property gains tax was useful in controlling inflation in property prices.

**Ms Houston** responded that, although South Africa had a property gains tax, it did not prevent price escalations. However, she explained, it allowed the Government to capture some of the value and then redistribute that to lower-income sectors. She also mentioned that the South African Government did not ringfence portions of fiscal revenue for housing, but that funds were sourced from the national budget. Just after South Africa’s democratisation in 1994, there were some international grants via bilateral agreements with other countries, but those had now ended. She also noted that the Government was decreasing its funding for housing. She therefore suggested to the Namibian members of the audience that, if a new housing programme was on the cards, special attention should be paid to how it could be sustained over the decades to come. To illustrate, she referred to a discussion in South Africa regarding the designation of certain areas for value added tax; however, such additional taxes had not yet been used to develop housing.

**Ms Patel** cautioned against a phenomenon that she had witnessed in India and elsewhere, namely implementing legislation that was very progressive in principle, but, due to a situation of high inequality, the better-offs instead of the lowest-income groups benefited from it.

**John Nakuta, a human rights legal expert from the University of Namibia**, mentioned that there were two reasons why the discussion on social housing in Namibia was not taking place. The first was due to the pre-Independence legacy of housing migrant labourers in compounds that were known for their poor living conditions. Having had this temporary

accommodation as a backdrop created a particular bias in favour of home ownership rather than rental. The second reason was the ignorance that prevailed with regard to social housing. Since South Africa shared a similar history in both these respects, Mr Nakuta asked how social housing had become more widely accepted there.

**Ms Houston** replied that, in her country, the stigma of renting was less prevalent. Even before South Africa became a democratic state in 1994, there had been vibrant rental markets. She added that some of the decision-makers, when they were only young public servants, lived in rentals and knew the benefits of that model. She agreed that the memory of land dispossession during the apartheid regime had encouraged a bias for home ownership. However, she pointed out that shifting away from that mindset might take generations.

**A MURD employee** explained that the idea of social housing was not generally supported by the Namibian Government. Despite the challenge of land availability and certain shortcomings with respect to PPPs, he encouraged everyone to see the virtues of Government-supported housing developments. He suggested considering cross-subsidisation from the wealthier to the lower-income groups as a possibility. He referred to existing initiatives where the private sector (banks, construction companies, etc.) had partnered with the SDFN and local authorities to provide affordable housing. He also mentioned how some mines had met the challenge of providing housing for their employees. He asked Ms Houston to expand on the cross-subsidisation that took place through Communicare's schemes.

**Ms Houston** replied that the organisation cross-subsidised across their property portfolio. However, she stressed that current legislation restricted social housing to those earning between N\$1,500 and N\$7,500 a month. Nonetheless, she acknowledged that undertaking an entirely new development focusing on such incomes alone would be unfeasible. She noted how making provision for some commercial housing units in a social housing development made such new developments more viable. In South Africa, there was no formal objective of determining what a high-income earner should be paid, but she admitted that those who earned incomes at the top of the scale had several options open to them, making their interest in social housing units rather unlikely. Her team, however, had identified that their units could also be attractive to those earning between N\$7,000 and N\$25,000 a month.

**Mr Kaumbi** asked how the cross-subsidies were determined.

**Ms Houston** replied that, for higher incomes, Communicare tried to offer units for rent that would be comparable to those in the free market. In this way, instead of the rent being captured by a private landlord, her company employed the surpluses to cross-subsidise lower-income units. She acknowledged that, among those who paid the least in rent, people still complained about how

expensive rents were. Nonetheless, for the services and units offered, they represented the cheapest available in the market, to her knowledge.

**An unidentified contributor** asked how rent was collected, whether Communicare developments were mixed-use (e.g. shops, workshops), and what sort of amenities such as playgrounds their developments offered.

**Ms Houston** clarified that, when she took over the company, it was not run in a very efficient way. Accordingly, a lot of effort was made to improve operations so that the company could recover its good standing with financial institutions. She explained that Communicare had a team of 28 people in the property management section. This team was responsible for managing the properties, i.e. signing new leases, collecting rent, resolving conflict, etc. For example, a team of six undertook development initiatives with the tenants. Ms Houston stressed the relevance of these social initiatives to keep togetherness and resolve tensions, which is important because considerable common space is shared by all tenants. She also noted that Communicare monitored economic mobility, particularly if a household improved its economic position. A three-person team focused solely on rental collection, which showed how important it was for the company to liaise personally with tenants. She described how some tenants made deposits and then sent them proof of payment, while others preferring paying by debit order. However, to her, the method of payment or the monitoring was not as much of a key to success as person-to-person engagement was, because of the latter approach's psychological value. She added that another team focused solely on new developments, whereas other social housing bodies usually outsourced this function. As a final point, she noted that Communicare tried to source grants to finance additional benefits to their developments such as trees or playgrounds. She acknowledged that, although some of their developments included small shops, more needed to be done in this respect. She mentioned a new housing development that would include a market.

**Mr Bayer** noted that, although watching the property market was important, housing was also a human right and complete commodification of housing should not occur at the expense of other aspects. He referred to some calculations he had made using public sector salaries as a reference to see what was affordable in the Namibian market. His results showed that, today, only high-level civil servants such as Directors were able to afford a mortgage for a home at the median house price. He cautioned that salaries were not keeping up with inflation and rising house prices, and that, for many in Namibia, salaries were negligible when it came to owning property. He explained that, in other countries, private developers were compelled to include social housing within a new development. Such regulations allowed many who lived in peripheral areas but worked in centrally located ones to save on transport costs, for example. He asked Ms Houston whether similar regulations existed in South Africa.

**Ms Houston** responded that she was aware of this mechanism in other parts of the world, but that it was only practised at a small scale in South Africa. She stated that such conditions were negotiated at the municipal level when a developer requested approval for a new housing scheme. In some cases, they requested special exemptions or allowances, which offered the municipality some leverage to press for the inclusion of social housing units. This mechanism could also be used to compel private developers to include social services such as public schools or clinics. She mentioned a recent move by the City of Cape Town to make centrally located plots available for mixed-income developments with the proviso to accommodate lower-income groups as well; this corresponded with the approach taken by the social housing sector for such groups.

**A MURD employee** asked to what extent the land costs such as rates and taxes influenced their developments and how social housing companies received accreditation.

**Ms Houston** replied that land costs were required for the municipality to recover their costs of servicing and maintaining the property. However, such costs could be recouped from other developments such as shopping centres or office blocks instead. She noted that the accreditation process in South Africa was quite rigorous. Although accreditation took place on a yearly basis, they were now in talks to make the accreditation validity period five or eight years. When applying for accreditation, a company had to have a good governance structure, had to demonstrate their capacity to deliver social housing, and had to submit business plans. Accrediting bodies could also inspect an applicant's offices and audit their financial reports.

**Mr Kavihuha** remarked that what was needed, in his view, was ownership. He noted that the problem in Namibia was not a lack of land but its inequitable distribution. He regretted the fact that PPPs did not include partnerships with workers or social groups. He also affirmed that trade unions were not considered stakeholders in Government consultations. Noting that land servicing had been commodified, he referred to the time around independence when local government still used to undertake some servicing functions, but that these had since been outsourced on tender to the private sector. He stressed that union membership was not only composed of working people but also of the working poor, namely those who were earning a wage that was nevertheless not sufficient to get by. He also pointed out that the union's approach to informal workers, which was to 'formalise the informal'.

**Hilia Hitula, a town planner at the Walvis Bay Municipality**, remarked that it was not easy to draw much from private developers through PPPs, as the private sector also sought a profit margin before investing their time in such ventures. She believed that a cultural change was required in order to recognise what ownership meant in Namibia. She explained that the idea of everyone owning a piece of land required property management processes.

She also encouraged the Forum to come up with Namibia's own definition for social housing. She mentioned an example in Walvis Bay where the Municipality had tried to cross-subsidise the servicing of plots for the SDFN from the sale of industrial land. However, the challenge then became one of allocation.

**Ms Houston** that some institutions in South Africa kept waiting lists, but that these were generally ineffective because the circumstances of those registered changed as time passed. Her company stopped keeping waiting lists for this reason, and instead found a way of communicating when units became available, e.g. through notices at workplaces around the area where the development was located, via local newspapers or the Internet. When an applicant came to them, there were forms that needed to be filled out and supporting documentation that was required. The applicant was then screened and a credit assessment was made. Ms Houston explained that a poor credit assessment did not mean that the person would automatically be disqualified, as there were other factors in place to evaluate the applicant. However, if a person was already heavily indebted, the social housing monthly payments would only make their circumstances worse.

**Mr Lühl** asked how inclusion in social housing takes place.

**Ms Houston** responded that South Africa's legislative process entailed consultation, although in many instances this was not genuine participation. She noted how many in South Africa were not organised in terms of a social group or association, and that it could not be said that all the voices had been included when policies regarding housing were reviewed.





## SESSION 6

# Experiences with the Right to Adequate Housing in South Africa: A Socio-legal Perspective

**Cecile van Schalkwyk**

*Legal Resources Centre, Grahamstown, South Africa*

*Cecile van Schalkwyk has a BA (Law) and LLB from the University of Stellenbosch, the latter degree having been awarded in 2014. She commenced her articles in the Grahamstown office of the Legal Resources Centre in 2016. Her interests include constitutional law, education law and land reform.*

*Inspired by South Africa's history, its Constitution and international human rights standards, the Legal Resources Centre (LRC) is committed to a fully democratic society based on the principle of substantive equality and to ensure that the principles, rights and responsibilities enshrined in South Africa's Constitution are respected, promoted, protected and fulfilled. The LRC strives to function as an independent, client-based, non-profit public interest law clinic which uses law as an instrument of justice and provides legal services for the vulnerable and marginalised, including the poor, homeless, and landless people and communities of South Africa who suffer discrimination by reason of race, class, gender or disability, or by reason of social, economic or historical circumstances. The LRC seeks creative and effective solutions by using a range of strategies, including impact litigation; law reform; participation in partnerships and development processes; education; and networking within South Africa, the African continent and at the international level.<sup>1</sup>*

<sup>1</sup> <http://lrc.org.za/>, last accessed 2 August 2019.

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The session was moderated by **Guillermo Delgado**, Land, Livelihoods and Housing Programme Coordinator, ILMI, NUST

## Introduction: Legal background to the Right to Adequate Housing in South Africa

I am going to start with explaining how the right to adequate housing came to be in South Africa as well as a bit of the historical background, which Namibia shares in part. In this way, we can see what we can possibly learn from each other.

In the multi-party negotiations and CODESA<sup>2</sup> leading up to 1994, and the development of the new Constitution, one of the really prominent issues was the right of access to adequate housing. A lot of time and energy went into making sure that South Africa had a proper clause in the Constitution to ensure that people had at least some form of a right over housing. The result of that was section 26 of the Constitution:

1. *Everyone has the right to have access to adequate housing.*
2. *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.*
3. *No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.*

This is the 'right of access to adequate housing'<sup>3</sup> clause that South Africa employed after 1994. I will speak about all the different factors in terms of giving content to the right of access to adequate housing.

### The Grootboom case: Failure to add content to the right to Adequate Housing?

The very first South African case in regard to the right to housing was the Grootboom judgement.<sup>4</sup> The case dealt with a community within the Wallacedene area in Cape Town. This was an informal settlement without access to water or a sewerage system, patchy access to electricity, and generally very poor social circumstances. Ms Grootboom, after whom the case is named, was one of the people living in this community who decided one day that they could no longer endure their living conditions. They packed their belongings and moved onto a piece of land that was privately owned and demarcated for low-profit housing developments. Of course, the private landowner instituted eviction proceedings, but for some reason, [the community] ended up staying on the property for another four months or so before they were finally evicted. They took their belongings and moved onto the Wallacedene sportsgrounds just outside of Wallacedene, because they could not move back to where they had previously lived as other people had taken occupation of the homes they had left behind. So, they erected structures on the Wallacedene sportsgrounds, after which eviction proceedings were instituted against them. The community was represented by the Legal Resources Centre and their argument was primarily based on section 26 of the Constitution. Essentially, they said, "We

have got the right to adequate housing, and the housing policies of the City of Cape Town does not allow for emergency housing. We currently do not have any housing. We actually moved from our housing because the circumstances there were not conducive to normal living." The court, for the first time, looked at [the meaning of] the right to adequate housing. The Constitutional Court<sup>5</sup> said in 2001 that –<sup>6</sup>

*... housing entails more than bricks and mortar. It requires available land, appropriate services such as the provision of water and the removal of sewage and the financing of all of these, including the building of the house itself.*

For a person to have access to adequate housing, all of these conditions need to be met: there must be land, there must be services and there must be a dwelling. On a close analysis of this passage the court does not actually give a content to the right of access to adequate housing. Yes, it says that housing must be more than bricks and mortar, and people must have land, it must be serviced, and there must be a dwelling. But it does not say what kind of dwelling [and] it does not speak to what kind of services are to be implemented on that piece of land. And as my talk continues, I want you to keep in mind that, in South Africa, we have missed an opportunity in terms of giving content to the right to adequate housing.

First of all, the court decided to read the right of access to adequate housing within its textual context. The right cannot be read just on its own: it needs to be read with the right to dignity, equality, the rights of children, and all of those related constitutional rights. This is one of the areas where the court missed an opportunity to flesh out section 26. For example, the judgement did not say that, if the right of access to housing entails that a person must have a dignified existence, what that means practically on the ground and [what] housing [should look like] to ensure that it complies with the standard of human dignity.

The court also rejected the idea of a minimum core obligation. This is a legal principle that was developed in foreign jurisdictions, most notably by the Indian Supreme Court. In the context of socio-economic rights, the minimum core obligation means that, for each socio-economic right, the State has an obligation to provide enough resources to at least meet a minimum standard. The minimum standard is specified and is regarded as the core obligation. The applicants in the Grootboom case argued that the court should accept a minimum core obligation for the right of access to housing. For example, every person in South Africa is entitled to a house of 40 m<sup>2</sup>; they are entitled at least to one toilet, a tap that runs, and sewerage infrastructure. The Constitutional Court rejected this approach for various reasons, one of them being that they felt they were not in the position to be able to tell the executive or the legislator what exactly the right of access to housing entails, as they did not have details about what the government would be able to provide in these circumstances.

<sup>5</sup> The highest legal body in South Africa; deals with constitutional matters.

<sup>6</sup> Grootboom case (ibid.); available at <http://www.saflii.org/za/cases/ZACC/2000/19.html>, last accessed 10 August 2019.

<sup>2</sup> The Convention for a Democratic South Africa was a process to oversee the coalition created by organisations opposing apartheid (<http://www.sahistory.org.za/article/convention-democratic-south-africa-codesa>).

<sup>3</sup> Also referred to herein as right to adequate housing.

<sup>4</sup> Grootboom and Others v Government of the Republic of South Africa and Others - Constitutional Court Order (CCT38/00) [2000] ZACC 14 (21 September 2000).

They also felt that it could have created an inflexible situation where the right to access to adequate housing could not be differentiated for particular circumstances or communities. By rejecting the minimum core obligation, the court failed to set a standard for the right of access to adequate housing that could be used to hold government to account.

Ironically, in the *Grootboom* case, they also referred to the ICESCR and the other rights that the Special Rapporteur was referring to in her message,<sup>7</sup> which [make] specific provision for giving content to the right to adequate housing. It says that the right of access to adequate housing will entail, for example, legal security of tenure; affordability; availability of services, material, facilities and infrastructure; habitability; accessibility; location and cultural adequacy. At that point South Africa had not yet ratified the Covenant, which only happened in 2015. So, the court referred to that briefly and said, “We have taken notice of this but are not going to accept it, as we are under no obligation to do so.” Given the fact that South Africa has now ratified this Covenant it would be appropriate for our courts to read section 26 against the backdrop of international law.

The court did, however, address certain aspects of the State’s obligation. The court distinguishes between a *positive* obligation and a *negative* obligation (see below). The positive obligation derives from sections 26(1) and (2) of the Constitution, which state that the State must act within its available resources [and] take reasonable and other legislative measures for the progressive realisation of the right to adequate housing. This means that the State must prove that it is doing something or starting to do something to realise the right to housing. It cannot just sit back and do nothing. As the right is progressively realisable, the State must demonstrate that it is taking some steps and that there is efficiency in taking these steps. Lastly, whatever steps the State is taking must be within its available resources.

Section 26(3) of the Constitution addresses the *negative* obligation on the State by prohibiting evictions without a court order. The court in *Grootboom* stated that government should be reluctant to proceed against unlawful occupiers of public land in instances where the eviction will lead to homelessness. When we get to the ‘Eviction’ section (see below), I will show you other measures that have been implemented to mitigate the effects of evictions that could cause homelessness. Essentially, in order to evict someone, there is the need for a court order. Especially where the State is involved and it is public land, you must be very mindful that your actions could [not] lead to a person being deprived of the right of access to adequate housing.

The final measure that the court decided to impose was reasonableness. The court said that they were not going to establish a minimum core obligation, and they were not going to give content to the right; rather, what they were going to do was a ‘reasonableness inquiry’. Reasonableness is an administrative law term that asks whether the measures taken by government are reasonably possible of facilitating the realisation of section 26 of the Constitution.<sup>8</sup> If you

consider this carefully, the actions taken do not actually have to facilitate the realisation. They do not actually have to have any effect, to be quite honest: they must just be “reasonably possible”<sup>9</sup> of doing so. And the court specifically said that it was not its role to enquire as to whether or not there were better means of achieving the right of access to adequate housing. The question then, rather, is: *Is what the government has presented to court reasonably possible of facilitating the realisation of section 26 of the Constitution?* Even in administrative law,<sup>10</sup> reasonableness is a very low standard. It does not require much of government to jump over that hurdle. Essentially, what they have to say is, “We have embarked on this project. We have decided we will provide, for example, low-cost rental housing and this is the decision we have taken. And yes, it is reasonably possible, in the larger scheme of things, that this will achieve some form of realisation of section 26 of the Constitution.” *The court does, however, give a few guidelines in terms of assessing what we deem reasonable.* For example, something will be reasonable if it is comprehensive and coordinated. It must also be capable of facilitating the realisation of the right. It must be reasonable in its conception and implementation; it must be balanced and flexible; and it must have short-, medium- and long-term goals. This last point was specifically inserted because the *Grootboom* case dealt with emergency housing. The measures must address the plight of those in desperate need. In the *Grootboom* judgement, the court found that the housing policy of the City of Cape Town was not reasonable in that it provided no means to address emergency housing. So, for people who were living in squalid conditions [and] who needed immediate access to housing, there was no provision in the policy at all.

The standard of reasonableness, which is essentially the standard we are now using for adequate housing in South Africa, has positives and negatives. The first positive is that it is flexible. It is a good standard to have in instances where you are working with different communities in different contexts because it can be adjusted to a particular context or a particular group of people, e.g. where people are more vulnerable than in other cases. So, it is a flexible mechanism that can take cognisance of people’s lived experiences as opposed to a minimum core obligation that sets a uniform standard that is applicable to everyone. However, it does not make provision for people who have very unique particular circumstances or communities who have very specific challenges.

The problem with this standard as a way of realising the right of access to adequate housing is that it actually conflates (1) the justification that the State must provide for the measures they have decided on, and (2) the right to adequate housing, into one inquiry – and the standard is not very high. What it essentially does is it creates a very normative vacuum within which the inquiry about the right to adequate housing takes place because we are not measuring the justification against any benchmark. It also silences the voice of the people, for whom the right to adequate housing might entail something more than just bricks and mortar. The standard does not really give proper content to this particular right.

<sup>9</sup> See footnote 6 of this session.

<sup>10</sup> A branch of law focusing on the activities of government entities.

<sup>7</sup> See Foreword.

<sup>8</sup> See 4



## Giving meaning to the Right to Adequate Housing

I will now present some of the South African experiences to give content to the right of adequate housing since 1994 and even a bit before that; and then speak to our experiences within our organisation and our other social partners.

If we look at the current social situation in South Africa, we have seen an enormous increase in public protest surrounding access to adequate housing. These protests are often very hostile and violent and can take the form of burning property, including houses. In 2012, the former Public Protector stated that 10% of all the inquiries or complaints lodged with her office dealt with access to adequate housing, problems with government provision [of housing], and problems with mismanagement of the housing system.<sup>11</sup> We have also seen quite an increase in illegal occupations of open areas within cities recently. We have seen the rise of political parties such as the EFF<sup>12</sup> that have definitely got people thinking about their rights and particularly the right of access to adequate housing.

In terms of the positive obligation on the State, there are two projects which I want to discuss. The first one deals with security of tenure. Section 25(6) of the Constitution, which is the property and land reform clause,<sup>13</sup> says that people whose rights to tenure security were insecure as a result of racially discriminatory practices or laws or any form of discrimination within the country, have the right to have their tenure secured. Even before this was implemented, South Africa had enacted legislation in 1991 to the effect that, in demarcated township areas and where the municipality had records of who was living on [a] particular plot, residents were entitled to have their housing right secured by way of a lease, permit or any other form of property right that could get them title over that particular piece of land. After 1994, there was an incredible drive to get titles – to get ownership of property – as opposed to any other right. Ownership was the one thing that people felt could protect them and secure their tenure. So, in many instances, people were given title deeds to properties in township areas and their names were registered as the lawful owners of those properties. This sometimes happened at a minimum fee but varied very much depending on the particular municipality.

### The cost of Titles and Literacy on Ownership

We are now seeing, specifically in the Grahamstown area, the sort of consequences of that system that seems to, for the most part, have happened in a haphazard way. We have got a Deeds Registration Office, which I understand Namibia has as well,<sup>14</sup> and ownership only transfers when your name is registered against a property within the Deeds Office. That is a legal process and, unfortunately, in South Africa, there are costs associated with it. That process must happen by way of conveyancers, who are attorneys with special qualification; and if there is money to be made, the attorneys will make it. The costs associated with having a house registered are prohibitive. At the same time, people who have never had access to any housing right often will not even know that they have to go and register the house. For example, in

the Grahamstown area, many of the titles that were granted in this way were never registered. The Act did not provide for the costs around it to be waived, and the deed registration system does not allow for low-cost registrations. The costs are very much dependent on the value of your property as well as certain mandatory registration fees. There is currently an organisation emerging in South Africa that wants to do low-cost registrations,<sup>15</sup> and they are being stopped by the lawyers and the conveyancers because, obviously, the conveyancers are anxious [that they will] lose a lot of money. We are in the process of making representations to the Law Society to ask that this organisation be allowed to do the job they are doing because the rules of the Law Society also do not allow NGOs like ours to do conveyancing. The problem is that there are no other options for people, and there has not been enough education around what it means to have a title deed in South Africa. Simply put, people have not gone through the process of attaining home ownership: the process has not been completed as these deeds have not been registered.

### The ‘Family Home’: Beyond Westernised notions of Property

The second point we need to be addressing, also in the Namibian context, is the Western notion of ownership and property rights: one person, one house, one title deed. This does not take into account the lived realities of people living in various family constellations. In the Eastern Cape, people often talk about family homes. These are homes that have been in families for generations and have been passed on from one generation to the next, with or without ownership formally changing in the Deeds Office. The law does not take cognisance of the concept of a family home. You cannot register a house as a family home in the Deeds Registry. So, we often get clients that are being evicted from their homes by relatives, saying, “But it’s a family home! I grew up there, I was born there, I’ve lived there my entire life. This house belongs to us as a family.” And then, when you start going back into the history, you will see that at the point of registering the title, if the title was registered, often the uncle or whoever was employed was named on the title deed. In South Africa, there is a complete misconception that the person who is responsible for the rates and taxes for a house is also the owner. Families would say, “This person is employed. He is the one who is caring for our family. So let’s have him registered as the owner of the property, because then he will be responsible for the rates and taxes.” Of course, it is not the same thing: you can be registered as the person who pays the rates and taxes even though you are not the owner. But 20 years down the line, when this uncle has passed away, the uncle’s son, the cousin – always that one cousin – decides that the house belongs to him because he got it from his dad because of intestate succession<sup>16</sup> – and he is right! In terms of South African law, he is then the owner of that property. He can have it transferred to his name and he can evict his entire family from that home. So, it is really important that a mechanism be found to take account of people’s perceived housing rights – which do not always align with Western interpretations of individual property ownership. One of the ways which we

15 Proxy Smart Services (Pty) Ltd.

16 Inheritance modalities when the deceased had no will.

11 Corruption Watch. Presentation to the Portfolio Committee on Human Settlements by the Public Protector Adv TN Madonsela. Available at <https://www.corruptionwatch.org.za/wp-content/uploads/migrated/PublicprotectorDHS.pdf>, last accessed 14 August 2019.

12 The Economic Freedom Fighters (EFF) are a political party in South Africa, launched in 2013 on the platform of radical economic transformation.

13 Section 25(6) reads as follows: “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.”

14 Namibia has a Deeds Office operating under the Ministry of Land Reform.

suggested to address this issue was having co-ownership; thus, having more than one person registered as the owner of the property so that one family member does not hold all the rights alone. However, this does not actually address the idea of a family home in perpetuity.

### **The Gender Dimension**

The third point which requires attention is the gender dimension, especially in the context of customary marriages. In South African law, customary marriages are recognised, but only once they have been formally registered – similar to civil marriages. However, most people do not register their customary marriages. Often, the house is registered in the husband's name, and when they get divorced or when their marriage ends up not working, the wife does not have any real rights over the property. The default position in South African law is that the property will be divided equally in cases of divorce unless there is an antenuptial contract that determines otherwise. However, when the marriage is not registered, the wife usually does not get access to her half of the property. The resulting tenure insecurity for women is really something that needs to be addressed in South African law, and I am assuming that in the Namibian context you have a similar legal situation.<sup>17</sup>

### **Titles may Lead to Insecurity of Tenure**

With regard to title deeds, we have also found in the South African context that, when people have been given title deeds – which, of course, provides opportunities in terms of accessing credit – this has often led to more insecurity of tenure. We have got a big problem with loan sharks specifically targeting social grant beneficiaries, who are the poorest of the poor. This is because our credit market is not as regulated as it should be and, unfortunately, grant beneficiaries inevitably have to access some form of credit. Where people do have titles, they often end up losing their homes through sales in execution<sup>18</sup> because they have taken up mortgage bonds over their houses or they have incurred debts they cannot repay. Thus, for many people, getting titles has not actually secured their tenure forever.

### **The 'Myth' of the Waiting List**

Housing waiting lists are also very problematic in South Africa because they go back to before 1994. Government had already compiled waiting lists and, when the 1994 democratic transition happened, there were new waiting lists that were developed at different levels of government. At some point we had a national waiting list system, but only two of the nine Provinces accepted it. The result is that, until now, each Province has their own waiting list. It is all very nice to get onto a waiting list, but nobody knows how the waiting list is managed and how beneficiaries are allocated. In 2013, the Socio-Economic Rights Institute in Johannesburg did a study on how housing was allocated through waiting lists, and they found that nobody knew how it worked.<sup>19</sup> There are too many lists, too many different role players that have a say, and the backlogs are immense.

### **Corruption and Local Government involvement in Housing Delivery**

Another major aspect hampering housing provision – which is very well-documented, especially in the case of the RDP – is the issue of corruption and fraud in tender processes. Before 2001, the RDP was run nationally and provincially, mainly by way of private tenders. Around 75% of all RDP houses were built by private developers who had been contracted by the State. Since 2004, many municipalities have been accredited as developers of RDP housing projects. So, a lot of these projects are now run by municipal councils, and often councillors get personally involved. We have a councillor in Grahamstown who is the owner of six RDP houses, all of them registered in his name. While he lives in one of the best houses in town, he rents out his RDP houses. He had another four houses registered in his name, which he sold for R50,000<sup>20</sup> each. Unfortunately, this is not unique. All of the municipalities in the Eastern Cape as well as our partners in Johannesburg and Cape Town – everybody is complaining about the same thing. The system has been corrupted by councillors, and it has been corrupted by the way in which tenders are allocated to specific people. While there is a specific process that needs to be followed in South Africa for allocation of tenders, very often it is the 'tenderpreneurs' that are commissioned. This is slowing down the process of housing delivery. When people are caught, the tender has to be repealed or set aside by the court and then it has to be reallocated. So, we are talking about a two- to three-year delay in a particular project because of one tender process that has not been followed properly.

### **The Limits of National Capacities to Manage Titles**

South Africa has a big problem with the management of title deeds. Very often, people do not receive their title deeds for RDP houses. Research shows that 1.5 million RDP houses have not been registered at the Deeds Office.<sup>21</sup> So, essentially, they do not have any sort of legal right over the property. Then there is a clause in the Social Housing Act that states that, when you have received an RDP house, you are not allowed to resell it within eight years. I can understand the argumentation behind that: it is supposed to secure the tenure. But what we are seeing is that people are selling the houses anyway. People move away, people's circumstances change. Most of us in this room have not stayed in the same place for the last eight years: our lives have changed, we have migrated, we have moved. And the same is true for people living in RDP houses. What we are seeing is that, because people know they are not allowed to sell the house, they do not go through the formal sales process: they just sell the house informally. The problem is that, whereas an RDP house is normally built for about R160,000, people are selling houses for as little as R10,000. If they had been given the opportunity to sell the house earlier, when they wanted to sell it, people would be able to resell the house for R150,000 instead through the formal process and they would know that they could buy another house with the money received from the RDP housing. That resale clause in the Social Housing Act, while it was well intended, has created an informal

<sup>20</sup> One Rand (R) is equal to one Namibia Dollar (N\$).

<sup>21</sup> Gordon, R., Nell, M., & Di Lollo, A. (2011). Investigation into the delays in issuing title deeds to beneficiaries of housing projects funded by the capital subsidy. Retrieved from Urban LandMark website: [http://www.urbanlandmark.org.za/downloads/title\\_deed\\_delays\\_report\\_2011.pdf](http://www.urbanlandmark.org.za/downloads/title_deed_delays_report_2011.pdf)

<sup>17</sup> The law is indeed quite similar to that of South Africa; see: The Namibian. (2017, September 14). Marital Property. The Namibian. Retrieved from <https://www.namibian.com.na/index.php?page=archive-read&id=169266>

<sup>18</sup> In the South African context, sales in execution involve a public auction by a representative of the court; see e.g. "Sale in Execution Properties – Home Loans", available at <https://www.fnb.co.za/home-loans/sale-in-execution-properties.html>, last accessed 21 February 2018.

<sup>19</sup> See: SERI/Socio-economic Rights Institute of South Africa. 2013. 'Jumping the queue', waiting lists and other myths: Perceptions and practice around housing demand and allocation in South Africa. Johannesburg: SERI. Available at [http://www.seri-sa.org/images/Jumping\\_the\\_Queue\\_MainReport\\_Jul13.pdf](http://www.seri-sa.org/images/Jumping_the_Queue_MainReport_Jul13.pdf), last accessed 14 August 2019.

market. About 11% of RDP housing in South Africa has been resold in the informal market,<sup>22</sup> which means title deeds have not been transferred and the prices have not been at the level they should have been.

### Political Profiteering through Public Housing

Housing programmes allow for abuse of political influence. There is a [so-called] coloured township in East London which has been on the waiting list for RDP housing for more than 16 years. The development was supposed to have started [in] 2004. In all the other townships around [there], RDP housing was constructed, but not within that particular township. When people went to the municipality to ask why they were not building houses, the municipal council told them that the area had voted largely for the Democratic Alliance<sup>23</sup> and that they should not be surprised that they were not receiving housing. However, the right to adequate housing is not for a particular group of people or for a particular political affiliation: it is supposed to be for everyone.

### Negative Obligations: Protection against Evictions and the Reality on the Ground

We will now look at eviction law, which represents government's negative obligation. Eviction law in South Africa, based on sections 26(1) and (3) of the Constitution, states that you cannot evict someone without a court order. The court will not grant an eviction order if they feel that it is not just and equitable in the circumstances. The circumstances that are usually taken into account are questions such as: Are there children or elderly living in the house? Is there alternative accommodation? This sets a benchmark for protecting people's right of access to adequate housing if they are already live in housing. However, in terms of legal evictions in South Africa, we are not doing particularly well – even though the legislation has been established. The last study that was conducted in 2005 says that only 1% of all evictions in South Africa went through the legal process.<sup>24</sup> That might have increased in the 12 years since; but, from the number of clients coming into my office on a daily basis, illegal evictions are still happening at an incredible rate.

### Alternative Accommodation

The court will not grant an eviction order if they are not sure that that person has access to alternative accommodation. The courts also give proper content to what alternative accommodation means. If a person can go and live with his or her aunt, the court will see that as alternative accommodation. But when you are trying to evict larger communities, for example, in township areas or illegal occupations, it becomes more tricky. The one case that the LRC has dealt with – and I will speak about it in terms of meaningful engagement as well – related to the Joe Slovo informal settlement, situated next to the N2 highway in Cape Town. In 2004, the Breaking New Ground housing policy was introduced,<sup>25</sup> which included the idea [of upgrading] our informal settlements.

The first project that emerged was Joe Slovo; and [the] settlement was going to be upgraded with what was called the N2 Gateway Project. The N2 Gateway Project was meant to provide housing for all Joe Slovo residents, but it needed to be constructed in the area where people were already living. So, the proposal was that the residents of Joe Slovo should move to Delft, which is a place nearby, while Joe Slovo was being upgraded. Some people left; but for those that did not want to leave, an application for eviction was submitted to the courts. It was incredibly violent and created a lot of animosity between the State and the residents of this community. Those who stayed essentially did not want to move to Delft because they were moving away from their families [and] from their work, and they did not regard it as proper alternative accommodation. In that instance, the court gave a structural interdict putting an obligation on the State to provide alternative accommodation, and also determined what alternative accommodation must consist of in the circumstances. The court specifically required that every household must receive a house of 40 m<sup>2</sup> with access to electricity, water and refuse removal, and it must be accessible by roads. This case has been dragging on for many years and the people eventually did not move. Now there is an ongoing in-situ upgrading programme in that particular informal settlement. However, in that [specific] case, the court did give content to what alternative accommodation meant.

### Joinder of Local Authorities

Another way to achieve access to adequate housing is [via] the joinder of local authorities. In South African law, whether you are evicting someone from private property or public property, you have to join the local authority and, in some instances, the Department of Human Settlements if you are dealing with a very large group of people. You also have to serve notice on the local municipality that an eviction application has been brought. Then, theoretically, the municipality is supposed to file a report with the court as to what kind of alternative accommodation is accessible to the evictees within its particular municipal area.

Getting the municipality to file a report is like trying to pull teeth. This was the issue at stake in the *Blue Moonlight Properties* case.<sup>26</sup> In Johannesburg, people were being evicted from a dilapidated apartment complex by the private landowner. Firstly, the City of Johannesburg rejected the idea that it had to be given notice and then report on alternative accommodation, because the case pertained to a private landowner. The court insisted that, even though it concerned private property, the local authority still [had to] file a report. In this case, it took three court cases to get the City of Johannesburg to file the report – which was still inadequate because the report did not really address the issue of those particular people, and required another report.

But, theoretically, if the municipality is doing its duty, the joinder of the local authority is meant to provide the court with an overview of possibilities for alternative accommodation for evictees within the same area before it can take a decision.

<sup>23</sup> The official opposition party in South Africa.

<sup>24</sup> Social Surveys, & Nkuzi Development Association. (n.d.). Summary of Key Findings from the National Evictions Survey. Retrieved from Social Surveys Africa & Nkuzi Development Association website: [https://sarpn.org/documents/d0001822/Nkuzi\\_Eviction\\_NES\\_2005.pdf](https://sarpn.org/documents/d0001822/Nkuzi_Eviction_NES_2005.pdf)

<sup>25</sup> Breaking New Ground is the title of South Africa's 2004 revision of its housing policy. The revised policy provides a guide for the development of human settlements over a five-year period. See: RSA/Republic of South Africa. 2004. "Breaking New Ground": A comprehensive plan for the development of sustainable human settlements. Department of Human Settlements. Available at [http://www.dhs.gov.za/sites/default/files/documents/breaking%20new%20ground%202004\\_web.pdf](http://www.dhs.gov.za/sites/default/files/documents/breaking%20new%20ground%202004_web.pdf), last accessed 10 August 2019.

<sup>26</sup> City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another (CC) [2011] ZACC 33; 2012 (2) BCLR 150 (CC); 2012 (2) SA 104 (CC) (1 December 2011); available at <http://www.saflii.org/za/cases/ZACC/2011/33.html>, last accessed 22 February 2018. For an analysis of the case, see: SERI. (2016). From Saratoga Avenue to MBV 2 and Ekuthuleni (Community Practice Notes No. 3). Retrieved from Socio-Economic Rights Institute of South Africa website: [http://www.seri-sa.org/images/Saratoga\\_Practice\\_notes\\_FOR\\_WEB.pdf](http://www.seri-sa.org/images/Saratoga_Practice_notes_FOR_WEB.pdf)



## Meaningful Engagement

Finally, let us turn to the idea of meaningful engagement. Meaningful engagement is meant to occur before an eviction takes place. This is especially important when the eviction affects a large group of people. In these circumstances, there is an obligation on both parties to sit around the table and to speak about the practical effects of the eviction, instead of coming in with bulldozers and tearing down the entire place. The idea is that the affected community must be involved right from the start. The concept was developed in the *Olivia Road* case<sup>27</sup> in Durban, where people were living in horrible conditions. The court said that, even before the parties came to court, they had to have a process of meaningful engagement. There is a need to bring people on ground level into the conversation about adequate housing instead of [using] a top-down approach where people are evicted without their voices having been heard.

<sup>27</sup> Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others (24/07) [2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC) (19 February 2008); available at <http://www.saflii.org/za/cases/ZACC/2008/1.html>, last accessed 4 March 2018. For an analysis of the case, see: SERI. (2016). From San Jose to MBV 1 (Community Practice Notes No. 1). Retrieved from Socio-Economic Rights Institute of South Africa website: [http://www.seri-sa.org/images/San\\_Jose\\_Practice\\_notes\\_FOR\\_WEB3.pdf](http://www.seri-sa.org/images/San_Jose_Practice_notes_FOR_WEB3.pdf).

## Discussion

**Guillermo Delgado** noted that Rose Molokoane and Sheela Patel had reminded participants in their session that the legal aspect could be a very useful instrument, but that access to the law was farfetched for many. Encouraging a discussion that was varied in approach, he began by mentioning how the right to adequate housing could be used as an inspiration that Namibia ought to strive for, rather than only as a legal term.

**A participant from the Legal Assistance Centre (LAC)** stated that they received plenty of applicants with eviction problems, where the City Police,<sup>28</sup> in particular, were in violation of the law.

**Charl-Thom Bayer** of NUST mentioned that, in Namibia, illegal occupations took place mostly on municipal and public land, and that the State was usually the one that did the evicting. He also explained that Namibia did not have provisions such as those in South Africa, where alternative accommodation had to be provided. Nonetheless, he added, the Namibian Constitution included fundamental freedoms and people had the right to be treated in a certain way,<sup>29</sup> and that ought to guide eviction processes. He questioned the idea of not employing the right to adequate housing as a legal avenue.

**Mr Delgado** explained that a rights-based approach differed in character from an investment-based approach, for example. While both might be more or less desirable, depending on the party in question, they could also be in conflict with each other. He offered as an example the proposal to reform the legislation on rentals to protect tenants: while many welcomed this as a positive development, those in the financial sector saw it as a negative influence on the property markets. He reminded the audience of

<sup>28</sup> The Windhoek City Police Service is an organ of the City of Windhoek, while the Namibian Police Force (Nampol) is a national body established in the Namibian Constitution.

<sup>29</sup> This may refer to the case where the City of Windhoek evicted a mother of four without a court order, but with the assistance of the Affirmative Repositioning movement, she was able to take the City to court. While the case was being reviewed, the family was accommodated at a bed-and-breakfast at the City's cost. See New Era, 3 April 2017. Court asks evicted land group to provide proof. Available at <https://www.newera.com.na/2017/04/03/court-asks-evicted-land-group-to-provide-proof/>, last accessed 11 August 2019.

the Special Rapporteur's message,<sup>30</sup> in which she stressed that housing was a right, not a commodity.

<sup>30</sup> See Foreword.

**John Nakuta, law lecturer at the University of Namibia**, stressed that there was a difference between the right to adequate housing, that was recognised under international law, and the right to property. He explained that the Namibian Constitution only provided for the right to property, but that the right to adequate housing was incorporated into this right when Namibia signed the ICESCR in the early 1990s. He emphasised that adopting a rights-based approach to fulfil the right to adequate housing was not an option. In illustration, he referred to the problem of affordability, saying it was not possible simply to address that issue at the expense of others, such as security of tenure. He explained that, if one aspect was neglected, then a person could not be said to enjoy the right to adequate housing. He asked the presenter to expand on the fair lending legislation in South Africa, which compelled financial institutions to comply with the right to adequate housing.

**Ms Van Schalkwyk** stressed that countries were obliged to take international law into account. She also emphasised how other rights that were in the Namibian Constitution could also be used to enforce the right to adequate housing, even if the right was not included in the Constitution as such, e.g. the right to dignity, equality and family life.

Regarding fair lending, Ms Van Schalkwyk mentioned there were social movements trying to get financial institutions to address the plight of the poor. She explained how stringent the procedures were to get a bond to buy a house in South Africa, including having a credit record. She stated that, without these, applicants were regarded as 'high-risk clients', which was a proxy for 'low-income groups'. She noted that her organisation had supported cases protecting people's rights in execution when their properties were being sold to cover debt. As an example, she described a case where a woman's house had been placed in execution for a debt of just a few hundred Rand, and that the court had deemed this a violation of the debtor's right to adequate housing. She also noted how banks were now aware of the issue and took the option of restructuring the debt. She added that, previously in South Africa, one could have a house sold in execution and the execution warrant could be issued by the registrar of the court, i.e. the evictee was not even seen by a judge. In other words, one's house could be sold in execution without the debtor being aware of what was going on, she explained. This ended with a Constitutional Court case, *Gundwana vs Steko Development*,<sup>31</sup> which established that such decisions had to be taken by a court of law.

**Hilia Hitula of the Walvis Bay Municipality** asked whether there was a specific definition of ownership. She referred to the example of 'family homes', where a house was not perceived as being owned by one individual

<sup>31</sup> *Gundwana v Steko Development CC and Others* (CCT 44/10) [2011] ZACC 14; 2011 (3) SA 608 (CC); 2011 (8) BCLR 792 (CC) (11 April 2011); <http://www.saflii.org/za/cases/ZACC/2011/14.html>, last accessed 14 August 2019. For an analysis of the case, see: Tissington, K. (2011). A Resource Guide to Housing in South Africa 1994-2010. Legislation, Policy, Programmes and Practice. Retrieved from Socio-Economic Rights Institute of South Africa website: [http://www.seri-sa.org/images/stories/SERI\\_Housing\\_Resource\\_Guide\\_Feb11.pdf](http://www.seri-sa.org/images/stories/SERI_Housing_Resource_Guide_Feb11.pdf)

but was the property of a wider family network. She believed that this notion was probably not limited to Namibia and South Africa but was arguably applicable to the broader African context. She also questioned the idea that proof of ownership amounted to a piece of paper and stressed how much effort went into obtaining such a document, while what was at stake was a basic human need – regardless of proof of tenure or what form that took.

**Ms Van Schalkwyk** explained that, in South Africa, particularly under the presidency of Thabo Mbeki, the focus was on a very neoliberal economic approach which favoured the idea of individual titles (one person, one title) because this gave people access to credit. However, she explained that there was now a shift away from that in South Africa and different forms of tenure beyond 'ownership' such as long-term leases were being supported. She nevertheless noted that the support for individual ownership was still very much alive. She also mentioned the notion of *co-ownership*, where one could have more than one person's name on a title deed; all such named parties remain actively involved when circumstances changed. Ms Van Schalkwyk also suggested that different tenure possibilities may be something more related to education and the ability to understand how public procedures (e.g. land administration) operate than to actual changes in the way that the Deeds Office operated. At the same time, she stressed that, in order to actually have ownership, that notion had to be understood in the same sense that the Deeds Office understood it. While she recognised that placing property in the name of a trust was a more flexible possibility, it was a costly and complex endeavour, and certainly not a tool applicable to the realities of many today. She mentioned that there were also 'family property associations' but emphasised that such legal options entailed yet other complexities.

**Ms Hitula** noted that while shack dweller groups constituted some form of collective processes, local government authorities were generally reluctant to engage with them. She asked what practical experience on the ground could help these organisations.

**Ms Van Schalkwyk** admitted having no definitive answer to the question, but she explained how her office had assisted boards of representatives with constitutions that stated who their beneficiaries were. In such cases, the board itself was registered as the owner of the property in question, and this option was acceptable to the Deeds Office.

**Mr Bayer** noted how these options all came with their own sets of challenges. He noted that the more sophisticated a collective group was, the more expensive and complicated its set-up became. He stressed that being a group automatically implied a greater degree of complexity because of the multiple opinions that shaped how the group functioned. He used the Rehoboth area to illustrate this point. Although the Deeds Office allowed properties in Rehoboth to be registered in the name of all one's dependants, it created a situation where various individuals had a claim to a property,

which made decisions regarding that property a burdensome task. He noted that a similar case applied in Namibia's communal areas.

**Ms Van Schalkwyk** stressed that the Deeds Registry and the Deeds Registration Act,<sup>32</sup> specifically in South Africa as well, needed to start becoming aware of the various modes of tenure taking place on the ground. She mentioned how such Acts stemmed from a very old system and that it was a mistake to think that system would last forever. She felt that recognising and supporting different forms of ownership was something that needed to be addressed in South Africa and perhaps in other parts of the world as well.

**Taro Ashipala from the City of Windhoek** asked whether the definition of house was the same in South Africa as it was in Namibia's Local Authority Act.<sup>33</sup> He mentioned cases where, if the City Police found a building that, in their view, did not comply with certain characteristics, then they did not regard it as a house. He also noted how the discussion had not elaborated on the time dimension. In this regard, he asked how long a person had to live in a place to be able to claim the right to adequate housing.

**Ms Van Schalkwyk** replied that she was not aware of a specific Act in South Africa that defined the notion of house, but that the challenges regarding ambiguity in the right to adequate housing could be illustrated in the *Grootboom* case.<sup>34</sup>

**Mr Ashipala** referred to Namibia's Deeds Office not allowing the registration of properties smaller than 300 m<sup>2</sup>. He noted how this provision had created a situation where some people rented for many years. In his view, this was also unfair to those who wanted to leave a patrimony for their children. He also noted how the lack of ownership, i.e. not being in possession of a title deed, prevented inhabitants from building a permanent structure on a plot of land. He added that it was not possible to erect a permanent structure on a plot of land that was not fully serviced, and that the process of servicing was left to the local authority to do as and when resources permitted, or they chose to give it priority. The challenge, he concluded, was that inhabitants were unable to improve their living conditions because of ownership limitations.

**Mr Nakuta** reminded the participants that, when speaking about the right to adequate housing, this involved not only ownership but rentals as well. Furthermore, he stressed that inhabitants of informal settlements were equally entitled to the right to adequate housing and, by extension, security of tenure.

**An unidentified female participant** mentioned how monitoring and evaluation mechanisms were needed to follow up what had already been tried. She stressed how government projects ended up dying a silent death, which created the idea that there was no accountability.

32 No. 47 of 1937 (South Africa).

33 The Local Authorities Act, 1992 (No. 23 of 1992) defines the sense of buildings as including "(a) any structure, whether of a v or temporary nature, constructed or used for the housing or accommodation of human beings ...; (b) a wall of at least 1,2 metres in height ... [or] (c) any boundary fence or wall". However, there is no further specification on the nature of such building.

34 See footnote 4 of this session.

35 No. 1 of 1999 (South Africa).

36 Government of the Republic of South Africa. (n.d.). General Procurement Guidelines. Retrieved from <http://www.treasury.gov.za/legislation/pfma/supplychain/General%20Procurement%20Guidelines.pdf>

**Ms Van Schalkwyk** responded that, in South Africa, it was not so much a lack of mechanisms to address problems of corruption, but rather that follow-ups on such cases were scarce. To illustrate, she referred to the Public Finance Management Act<sup>35</sup> and the legislation regulating public procurement,<sup>36</sup> which set out specific mechanisms for how procurements needed to happen to prevent corruption. These laws prescribed what tender committees needed to be formed within municipalities and outlined specific tender processes, but on a day-to-day basis, these procedures were not always followed. The task was to bring to book or even fire those who took part in such crimes, but this did not always happen. She concluded that half of the work was having the mechanisms in place; as important, however, was following up and holding people accountable.

**A participant from the LAC** clarified that, under the rules of the Law Society of Namibia, the LAC could not take a matter to court if they saw a problem, whereas the LRC in South Africa could do so. Whereas public interest law in South Africa had the scope to do things on their own, the LAC needed to have clients walk through the door, screen them, and then hand over their case to a litigation lawyer, for example. She stated that the LAC was considering asking the court to expand its standing to allow it to act on behalf of the public.

**Mr Bayer** brought up the cases of local authorities not adhering to the law or mispending their funds. He suggested that, at some point, notwithstanding the costs, litigation might be the way to go.

**Mr Delgado** reminded the participants that, in the case of Namibia, local councillors were appointed, not elected (with the exception of regional councillors). Therefore, the mechanism for accountability through elections was not really available. He stated that local governance and accountability were key areas for further work.

**Ms Van Schalkwyk** provided an example of a case where a court awarded a property to a specific person, but the property transfer was not effected because the beneficiary made a living selling things on the side of the road and could not scrape the money together for the transfer.

**An unidentified participant** mentioned that, in Namibia, issues of affordability were serious: many houses had been built but stood empty because no one could afford them.<sup>37</sup>

**Ms Van Schalkwyk** explained that transfer fees in South Africa depended on property values. If the house was not expensive, the transfer fees might be low – but many might still find that unaffordable.

**Mr Bayer** referred to a study in which he had taken part where transfer costs were established to have been between 7% and 8% of the value of the property. In his view, these rates were comparatively favourable by

international standards; however, such costs sometimes amounted to almost 100% of a beneficiary's annual income. Even if covering such costs would take five to ten years, the impact on the beneficiary's livelihood would be significant. He also mentioned cases where some people's monthly rental for a property was higher than what a home loan repayment would be, and suggested some form of regulation to address this.

37 This may refer to the houses built during the first phase of the MHDP which, at the time of the Forum, were reportedly still unoccupied; see: The Namibian. (2017, June 7). 2 000 houses unoccupied. The Namibian. Retrieved from <https://www.namibian.com.na/index.php?page=archive-read&id=165448>.





## SESSION 7

# Urban Land Reform, Tenure Options and Land Administration

**Kwame Tenadu**

*Chairperson, Commission on Spatial Planning and Development,  
International Federation of Surveyors*

*Kwame Tenadu is the Chair of the Commission on Spatial Planning and Development of the International Federation of Surveyors. He is also President of the Licensed Surveyors Association of Ghana, Regional Chair of the Ghana Institution of Surveyors, and a Board Member of the Association for the Protection of Archaeological and Historical Sites.*

*The International Federation of Surveyors is an NGO recognised by the UN and the World Bank. It comprises national member associations that cover the whole range of professional fields within the global surveying community. The Federation provides an international forum for discussion and development that aims to promote professional practice and standards.<sup>1</sup>*

<sup>1</sup> <https://www.fig.net/>

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The session was moderated by **Charl-Thom Bayer**, former Head of the Department of Land and Property Sciences, NUST

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**Editorial note:** The initial introduction that the speaker gave about the International Federation of Surveyors was edited, as much of the information was readily available on the Federation's website.

## Introduction: Urban Land Reform, Land Administration and Tenure Options

*Land administration* is the way in which the rules of land tenure are applied and made operational. *Land management* is the process of managing the use and development of land resources in both urban and rural settings.

The processes of land administration include the transfer of rights in land from one party to another through sale, lease, loan, gift or inheritance; the regulating of land and property development; the use and conservation of the land; the gathering of revenues from the land through sales, leasing and taxation; and the resolving of conflicts concerning the ownership and the use of land. Land administration functions may be divided into four components: *juridical, regulatory, fiscal and information management*. These functions may be organised in terms of agencies responsible for surveying and mapping, land registration, and land valuation.

I argue that every tenure option emerges from the land management of any country, or society or community.

*Land reform* is a programme which aims to rationalise, with due process and through equitable means, the existing pattern of land use and ownership in urban and urbanising areas. As such, it involves the imposition of certain limitations on the use by the owner of his/[her] property. I have seen the case of Namibia presented at the [Global Land Tool Network] platform,<sup>2</sup> namely that taking land from commercial farmers to redistribute it to previously disadvantaged people happens through due process; but is it equitable? That is why we need to ask these two questions together. We also need to manage citizens' expectations in a sustainable manner.

I find the following steps useful in engaging with urban land reform:<sup>3</sup>

- Step 1: Know your territory.
- Step 2: Develop a city-wide approach to redevelopment.
- Step 3: Implement neighbourhood plans with community stakeholders.
- Step 4: Make government effective.
- Step 5: Create a legal framework for sound redevelopment.
- Step 6: Create marketable opportunities.
- Step 7: Finance redevelopment.
- Step 8: Build on natural and historic assets.
- Step 9: Be sensitive to gentrification and relocation issues.
- Step 10: Organise for success.

I have selected three case studies from China, Rwanda and my own country, Ghana, in order to show what drives different tenure options in these places.

## Urban Land Reform in China

Modern land reforms began in the mid-1980s following a successful experiment in Shenzhen with a Special Economic Zone on its border with Hong Kong. In [the Zone], State-owned land was leased to foreign corporations. The [Chinese] Constitution was amended in 1988 so that land use could be transacted according to law. Previously, China did not have this type of system. In 1990, China officially adopted land leasing as the basis for assigning land use rights to urban land users.

In the current property rights regime, use rights for specified periods ranging from 40 to 70 years can be obtained from the State through the up-front payment of land use fees. This is creating a massive financial asset for them. The fees are determined by the location, type and density of the proposed development. This separation of land ownership and use rights allows the trading of land use rights while maintaining State ownership of land: the State maintains the ownership and it sells the user right to you. If you have the user right, you can also sell it to somebody else.

For the Chinese Government, this separation offered three advantages: first, market mechanisms could help guide the allocation of land resources; second, land use fees would provide local government with a new source of revenue; and third, by retaining state ownership, social and political conflict would be minimised.

The pace at which this transformation is taking place offers rare challenges and opportunities. For land policy researchers, China offers opportunities to explore questions central to international urban policy debates:

1. How do market forces shape the internal structure of cities?
2. Can markets provide safe and affordable housing for all segments of the population?
3. Are markets the primary cause of urban sprawl?

For academics and practitioners involved in education and training, China offers the challenge of sharing the lessons of Western experience without encouraging the Chinese to make the same mistakes. In the process, both researchers and trainers can improve the process of development in the world's most rapidly urbanising nation.

## Urban Land Reform in Rwanda

I present the case of Rwanda because there is hardly a conference on land-related issues without someone citing the massive progress Rwanda has made. Rwanda started with a National Land Policy in February 2004 and passed a Land Law in 2005. The National Land Policy put great importance on appropriate land administration systems as being key for land tenure security, providing the possibility of registering and transferring land and, thus, of

<sup>2</sup> The Global Land Tool Network is an alliance of international partners contributing to poverty alleviation through increased access to land and tenure security (<http://www.gltn.net/index.php/about-us/about-gltn>, last accessed 31 July 2019).

<sup>3</sup> See Katz, B. (2003, July 9). Seizing City Assets: Ten Steps to Urban Land Reform. Presented at the Vacant Property Forum. Retrieved from [https://www.brookings.edu/wp-content/uploads/2016/06/20030709\\_katzvacantland.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/20030709_katzvacantland.pdf)

investment in land. They needed to have a clear distinction between urban land and rural land, [and] a clear separation of public land and private land. They needed to decentralise land administration procedures, provide strong institutional arrangements to coordinate all the systems, and embark on systematic land registration both in urban and rural areas. To this end, Rwanda chose appropriate technology to map the rural area, i.e. a global positioning system (GPS) for tourists, although it is less accurate than a professional GPS. They needed to know where and how big a property was so that they could undertake the task in a reasonable time.

Everyone knows that land is a valuable asset; but it is also a very contested one and a source of various conflicts. [For example,] the Liberian war started as a political issue, and then it shifted to the issue of land ownership. Getting land reform right is critical to both poverty reduction and a peaceful and secure country. Thus, land reform is identified as a priority in the Government of Rwanda's Vision 2020 to improve the security of tenure by clarifying and registering land rights in order to ensure that all Rwandans, irrespective of gender, enjoy the same rights to land. The Rwandan Government also aims to improve land values, promote investment and contribute to sustainable land use and management.

### Urban Land Reform in Ghana

We have two parallel land systems. The first is the statutory tenure and State land management system, where the government acquires land from communities through compensation that it deems fit. Government runs this system through the Lands Commission, the Land Valuation Board, and the Land Title Registration System. We have a lot of chieftaincies as Ghanaian society is clan-based; and all these chiefs have land. To administer the revenues flowing from this resource, there is an Administrator of Stool Lands. We also recognise the importance of surveying, so we have a Survey and Mapping Department, and an Environmental Protection Agency. The courts also play a key role in this: they allow for change in tenure through identification and judgements. Therefore, the courts are also part of the framing of the land tenure options that we have in Ghana within the statutory tenure system.

Then we have the customary land tenure and management system, which deals with what I mentioned earlier regarding the chiefs having land; we call this the *Allodial Title System*. Even though the chiefs hold the land in trust, and it is a fiduciary relationship between them and the subjects of the clan, the chiefs are always pocketing the money and never account for it. So, this trust relationship is always a challenge.

At the customary level, there is what we call *families*. They are not clans, but they are families. There are families who descend from a long heritage of owning land, and this is recognised by our Constitution. And then we also have private interests confronting these.

I did not expand on the benefits of customary land tenure in Ghana because there is little to say about that, but I will share with you the weaknesses. The weaknesses emerged from the weakening of the fundamental principles of customary land law. If customary law were codified and written, then you could always refer to it. But because it is only documented by word of mouth and keeps evolving through time, it becomes increasingly problematic – as land started having monetary value. The weakening of the fundamental principles of customary land law and the breakdown of the trusteeship ethos have resulted in landlessness (some chiefs can sell all their land to one investor without the knowledge of their subjects), homelessness, endemic poverty and general insecurity for women and men alike in peri-urban neighbourhoods. Land conflicts, protracted litigation and adjudication failures, documentation bottlenecks and uncertainty are widespread problems with informal land markets.

What did Ghana do? They decided to balance the two: statutory and customary land tenure and management. The chiefs own about 80% of all the land in the country, so they are a big force to reckon with. The State has only 20% of the land, and they cannot get land unless they appropriate it from the chiefs. This means that you have to do some balancing. This resulted in what we call *vesting orders*, in other words, vesting land in the President of the Republic. In theory, when customary lands are vested, the beneficial interests rest with the community whilst the legal estate is transferred to the President. In this case, whatever happens, the stools (communities) benefit from this operation: any revenue that emerges through this transaction goes to them. However, for management purposes, the ownership is vested in the President.

### Conclusions: Teach less, Learn more, Do much

China asserted State control over land to accelerate development, which was the major vision for tenure options. In Rwanda's case, they wanted to manage potential conflicts by enhancing access to land and reducing poverty. With regard to Ghana, there was the need to balance customary processes with statutory regulation for inclusiveness.

Now I ask one question: in Namibia, which options will we choose? Which option are we going to rethink?

I have gathered some wisdom through interactions with the survey team from Cambodia. The discussions were about how they have emerged from a bitter war to address some of the issues of land tenure. Sar Sovann, a friend of mine who is retired now, shared with me what the vision of land administration in Cambodia is: *No cry, no laugh, only smile*. If you cry, it means land has been taken away from you unfairly, and this is what they want to avoid. If you laugh, it means you got it on a silver platter; you have cheated or you have more than the others. Only smile means that we are in-between and it's fair. Therefore, they bring people along in that corridor – with only smiles.



I have developed these approaches to reform. I say Teach less. When I talk about Teach less, I am referring to the principles. In any academic session we can research so many things, but what should be important to us are the underlying basic principles which you need to apply. This is what I learned from Sar Sovann, to teach less. Let them bring you all the loads of data, laws, assessments, historical evidence, and all that, but take the principles and apply them.

He also said *Learn more*. By learning more he meant that you should be learning facts and that your facts should be based on logic. To have a practical tenure system that works for all, you must be factual and logical in all your dealings.

And then he says *Do much*. By this we mean “be flexible and be balanced”.

We all know that planning is multifunctional: that it involves various tasks, roles, and professions. What I would like to highlight is the need to manage high-level collaboration, consultation and coordination between and amongst stakeholders from all scales as a policy objective for any country. I hope that whatever we are going to rethink, we will measure it with the integrity that it deserves.

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### Discussion

**Charl-Thom Bayer** proposed focusing the discussion on the institutional point of view and how the sustainability of urban development could be seen from that perspective.

**A participant from the LAC** raised the issue of 99-year leases, noting that they were sometimes problematic when being transferred to another lessor. She asked the speaker if he knew of cases where a 30- or 70-year lease had expired and what had happened on its expiry.

**Mr Tenadu** clarified that, in such cases, the only right that the beneficiary had was the right of use; so, the only thing that the beneficiary could dispose of was the right of use. A beneficiary could sell that right to an investor.

**The same LAC participant** asked what would happen in the last year of the lease.

**Mr Tenadu** responded that it was a matter of economics. The right of use over land with only one year left in the lease was worth less than one with 29 years left – unless that right of use was renewable. He also mentioned that the nature of the development associated with the leased land would add other variables, e.g. developing a factory would differ from building a housing estate.

**Mr Bayer** stated that, in the case of Namibia, it was not the technical capacity or skill of the surveyor that was the problem, but the costs associated with property transfers. He explained that some informal settlements had been surveyed, but that the costs and procedures from that point on to the transfer of ownership to the land occupants entailed high costs.

**The LAC participant** responded that although that might be the problem in urban areas, in her experience the problem in rural areas was the lack of surveying professionals.

**Mr Bayer** referred to a study<sup>4</sup> that had looked at communal farms in northern Namibia. The study had found that, while all of the communal farms had been surveyed and their diagrams had been registered at the Deeds Office, no leasehold rights on communal lands had been registered. Furthermore, while survey costs had been covered by the State, the cost of transferring a land right seemed to be an obstacle, Mr Bayer stated. In these circumstances, he felt the issue was more socio-economic in nature than a matter of deficiency in the land administration system. He also mentioned a certain tendency of traditional leaders wanting to keep some degree of control over land allocation in areas *under their jurisdiction*. This tendency was not, in Mr Bayer's view, one of authoritarianism, but because land transactions were already working to some extent and the usefulness of formalising land rights was unclear.

**Mr Tenadu** pointed out that, in Africa, traditional land allocation mechanisms were something that could not be neglected, and that imposing land administration systems from Europe could be unproductive.

**An unidentified participant** asked about cases leasehold rights in urban areas.

**Mr Tenadu** explained that urban areas in Ghana still had a dual system of traditional and statutory land management. However, he emphasised that it was particularly in rural areas that one needed to recognise and empower what already worked.

**The LAC participant** said that traditional land rights could also be problematic. She illustrated this by describing how land was sometimes allocated traditionally to a person while the house in fact performed the function of a ‘family house.’ This created a situation in which the head of a household was able to sell or transfer the house, while in practice they were displacing a larger number that also had a right over such ‘family house.’ She stated that the LAC had some cases of families seeking assistance because the head of their household had sold the land on which they had all depended. She added that there had been other cases as well, e.g. where some had been tricked into selling their properties by signing sale agreements without knowing what the documents entailed. She also noted that original Katutura houses were subject to 99-year leases, but that their occupants had been able to purchase

4 Werner, W., & Bayer, C.-T. (2016). Leasehold as a Vehicle for Economic Development. Retrieved from Legal Assistance Centre & Namibia University of Science and Technology website: <http://ir.nust.na:80/xmlui/handle/10628/587>

outright ownership of the land and the dwelling(s) on it for a certain amount before Independence in 1990.

**Mr Tenadu** stated that such cases had more to do with poverty and a lack of education, rather than shortcomings in the system itself.

**Mr Bayer** cautioned that tenure systems needed to recognise the situation on the ground. He mentioned how group rights that were supposed to protect the land rights of a group in fact empowered individuals, creating uneven land rights within the group. For example, he explained how programmes like the MHDP could be reviewed not only to entail group rights, but also sensitivity to the situation on the ground. He asked how group rights worked in respect of the Flexible Land Tenure<sup>5</sup> scheme or sectional titles. Among the challenges in maintaining group rights, in his view, was that they required resources and cooperation – either in the form of body corporates or voluntary organisations. He also raised the question of how group rights beneficiaries could eventually ‘graduate’ to individual ownership if the situation required.

**An unidentified participant** stated that group rights, particularly in urban areas, depended a lot on affordability and legislation. He explained that local government in Namibia operated on a cost-recovery basis; however, the professional costs involved in formalising land tenure, coupled with legislation setting high standards, created an affordability problem for the potential owner.

**Mr Tenadu** referred to work undertaken by the Global Land Tool Network, where the concept of a continuum of land rights was established.<sup>6</sup> He suggested using this concept to reflect on where Namibia found itself.

**An unidentified participant** emphasised the need to produce local definitions for Namibia in terms of what was meant by culturally acceptable, affordable and social housing.

**Mr Bayer** encouraged seeing Namibia’s informal settlements as not completely ‘unregistered’. For example, he noted some informal settlements had numbered structures and there was some form of registry of plots in the settled area.

**An unidentified participant from the City of Windhoek** cautioned that unlawful land occupations could also become politicised, and that relocation could become complicated if political support happened for electoral purposes instead of as a human rights issue.

**Mr Bayer** pointed out the contradiction between the lack of serviced land and the simultaneous resistance to densify land uses to make serviced land more affordable.

**The same unidentified participant from the City of Windhoek** responded that the challenge lay with councillors who sometimes resisted the notion of densification.

**An unidentified participant** pointed out that densification required a revision of urban planning and an increase in public amenities.

**Mr Bayer** reminded participants that culture changed, illustrating his point by describing how a young university graduate might not necessarily be interested in a freestanding house but might prefer a flat in an apartment building. He suggested that, as an alternative to defining culture and catering for that, envisioning flexible options in a changing environment would be more strategic.

5 See Christensen, A. (2017). The Flexible Land Tenure System in the context of the Sustainable Development Goals (ILMI Working Paper No. 6). Retrieved from Integrated Land Management Institute website: <http://ilmi.nust.na/sites/default/files/2017-CHRISTENSEN-The-flexible-land-tenure-system-in-the-context-of-SDGs-WEB.pdf>

6 See Barry, M., & Augustinus, C. (2016). Framework for evaluating continuum of land rights scenarios (Report No. 4). Retrieved from UN Habitat : Global Land Tool Network website: <https://glt.n.net/home/download/framework-for-evaluating-continuum-of-land-rights-scenarios/>



## SESSION 8

# Design, Construction and Sustainable Spatial Processes

**Nina Maritz**

*Principal, Nina Maritz Architects*

**Nina Maritz** is the principal and founder of Nina Maritz Architects in Windhoek, Namibia. A graduate of the University of Cape Town School of Architecture in 1991, she established her firm seven years later with a focus on environmental sustainability and community projects. A member of the Namibia Institute of Architects, Ms Maritz has authored numerous papers on energy efficiency and sustainability within developing countries and is a frequent lecturer on sustainable architecture. Using an approach that is deferential to both the setting and its people, Nina's work draws not only from her familiarity with environmental and social factors, but also from an ability to delve into the detailed particulars of each place by simultaneously being both vernacular scholar and environmental designer. Utilising an honest expression of materials and structure, her firm's growing portfolio elicits a sensitive approach to place and climate, rooted in a deep appreciation of Namibia's unique history, culture and ecology.<sup>1</sup>

<sup>1</sup> <http://ninamaritzarchitects.com>.

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The session was moderated by **Phillip Lühl**, Lecturer, Department of Architecture and Spatial Planning, NUST.

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**Editorial note:** The speaker structured her session into several sections and proposed having a discussion after each section. All images were sourced from the speaker unless otherwise referenced, and all images were taken by the speaker unless otherwise noted.



## Introduction

When people hear the word *sustainable* they immediately think of green housing, of alternative materials, clay and then recycled materials, but we are not going to talk only about that today. The topic that we are addressing here touches on all the other aspects of design, so there might be some repetition of what has been said before during this Forum. The purpose of this discussion is to look at creative suggestions. We are not here to judge ideas to be totally useless; instead, we could assess whether something is less appropriate or more appropriate.

Under each topic I am going to talk about what prevails in Namibia, what some of the approaches in other parts of the world are, and then introduce some ideas to start the conversation. The topics will be Housing typologies, Construction and delivery, Sustainable housing, and Urban living – as housing is about living in an urban situation.

Let us start with some information: we are experiencing significant growth in urban areas of Namibia. In terms of housing demand: 52% of the population have monthly incomes of less than N\$1 500 with an estimated backlog of 45 000 housing units; 35% have incomes between N\$1 500 and 4 600, with a backlog of 30,000 units; 7,2% have incomes between N\$4 600 and 10 500, with a backlog of 4 000 units; and 5.7% have incomes of more than N\$10 500 per month, with an estimated backlog of 700 units.

The existing housing stock includes: 33% detached housing, 5% semi-detached housing, 4% apartments, 27% informal housing, and 31% traditional housing, which gives you an idea of the spread of current typologies.

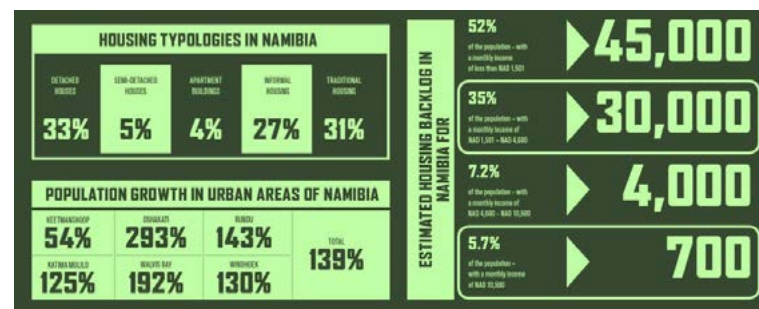


Image 8-1: Housing typologies in Namibia<sup>2</sup>

<sup>2</sup> Source: Graft. (2016). Architecture Activism. Birkhauser.

## Part 1 – Housing Typologies

I want to talk about typologies first, about the form of the housing. This study shown on the slide was done by Graft Architects for their housing proposal (see Image 8-1). It compares the building cost and selling price of detached houses and villas; semi-detached and row houses; small and large apartments; and mid- and high-rise apartments, with green indicating the unserved market (Image 8-2).

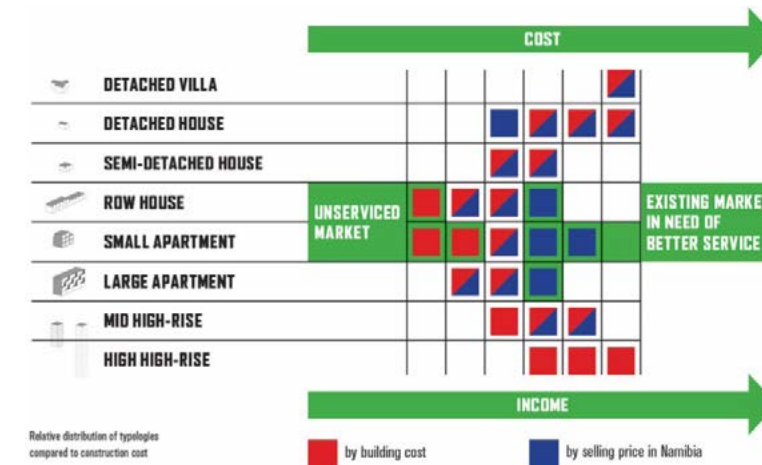


Image 8-2: Building cost vs Selling price for various typologies in Namibia<sup>3</sup>

<sup>3</sup> See footnote 2

In terms of sustainability, the building form and orientation can have a big impact on the performance of the building in terms of its green ratings, the height to width ratio, keeping the heat in during winter and out during summer, the zoning implications, etc. I want to stress that we are talking about flexibility here: we are not saying one particular typology is the best performer and therefore we should only go for this one. What we are saying is that we look at the impact that the typology can have on the green aspects of a building.

If we look at the aspect of heat loss, the detached house performs much worse than the apartment building. You might think that heat loss is more relevant for European conditions, but in Namibia it can have a big impact when people put their electrical heaters on in winter.

This means that, when we speak about how much money we need to provide for housing, there is one important factor that does not require that much money – planning and design. It is what you do on paper before you start construction that is critical in terms of addressing the costs and impact on the building performance.



Image 8-3: Traditional house, Bloupoort, north-western Namibia

In Namibia, we have our traditional or vernacular houses which provide a lot of housing and need to be taken into account. We should stop stigmatising vernacular as bad because, in the rural areas, it can actually be very good to have a vernacular house.



Image 8-4: Idealised suburban dream living as depicted in Edward Scissorhands<sup>4</sup>

We also have detached houses or villas. The movie Edward Scissorhands depicts an ideal, American middle-class suburban house. The husband goes away in his car in the daytime and comes back in the evening, and the wife stays at home and curls her hair. That is the kind of dream that we seem to be pushing in terms of our housing typologies. We must decide if that is the right thing.



Image 8-5: Upmarket granny flats in larger properties in Windhoek, Namibia<sup>5</sup>

<sup>5</sup> Source: Google Earth.

We have a lot of 'granny flats' in Windhoek, which is a back room with a toilet. And we charge students a hell of a fortune to live there. If we could double up on our granny flats, maybe rents could come down and a lot more students would have a lot more places to stay. But we are restricted by our current regulations on second dwellings in this city.

Then there is our typical NHE house, which was discussed at length in the workshop before lunchtime, and our sectional title townhouses in their gated communities, which we have all over Kleine Kuppe especially.



Image 8-6. Typical NHE houses.

<sup>4</sup> Burton, Tim [Director]; Di Novi, Denise & Burton, Tim [Producers]. 1990. Edward Scissorhands. USA. 105 minutes.





Image 8-7. Kleine Kuppe townhouses, Windhoek, Namibia



Image 8-8. Freedom Plaza apartment building in Windhoek, Namibia.<sup>6</sup>



Image 8-9. An 'informal' structure in Namibia.

We also have new urban apartments that are going up. I don't know if anybody has looked at the rental and selling prices, but they seem to be expensive (Image 8-8).

And then let us not forget shacks! (Image 8-9) We keep on saying we do not want shacks, that we want to get away from informal settlements. We need to face it: people are going to live in shacks and informal settlements for the foreseeable future, so we need to look at what we can do to improve the conditions of living in informal settlements. We cannot ignore them because we think they are not good enough.

All of these typologies have one major problem for me, and that is not to do with the typology itself. The problem is that we cluster them all together with very few amenities. At most there might be a school, a clinic and/or a corner shop. In the informal settlements people really know much better because, there, they open businesses, start their own crèches, you can get your hair cut, and so on. And why do we have so few options? Seven options might look like

a lot, but they are not really all options if you are very poor. Number two to six in Table 1 below are really out of reach for the poor.

Now let me show you some other typologies. Something that is quite old-fashioned and has come a long way, but it is still used in many countries such as New Zealand, Australia and India, is the idea of the *boarding house*. This is a row of rooms with a shared bathroom and a landlady who runs the kitchen so that residents eat meals together and go off on their own ways. This is for single people and students or professionals that are just starting out. It could be working class, but it could also be any other kind of class.

Then there are many ideas about compact living. Fabio Todeschini,<sup>7</sup> at the Urban Forum 2015 masterclass two years ago, said, "We all [would] like to have a farm. We're all farmers at heart. We also want the inside of our houses to be as big as farms." But there are all sorts of things that one can do, like putting your bed on top of your bathroom, which saves a lot of space. Many of the photographs I show here are very hipster, very high tech, very expensive; but there are a lot of people in informal settlements that are actually doing this kind of thing – just in a simpler way.

Here is an interesting phenomenon I saw in China. It is called a *tulou*. It is an enormous, often circular, rammed earth building with rooms on the perimeter. Often, one big clan of up to 800 people who built the structure communally that lives there. Each family has their own vertical unit. You have your storerooms, your bedrooms, your living room [and] your kitchen (sometimes combined with your living room). Sometimes they have internal, private staircases [and] sometimes they have communal staircases. The buildings in the centre are communal and include the temple.



Image 8-10. Communal housing in traditional rammed earth Tulou, Fujian, China

<sup>7</sup> See: <http://urbanforum.nust.na/?q=node/46>

<sup>6</sup> Photograph by the editors.



Then there is a thing called co-housing. It started in Scandinavia in the 1960s. People have their own dwelling unit, which has almost everything that a standard house has. Perhaps their kitchen/dining/living area is smaller because they also have a communal kitchen and living area. Residents take turns to do the cooking in teams. They maybe also have communal vegetable gardens. They coordinate day care. They have old people and young people mixed with families so that they have old people available during the day to look after the kids. It is usually quite compact and very cost-effective.

Co-housing comes in different styles, so it has nothing to do with the typology or the aesthetic appearance but more with how the complex is organised.



Image 8-11. Co-housing complex with central communal area between private dwelling units <sup>8</sup>

<sup>8</sup> The image belongs to the Livewell Co-Housing, in Canada. However, the organisation has now disbanded.



Image 8-12. LC710 Housing project in Mexico City, by Héctor Barroso. <sup>9</sup>

<sup>9</sup> Images courtesy of photographer Rafael Gamo. <https://rafaelgamo.com/>

Then there is courtyard housing. This (Image 8-12) is an example from the Mexico – which is interesting, because it is quite narrow. The idea is that the house is organised around courtyards.

Then there are *four-storey walk-ups*, [so-called] because you do not need a lift. This is the kind of low-income housing that was built in the Cape Flats for a long time. But the example I am showing here is working class housing that was built in the late 18th Century in Gothenburg, Sweden, and it consisted of a room and a tiny kitchen per family. The sanitary facilities were in an outhouse downstairs and there was a school in the complex.

I am not suggesting that this is how we should live now, but it is worthwhile thinking that this typology is still being used 200 years later. Nowadays, people are combining two units: buying a second one and then converting the first one into a bedroom. The other one [turns] into the living area, the one little kitchenette into a bathroom, and so on. These were originally set to be demolished in the 1960s in the ‘bright’ age of modernism, but those which survived provide a lot of desirable housing today.



Image 8-13. 18<sup>th</sup>-Century working class housing, now gentrified; Gothenburg, Sweden.

Here is another example of narrow row housing, also with a courtyard. Narrow row housing is something that is quite prevalent in many parts of the world because you really save on services. Instead of having a property that is 30 m wide with 30 m of electricity, water [and] sewerage pipes, you have row houses that are 5 m wide so you can service six erven instead of one (Image 8-14).

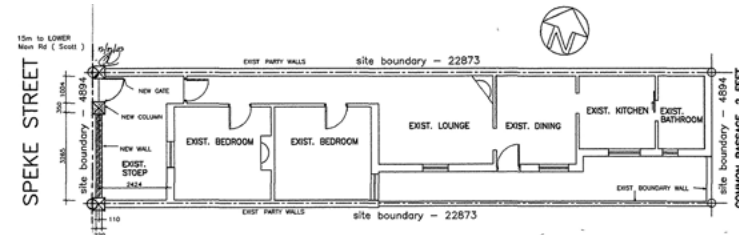


Image 8-14. Narrow Row House, Observatory, Cape Town, South Africa <sup>10</sup>

The movement called the *Missing Middle Housing* aims to bridge the gap between single detached homes and mid-rise apartments.<sup>11</sup> They argue that people want homes that make them think of a neighbourhood. People do not [necessarily] want to live in high-rises. The urban apartments work for some, but others want something else. So, they suggest typologies like the *bungalow court* with a number of houses on one property;<sup>12</sup> a *multiplex* with a single building which houses four to six units; [or] a cottage co-op that is similar to the bungalow court or maybe a little larger. They suggest a variety of options – the basic idea being that these are smaller typologies that share the land costs, and they use simple construction technologies that any ‘bakkie-builder’<sup>13</sup> can use.

Very importantly, they propose less space for parking. This allows increased density and, therefore, encourages businesses due to the increased buying power. Where there is a mix of businesses, people can walk and do not need that many cars and parking. Their proposed average density is 100 units per ha. They also talk about live/work units – and here is Winfried Holze’s shop-house concept<sup>14</sup> as an example [of] a very viable solution proposed for Windhoek (Image 8-15).



Image 8-15. Model of shop-house proposal for Windhoek, Namibia<sup>15</sup>

I want to throw one or two challenges at you: what is a *minimum dwelling*? In order to decide what a *minimum dwelling* is, I suppose we should discuss who lives in one. We tend to assume that there is a mom and dad [and] two-and-a-quarter children, according to the statistics.<sup>16</sup> But if you are Rosa Namises,<sup>17</sup> you have three women and 18 children – because she has turned her three-bedroom house into an orphanage.

Or you might have a co-housing setup where you have people of different ages. So, when we think of [a] minimum dwelling, I think we must realise that it has to be flexible: it should not be cast in stone. [But] I am not saying that you build the minimum dwelling as a core house and then you expand on that particular minimum dwelling. Maybe you start the way I did: in a little garden-flat room with a little kitchenette and a bathroom. Then I moved to another place as I expanded my means.

What does a minimum dwelling need? It needs sleeping space, it needs eating space, food preparation space, it needs space for washing, and it needs space for family or socialising. Does it really need a separate living room?

What one has to think about, firstly, is levels of privacy between public and private which do not have to be static but can be flexible. Secondly, it is about a spatial separation between activities, meaning you sleep in one room and you talk in another. Or you can have time separation like the Japanese: they roll up their beds in the day, put them in a cupboard, and then the sleeping space becomes a living space. At night they roll out the beds and it becomes a sleeping space again. These are more multi-functional spaces, where you can actually have everything in a single space which you use differently, according to what your needs are at a specific time.

15 Image courtesy of Winfried Holze.

16 According to the latest census, the average household size is composed of 4.4 members. See: NSA. (2011). 2011 Population and Housing Census Main Report. Windhoek: Namibian Statistics Agency, p.63

17 This refers to the Dolam Children’s Home in Katutura, Windhoek. See: New Era, 7 February 2008. Old Mutual helps out orphanage. Available at <https://www.newera.com.na/2008/02/07/old-mutual-helps-out-orphanage/>, last accessed 13 August 2019.

10 Photograph by the editors.

11 See <https://missingmiddlehousing.com/about>, last accessed 12 August 2019.

12 In the Namibian context this would be referred to as sectional title and/or townhouse.

13 Colloquial term denoting small-scale building contractors, who usually operate from a light motor truck referred to locally as a bakkie, a term borrowed from Afrikaans

14 This project formed part of the exhibition on experimental housing projects during the 2017 Urban Forum.

## Discussion on Part 1 – Housing Typologies

**Jeremiah Ntinda from the NHE** stated that he regarded it as characteristic of the local context to want to extend one's house.

**Ms Maritz** agreed, but said that there were different ways to do so, as [a house] could be extended horizontally but also vertically.

**Mr Ntinda** related his experience in trying to grow his property upward: it was not possible in the house he lived in because of the way it had been built. He moved to a different place with more land. He said he personally preferred to have a large plot and grow within it, rather than live in a small house and then move to a larger house.

**Ms Maritz** questioned this reasoning by asking what would happen if one did not have the money to buy a large plot in the first place.

**Phillip Lühl of NUST** agreed that the way that houses were built locally made expansion difficult.

**Winfried Holze, a Namibian urban designer**, noted a tendency to place the house in the middle of a plot of land, making expansion more difficult than if it were placed towards one side of the land.

**Heinrich Schroeder, owner of Kavango Brick Block**, opined that, in urban areas, expansion should go upwards, while in rural areas it should go sideways.

**Gabriel Marín Castro, the Minister of Urban and Rural Development's Special Advisor on Mass Housing**, stated that families in Namibia were changing as values changed. As an example, he referred to the first houses he had built for teachers in northern Namibia in 1991. He had designed the houses with a living room, but people in the end rather used outside spaces for socialising. However, when television started to become increasingly widespread, the room was used more and more. He also noted that, in South America or Asia, a small house of 42 m<sup>2</sup> was considered acceptable. Emergency housing for catastrophes such as earthquakes or hurricanes was 18 m<sup>2</sup>, i.e. two rooms measuring 3 m x 3 m. He noted a tendency in Namibia to regard the situation of the Namibian population as special, while with an increasingly globalised world, an urban mentality and a notion of being a member of the global community needed to be developed.

**Ms Maritz** asked how one could develop such an urban mentality.

**Mr Castro** replied that it could not be achieved simply by talking to people about it: one needed to experience urbanity in order to understand it.

**Ms Maritz** also pointed out that the concept of Namibia's 'exceptionality' was often used to reinforce prejudices.

**Mr Lühl** added that differences among people stemmed from their demographic group, age group, socio-economic group, etc. He noted that projecting one's own personal preference or experience onto others might not resolve their problems. He agreed in broadening the scope of options.

**Catharina Nord, a Swedish researcher**, related her experience from working in various contexts. She said she had stopped asking whether respondents' living conditions were "good or not" as people conformed to their situations and it became difficult to imagine how things might be different. Without exposure to other options, people may not have the opportunity to consider other ways of doing things.

**Martin Namupala, an architecture student**, felt that research was required to understand what worked in different contexts, and even in different types of settlements. He argued that housing should respond to its context.

**Uazuva Kaumbi from the NHE** stressed that Namibians should start imagining what they wanted instead of sticking to what was being done elsewhere. He said there had to come a point where one could agree on a practical and realistic solution after different options had been tested.

**Ms Maritz** asked Mr Kaumbi what would happen if the NHE offered more than one option. She also felt that the conversation was not about designing houses for individual households, but housing provision for lower-income groups on a larger scale.

**An unidentified participant** stated that there were examples of denser housing typologies in Namibia. For instance, he said he had grown up in a house with a 5-m front facade, and [Windhoek's] Okuryangava Extension 2 plots measured 10 m x 20 m, i.e. 200 m<sup>2</sup>. He mentioned row houses in Khomasdal as another example.

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## Part 2 – Construction and Delivery

*Construction and delivery* is more about how houses are getting built than actual construction technology. The first delivery method that everyone thinks about is owner-building. That is the dream: you have a nuclear family, and you build your urban villa to house it. Then we have private developers who build multiple units or townhouses and sell them off. That is probably the most prevalent modality in Namibia. Next we have the MHDP/NHE-type Government housing interventions, and then the SDFN and *Build Together* initiatives.



18 OHCHR/Office of the United Nations High Commissioner for Human Rights. 2009. The right to adequate housing. Fact Sheet No. 21. Geneva: OHCHR. Available at [http://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf), last accessed 14 August 2019.

19 (ibid.).

Something which people often leave out of the equation is the amount of housing Government builds for its staff. We do not really know how many people are housed in hostels and staff housing for teachers and nurses.

An interesting quote I came across in a UN-Habitat publication<sup>18</sup> about adequate housing says that there is no way that governments can provide houses for everyone. They argue that public resources are better spent in improving the existing stock of affordable housing, no matter how substandard. This means including shacks and implementing a range of innovative and flexible approaches to creating new stock.<sup>19</sup>

The first key word is a range of approaches – not just one way. They must be innovative, they must experiment, and they must be flexible. These are three very important criteria if we think about how we approach the housing problem. In terms of upgrading, UN-Habitat says you can do on-site upgrading (taking the existing and improving on that); you can resettle people on suitable land; you can make government lead a new public housing programme (which is what we are doing with the MHDP); you can do sites and services; and you can do incremental land development (which we do not yet do on a large scale in Namibia).

There are also city-wide housing strategies. These really interest me because, if you think a little more laterally, you can come up with options that can actually provide a lot of housing stock – not just at the low-income level, but right throughout the various income groups. We can forget about the wealthy because they sort themselves out. But if we can provide a lot of housing stock for the no-income, low-income and lower-middle-income groups, it will make housing less expensive.

Now the question is this: *What other methods to provide housing are there?* Co-ops are ways in which people get together to build something. Another modality is a non-profit organisation working with the community to provide housing. An example is the Clay House Project, which has built quite a lot of houses in Namibia, mainly in Otjiwarongo.



Image 8-16. Aerial image of Windhoek Central <sup>20</sup>

20 Source: Google Earth.

Then there is something I want to call infill housing for now. If you look at this aerial image of Windhoek central (Image 8-16), you can see that there is a lot of open space, including a huge amount of land that goes into buffer zones (so that we can drive at 120 km/hour around a curve!). This did not exist in old cities because the transport was slow and did not require such large safety barriers. If we start questioning how we plan, we could make a lot more land available.

We can also consider incremental building, like the work of Alejandro Aravena of Elemental in Chile. He designs half-finished housing units, and residents fill them in as they get money (Image 8-17).



Image 8-17. Incremental housing, Chile <sup>21</sup>

21 Image courtesy of Estudio Palma, Chile. <http://estudiopalma.cl/>

Incremental architecture is not a new thing. There was a housing competition in the 1960s called PREVI,<sup>22</sup> in Lima, Peru, and they did a lot of housing very successfully.

I must mention incentives – for example, the free residential bulk that you have in certain areas of Windhoek. If you build an office building, you can get a certain amount of free bulk as long as it is residential. So, you can put four apartments on top [of an office building,] as long as you provide enough parking. This is a good incentive, and you can earn some money from it.

Then there are legislative instruments. For example, in California, it is legislated that 25% of any new housing stock must be social housing. What we have here in Windhoek is that you pay a betterment fee for rezoning, which goes to the municipality. What if, instead of a betterment fee, there was legislation that you had to provide social housing equivalent to the value of the betterment fee?

Then we have upgrading, such as this project in Cape Town by an organisation called Urban ThinkTank. They took this little shack and they improved it. They built a new frame, covered it with the same kind of sheeting and added another floor on top.

This other example shows as an interesting project in Mozambique run by a European university (Image 8-18). Maputo is all single-storey. So they started with the first little shack, which they insulated; and then the second one, where they took an existing concrete block house and added another floor; and then they did the third one, which is three storeys.

22 The Proyecto experimental de Vivienda (Experimental Housing Project) was launched to challenge architects to design a strategy for mass housing as an alternative to the massive informal settlements that were dramatically taking place in Lima during that period; see <https://www.transfer-arch.com/reference/previ-lima-1969/>, last accessed 12 August 2019.



Image 8-18. Casas Melhoradas project in Maputo, Mozambique.<sup>23</sup>

Again, I ask: why do we have so few typologies in Namibia? Is it, like people say, that Namibians want this or they want that? Is it market demand and expectations? Is it that the town planning regulations and the building regulations do not allow for different typologies? It could also be political grandstanding where, before elections, announcements are made, like “No more people in shacks! Everybody must have a brick house!” Maybe it could be that our thinking is just not creative enough. Or do you think there are other reasons?

## Discussion on Part 2 – Construction and Delivery

**Mr Schroeder** stated that every Namibian was entitled to live in a brick house.

**Ms Maritz** argued that entitlement did not imply affordability.

**Rymoth Mbeha, a Planning student**, noted that housing prices did not reflect the various needs, such as that of young graduates.

**Mr Ntinda** mentioned that the financial sector was also an impediment when it came to the use of alternative materials.

**Phillip Lühl of NUST** stated that, since the MHDP Blueprint was being reviewed, it was the responsibility of all the stakeholders, including financial institutions, to review their position.

**Ms Maritz** asked how whether it was better to engage financial institutions through proposals or by inviting them to the discussion table.

**Mr Kaumbi** responded that the NHE had tried alternative technologies before. He explained that they had invited private entrepreneurs using different technologies to build different housing types. After that, the NHE had invited financial institutions to see the structures. While the institutions did not object to any of the structures, they said they needed to see if the houses remained robust over time because a mortgage might last for 20 years or more. In their view, if the material deteriorated in five years, then it served no purpose. Mr Kaumbi mentioned that South Africa had independent quality assurance providers that tested materials.<sup>24</sup> They also had a National Home Builders Registration Council that did independent quality audits.<sup>25</sup> However, in Namibia, there is none of that.

**Ms Maritz** responded that this was a clear example of something that the government could do.

**An unidentified participant** noted that, when there was a big gap between ‘the haves’ and ‘the have-nots’, it can be expected that ‘the have-nots’ want what ‘the haves’ have. He mentioned that the objective of independence was to have ownership. The focus of the discussion, therefore, was not on ownership but on remaining dependent on authorities. He proposed surveying informal settlements and issuing title deeds for inhabited plots with a clause prohibiting the sale of such plots for five to ten years. He also criticised that regulations in Namibia came from South Africa and that, even if one had a large plot of land, a regulation could prevent one from densifying it.

**Mr Lühl** agreed that the upgrading of informal settlements was indeed a necessity and that one of the challenges was the minimum plot size of 300 m<sup>2</sup>.

<sup>24</sup> Agrément South Africa is an independent organisation that evaluates the fitness for purpose of non-standardised building and construction products and systems by applying performance-based criteria in its assessment procedure (<http://www.agrement.co.za/>).

<sup>25</sup> The NHBRC regulates the home building industry in South Africa. It was established in 1998 in accordance with the provisions of the Housing Consumers Protection Measures Act, 1998 (No. 95 of 1988), with the mandate to protect the interests of housing consumers and to ensure that builders comply with the prescribed building industry standards as contained in the Home Building Manual. See: NHBRC/National Home Builders Registration Council. 2014. Home Building Manual. Available at <http://www.nhbrc.org.za/>, last accessed 10 August 2019.

<sup>23</sup> Photographs courtesy of Johan Mottelson. <http://casamelhoradas.com/>



Ms Maritz remarked that, in the context of Namibia, many did not have exposure to alternatives, so the alternatives needed to be demonstrated locally. She proposed design competitions to solicit innovative approaches. She stated that research should not only be 'on paper', but that pilot projects could be developed to study how inhabitants responded to them. She also mentioned having seen a person submitting building alterations to create ten units in a single-family house – simply by making small changes and labelling spaces as “Entertainment area” or “Workshop”. She cautioned that she was recounting the example not to encourage breaking the law, but to encourage innovation through a more creative interpretation of current regulations.

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### Part 3 – Sustainable Housing

I want to talk about what sustainable means. *To sustain* in the dictionary means “to strengthen or to support physically or *mentally*”; *sustainable* means “to be able to be maintained at a certain rate or level”. If you think about housing, whatever solution we propose is something that must be able to continue to deliver at a certain rate. It must not be something that you do once. It is not about the housing: it is about what we are trying to support or strengthen through the housing – our society and our people. So, when we talk about sustainable housing, we are nurturing society, which is something that we must not forget.

There are four very important factors. Housing must –

- Be feasible: There is no point having fancy dreams about designs if they cannot be delivered, built and or afforded)
- Provide adequate shelter for a decent standard of living: It does not have to be a high standard of living, but it must be adequate
- Be durable: A lot of solutions nowadays last five or ten years and then you have to rebuild, and
- Be environmentally positive.

If you look at the resources that are needed for housing, we need land, roads, energy, water, materials – but we also need labour and finance. Housing also has to be properly designed: if it is not, no matter what else you throw at it, it is going to be a failure. The design needs to be based on research.

We must think of all these resources that go into housing. If we reduce these resources, if we need less energy, fewer materials, less labour, less skilled labour – because skilled labour is expensive – and we need less transport, housing becomes more sustainable.

What we also have to think about is not just what we use to produce the housing, but what people require to maintain or sustain it. To put it quite

simply, it has to be energy-, water- and resource-efficient, and it must address on-site as well as off-site impacts on the environment. When I talk about the *environment*, I mean people as well. So, an impact on the people might be that they can actually afford that bond or that they can afford the transport from their house to their place of work.

It is often thought that the technology, the material of the walls, is the solution. We have conventional materials, found natural materials, recycled materials, prefabricated materials and hybrids of these. Most housing is a bit of a hybrid. I once did this analysis of conventional concrete and brick versus low-tech alternatives versus prefabrication to find out which one was the best, but there was no such thing as ‘the best’: each one worked better under different circumstances. For some people, a shack might be the best solution because they are only in the place for six months, or they only have a couple of hundred bucks to pay for a few corrugated iron sheets, some lumber and a couple of nails to put it together. As soon as you start getting too narrow-minded about your construction methods and materials, then you are limiting your options.

You start with ‘low-tech local’,<sup>26</sup> self-sufficient systems. High-tech autonomous systems<sup>27</sup> are not necessarily appropriate in Namibia, unless you go for hybrids<sup>28</sup> such as putting solar water heaters on shacks. Offsetting is also something that has not been done in Namibia, such as when we build a big housing scheme, we can actually plant a lot of trees to offset the carbon we released during construction.

It is not only about being ecologically sound but also about identity. Passive design – in other words, the way you design your building to respond to the climate and to its environment – is the first step, because that does not require money. You first do a good design and then you add technology. The design must be frugal: you use the minimum means to get the maximum effect. It must be flexible. Passive design in the Namibian context, I think, must be low-tech. I know a lot of people do not agree with me: that is something that we can discuss, and I must accept that we already use a fair number of high-tech items in our construction. Our door handles, for example, are all made in factories; they are not low-tech anymore, they are not handmade.

And then we need to look at urban and neighbourhood scale. There is no point in designing the perfect house if it is not part of a proper neighbourhood. How are you using the land? How dense is it? In other words, how efficient is the way in which we use the land? Is there accessibility and do people have a choice in transport? If the only land that is provided for affordable housing is the furthest away from the city, we are actually putting those people into a transport-cost trap: they will be spending all their money on travelling back and forth, and not spending money on their house.

Another important aspect is green space. Developers often bulldoze the site flat, put in the services and then construct the houses. There is not a single

<sup>26</sup> Examples of similar terminology are: alternative, traditional materials; totally natural, low/zero emissions; back to nature, with roots in the green movement; small-scale.

<sup>27</sup> Examples of these are: latest technologies for services, super-insulation, solar photovoltaics, waste water recycling, building automation systems, etc.; energy-efficient construction, e.g. the Passive House concept; the Living Building Challenge for sustainability in the built environment; large-scale and expensive.

<sup>28</sup> Mixture of low-tech and high-tech.



29 Jonathan Rose Companies. 2011. Location efficiency and housing type: Boiling it down to BTUs. New York, NY: Jonathan Rose Companies. Available at [https://www.epa.gov/sites/production/files/2014-03/documents/location\\_efficiency\\_btu.pdf](https://www.epa.gov/sites/production/files/2014-03/documents/location_efficiency_btu.pdf), last accessed 13 August 2019.

tree left. Research in the USA on the psychological impact of greenery on people has shown that people who live in neighbourhoods with trees have a much lower crime rate than people who live in treeless neighbourhoods.<sup>29</sup> In Namibia, we usually start with sites that have trees – and then we take them out.

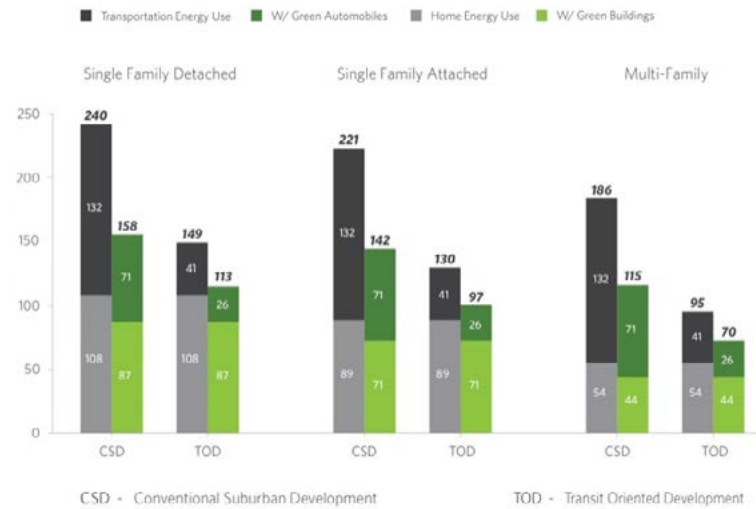


Image 8-19. The relationship between urban density and household energy needs<sup>30</sup> (Note: BTU = British Thermal Units)

According to the US Energy Information Administration (EIA) energy usage in the household and the energy used to build the house is not as significant as the energy used in transport.<sup>31</sup> So, if we want to start mitigating the greenhouse effect, if we want to start reducing global warming, we really need to reconsider how we get from A to B. That is where urban planning and the design of housing projects start becoming really important. What they the US EIA show is that you can save up to 64% by managing your home and your car more energy-efficiently: up to 30% if it is just the home; up to 50% if the home is in a transit-friendly location. About 50% of a person's carbon footprint is energy spent on transport.<sup>32</sup>

We have to think about the long-term financial impacts I have already spoken about. People should not get into a debt trap because of bond repayments or transport costs. We need to consider time. How early do people in Havana have to get up to get to Klein Windhoek to work? They cannot say, "There is a 07:00 bus, so I will get to work at 08:00," because the 07:00 bus might not come. They get up at 04:00 or 05:00 and, when they are finished, they get home at 19:00. That time is not spent with their children, which means that [their children] can join street gangs or that they don't do their homework. [The time used for transport] could also be used to earn another income. It is a further financial burden that you are placing on people by taking their time.

We need to think about space [as well]: space to do things, space to meet your friends, space to meet your family. If we only put in little rows of houses and there are no social or communal amenities, we are actually depriving people: we are depriving them of community, the ability to form a community around a certain node.

Nature has certain functions which impact in the long term that people often overlook. Firstly, it cools us down from the heat. If we destroy the vegetation and we build a lot of little brick or concrete houses, you create what is called the Urban Heat Island Effect, which pushes temperatures in the city up by as much as 5% to 6%.

[Secondly,] if we bulldoze everything and do not leave some trees, we get erosion problems when it rains. The stormwater blocks up all the drainage and we get major ecological problems. This means we need to incorporate nature in such a way that it can perform those functions for us efficiently. Trees clean the air! If we have a lot of greenery it helps to filter the air, reducing the dust so people have fewer respiratory problems. In Windhoek, the mica in soil is one of the biggest causes of respiratory problems.

Before we go to urban city life, I would like us to talk about sustainability, about what people consider sustainable housing to be.

### Discussion on Part 3 – Sustainable Housing

**Mr Ntinda** said he agreed in having food or church options near one's house, but the place of employment should be one's choice.

**Ms Maritz** agreed, saying her argument was indeed about choice: to be able to have transport options – i.e. not only by car, but also efficient public transport – as well as the choice of being able to work near one's house if that was desirable. However, due to zoning, it was more often the case that one had to commute considerable distances to work.

**Mr Ntinda** replied that housing providers had no control over that.

**Tshukoe Garoes, Director of the Habitat Research and Development Centre**, informed the participants that there was a proposal for a quality assessment certification process with the Government at the moment. They were also engaging the Namibian Standards Institution to find how they could work together in this respect. Ms Garoes added that the Urban and Regional Planning Bill<sup>33</sup> was under way as well, which, in principle, should address some of the outdated planning regulations. She had three questions: (1) whether it had been proved that conventional methods were not sustainable; (2) whether there was currently alternative and affordable materials in Namibia; and (3) whether, to promote these, one needed to relax regulations, or whether it was possible for such materials to meet current standards.

33 Since passed as the Urban and Regional Planning Act, 2018 (No. 5 of 2018).

**Ms Maritz** clarified that conventional materials were not necessarily less sustainable than their alternatives, but that it depended on what was being built, who was building it (e.g. the end user, a developer, government), where it was being built, etc. All these factors impacted on the choice of materials. The definition of material also mattered, she said. In this regard she mentioned the Kavango Brick Block, which was considered alternative in Namibia, but since it employed cement, it could not be considered alternative in the broader sense. She mentioned sand as a widely available material in Namibia, and how building with sand bags could be something that could be explored further. She acknowledged that sand bags could be used structurally or for walls, but that those two elements were not the only ones making up a house: one still needed taps, door handles, fittings, etc., so using sand bags was not the solution to lower costs. She also noted that standards for walls specified they had to resist at least 7 MPa of pressure, while the actual load of a single-storey residential building's foundations in Namibia was no more than 1 MPa. She gave the Habitat Research and Development Centre as an example, explaining that they had used Hydraform interlocking bricks that were able to resist 4 MPa, and they were still performing well after almost 15 years. She concluded that standards ought to be revisited, as they may have not been adequate or appropriate in the first place.

**Mr Schroeder** felt that materials should be tested locally, and that South African standards should not necessarily be welcomed uncritically into Namibia. He also pointed at the variety of standards that already existed in Namibia, such as the standards that the banks and the NHE used. He noted that standards varied even within the same organisation; in this regard he mentioned the NHE.

**An unidentified participant** stressed that alternative transport should be considered. Bicycles, in his view, were the answer. He stated that a N\$2,000 bike represented 100 days of paying N\$20 for a taxi every day. He also noted how increasingly bad traffic was in Windhoek and that road safety was a deep concern.

**An employee at Kerry McNamara Architects** mentioned that there could be a regulation compelling developers of industrial areas to place bulk infrastructure in 'Greenfields',<sup>34</sup> so that the area could subsequently be developed, and the others could simply tap into it.

**Ms Maritz** noted that this was already taking place with electricity, as the first development in a Greenfield site needed to pay for the transformer.

**Mr Schroeder** suggested the potential of simply redeveloping the central parts of Katutura instead of looking at expansion.

**Ms Maritz** agreed that there were ample possibilities within the existing boundaries.

## Part 4 – Urban Living

In this last section I am going to throw a lot of ideas at you which are not necessarily sequential.

The UN definition of *adequate housing*<sup>35</sup> includes –

- Having security of tenure
- The availability of services, materials, facilities and infrastructure
- Being affordable
- Being habitable
- Being accessible
- Being well-located, and
- Being culturally appropriate.

Notice that they did not say anything about being pretty.

UN-Habitat defines a *slum*<sup>36</sup> as a settlement that –

- Lacks certain services
- Is dilapidated and poor-quality buildings that break building bylaws
- Is overcrowded – which does not necessarily mean that it is a dense development, it just means that it cannot handle the population that it has
- Is unhealthy
- Is often located on hazardous or undevelopable land, which is insecure and where people might be evicted easily
- Usually has high levels of poverty and social exclusion.

Again, still nothing about being cute or pretty.

We have a bit of an aesthetic prejudice in Namibia that I often see when we talk about informal settlements, when we talk about incremental development, and when we talk about settlement upgrading. I would like to discuss a project from India, where incremental development evolves from Kuccha (which means “temporary, flimsy”) to *Pukka* (which means “the right thing, the solid thing, the permanent thing”).<sup>37</sup> So, we can see what the different stages of development look like. I am sure if I showed this slide to most of the people at the Ministry of Urban and Rural Development and to people at the municipality they would say, “Oh, my God! We don't want that!” But that is an aesthetic prejudice because it does not look neat or pretty. If it does not have the characteristics of a slum, and it provides those aspects relating to adequate housing, I think we should be ready to accept it. It is very important that we do not apply our preconceived ideas of what things look like aesthetically to the performance of housing and urban settlement.

In Namibia, we have a high housing demand that is not being met by our current housing models because they are too expensive, they are bad for

<sup>35</sup> See Session 6 herein.

<sup>36</sup> UN-Habitat. 2011. Housing the poor in African cities. Urban Africa: Building with untapped potential, Vol. 1. Nairobi: United Nations Human Settlements Programme.

<sup>37</sup> Kucha and Pukka are the two types of housing erected in India.

<sup>34</sup> Greenfields refers to land not previously built on.

the environment, they are socially isolated, and we continue to create such environments. We all know about this, so what is our solution? What should housing provide? I think it is important that housing should provide at least those three things: it should be healthy, there must be enough space for what people want to do, and they have to have access economic opportunities, environmental benefits and so on. All of these go without saying, but it is important that we keep having this in the back of our minds.

We must not create the following: financial burdens; soil, air and water pollution; social problems; urban sprawl; etc. So, what is our definition of a *house*? It is a place to do all of those things: it is a place to sleep, eat, clean and store things and it is a place for family. But it is not just that. It is also a place to work and earn, a place to study and learn, a place to meet and grow, a place to rest, a place to play, a place to create, a place to fly.

And this is where I want to ask the questions *What is a house?* and *What is a city?* What do we expect the house to provide and what do we expect the city to provide? Or are they actually so intertwined that the house and the city should work together to provide all of those things?

So, when we are talking about having gardens, if people have a village green – a place where there is a garden or park where they can get together – does it have to be that I also have my private garden that I fence?

If people want to have a party with 50 guests, must they be able to fit it into their living room? Or can they have their 50 guests party in their neighbourhood square, which is next door?

Do you need a full home kitchen with all the 'drama'? You know, in China, they have hot water stations within a short walking distance of every little street; so, you can go there, and you can get boiling water to cook your food. It is a service that is provided for the community. In many places in Europe, people do not use their kitchens anymore because they eat out all the time. They go and get their coffee and their pastry on their way to work, they eat lunch somewhere near their work and, in the evening, they get a takeaway.

Bathrooms: if people cannot afford to have their own shower, basin and flush toilets, how about providing them with public bathhouses, so they can have a proper hot shower in sanitary conditions, they can use a proper toilet, and they can wash their face and brush their teeth in a proper basin without having to go and squat behind the bush?

So, again: what is the house and what is *the city*? We have had a lot of discussion this morning and yesterday about *the informal*. There is a lot of prejudice against the informal in Namibia. This is an informal market in Italy (Image 8-20). They consider this as one of the high points of Italian civilisation to have their informal vegetable market in the street.



Image 8-20. Market in Italy.

#### Discussion on Part 4 – Urban Living

**An unidentified participant** pointed out that, in Windhoek, there were not so many playgrounds, so the options left were malls and Zoo Park.

**Ms Maritz** replied that, if one had to take a car to get to a playground, it was not a neighbourhood playground.

**The unidentified participant** remarked that a community and a nation were built through the provision of public spaces.

**Ms Maritz** referred to Richard Dobson's presentation<sup>38</sup> on the work of Asiye eTafuleni in Warwick Junction, noting how an area-based management and a multidisciplinary team, working with local government, had yielded admirable results. She favoured this approach instead of simply sending engineers to service land, place roads, and only leave leftover funds for amenities.

38 See Session 3.

**Mr Lühl** reminded the audience of the definition of adequate housing, particularly the notion of *progressive rights*. He noted that it was not necessary to 'check all the boxes on Day 1', but that prioritisation, identifying immediate intervention needed, and tasking someone to drive it, were required. He invoked the notion of *progressive rights* to counter the need to meet set standards or to move away from the discussion of what was 'right' and what was 'wrong'.

**An unidentified participant** asked whether large-scale titling programmes had been undertaken and what the outcomes were.

**Mr Lühl** explained that land titling had been debated since the 1980s, but that it is usually been promoted as a one-size-fits-all solution. However, in places of high inequality, once titles were issued, those with money were



able to purchase the land from those with few means who were more prone to sell in distress. This led to a new round of displacement and new informal settlements, so he cautioned against considering titling as a magic wand. He clarified that the aim should be to protect and enable those who had already settled somewhere.

**Ms Maritz** asked what the audience thought was the best way to convince politicians: field trips to familiarise them with other examples or developing pilot projects.

**Richard Dobson from Asiye eTafuleni** noted that what had mainly been discussed were strategies pre-empting what the end user was going to think. However, he felt an education programme might be a more effective measure in some respects. He warned against using examples from places that had been 'urban' for generations, as many were themselves trying to come to terms with a variety of challenging transitions currently taking place. He also noted that many of the contributors were making proposals reflecting their privilege gained through reading, travelling, etc. However, the challenge was how to engage meaningfully with the average person that had just moved to the city and was trying to make sense of what was happening. He also expressed some scepticism in building pilots: even if one developed only a few units, it would take years for the space to develop into what was originally intended to demonstrate.

**Mr Lühl** agreed that an overt focus on the technicalities of housing itself could make one forget about the social process. He cited as examples the sessions with Sheela Patel and Rose Molokoane, which stressed the social process.

**An unidentified participant** mentioned how the River Walk Project<sup>39</sup> could open up possibilities for urban living in centrally located areas with abundant green space.

**Mr Lühl** noted that the River Walk Project was an ongoing project with potential for inner-city densification. However, he said, he had also become aware of a lack of coordination between the project and other ongoing initiatives, such as the Windhoek public transport plan.

**Mr Ntinda** stated that, whatever solution was discussed, it needed to consider existing informal settlements, as they would still be in existence for the coming decades, and a solution needed to entail benefits and improvements for them as well.

**Mr Namupala** remarked that new interventions were invariably in the periphery of cities and proposed bringing development to inner-city areas.

**Ms Maritz** responded that most of the inner-city land was already in private ownership, but she suggested that an audit could be done to identify underused space, and that the mechanism of *eminent domain*<sup>40</sup> could be employed to recover these.

**An unidentified participant** noted that, if this (invoking *eminent domain* to expropriate land) was done, there should be a mechanism to encourage owners to develop the land.

**Ms Maritz** stated that there was already a similar regulation for new land purchases which compelled the new owners to develop the land in the immediate years following the purchase to avoid an increased tax burden. She added that open underdeveloped land owned by government could also be utilised to develop housing.

<sup>39</sup> The Namibian, 11 May 2018. Kazapua's dream for Windhoek – a river walk. Available at <https://www.namibian.com.na/index.php?page=archive-read&id=177270>, last accessed 14 August 2019.

<sup>40</sup> A term used to indicate the supreme power of the state over all property under its jurisdiction; including alienating the land from an owner in instances of public interest.



Photograph by Taleni Iiyambo

## SESSION 9

# Housing Strategies for Namibia

### Prof. Diana Mitlin

*Director, Global Development Institute, University of Manchester;  
and Principal Researcher, Human Settlements, International  
Institute for Environment and Development*

*Diana Mitlin completed her first degree at Manchester University with joint Honours in Economics and Sociology. After working as a public sector Economist with the Forestry Commission (1983–1986) and the Monopolies and Mergers Commission (1986–1988), she completed an MSc in Economics at Birkbeck College, University of London. Prof. Mitlin joined the International Institute for Environment and Development in London in 1989 as part of a multi-disciplinary team working within the Human Settlements Programme. Development has remained the major focus in her work since that date with a particular interest in issues related to towns and cities in the Global South. In 1996, she worked part-time for the London School of Economics to set up a Master's programme in NGO Management. Between 1999 and 2000, she worked with the People's Dialogue on Land and Shelter in South Africa. From 2001, she worked part-time at the Institute for Development Policy and Management in Manchester, whilst continuing with a senior research post at the International Institute for Environment and Development. She has also served as Director and Chair of the UK charity Homeless International, as a trustee for Practical Action (formerly the Intermediate Technology Development Group), and as a member of the Programme and Policy Committee of WaterAid. At present she is a trustee for the Urban Poor Fund in the Netherlands. Prof. Mitlin continues to work closely with two networks of southern citizen networks and NGOs, namely Shack/Slum Dwellers International and the Asian Coalition for Housing Rights. She has worked on the case of Namibia for more than a decade, in partnership with the Shack Dwellers' Federation of Namibia and the Namibia Housing Action Group.<sup>1</sup>*

<sup>1</sup> <http://www.manchester.ac.uk/research/Diana.mitlin/> and <http://www.iied.org/users/diana-mitlin>

The session was moderated by **Phillip Lühl**, Lecturer, Department of Architecture and Spatial Planning, NUST

**Editorial note:** Since the panel discussion contributions entailed further elaboration by the panellist, the discussion is included in full and not narrated as it was done in the other sections. Images included in this section are those included in Prof. Mitlin's presentation.



There is an immense housing need in Namibia, and there are immense opportunities. It is fantastic that this Forum has been convened to allow for an open discussion about ideas, past experiences, and the directions they offer for the future. Looking at experiences that I have been exposed to through my work, particularly across sub-Saharan Africa and Asia, there are five points that I would like to talk about.

Firstly, getting housing right is immensely beneficial to a country. Secondly, I will make few comments on land. Thirdly, I will be commenting on the importance of not relocating people; rather, the emphasis should be on supporting informal settlement upgrading. Fourth is the importance of attaining scale – not getting caught up in the perfection of the individual dwelling, and this requires being comfortable with incrementalism. And finally, learning accessibly and publicly.

### **Getting housing right will be immensely beneficial for Namibia**

Why does getting housing right matter?

I think I am preaching to the converted, because the fact that you are here is because you are interested in housing; you are interested in Namibian towns and cities. But I think I should begin by emphasising that, time and time again, we see the importance of belonging – for both individual and societal well-being. We have to recognise the importance of people feeling and acting within the communities that can go beyond their immediate family. Lots of research papers point out the importance of community; the importance of strengthening disadvantaged groups' capacity to engage the local governments successfully; [and] the significance of neighbourhoods – which could be any localities from which very active and engaged community groups can talk to the government about their needs and about their potential contribution. This contributes to democracy.

Moreover, housing offers a real basis to accumulate assets – to ensure that people's livelihoods become established, that their vulnerabilities become reduced, [and] that they become more able to manage risk because they have been able to invest in a home. This is both about the material value of the house and the many ways in which housing can assist with income: offering the opportunity to rent out rooms, to run small businesses, and also to create neighbourhood groups that could begin to think of how to address the needs of others. Neighbourhoods offer the possibility for people to manage collective assets, such as toilet blocks [and] community centres. I am sure that you have talked about the ways in which a strong community and housing consolidation could strengthen the local economy, providing opportunities for people to buy and sell within their localities and, in this way, strengthen incomes.

### **Land is an essential component of addressing housing needs**

You do not need to go far to recognise the importance of tenure security and to recognise that land is an essential component of addressing housing needs. More or less 900 million people are living in informal settlements,<sup>2</sup> in conditions that threaten their health and well-being. That extraordinary figure represents a real failure – not just of governments, but also of academics and professional communities that have not been able to engage successfully in addressing this scale of need.

Of the urban population in sub-Saharan Africa, just under 60% live in informal settlements.<sup>3</sup> Africa's urban present is informal. The challenge is, of course, to think through what that means for a better urban future. Many of us recognise that this is not necessarily a 'formalised' future. Informalisation has become a form of discrimination and a reason for exclusion. Hence, working across the formal and informal spectrum becomes critical in order to have a progressive route to improve shelter. There are 540,000 people living informally in Namibian towns and cities<sup>4</sup> – and they need to both feel included and be included.

Namibia has an opportunity [to achieve this] with the Flexible Land Tenure Act [2012, No. 4 of 2012]. This [legislation] offers a positive way forward and you have real lessons you can contribute. There are many countries in the world that would welcome that kind of innovation. It would be useful to talk more about what has come of it, what your experience has been to date, whether you are realising the potential of that Act, and how you can improve on what you are doing and share it with others.

This is a picture of an informal settlement in Nairobi (Image 9-1). I am sharing it because it highlights the importance of densification. And thinking about such densification for Namibia's urban future. These are shacks that have been consolidated and are continuously being improved. You can see a second storey being added informally with corrugated iron.



*Image 9-1. Informal settlement in Nairobi, Kenya.*

2 UN-Habitat. 2016. World Cities Report 2016: Urbanization and development – Emerging futures. Nairobi: United Nations Human Settlements Programme. Available at <https://unhabitat.org/books/world-cities-report/>, last accessed 14 August 2019.

3 UN/United Nations. 2015. The Millennium Development Goals Report. New York: UN. Available at <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2015/English2015.pdf>, last accessed 14 August 2019.

4 This number is the latest figure gathered through the joint SDFN–NHAG Community Land Information Programme.



There are many advantages in densification: not only does it reduce costs – which makes it easier for low-income earners and vulnerable groups to find a better dwelling, it also lowers land prices [and] it lowers basic services costs. So, those living densely have less [fewer] transport expenses as people travel shorter distances; hence, it has increasingly been recognised to be a contributor to the environment for lowering carbon emissions. It is now much more likely for people to talk about compact cities and recognise the advantages of density.

What I have observed from travelling around the world is that density also has social benefits. Dense cities bring neighbourhoods together. They provide opportunities for low-income and high-income citizens to interact, to understand each other, to talk to each other and have a dialogue. Cities in which one income group lives a long way from another income group threaten the understanding of each other's realities. Interaction is going to be a key component of a progressive urban future.

### **Keep people where they are while improving their living conditions and housing**

A key challenge that low-income groups face in many cities around the world is the threat of relocation. Some city governments think that they would be doing good to move low-income groups further into the periphery. There are loads of research papers that challenge this assumption, [showing] that households are more likely to do better if they can stay where they are. That is, firstly, because they can maintain their livelihood strategies. They do not have to shift jobs [and] they do not have to change the networks that are critical [not only] for their work but also for other social benefits: proximity to their families, knowledge of how to move around, how to get advantages, how to talk to politicians and councillors. If people are maintaining their social networks, they are maintaining their livelihoods.

There is a case in India where the government offered free housing through a lottery. It actually offered about 497 free houses. A group of researchers went to find out what happened 14 years later and found that only 34% of those households that were given a free house were still in them.<sup>5</sup> About a third had never moved because relocation would have been too costly for them. Another third tried to move, but they gave up and found a place that was better located. This is indicative of the problems that come with relocation.

### **Achieving Scale is Critical**

One of the key things is to think big. I see many governments and international agencies that are not sufficiently ambitious about what they do. One relevant example is the Millennium Development Goals, introduced 15 years ago. The MDGs accepted that it was adequate that we only try to address the need of half of those in need of improved sanitation, for example. I am sure that this

sits very uncomfortably with those of you who are conscious about justice and fairness. How can you say that only half of those who are in need are going to be helped? For far too long we have thought of housing programmes without strategies aimed to assist all of those who are in need. We propose solutions that work for a few and hope that we get lessons out of them that will work for many. One of the useful things that I have learned through my engagement with two community networks, the SDI and the Asian Coalition for Housing Rights, is that, at community level, you do not leave anyone out. Planning should be inclusive, with improvements for all.

Scale is critical. Because budgets are limited, it is not a question of how many people one can afford to assist, but how that money can be used to catalyse a process that works at scale.

You already have interesting experiences here in Namibia. When I started coming to Namibia in late 1990s, I could observe the ways in which Windhoek was thinking about progressive development levels. Now it is interesting to see how other local authorities have started to think in similar ways: the way in which the Build Together Programme offers low-interest loans; or the Twahangana Community Fund, which began to think about how people could contribute and how they could pay back some of the assets they had been assisted with securing. This means that money could be recycled so that more people could access the funds they needed to improve their housing. These are really important things to think about.

As you think about addressing your housing need, you should look closely at the experiences of your neighbour South Africa. I have been engaged with South African housing policy over the last 20 years. I first visited South Africa just before democratisation took place in 1994, the year in which housing ambitions were being discussed, profiled and imagined. I was really shocked to learn [later] that the housing backlog around 2010–2011 in South Africa was bigger than [it had been] in 1994. And it was not a question of resources, because the South African Government [had] invested in housing. It had high levels of housing subsidies, and additional subsidies for bulk infrastructure. But the government did not reflect on how to use existing resources to meet the needs of everyone. This has catalysed the realisation of the need to implement a policy that has actually been in place for some time: upgrading informal settlements, i.e. working with residents of informal settlements to think about how they can become active participants in a process that supports their upgrading, that secures their tenure, that provides basic services, that enhances their dwellings, and that does so in ways that are more likely to go to scale. Those kinds of lessons become critical as Namibia thinks of what to do in the next five to ten years.

### **Learning needs to be Part of the Process**

Time and time again we realise that the challenge of housing is immense. Groups that have been more successful in realising housing are not more

<sup>5</sup> Barnhardt, S, Field, E & Pande, R. 2017. Moving to opportunity or isolation? Network effects of a randomized housing lottery in urban India. *American Economic Journal: Applied Economics*, 9(1):1–32.

successful because they are brilliant. There are no simple solutions to this problem. What makes the difference is learning from experience, convening people to understand what is going on [and] what has been tried on the ground, and looking at the evidence together. What works is consistent application of the knowledge of what is working, what needs to be changed [and] tried again, with different participants in that process encouraging each other when barriers appear insurmountable.

For example, one of the virtues you see when communities get involved is reducing costs. What was remarkable to me, through some research we did on sanitation in 2012, was that it was clear that government and professionals like me were still coming up with sanitation designs that were four times the cost that the communities could work out themselves.<sup>6</sup> Some of these communities tried one method, then they made some changes here, they reduced costs there, and working together for many years they cut the costs to a quarter of what they had started with. This is not a new experience, and you could see it in another cases, in other sectors in other countries. That kind of application, that kind of shared learning, becomes key to addressing shelter needs.

## Conclusion

One of the critical things is that communities cannot do this alone. Communities can do a lot, and I am very conscious of the experience of SDFN and the support NGO, NHAG: I have seen their contribution. However, communities achieve most when they work with governments and with professional groups that are involved in finding housing solutions. That kind of co-learning really seems to be at the heart of successful efforts to address the challenges you face and that you will be addressing over the next five to ten years.

There is a quote I would like to mention that is from Namibia's Fifth National Development Plan. It is by Joseph Stiglitz,<sup>7</sup> and he is reflecting more broadly than on housing. He says, "The only sustainable growth is inclusive growth: equality and growth are complements."<sup>8</sup> I think that is as true in the housing sector as it is in the economy.

## Discussion

[**Phillip Lühl**] The first challenge that Diana put to us is that there are no simple solutions to the housing and urbanisation challenge. Perhaps we could start with imagining the different ways of living in our cities that Nina was talking about in her session<sup>9</sup> this afternoon, to explore different approaches from those that we already know. Nina, what would you say are the biggest challenges when imagining different alternatives?

[**Nina Maritz**] The group [in Session 8] felt that there should be a big variety and options, rather than that everybody had to have this or that kind of

house or that everybody has to own a house. We saw that there were several barriers too. One was the lack of exposure, not only in the general public, but also among decision-makers, banks, and so on, about what kinds of options are adequate. To address that, we could consider pilot programmes where we develop alternatives: small developments, in-fill schemes, mixed-income housing, different kinds of building methods, and different kinds of delivery. This would make it easier for people to envisage that you do not just have to go and buy a house from a developer or that you have to be wealthy enough to employ an architect, but you have a range of options to choose from. Luckily, we had some participants from the NHE, so the discussion was that the NHE and the Ministry [of Urban and Rural Development] should be part of creating such opportunities for experimentation.

[**Mr Lühl**] Sheela, regarding your intervention: on the one hand we need to imagine different kinds of models that we are aspiring to, and on the other hand, we need to imagine different kinds of processes that could produce these solutions. Perhaps you can share, from your perspective, how you see processes that actually lead us to more inclusive cities.

[**Sheela Patel**] Diana said something important: that informality is a very integral part of Africa's future. I am not really sure whether most people sitting in this audience really understood what that means, and maybe Richard will talk about the livelihoods part. When you are talking about informality, if you do not intervene early on with a range of solutions, it gets harder and more expensive to produce equity. Because when people are struggling right at the beginning and you support them to improve their quality of life, to feel integrated in the process, it transforms their relationships with each other and the city. We know enough of the disenchantment of the youth that produces so much violence in our cities, so much insecurity, and there is no other solution other than an integrated and involved citizenry. We are not weighing that in economic terms. Only when there is a riot in our neighbourhood do we quickly get economists to calculate how many millions were lost because of what happened, but we are not prepared to spend resources to make things work. And that is very important

As the SDI, we have tried very hard to create [what is now] almost a standard operating procedure<sup>10</sup> on how communities transform themselves from being consumers and beneficiaries into being serious, important, central actors in city matters. And that means people locate themselves within their neighbourhood. They develop documentation about their work, and they find solutions that work for them. This gradually produces the different standardised options that we are talking about. The options that come from the architect's or the engineer's brain may not work for everyone; but when the conceptual idea comes from the community, it gives enormous advantage to the professional to then integrate critical things like minimum safety standards, minimum structural integrity, etc.

<sup>10</sup> Standard operating procedures are "established or prescribed methods to be followed routinely for the performance of designated operations or in designated situations" (<https://www.merriam-webster.com/dictionary/standard+operating+procedure>, last accessed 31 July 2019).

<sup>6</sup> Banana, E, Chikoti, P, Harawa, C, McGranahan, G, Mitlin, D, Stephen, S, Schermbrucker, N, Shumba, F & Walnycki, A. 2015. Sharing reflections on inclusive sanitation. *Environment and Urbanization*, 27(1):19–34.

<sup>7</sup> Nobel laureate in Economics.

<sup>8</sup> See: Republic of Namibia. 2017. Namibia's 5th National Development Plan (NDP5). Working together towards prosperity – 2017/18–2021/22. Windhoek: National Planning Commission. Available at [http://www.npc.gov.na/?wpfb\\_dl=293](http://www.npc.gov.na/?wpfb_dl=293), last accessed 13 August 2019. Also see: Stiglitz, J. (2016, May). Transforming an Economy: Challenges and Lessons for Namibia. Presented at the Namibia. Retrieved from [https://www8.gsb.columbia.edu/faculty/jstiglitz/sites/jstiglitz/files/May%2011%20Namibia\\_Transforming\\_Economy.pdf](https://www8.gsb.columbia.edu/faculty/jstiglitz/sites/jstiglitz/files/May%2011%20Namibia_Transforming_Economy.pdf).

<sup>9</sup> See Session 8 herein.

Finally, I want to say [that], if you accept that informality is a very important reality of Africa's future, you all – including banks, financial managers, the private sector, people who build, building material manufacturers – should get used to incremental upgrading, improvements, transformation: it is all going to happen incrementally. Two thirds of the people in the city do not have the capital that is needed to produce the kind of beautiful houses that politicians would want to come and cut ribbons to officially open.

**[Mr Lühl]** Mr Tenadu, perhaps you could share a little bit from your discussions around tenure options, tenure security and land administration in general.

**[Kwame Tenadu]** Every land management system, whether statutory or customary, is an incubator for all the tenure options that are required. You will find in the literature that there exists a continuum of land rights within which one expects that everyone with an interest in land would find a place. To chart a stable course of action, where you want to achieve resilience, you need to get it right. You have to be strategic in your choice of approaches. You have to be very inclusive, and you need to follow due processes.

We should also be very intergenerational in our thoughts. We are sitting here, talking about today, but we are imagining for people who are not yet born. Human lives are dynamic, we keep moving. Land-to-life relationships always keep changing. Therefore, we cannot be static, which makes planning more difficult. As we are planning to solve a problem, the people are already changing their lives. It means that we must not go to sleep when we confront the issues.

**[Mr Lühl]** I would like to move on to Cecile. In your session this afternoon<sup>11</sup> you talked in more depth [about] the right to adequate housing. This [manifests] as a set of principles that can be understood superficially, but it means much more. I am especially interested in the notion that these are progressive rights, as the Special Rapporteur on Adequate Housing explained in her video message. Could you expand a little bit on that aspect?

**[Cecile van Schalkwyk]** One of the points from our session was that adequate housing applies not only to a situation where someone necessarily has ownership over a particular property: the right [to] adequate housing applies to all forms of ownership, all forms of tenure security, all forms of housing – irrespective [of] how formal or informal that kind of housing situation might be.

One of the things that is important in trying to address the right to adequate housing is the benchmark that the Special Rapporteur has established [with reference] to the International Covenant on Economic, Social and Cultural Rights (ICESCR). This includes different aspects – e.g. tenure security, affordability [and] habitability– which should not be seen in isolation. If

the government is working towards making policies or envisioning housing programmes, they should give [their] attention to all those factors. Sometimes, one of the aspects may tend to draw more attention than others, but the focus should never be on one aspect only. An example would be an overt focus on tenure security, forgetting other factors such as affordability or habitability. Another issue is whether the kind of housing that you are envisioning is appropriate for the cultural context within which that right is envisaged.

What also emerged is the need to address what seems to be the inability of formal Deed Office registries to accommodate different kinds of ownership models that might be needed in the future. We spoke about Namibia and South Africa having limited mechanisms in their Deeds Registry Acts. For example, you want to ensure tenure security to provide access to adequate housing, but the regulatory framework only makes provision for single title housing. Nonetheless, Namibia does have new interesting mechanisms such as [new legislation on] spatial planning or the Flexible Land Tenure Act.<sup>12</sup>

12 No. 4 of 2012.

Indeed, it is important to understand that the right to adequate housing is progressively realisable. This means that it is not possible to say that, tomorrow morning, when I wake up in Namibia or in South Africa, every single person in [that] country must have a house with sanitation and the other components of adequate housing. It is a right that will have to develop over a period of time. That places an obligation on governments to actively work towards achieving adequate housing, and not use the 'progressive realisation' argument to avoid taking action. Governments have to show that they are taking steps, that there is some efficiency in what they are doing, and that what they are doing will in some way realise the right to adequate housing – as opposed to just window-dressing.

**[Mr Lühl]** Richard, Diana challenged us to embrace informality; and I think that this is really what you were bringing into some of the sessions. Perhaps not so much for the housing perspective, but could you expand a little bit on why we need to treat informality as a major – if not the principal – part of our urban future?

**[Richard Dobson]** I was asked to talk about urban informality and the particular case of Warwick Junction, which is a transport node in Durban, South Africa. It is an interesting example because it exemplifies a lot of what is already being said about how we need to be foregrounding informality and how we need to be understanding and appreciating that we are now, as much as we might not like to think about it, in an informal world that is going to be thinking and acting informally. What is significant about Warwick is that it is a project that local government has been undertaking for more than 20 years now. It is a project which has created space for urban informal workers to work in public spaces for their livelihoods. Typically, they would be described as street vendors. We are now moving into the second generation of the beneficiaries of this project where they can almost describe themselves as

11 See Session 6 herein.



being able to make a choice to be a career street vendor. This is really significant because between six and eight thousand people had this stability for 20 years.

The next aspect is about how it was done. Without getting into a lot of detail, it is about local government involvement, partnerships which are wide-ranging, from environmental professionals to the civil institutions. But most significantly, it is about the process that engaged the people that were involved. The project would never have happened if it was not for the act of engagement with the stakeholders. And that again was through local government innovation, through an area-based management approach. This means that you are going to ground yourself in a particular area. You are going to put a local team that is going to be there for a long time. They are not going to fly in and out, and they are going to have a long-standing relationship with their community and build a future for them.

We like to think that mainstreaming informality is not going to happen and is not achievable. We all probably have heard the expression living on the growing edge. But it was explained to me that the origin of this was really a biological analogy. A plant's roots grow from the very extreme tips of those roots. That is why if you cut those tips the tree will be a bonsai tree. This means that we have to engage at the real tip of the issue – and that is the very nature of informality. Formality is based on stability: that is the cornerstone of why it works and why people want it to be maintained. Informality is working on the 'growing edge'. We are not going to solve our urban futures [and] housing crises [or] actually establish vibrant urban livelihoods unless we are connecting with these real challenges.

[Mr Lühl] Bulelwa, please share with us from your session and discussions,<sup>13</sup> how to actually manage some of those cross-sectoral stakeholder approaches. We heard that a lot of this requires active management of social processes. How do you see this being achieved?

[Bulelwa Makalima-Ngewana] One of the many things in Diana's input that resonated with me is learning from people that have walked this road before – especially looking at South Africa in terms of housing provision. It is very clear that simply giving someone an asset such as a house – especially if that person is unemployed – will not take that person out of poverty. It does not really help to build a house for instead of building a house with someone.

If we look at what happens in rural areas, in South Africa there is no really vibrant rural area housing programme. But the sense of security comes from the tenure of land, even if it is not suitable [as collateral] for financial institutions. [It] allows people to figure out themselves how to put a house. A lot of what happens are actually collaborative housing processes, where somebody that has to have a house built brings the neighbours to help them build the house and they just have to provide a meal. When I go back to our rural areas in the Eastern Cape, I am amazed how much growth is happening

in terms of housing which is not provided by government. What is really necessary is for government to enable people to build houses.

I am also quite apprehensive of the word house. I prefer the word home, because what we really want is to build sustainable neighbourhoods where there is a sense of pride. We need to create communities that can be enhanced by having public spaces which are managed by the community. Again, going back to South Africa, these dormitories made up of rows and rows of single units that are provided in desolate edges of the city are not a solution – after all of that investment. If we could go back to 1994 and figure out exactly what is needed, my input would be to think diversity, mixed use, mixed tenure, mixed labour efforts, and a sense of pride and understanding of the specific needs of the people that are going to be occupying these houses. A lot of RDP houses<sup>14</sup> are actually passed on to someone else as an asset; the people who originally got the house seldom live there for long.

So, the question is what the Namibian Government is trying to do. Do you want to repeat this experience in Windhoek, for example? Is it possible to have a conversation with the community? We talked about building model villages so that people can look at different urban structures and can choose what suits them best. In my view, that will not really help at the end of the day, because what you have to understand is that the provision of an asset such as a house requires a huge amount of education of the people that will live there: how to make it habitable, how to maintain it, how to ensure that the person will have a livelihood that allows him [or her] to maintain the asset that has been given to them.

I would propose that you need a people-led, integrated housing programme. A 'people-first' approach will allow you to mitigate mistakes that could be made based on assumptions that are not informed by the reality on the ground.

[Mr Lühl] I would now like open the floor to all of you to engage with the speakers.

[Gabriel Marín Castro, the Minister of Urban and Rural Development's Special Advisor on Mass Housing] I have been working in some other countries, and informality has caused local governments to do nothing in those areas – because they are informal. In Zambia, they work only in formal areas: the municipality does not work in informal areas. To recognise informality is necessary, but we must be wary that recognising informality does not lead to accepting poverty.

[Mr Tenadu] I want to talk about the cases of Rwanda and China. Comparing the population and the available land, it was clear that land ownership would become a challenge. Therefore, what the government did was to hold the title to the land but ensure people [had] the use rights to it. When you want land for any investment, they will give you the land, but you will only have the use

<sup>14</sup> See Session 4 herein.

<sup>13</sup> See Session 4 herein.

right: you will not own it. So, as we are discussing Namibia's urban future, we should be looking at different approaches.

[**Mr Dobson**] I think there is a lot of writing about local government responses to informality and it is largely around officials being afraid of informality. I like to think that the example of Warwick Junction is one which is not a 'do nothing' scenario; it was one in which they engaged informality where it was and actually started to work with it. It is about engaging with the thinking of someone who is operating informally – which is completely different from someone that is schooled in thinking; recognising that those individuals have particular requirements and that they are responding to them. At the end of the day, it is actually very much proactivity, about engaging with what is emerging on the ground. This might not ease our fears, but we have got to start to learn lessons from informality. We need to stay with it long enough so that we can actually learn a lesson from it.

[**Prof. Mitlin**] The land challenge is absolutely huge – even in a country like Namibia where, relatively speaking, you have land available although it might be peripheral to where you want to be. It is huge in other countries. Sheela works in Mumbai, where you have crazy cities where densities are very high. I am not so convinced that China has solved the problem: they have many low-income people with considerable tenure insecurities and in very poor living conditions. In fact, if I look across the world, there is no country that has really solved the land problem. Land is contested. It will always be. And the lowest income groups, the most disadvantaged people, have got to organise to advance their interest. And they have to organise creatively to achieve success.

I want to comment on the issue of informality because the trend has changed. Some local governments are very nervous and are resistant, yet other local governments have actually come up with a different attitude. Sometimes, they see informality as a chance to sell basic services to communities that have some ability to repay. My recent visit to Zambia showed distinct problems: one is expensive services, which organised communities could lower the cost of, but they are not given the chance. There is also an optimistic scenario in Lusaka, where groups have organised to negotiate with service providers to keep the cost down to about 3% of their salaries for water, which is already expensive but still affordable. I would argue that local governments are changing their attitude but they are not always changing it positively. And communities need to organise if they are to represent their needs and interests and have a dialogue with local authorities about how basic services can be provided on scale, but also remain affordable.

In terms of the broader land debate, one of the key lessons has been to, where possible, encourage people living in informal settlements to remain there. Often, creating formal titles does not help because it turns land into a commodity. And when they have a crisis in their lives, they may sell it and end up as badly as when they started – or worse. So, it is important to think

of forms of tenure that do not create vulnerabilities vis-à-vis the market while also thinking about how basic services can be improved and made affordable.

[**Unidentified participant**] I have a couple of questions. Number one goes to Nina: you mention the various options of housing types that we have or that we can explore, and I think we have been talking about that for some time. I wonder what is really stopping us from introducing those various types of housing.

To Diana: you mention the issues of the compact cities and some of the advantages of that. You mention a couple of things in terms of advantages, such as lower costs of basic services and so on, but you did not really elaborate on the disadvantages. For a country like Namibia, do you really think the compact city model is applicable with all the virgin land that we have?

And the last comment is really a broad comment. We have two towns in close proximity to Windhoek, [namely] Okahandja and Rehoboth, and a number of Windhoekers have been buying properties in those towns, primarily because it is affordable compared to what it costs to live in Windhoek. The City of Windhoek has been talking about integrated transport for some time now – which should connect the airport, Okahandja and Rehoboth – and introducing a high-speed train, and so on. Can we talk about making sure that we are not squeezing our people? We should be able to own free-standing houses and for the kids to be running around in the back yard, playing, instead of being squeezed into those funny things.

[**Unidentified participant**] Maybe it will be good if any of the panellists could share any experience that they might know [of] where a paradigm shift has taken place successfully with the concept of integrated development, where you bring together all the key players in that ecosystem, involving financial institutions, town councils, city councils, the government, the private sector, and so on, because everybody has to play their role. Otherwise you will find the bank saying that we are not going to finance this; the government saying that this is not the applicable standard in this area, therefore we cannot recognise this building; and so on. How do you bring all those key players together to make sure that they actually talk to each other?

[**Unidentified participant**] I am afraid of the strategy that my sister Bulelwa was talking about. This thing was designed by the World Bank: I mean the strategies for the State to withdraw from [the] provision of housing and allow the private sector to take charge. This was experimented in Latin America, but the results were disastrous. I know the experience with RDP housing in South Africa was problematic, but it was a noble idea that was not properly implemented. I still think there are significant roles for the State to play. After RDP, they are now trying Breaking New Ground.<sup>15</sup> I would encourage them to keep on improving on past experiences, but please leave the State [the power] to intervene.

<sup>15</sup> See Session 4 herein.

[Ms Maritz] I want everybody in this auditorium with children that are living with you at this moment to raise your hand. [Less than half of the room raises their hand.] So, it is not even 50%. One of the barriers that we in Namibia have is the conception that everybody has to have a two- or three-bedroom family house that sits in the middle of a plot of a minimum 300 m<sup>2</sup>. We have been battling with that since Independence. But what we are trying to propose is that there might be people, like the students in this room, that do not want to build or own something now. They are busy studying, and when they are finished studying, they might want to go and work for a while or do a postgraduate degree overseas. There might also be people who like 'urban living', that might actually like to live in town, to be close to their work. In our session today, we concluded that the biggest barrier is probably a lack of creative thinking; that there are ways in which one can get beyond the regulations; there are ways in which one can go to the bank to prove that your alternative building system can fulfil the basic fitness requirements. But our current preconceived ideas of what a house should be is probably our biggest barrier. I am going to hand over the issue about compact cities to someone else, like Diana, but I just want to mention that if you buy in Okahandja and Rehoboth, and you can afford to commute to Windhoek, you are not one of those that needs help in terms of housing. You have [already] managed.

[Ms Makalima-Ngewana] I would like to respond to the question about the role of the State. Of course, the State has a massive role to play. Wherever there has been success in the provision of housing, there has been an entity that was created for the sole provision of housing. The State is needed – especially for those below a certain income bracket. Where it goes wrong is when governments become construction managers. When governments become the sole providers of housing, it creates an uncomfortable relation between housing provision and political aspiration. Another challenge we have is that we have a housing department sitting over here and the transportation department sitting over there, and the land management department on the other side; and all of these departments have different priorities and work in silos, which creates conflict between departments and delays housing provision.

[Prof. Mitlin] I want us to talk a little about compact cities, and then I want to talk a little bit about public dialogue. I think it is clear that small towns inevitably end up having lower densities. That can be taken for granted. But Windhoek is not that small a town. Windhoek's population is now about 500,000. So, I will just make a few points. Firstly, there is a strong anti-poor rhetoric about the conceptualisation of cities and the way cities are represented. I understand concerns about crime and violence, but when you look at research on the relationship between violence and urbanisation, you do not find a link. Where you do find a link is between violence and inequality. Where cities are very unequal, you find a link to violence and crime; where they are less unequal, violence will be lower.

Secondly, regarding benefits of compact cities, I just highlight two in particular. The one has reduced costs for getting basic services to people, and [lower] transport costs for residents. The other benefit is regarding lowering of carbon emissions and global warming. So, I will continue to argue that, for environmental reasons and to favour low-income groups that can afford less in terms of public services, densification is something that we should think about. It does not have to be a low-quality urban environment.

I think the useful word is enabling. *Enabling* has two different conceptualisations: it was indeed the term that was used to legitimate the rolling back of the State – absolutely; but it does not necessarily mean that to everyone. *Enabling* might mean that the State does not insist on you building the structure that you do not want or that you cannot afford. It might mean that, rather than the State either telling you what to do or withdrawing, the State engages you to practise co-production of services. Only when people come and talk to each other can we go beyond languages issues. So people can say, "This works for me, [but] this does not work for you. Why does it not work for you?" And we account for what is a difference of language and what is a difference of intent.

The final point that I want to make is about the public. Cities are intensely public. The reason why you can have a compact city [is] because there is public investment. Working out how that investment gets put down – what the squares are, what the roads are, where the basic services are, how it may have value to people, and how communities should share the cost and the benefits – is integral. Someone on the panel talked about the importance of homes and neighbourhoods, and I think it is critical to think about the quality of urban living. To think about the quality of urban living also means to think at the city scale, and thinking through plans and imagining dreams; but it also means thinking about the practicalities of how we realise these plans. This has to be at the city scale if we are going to share both the cost and the benefits of urban living.

[NUST student] Firstly, [I would] just [like] to thank [NUST] and all the stakeholders for coming together to discuss the way forward. I am one of the students that is subjected to living in the informal settlements. Maybe after every event, we make sure [we] report on what happened. Maybe we can come back every year and talk about what has been achieved. I hope there are representatives from the Ministry of Urban and Rural Development that would take this into consideration. As a young person, I am very disappointed that we do not have more young people on the panel. We as young people are ready to assist in all the structures, but it is unfortunate that we were not included in the panel. I listen to what international guests say, but it costs a lot of money to travel to Africa. Let us look at the expenses to organise this event [as well]. Maybe it would be enough to build a house or two for someone.



[Unidentified participant] I think we need to realise that we, as the people, are in control of our futures. We need to stand up and realise that, if we want better housing, we need to come up with the solutions. There are a lot of local resources in the different Regions that need to be utilised and we must not just depend on somebody building a brick house for us. Who says that a brick house is better than a clay house? If I can afford the clay house and it gives me the same comfort and security as a brick house, why can I not have it?

[Ms Maritz] What I would like to say to the people that are younger is that nobody is stopping you from getting involved. You can sign up and get involved this [very] moment – maybe not just by taking up the microphone; there are so many creative ways you can get involved. You can get involved by starting a student group which is interested in urban design and housing issues. If you are enthusiastic and you have got the political fervour that the person at the back showed today, we need you to get involved to educate yourself as to what is going on, and then to push the right agenda.

[Ms Patel] When someone says that this event would cost the amount of money needed to build two houses, I want to tell you something that humbled me. I used to feel like that too. But community leaders that I have worked with for the last 40 years – and some of them were younger than 24 – would basically say, –

*[b]uilding two houses is Band-Aid. We do not want Band-Aid. We want to be part of a multi-generational process in which we make sure that we, the young people, do not make all the mistakes that you have made.*

So, I think it is important for all of us to celebrate the fact that we have three or four generations of people here who are ready to share experiences. And I would love the fact that you create an organisation and an association that demands a space at this table. That is the right of the youth, but it has to be earned. It is important for all of you who are young to get involved in the creation of history. I have been an activist since I was 20 years old. You have the right to do the same, but it starts with giving yourself to producing the equality that you dream about. Do it with the passion that you have brought here, and we will celebrate that with you. But do not only celebrate your national identity. You are going to live in a world in which you first have to be a global citizen because, unless you embrace your global responsibility, your national and local identity are going to get decimated. Don't be like us! Don't be parochial! Celebrate the fact that you can sit in this University and have exposure through the Internet and technology to what is happening all around the world.

[Mr Lühl] I can just [re]assure those of you who are afraid that we are not involving the youth. You see a number of our colleagues with white T-shirts. They are mostly NUST students or alumni. In fact, they are the largest part of the team that we have put together to review the Government's MHDP

strategy. So, certainly, the youth is involved at that level, [but] perhaps not on the panel. That is an oversight that can be corrected in future.

[Prof. Mitlin] I am just here to share lessons. I am not here to give you answers. We have learned so many times that the only person who can identify answers is you yourself. We can share what we know, we can ask questions, but you have to own your own answers. You have such an opportunity to address your needs at scale. I am very conscious that we did not answer your questions about integrated development; I actually do not know of a case in which all the stakeholders have come together to learn collectively about how to address this problem at scale. In Namibia, you have a real possibility to do this. The audience tonight has exemplified that you have a deep respect for each other, which seems to me a good starting point for coming together to address these problems. I would just urge you: do not just wait a year, two years, but come together: think what you can do together. Provide a platform to share lessons and commit yourself to really provide leadership around addressing shelter needs.

[Ms Makalima-Ngewana] It is important to understand that there is no solution that starts without dialogue. But dialogue is not the only determinant in terms of a process running smoothly. So, start talking – as we have done now, in this room – to help find the solution that will work for you. Every time I come to Namibia, I actually realise you have not lost hope. I come from South Africa, where many communities have lost hope. There is a sense of anger that comes from the fact that the future seems to be getting dimmer and dimmer. The 'rainbow nation' that we started in 1994 is not coming right and many are frustrated, afraid, scared of the future, and worried about their own children. In Namibia, I get a sense of hope and trying to find creative solutions.

[Ms Maritz] I would like to thank NUST and ILMI and everyone else for hosting and organising this event. It has been an incredibly productive two days – and I don't say this of every conference because quite often they are just talk shows. But there were a lot of things that came out. Phillip made mention that there is an ongoing dialogue and a website. They are actually working on the evaluation of housing issues in the MHDP. So, these dialogues will have concrete results.



The Public Forum on Housing and Urbanisation took place on 27-28 February 2017 in Windhoek under the title “Namibia’s Urban Future: Rethinking Housing and Urbanisation”. It gathered about two hundred participants to engage with eight international speakers and a Namibian counterpart on the topic. This book documents each of the sessions with their ensuing discussions, introductory remarks, and an introduction by the editors.

Sessions cover issues on informal urbanisation and peoples’ processes; community-based urban strategies and social innovation; urban livelihoods, the informal, and new roles for professionals and local government; urban design, public space and local governance; social housing and finance; experiences with the right to adequate housing in South Africa; urban land reform, tenure options and land administration; design, construction and sustainable spatial processes; and housing strategies in Namibia.

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