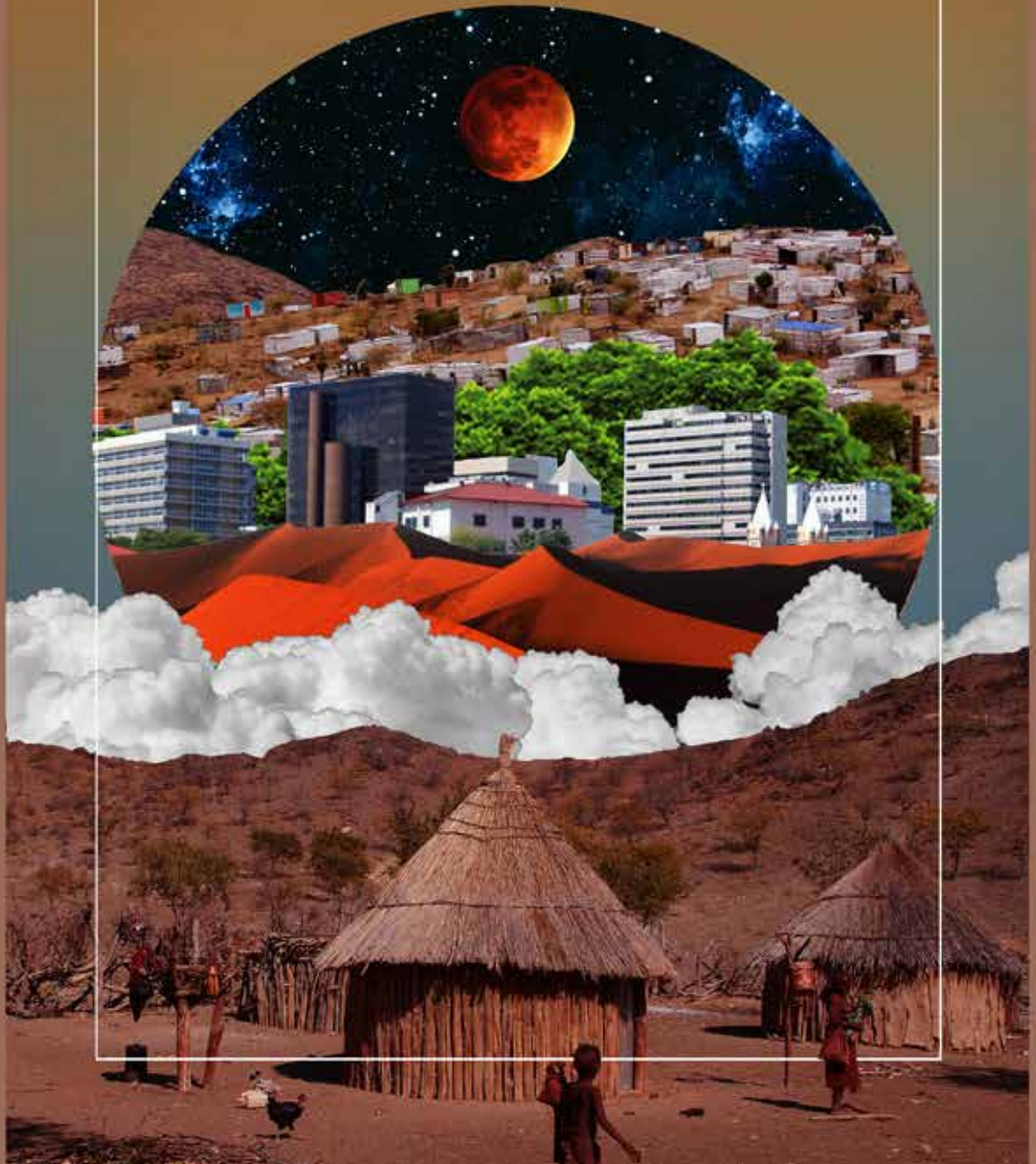


Namibian
Journal
of Social
Justice

Namibia's Housing Crisis in Perspective



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Namibia's Housing Crisis in Perspective

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Justice**

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Foreword

Welcome to the first edition of the Namibian Journal of Social Justice (NJSJ). We are proud to present this new journal and hope it will make a meaningful contribution to the debates on social and economic justice in Namibia.

The background and motivation for this journal is the fact that Namibia continues to be one of the world's most unequal nations caused, firstly, by colonialism and then by the neoliberal policies of the postcolonial State. The elite transition in post-colonial Namibia reflects what occurred throughout Africa. Local elites joined global elites to produce and reproduce intellectuals who seek to justify, rationalise, and normalise the neo-colonial order at the core of the current inequalities. Such neoliberal intellectuals dominate the intellectual space inside the state, academia and civil society. They form an elite compact to maintain their hegemony and the neoliberal order.

To achieve social justice there is an urgent need to offer counter-hegemonic thinking. This responsibility lies with leftist thinkers to develop alternative ideas and practices that will lead to significant improvements in the lives of those negatively impacted by poverty and inequality. Leftist intellectuals and social justice activists must create

alternative spaces to contest the neoliberal dogma.

The Namibian Journal of Social Justice (NJSJ) serves as a space from which mainstream ideas that underpin the neoliberal order can be contested. The NJSJ is as an intellectual platform for social justice academics who want to critically question that order and search for alternatives. Its ideological grounding is unapologetically left of the neoliberal intellectual spectrum. We hope that the journal will be used as a resource by academics, teachers, students, workers, youth activists, policy makers and others who are willing to engage in the struggle for social justice in Namibia.

The NJSJ will promote critical leftist analyses and at the same time uphold the principles of academic rigour. The journal will seek quality academic research output and analyses on social justice issues. It will remain open to different types of contributions including scholarly articles, case studies, opinion pieces, photo essays, book reviews, accounts of social justice struggles waged locally and internationally as well as artistic contributions.

The journal is transdisciplinary and will welcome contributions from

different academic disciplines. Such contributions should significantly extend knowledge of and advance debate on social justice. They should contribute to basic social justice principles of access, equality, rights and participation. The submissions must engage critically with the issues that promote or impede social justice.

We hope that the NJSJ will become a permanent feature amongst activists and academics as we continue to re-imagine a better world. We want to continue to create space for peer-

reviewed scholarly articles, opinion pieces, features, case studies and artistic contributions that represent lived realities and re-imagined futures. We also welcome creative, artistic contributions in the forms of posters, poems, drawings, and photographic essays that speak to the social justice issues of our time.

Herbert Jauch
Chairperson
Economic and Social Justice Trust
www.esjtnam.org

The Editorial Collective

The Namibian Journal of Social Justice is published by the Economic and Social Justice Trust (ESJT), an organisation of volunteers dedicated to the achievement of economic and social justice (www.esjtnam.org). The journal has its own editorial collective that identifies the themes, solicits articles from contributors and prepares them for publication. Its members are:

Prof. Lucy Edwards-Jauch is the current editor in chief. She is a social justice activist with a focus on gender justice, and an Associate Professor of Sociology. She has published widely on various topics related to gender justice.

Dr Job Shipululo Amupanda is a Senior Lecturer at the University of Namibia and the co-founder and leader of the Affirmative Repositioning (AR) movement. He is currently the mayor of the City of Windhoek.

Dr Guillermo Delgado is an architect and housing activist who has worked in several research, design, and cultural projects, focused on issues of land rights, housing, urbanization, and inclusive socio-spatial practices.

Prof. Trywell Kalusopa is an Associate Professor in UNAM's Department of Information & Communication Studies

and a Research Fellow at the University of Zululand (UNIZULU). His main research interests include labour and employment as well as labour market information systems.

Ms Rinaani Musutua is a corporate communications professional with international experience in designing and implementing communications strategies for various organisations. She is a trustee of the Economic and Social Justice Trust and a leading advocate for a Basic Income Grant (BIG).

Mr Martin Namupala is a master of architecture graduate and practising urbanist with a specific focus on spatial justice, informality and trade-based livelihoods.

Ms Ndeshi Namupala is a lecturer in Sociology at the University of Namibia whose research interests include labour issues, social protection, gender and youth and dynamics of social structure in Namibia.

Dr Ellison Tjirera is a lecturer in UNAM's Department of Sociology with academic interests in urban studies, post-apartheid societies, parliamentary democracy, gender studies and governance issues.

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The Economic and Social Justice Trust thanks all members of the editorial collective for making this journal a reality. A special word of thanks goes to the chief editor, **Lucy Edwards-Jauch**, who had to overcome many challenges to ensure that this journal was finally published.

We also thank:

- **Helen Vale** for the language edit.
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- **Brooks Shitaa** and **Carlos Sibalatani** for developing the journal's website (www.namsocialjustice.org).

- All **photographers** for making their photos available for publication in this journal. They are mentioned in the captions of the photos.
- All **peer reviewers** for their comments and suggestions which significantly enhanced the quality of the scholarly articles.

We are indebted to the **Integrated Land Management Institute (ILMI)** at the **Namibia University of Science and Technology (NUST)** for providing seed funding for this inaugural edition of the Journal and the website.

We are grateful for the support of the **Friedrich Ebert Stiftung (FES), Namibia Office**, which enabled the publication and printing of the journal.

Editorial

In this inaugural edition of the Namibian Journal of Social Justice we focus on the festering problem of inequitable access to urban housing in Namibia. We place housing justice in the context of social justice and the realisation of social, economic, and cultural rights. As is the case with other socio-economic issues, the way we frame the housing crisis will determine the solutions we find for it. This edition presents different perspectives and narratives on housing with the aim of stimulating academic, political and policy discourse on this deep social crisis that has its roots in Namibia's colonial past. We pose various questions

in the hope of engendering debate about how we understand the housing crisis and how we can solve it. This volume combines scholarly articles, local and international case studies, opinion pieces as well as visual and creative discourses. A central question that emerges from many of the articles is whether we can afford to continue treating housing as a commodity when this commodification has clearly failed to deliver housing justice. While the focus of the volume is on housing, the volume also contains a current affairs section on gender-based violence.

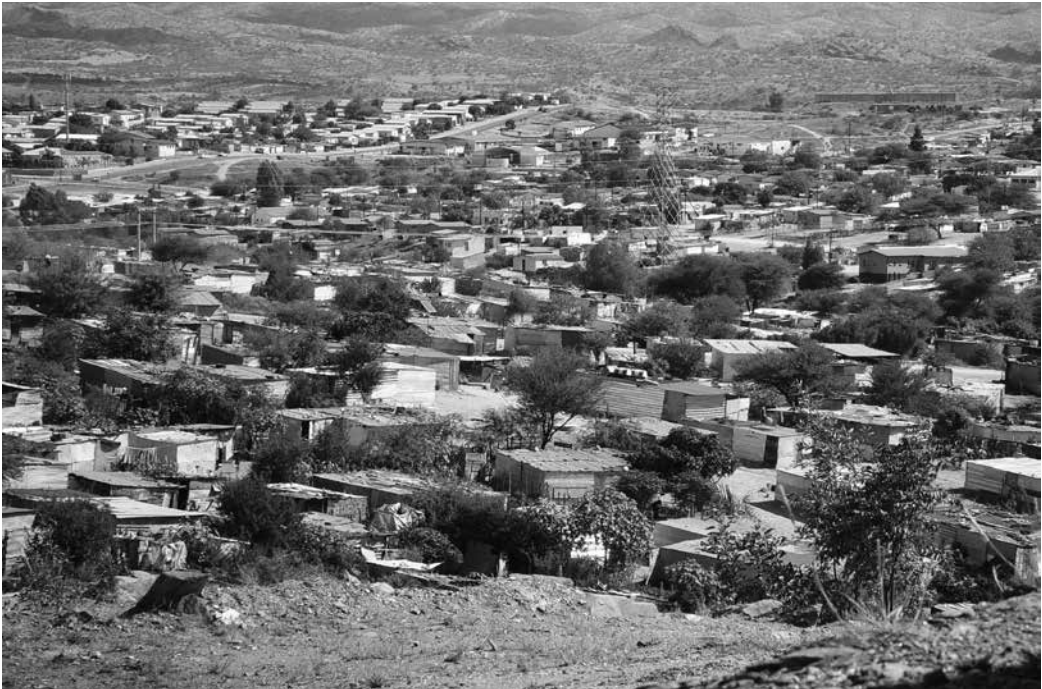


Photo: Dirk Haarmann

The right to adequate housing is embedded in internal human rights instruments, particularly, Article 25 of the Universal Declaration of Human Rights and Article 11(1), the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other international human rights instruments that assert the right to adequate housing are the 1951 Convention Relating to the Status of Refugees (article 21); the International Labour Organization's 1962 Convention No. 117 concerning Basic Aims and Standards of Social Policy (article 5 (2)); the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (article 5(e)(iii)); the 1966 International Covenant on Civil and Political Rights (article 17); the 1979 Convention on the Elimination of All Forms of Discrimination against Women (articles 14 (2) and 15(2)); the 1989 Convention on the Rights of the Child (articles 16(1) and 27(3)); the International Labour Organization's 1989 Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries (articles 14, 16 and 17); the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (article 43(1)(d)); and the 2006 Convention on the Rights of Persons with Disabilities (articles 9 and 28) (United Nations Human Rights Council, 2019).

The gains of more equitable access to housing go beyond the provision of shelter since they also have broader social-economic benefits like the reduction of poverty and gender inequality as well as the realisation of the human rights of marginalised groups. All states have the obligation to implement measures that will lead to the full realisation of adequate housing for all. These include the adoption of legislative, administrative, budgetary, and judicial measures that ensure affordable housing (UN Habitat, 2014).

The spectre of shacks that dominates large parts of Namibia's urban landscape are both visual and visceral demonstrations of our deep racial, social, and economic injustices. The struggle for housing justice is inextricably linked to the struggle for social justice. In the quest for housing justice, we are confronted with important political and ideological questions. A fundamental question is whether housing justice can be achieved in the context of broader social inequalities. This question is succinctly posed by the *Housing Justice in Unequal Cities network* as they pinpoint key dimensions of the housing crisis in various part of the world. These include racial segregation, the financialisation of housing and the criminalisation of poverty through evictions and forced removals (Institute on Inequality and Democracy, 2016).

Globally, access to adequate housing has become more elusive as housing markets are being transformed by global capital markets. This financialisation transformed housing from a social good to a commodity and a financial asset. This has made housing less available to the poor (United Nations, 2012). Failures in housing and land markets result in an increasing unmet demand for housing (Gibb, MacLennan & Stephens, 2013).

The commitment to equitable access to adequate housing is realised through housing policies, budgets, local economic planning, urban services, and urban planning (UN Habitat, 2020), but these are often overshadowed by powerful interests and an ideological commitment to market-driven neoliberal paradigms. The former UN Special Rapporteur on Housing has expressed concern that as private developers and investors dominate housing systems there is the separation of housing from its social function for it is treated as a commodity for speculation (United Nations Human Rights Council, 2019). In Namibia the provision of adequate housing has been left to market economics. This has resulted in massive housing shortages (Chiripanura, 2018). The National Planning Commission identified challenges to adequate housing provision. These are high prices caused by demand and supply imbalances, the exclusion of 73% of Namibians from

housing credit, inadequate housing budgetary provision by the State, poor access to adequate land and inadequate policy and legislative frameworks (Republic of Namibia, 2018). Market failure has resulted in a proliferation of informal settlements.

The question of how housing justice can be achieved in Namibia still remains unanswered. So far, the commodification of housing has primarily served elite interests. Because we cannot isolate housing from broader social justice questions of rights, access, equity and participation, we have to ask if the hegemonic political and ideological stance, that privileges market forces in housing provision, renders housing justice unachievable and if it is not time to raise counter-hegemonic narratives that seek to de-commodify social goods like housing, education and health care.

Housing and Human Rights

International human rights law recognises access to adequate housing as a human right. It is part of the right to an adequate standard of living contained in the Universal Declaration of Human Rights (1948) and in the International Covenant on Economic, Social and Cultural Rights (1966). This right ensures certain protections, for example, from discrimination and forced evictions. It also guarantees freedom of choice, freedom of movement and security of tenure. The term adequate

housing implies adherence to certain minimum standards for example the availability of services, facilities, and infrastructure. These include access to safe drinking water, sanitation and refuse removal services. Adequate housing also means affordability, habitability, accessibility and cultural acceptability. The right to adequate housing also affects other rights as human rights are interdependent, indivisible and interrelated. The denial of access to adequate housing impacts the realisation of, for example, the right to work and the right to privacy. Forced removals may impact the right to earn a living and unsafe housing may impact the right to health and security. In the assertion of these rights, people are often subjected to violence, arbitrary arrest, or arbitrary and prolonged detention as well as other violations of their human rights and civil liberties (UN Habitat, 2020).

According to the former UN Special Rapporteur on Housing, Ms Leilani Farha (2014-20), States are not always aware that human rights apply to housing and how their obligations can be translated into concrete actions that address the housing crisis. Farha further urges States to affirm the right to housing through domestic legal instruments that afford that right the same protections as provided for under international law (United Nations Human Rights Council, 2019).

Namibia does have the domestic legal instruments to guarantee the right to adequate housing. In his article, *The right to adequate housing in Namibia: A right not vindicated*, John Nakuta argues that this right is one of the most blatantly violated rights in Namibia. Although the Namibian constitution does not explicitly guarantee the right to adequate housing, it does embrace an international law-friendly disposition. Nakuta clarifies what adequate housing means. His core argument is that because Namibia has ratified several international instruments and because the constitution provides for the automatic incorporation of international agreements, that are binding on Namibia, into Namibia's legal system, citizens have a legal basis from which they can claim their rights. This can be seen as a fall-back device and a legal mechanism that allow citizens to claim housing rights. The lack of domestic legal instruments to protect the right to adequate housing should not be used to deny access to justice for the disenfranchised. The UN Rapporteur argues that access to justice should be understood broadly and should not only rely on the courts but also on administrative procedures and accessible community-based, informal mechanisms (United Nations Human Rights Council, 2019).

Spatial Segregation, Racial Justice, and Exclusion

The colonial city emerged in the context of capitalist modernity and served to facilitate the export of wealth, mainly natural resources, from the subjugated people to the colonial core. These cities often housed agencies of political control like the bureaucracy, the military, the police as well as the economic structure like banks and trading entities. The colonial powers implanted these urban centres on pre-capitalist societies, and in so doing, made them more unequal. The subjugated people became unequal participants in global capitalism (Fox, 2017). Despite political independence, Namibia's decolonial project remains incomplete. It has retained the colonial structure of its economy. Cities and town are still characterised by inequality and spatial segregation. There is a need to retrace the history of Namibia's urbanisation and urban housing development to locate our present and to fully appreciate the need for a decolonial turn to break with our spatially segregated and racialised past. Both Guillermo Delgado and Ellison Tjirera delve into this past.

In his article *(Re)tracing the History of Spatial Segregation, Urbanization and Housing in Windhoek*, Ellison Tjirera focuses on the urban social-spatial history of Windhoek. The underlying theme of his article is the spatial segregation that has characterised the

city's development. With the German colonial project, Windhoek, became a military, administrative and commercial centre. This occurred when the colonial government moved its headquarters from Otjimbingwe. A series of maps illustrates the city's evolution and the colonial regime's attempts to control the black population of Windhoek. Tjirera argues that Windhoek's colonial history of balkanisation and residential segregation provides a prism to view the persistent spatial segregation and inequalities that foreground housing. Segregation became the official state policy under South African apartheid colonial rule. The racial segregation prescripts of the Odendaal Plan were brutally enforced through forced removal, evictions and the massacre of people who opposed forced removals in 1959. The apartheid urban geography still looms large over the city as inequalities and exclusion dominate the lived experiences of many city dwellers.

Delgado, in his article *The horizon for a fuller urban life in Namibia is visible: Expanding the notion of the urban housing crisis and changing urban politics*, uses a historical materialist or political economy approach combined with decoloniality and feminist approaches to critique Namibia's urban housing crisis. He contends that the history of housing in Namibia started long before colonial times. Human settlement patterns reflected the availability of natural resources.



Photo: Herbert Jauch

With colonial occupation the notion of private property was forcefully introduced. The industrialisation project of capitalist modernity gave rise to the migrant labour system and formed the foundation of separate housing and urban development with neighbourhoods and liveable spaces for whites who were understood as permanent settlers. Black workers lived in single-sex labour compounds as their stay in urban areas was regarded as merely temporary. Black urban mobility was further controlled through a series of town planning and property regulations. Informal settlements proliferated as some of the pass laws and influx control regulations were gradually repealed. After independence our democratic dispensation guaranteed freedom of movement and the rate of urbanisation

outpaced, by far, the ability to procure serviced urban land and housing. The crisis was compounded by high levels of unemployment and precarious livelihoods that placed access to adequate housing outside the reach of many. The problem of land scarcity was artificially manufactured through low density urban planning by local government and the financialisation of housing. Delgado recommends a more democratic system of housing governance that is less centralised, bottom-up and draw communities into its co-production.

The right to adequate housing cannot be fully realised without the security of tenure and access to services. Housing is also not adequate if people are cut off from employment opportunities, health-care services, schools, childcare

centres and other social facilities (UN Habitat, 214). In his article *Claiming land, housing and services, imagining a just society: Precarity and urban citizenship in Windhoek*, Lalli Metsola makes the everyday struggles to access land, housing and services visible. He documents the views of citizens on the precarious urban fringes of Windhoek. He argues that the formal structures of the city's planning and administration are organised according to a logic that make services inaccessible and unaffordable to a large part of the city's inhabitants. Municipal regulations constrain access to services as the city only delivers infrastructure and services like roads, sanitation, waste collection, electricity, water, and transport to residents once land tenure has been formalised and formal plots demarcated. This, by definition, excludes many people in informal settlements. Metsola contrasts the competing cultures around land access and land ownership. The logic of ownership against payment goes against the logic of communal land allocation new migrants to the city are used to. The neoliberal dictum of user fee charges, therefore, goes against residents' ideas of fairness, compassion, and shared humanity. He concludes that neoliberalism's market logic of commodification of land and profit-making trumps the moral imperative of access to affordable housing and services.

Women and Housing

The daily struggles of women to access adequate housing in different towns in Namibia is demonstrated empirically by a few short case studies from Windhoek, Groot Aub and Otjiwarongo. Imelda /Hoebes, Jermine April and Mandy Mapenzie each provide a window into the lives of individual women in different informal settlements. The overarching narrative present in these case studies is that housing is linked to the macro-economic conditions prevailing in the county. Some of the constant and recurring themes in these case studies are unemployment, poverty, and precarious livelihoods. These case studies further affirm the linkages between housing and the broader context of structural inequality and structural violence. It shows how the economic system of production, distribution, and consumption, marginalises many poor, black women. They further reveal shocking levels of bureaucratic ineptitude, unaccountability and unresponsiveness. Women who have applied for land simply do not get responses to their applications. This signals the disdain local government officials have towards the communities they serve. We know that a capable state is key to the successful implementation of its developmental agenda. What these accounts show, is an urgent need for skills audits and functioning systems of accountability that ensure access for all.

Although Namibia has formal equality guaranteed in the constitution and other legal instruments, women still face discrimination in housing access. This is linked to historical and structurally based social, cultural, and economic power imbalances between men and women. In addition, legal provisions in both customary and statutory law still discriminate against women. There are, for example, customary inheritance practices that dispossess women and children from land and houses. The Native Administration Proclamation of 1928 also discriminates against women regarding marital property in cases of divorce or the death of a husband. The former UN Special Rapporteur on Housing argues that housing policies often fail to take into account women's special circumstances and vulnerabilities. In addition, women are faced with discriminatory customary laws and practices, judicial and administrative bias, lack of access to remedies, information or decision-making processes. They also often lack of awareness of their rights. These all compound their exclusion (United Nations Human Rights Council, 2019).

Ndeshi Namupala, Emma Nangolo and Lucy Edwards-Jauch provide some insight into the gender inequalities in housing access. They point out that Namibia's housing policy and the lack of gender disaggregated data on housing affirm the gender-blindness towards housing in the country. The

authors recognise the multiple forms of discrimination women face in their quest to secure housing. The article questions the incremental approaches towards housing and argues that under conditions of precarity the sole provision of land is not sufficient to ensure adequate housing. The provision of land as envisaged under the Flexible Land Tenure Act offers security of tenure to many Namibians but the location of this land is often far from economic opportunities and services and only serve to amplify their marginality. This also reproduces the historical legacy of spatial segregation. The provision of land per se does not equate to adequate housing, particularly under conditions of mass unemployment and precarious incomes, as people simply do not have the incomes to upgrade their houses incrementally to meet the prescripts of adequate housing. The article calls for an Intersectional Feminist approach towards housing that takes into account how gender intersects with social class, race, ethnicity, age and other markers of difference so that housing policies and housing provision can address the circumstances of different groups of women.

Opinion Pieces

In this section we present diverse opinion pieces on housing to stimulate further debate. These opinion pieces may not necessarily reflect the views of the editorial collective but they show a deep commitment to equity and justice.

In their opinion piece *Is Social Housing Possible?* Shaun Whittaker, Harry Boesak and Mitchell Van Wyk pose the very pertinent question of whether the current neoliberal model can deliver equitable access to housing. They argue that housing provision is driven by greed and that the profit motive often supersedes the social right to adequate housing. They link the question of unequal access to housing to the high levels of inequality in the country. A core argument is that skewed priorities have seen the construction of edifices that venerate a few leaders rather than meeting the housing needs of the many. They draw attention to a core contradiction in the system, namely, that although there are scores of people who are either homeless or live under conditions of squalor, a large portion of Namibia's housing stock remain unoccupied because the market mechanism is inefficient. It does not necessarily deliver housing to those who need it, but rather to those who can afford it. They call for a redistributive housing model that will take into account the many unoccupied houses that can be redistributed for occupation. They further call on the Namibian government to institute a National Housing Bank that can avail housing credit to low-income groups. In addition, they recommend the creation of an Applied Economic Research Institute to look into questions of access to drinking water, sanitation, overcrowding, durable

housing structures, security of tenure and energy efficiency.

Toivo Ndjobela in his opinion piece, *The Namibian housing conundrum: Ambiguities and contradictions*, reflects on the relationship between housing and secure access to land. He argues that the Flexible Land Tenure Act 4 of 2012 is a game-changer that could satisfy two important conditions to access housing, namely, legality and physical consolidation. This marks a departure from the past where physical infrastructure developments in informal settlements were not sustainable because of forced evictions as informal settlement was criminalised. Security of tenure can also facilitate access to finance for improved housing infrastructure. Ndjobela also briefly reflects on how the city of Lima, Peru managed to formalise informal settlements.

Confronting the Nature of our Housing Crisis and Engaging with Alternative Models

As Namibia embraces housing models that privilege market forces, the housing crisis in the country becomes more severe. This is not only a Namibian problem, but also a global problem that is linked to a global system of production, distribution, and consumption. Globally 1.8 billion people are either homeless or live under abhorrent housing conditions. Human

rights experts have warned that the failure to address the global housing crisis has resulted in mass human right violations (United Nations Human Rights Council, 2020). As housing provision is more and more left to private developers the former Special Rapporteur on adequate housing has warned against the commodification and financialisation of housing that separates it from its social function. She further warned that the mere tinkering at the edges of dominant, unsustainable market-driven housing models will not work and therefore calls for a fundamental change in how housing is conceived, valued, produced and regulated (United Nations Human Rights Council, 2019).

In our attempts to find solutions to our housing crisis, there is a need to imagine alternative models for adequate housing that depart from the dominant but unsustainable neoliberal, market-driven ones. Guillermo Delgado, in his article *The horizon for a fuller urban life in Namibia is visible: Expanding the notion of the urban housing crisis and changing urban politics*, offers broader explanatory frameworks that engage with the systemic nature of the problem. The search for solutions forces us to engage with conceptual frameworks that privilege the poor as the elites see housing primarily as an avenue for speculative investments and profit-making. A neoliberal turn in Namibia's housing policy has led to

the financialisation of land and housing markets. The dominant discourse has changed from housing as shelter to housing as a conduit for private investment and profiteering. Delgado presents three alternative theoretical frameworks through which housing can be analysed, namely, historical materialism, decoloniality and feminism. His core argument is that we need a more holistic explanatory framework for understanding the root causes of the problem. He offers some counter narratives to the dominant neoliberal approach to help explain the housing crisis.

Concrete alternatives to the neoliberal model are offered through case studies from Botswana, Uruguay, and Venezuela. Albius Mwiya's case study of Kasane, Botswana shows that adequate housing needs an integrated plan that combines land access, services, and finance. Although there are bureaucratic hurdles to implementation, production and construction were localised so that the direct beneficiaries could also derive income from the project. This increased income and reduced poverty for local people instead of only benefiting big property developers. Similarly, Herbert Jauch's case studies of Venezuela and Uruguay show that housing programmes can serve the interests of social justice, equality, and inclusion. In Venezuela under Hugo Chavez, socio-economic programmes or missions were introduced. A

set of principles that included self-organisation and localisation guided the implementation of mass housing programmes. The housing mission targeted poor and marginalised groups like youth, indigenous people, peasants, and workers. Uruguay's housing programme acknowledged the rights of marginalised groups to have housing in the city. The general trend in many countries is to banish low-income groups to inferior housing on the outskirts of the city. In Uruguay self-managed, membership-based cooperatives drove the social production of habitat. A public land bank provided access to finance for land acquisition. The Uruguayan Federation of Mutual-Aid Housing Cooperatives supported the participatory self-management of housing production. In all three examples show that localised, participatory processes enabled adequate housing access for low-income and marginalised groups.

Architectural Design

Architectural design can play an important role in helping to build an inclusive society that reflects our democratic values. Namibia needs socially engaged architecture that advances social justice, self-expression, self-actualisation and self-direction (Rosenthal, 2013). Part of the re-conceptualisation of housing delivery is its spatial and architectural design. Apartheid housing design was understood as the State's desire to

provide low-cost, racially separated ghettos for a cheap labour force that had to be divided and easily controlled. No consideration was given to the needs and desires of the people who were to occupy these matchbox houses or how their social, economic and cultural needs can find expression in these spaces. Part of Namibia's decolonial turn is to reconfigure living spaces in ways that take into account the social, economic, cultural and spiritual needs of communities. Social architecture is about the design of social spaces that support well-being, that are inclusive and accept diversity (Rosenthal, 2013). Housing design should give affordable access to safe spaces that meet the social, cultural, and economic needs of people. Architects Temba Jauch and Zachary Kimberling present their affordable housing architectural design that incorporates social considerations like livelihoods and safety.

Current Affairs - Gender-Based Violence

Gender justice is part and parcel of the struggle for social justice and in this edition, our current affairs section centres on the struggle against gender-based violence. Heike Becker places the #ShutItAllDownNamibia movement in the historical and political context of Namibia's struggle for equality and justice. She reflects on Namibia's long history of grassroots struggles against injustice and oppression. The article draws comparisons between

the current, new, and emerging social movements against gender-based violence and past internal Namibian social movements against poor living conditions, racial oppression and resistance to the brutal violence of the South African army. She also reflects on the Namibian Women's Movement of the 1980s. Becker's reflections on past struggles belie the silences in Namibian historiography. There remains a big gap in the official historical narrative that ignores or marginalises the contribution of internal social movements towards Namibia's independence. The article calls on Namibian society to take the voices of young people seriously as they continue to shape Namibia's postcolonial project.

Nashilongweshipwe Mushaandja lays bare the unfinished work of Namibia's liberation politics. His photo essay on the 21st century struggles of Namibian youth is a stark reminder that the decolonial project is far from complete. Mushaandja uses performative writing to construct a narrative of new political praxis in which the body becomes a tool of protest against the normalisation of violence in post-independent Namibian society. The lack of urgency to disrupt this violence on the part of the political leadership of the country suggests little appreciation for the trauma that continues to be perpetrated on Namibian bodies. Mushaandja reproduces some of the profanities used by the protest

movement to expose the conservative and hypocritical moralities that are dismayed by such profanities but not by the brutal violence and trauma that has evoked them. The continuities in Mashaandja's performative narrative are the uninterrupted structures of patriarchy and colonial oppression that remain with us. Another is the continued police brutality that seeks to suppress and criminalise the legitimate political expression of the #ShutItAllDownNamibia movement.

Land redistribution has been a struggle since indigenous Namibians were dispossessed of land and wealth through colonialism. The question of land reform is part of the incomplete liberation project. Many communities which were dispossessed by colonial conquest still seek justice, restitution and reparations. Lastly, but very importantly we have a brief outline of the chapters of the Report of the Commission of Inquiry into Claims of Ancestral Land Rights which was released into the public domain on April 21, 2021. Helen Vale provides a brief summary of this report in her short article on *The nexus between land and housing*. Vale reminds us of the important link between land reform and housing. In chapter 7 of the report the Commission recommends that urgent interventions be taken to assure urban land rights for the displaced and landless. Many of the landless urban dwellers were dispossessed, displaced,

or evicted by commercial farmers. It is therefore a matter of restorative justice that Namibia brings this aspect of the liberation project to a conclusion through a comprehensive land reform programme.

Concluding Remarks

The articles in the journal offer different views on the housing crisis. We hope that it will evoke robust debate on alternative approaches to housing. While we recognise that there is no one correct answer to how the crisis can be solved, the empirical evidence presented confirms that the models we have followed so far have failed us. In the interest of social justice, we need to show the courage to change to deliver housing justice for all and not just a few. There are examples of how marginalised communities have used their agency to ensure adequate housing, but this requires State support and an integrated approach. We need to keep the conversation alive to arrive at more optimal solutions. This journal's contribution to our understanding of housing merely scratches the surface. A lot more research is needed to have a comprehensive understanding. Topics like ecologically and socially sustainable housing, economic modelling, energy efficiency and equitable access to water and sanitation are not included. We hope that future publications will plug these gaps. We encourage communities, activists, and academics to continue to explore the voids and the alternatives.

Lucy Edwards-Jauch, Editor

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The Right to Adequate Housing in Namibia: A Right not Vindicated

John B. Nakuta

Abstract

The right to adequate housing is guaranteed under international human rights law. This right, like many other economic, social, and cultural rights, is not expressly recognised in the Namibian Constitution though. Namibia, however, ratified some of the major human rights instruments which recognise this right. Importantly, the Constitution embraces an international law-friendly disposition towards international law. It provides, for

instance, for the automatic incorporation of international agreements binding on Namibia into the Namibian legal system. This provision accordingly reads the right to adequate housing into the Namibian legal order. The right to adequate housing, however, is one of the most blatantly violated rights in the country. To this date, no claim has been instituted before the courts claiming, specifically, the right to adequate housing. The question is why



Photo: Guillermo Delgado

not? Could this be because of a lack of understanding of what this right entails? This article presumptively assumes that the answer to this question is in the affirmative. It adopts a primer approach by giving a synoptic exposition of the right to adequate housing. Its prime objective is to augment potential knowledge gaps which may exist in respect of the scope, content, entitlements, and obligations imposed by the right to adequate housing.

Key words: basic services, housing informality, dignity, human rights, adequate housing, international law, Namibian Constitution, article 144.

Introduction

The housing situation in Namibia can at best be described as distressing. The said situation cuts across all classes of society but is more pronounced amongst the urban poor. Those relegated to living in informal settlements. A staggering 40 percent of those residing in urban households throughout the country are in informal settlements (NSA, 2017, p.101). The living conditions in these informal settlements can at best be described as shocking, deplorable, and intolerable. Residents of informal settlements often live without water, sanitation facilities, without security of tenure, and in constant fear of eviction. Indeed, the scope and severity of the living conditions in informal settlements, as observed by Farha, make them one

of the most pervasive violations of the human rights of dignity, security, health, and life worldwide (UN General Assembly, 2018, par.12). It is critical that they be recognised as such.

This situation most certainly calls for redress. Especially, considering that the right to adequate housing is guaranteed under international human rights law. This presupposes that residents of informal settlements are equally entitled to living without discrimination, in security, peace and dignity, in housing with secure tenure, that is affordable, habitable, culturally adequate, in a decent location, accessible, and where services are available (CESCR, 1991, para. 8(a)-(g)).

The right to adequate housing, like many other economic, social, and cultural rights, is not expressly recognised in the Namibian Constitution. This void is, however, neatly filled by the self-same Constitution. The Constitution embraces an international law-friendly disposition. It provides, for instance, for the automatic incorporation of international agreements binding on Namibia into the Namibian legal system. This provision accordingly serves as an important fallback device for rights not expressly guaranteed in the Namibian Constitution. Namibia ratified most of the major human rights instruments which guarantee the right to adequate housing. The avenue for this is article 144 which incorporates the right to

adequate housing into the Namibian legal system. The right to adequate housing can equally be claimed through the indivisibility principle of human rights. For instance, it is indivisible from, and interrelated to the rights to human dignity and the right to life which are expressly guaranteed in the Namibian Constitution.

The right to adequate housing for residents of informal settlements, as noted earlier, is one of the most blatantly violated rights in the country. Yet, no claim to vindicate this right has hitherto been made. The question is why not? Could this be because of a lack of understanding of what this right entails? This seems to be the case if regard is given to the views of UN independent experts and Treaty bodies.

For instance, Catarina de Albuquerque, the former UN Special Rapporteur on the human right to safe drinking water and sanitation, made the following observation in her Mission Report following her country visit to Namibia over the period of 4 to 11 July 2011:

“The Special Rapporteur [...] observed during the mission that there was an overall lack of awareness about economic, social, and cultural rights.” (Human Rights Council, 2012, p.6).

The Committee on Economic, Social and Cultural Rights (CESCR) expressed

similar concerns in its Concluding Observations on Namibia in 2016. To this end, the CESCR stated that it is:

“[...]concerned at the lack of awareness of the Covenant [ESC] rights among the general public, public officials and legal professionals.”

Rights are not there to be preserved, but to be enjoyed. However, people can only claim their rights if they are aware of them.

The prime objective of this article is to augment potential knowledge gaps which may exist in respect of the scope, content, entitlements, and obligations imposed by the right to adequate housing. In doing so it adopts a primer approach by giving a synoptic exposition of the right to adequate housing. The idea is to precipitate an attitude shift towards the enforceability of the right to adequate housing, especially as it pertains to informal housing in the country.

The article commences by highlighting the legal status of the right to adequate housing at the international, African regional, and municipal level, respectively. It then proceeds to elaborate on the content, scope and claims of the rights to adequate housing. It is worth pointing out that no attempt is made to critically assess Namibia's compliance with each of the seven (7) core elements of the right to adequate housing. Time and space limitations

do not allow for that. Issues of concern in respect of each of the claims and entitlements viz. housing rights are, however, raised where applicable.

Methodology

To capture the content, scope, and obligations of the rights to adequate housing relevant human rights instruments from Treaty bodies, independent human rights experts were collected and consulted. These include conventions, declarations, general comments, concluding observations, and country reports. It is worth stressing that great value is attached to general comments in particular as they serve primarily to clarify the content, scope, and obligations of rights international guaranteed rights.

Complementary to the above, statistical data, court decisions and newspaper articles were also collected to gain an impression of the prevailing outcomes in respect of informal housing in the country.

A Legally Guaranteed Right

The human right to adequate housing is defined as “the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity” (Commission on Human Rights, 2001, par.8). The Committee on Economic, Social and Cultural Rights (CESCR) has stressed that the right to housing should not be interpreted in a

narrow or restricted sense. Importantly, the right to adequate housing should not be equated to merely having a roof over one's head. Neither should it exclusively be viewed as a commodity. Commodification in the context of housing, as explained by Kenna, refers to the transformation of housing as a home to a commodity of exchange or investment, where its value is determined by the market (Kenna, n.d, p.2).

The African Commission on Human and Peoples' Rights (the African Commission) similarly held that the right to housing embodies the individual's right to be left alone and to live in peace, whether under a roof or not. The Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (the Principles and Guidelines) as released by the African Commission, capture and reaffirm the same understanding of the right to adequate housing. The Principles and Guidelines define the right to adequate housing as the:

“right of every person to gain and sustain a safe and secure home and community in which to live in peace and dignity” (African Commission, 2010, par.77).

All human rights are said to be universal, indivisible, interdependent and interrelated. The right to adequate

housing is therefore significant to the enjoyment of many other economic, social, cultural, civil and political rights. For instance, access to employment, training, education, the absence of discrimination, crime or segregation, the enjoyment of opportunities and communal facilities are all, as pointed out by Kenna, dependent on the realisation of housing rights. For example, people who experience homelessness, poor housing and lack of shelter are often victims of violence and crime as well as persistent poverty. Similarly, social rights of participation and political rights are often linked to housing status. Enfranchisement is frequently linked to home ownership, housing history, and having a residential address. This can mean the denial of such participation to homeless people (Kenna, n.d, p.3).

The right to adequate housing is explicitly entrenched in several international and regional human rights instruments. The most prominent international legal instruments guaranteeing this right include the Universal Declaration of Human Rights (UDHR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both the UDHR and the ICESCR recognise the right to adequate housing as a component of the right to an adequate standard of living. The ICESCR, widely considered as the central instrument for the protection of the right to adequate

housing, endows every person with the right to:

"[...] an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions" (ICESCR, 1966, art. 11(1)).

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) frames the enjoyment of adequate living conditions in relation to aspects such as housing, sanitation, electricity, and water supply. Furthermore, various other thematic conventions and declarations, for example on racial discrimination, children, refugees, migrants, people with disabilities, indigenous peoples, labour, war, and development similarly guarantee and affirm the right to adequate housing.

The right to adequate housing has also been recognised by the regional human rights instruments such as in the European Social Charter, the European Convention on the Protection of Human Rights and Fundamental Freedoms, as well as the American Declaration of the Rights and Duties of Man. For instance, article XI of the American Declaration of the Rights and Duties of Man proclaims that:

[e]very person has the right to the preservation of his health through sanitary and social measures relating to food, clothing,

housing, and medical care, to the extent permitted by public and community resources.

The African Charter on Human and Peoples' Rights (African Charter) does not expressly recognise the right to adequate housing. To fill this void, the African Commission has creatively, and consistent with the indivisibility principle of human rights, interpreted other rights in the Charter to include a right to adequate housing (Chenwi, 2013, p.345). In this regard, the African Commission in the *Social and Economic Action Centre and the Centre for Economic and Social Rights v Nigeria* (SERAC case) unambiguously clarified that:

Although the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16 [...], the right to property [Article 14], and the protection accorded to the family forbids [Article 18] the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected. It is thus noted that the combined effect of Articles 14, 16 and 18(1) reads into the [African] Charter a right to shelter or housing which the Nigerian

Government has apparently violated (SERAC, 2001, par. 60).

Although the right to adequate housing is not explicitly provided for under the African Charter, the African Commission (2010, par.77) made it clear that housing rights are protected and guaranteed therein through the combination of provisions protecting the right to property (art 14), the right to enjoy the best attainable standard of mental and physical health (art 16), and the protection accorded to the family (art 18(1)).

Other group-specific African human rights instruments also contain express provisions and references to the right to adequate housing. Key amongst these are the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African Charter on the Rights and Welfare of the Child, and the African Youth Charter. For instance, Article 16 of the African Protocol on the Rights of Women (Maputo Protocol) guarantees to women the right to equal access to adequate housing and imposes a positive duty on State parties to the Protocol to ensure this right to all women in their territory. Article 20 of the African Children's Charter, on its part, obliges State parties to assist parents and other persons responsible for the child, and to provide material assistance and support programmes viz. nutrition, health, education, clothing,

and housing in specific cases of need. Similarly, article 14(3) of the African Youth Charter requires State parties to take special measures when the security of food, tenure, clothing, housing, and other basic needs of young persons are compromised.

From the above it is clear that the right to adequate housing is an internationally guaranteed right which accrues to all persons without discrimination. Sachar (Commission on Human Rights, 1995, par.11), importantly, clarified that the right to adequate housing does not imply that Governments are duty-bound to provide free housing to all citizens on request. The legal recognition and obligations inherent in the right to adequate housing do not imply that the State is required to build houses for the entire population, neither that housing is to be provided free of charge by the State, or that the State must necessarily fulfill all aspects of this right immediately upon assuming duties to do so. It also does not mean that the State should exclusively entrust either itself or the free market to ensure the enjoyment of this right by all. Neither does this right manifest itself in precisely the same manner in all circumstances or locations. This, however, should not be misinterpreted by States as a pretext for non-compliance to abrogate State responsibility. The obligations flowing from the recognition of the right to adequate housing, in the most general

sense, imply that the State will undertake a series of measures i.e., policy and legislation to give recognition to each of the constituent aspects of the right to adequate housing soon after the ratification of the applicable human rights instrument (Commission on Human Rights, 1995, par.12 (c)).

The Legal Status of the Right to Adequate Housing in the Namibian Legal System

The Namibian Constitution, unlike that of countries such as South Africa and Kenya, does not expressly guarantee the right to adequate housing. This does not mean that the right cannot be claimed in Namibia. This was clarified by several scholars, UN Special Rapporteurs, UN Treaty Bodies, the African Commission, including the former Minister of Justice and Attorney-General (at the time when the two portfolios were combined).

For the sake of brevity, it suffices to state that Namibia ratified both the ICESCR and the African Charter. These instruments are automatically incorporated into the Namibian legal system by virtue of article 144 of the Constitution. This article clarifies the status of international law in Namibia as such:

“Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law

and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.”

The Supreme Court in 1995 in the *Kauesa v Minister of Home Affairs & Others* clarified the legal status of the African Charter, and by extension other international treaties/ conventions in the Namibian legal system. The court held that:

“The Namibian Government has, as far as can be formally established recognised the African Charter in accordance with art 143 read with art 63(2)(d) of the Namibian Constitution. The provisions of the Charter have therefore become binding on Namibia and form part of the law of Namibia in accordance with art 143, as read with art 144 of the Namibian Constitution” (Kauesa, par.86).

It follows, to echo Tshosa (2010, p.22), that Namibia's ratification of the African Charter meant that it was directly applicable in Namibian national law. The Charter, could accordingly be given domestic effect by Namibian courts. The same logic applies to the ICESCR and all other international treaties and conventions which Namibia ratified and acceded to.

Several UN Special Rapporteurs and Treaty Bodies have hailed the utility of article 144 in filling the void for

rights not expressly provided for in the Namibian Constitution. The statement of the former UN Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, is most relevant in this regard. In her country mission report on Namibia in 2011 de Albuquerque rightfully noted that whilst the rights to water and sanitation are not explicitly provided for in the Namibian Constitution they can be read into the country's legal system by virtue of article 144. She accordingly asserted that the ICESCR should be the relevant standard to uphold in Namibia for the full realisation of the rights to water and sanitation, and by extension other rights such as the right to adequate housing (UN Human Rights Council, 2012, par.6).

The foregoing sections clarified two (2) important things. First, the right to adequate housing is internationally guaranteed and legally protected. Second, even though not explicitly provided for in the Namibian Constitution, the right is fully invocable in the country's legal system.

It is worth stressing that the right to adequate housing, like any other right, it is not just an abstract slogan (UN HRC, 2008, p.2). It has, like any other right, a specific content and create enforceable claims. The next section elaborates of these aspects.

The Content, Scope and Claims of the Right to Adequate Housing

The CESCR (1991, par.8.) identified seven (7) essential components of adequacy which combine to inform the rights to adequate housing. These elements are legal security of tenure, availability of services, materials, facilities and infrastructure; affordability, habitability, accessibility, location, and cultural adequacy. Each of these essential elements is clarified in the following sub-sections.

Security of Tenure

Security of tenure is a central component of the right to adequate housing. In fact, it is listed as the first of the seven main elements of the right to adequate housing as guaranteed under international human rights law. Raquel Rolnik (2014, par.5), the former UN Special Rapporteur on adequate housing, defined security of tenure as a set of relationships with respect to housing and land which can either be established through statutory, customary law, informal or hybrid arrangements, that enables one to live in one's home in security, peace and dignity. Rolnik importantly emphasised that security of tenure takes a variety of forms such as rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. States are accordingly

urged to promote, strengthen, and protect diverse forms of tenure such as possession rights, use rights, rental, freehold, and collective arrangements.

In Namibia tenure insecurity is more pronounced amongst residents of informal settlements. Many of these residents occupy land on which they do not have a strong right to remain on (Weber and Mendelson, 2017, p.26). They accordingly do not have legal security of tenure over the land on which they have erected their homes. They are thus permanently in a situation where their tenure status can be questioned by public authorities (2017, p.26).

To respond to the demand for secure tenure in informal settlements, the government conceptualised and developed the flexible land tenure system. This culminated into the very innovative piece of legislation – the Flexible Tenure Act (No.12 of 2004). The Act only became operational in 2018. The prime objective of the Act is to bestow security of tenure to residents of informal settlements in the form of starter title and land hold title, respectively. Local authorities have shown resistance to the full implementation of the flexible land tenure system/scheme introduced by the Act. To this day, only three (3) local authorities signed up to the pilot project to implement the Act. Furthermore, the Act is jointly administered by the two ministries responsible for

land and housing. Under the current situation of overlapping and colliding responsibilities it is difficult to ensure accountability.

A sub-component of the right to security of tenure entails the prohibition of forced evictions. Forced evictions are '*prima facie* incompatible' with the right to adequate housing (CESCR, par.1). To this end, the General Comment 7 of the CESCR is specifically dedicated to the issue of forced evictions. In addition, both the UN Special Rapporteur on the right to adequate housing, and the African Commission each issued principles and guidelines aimed at minimising forced evictions. In this context, the 2007 "Basic principles and guidelines on development-based evictions and displacement" of the UN, and the 2010 "Principles and Guidelines of the African Commission", referred to earlier, are the guiding instruments relevant to evictions. These instruments are complementary. The following are some of the common principles and guidelines for evictions laid down in these instruments. They both dictate that evictions should:

- only be carried out in exceptional circumstances and in strict compliance with human rights standards and principles;
- not result in individuals being rendered homeless. States are therefore obliged to provide evictees with alternative accommodation;

- be preceded by actively consultations with all potentially affected persons;
- not take place in bad weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations, and those being evicted should not be forced to demolish their own dwellings or other structures.

The Namibian law that governs evictions is the Squatters Proclamation 21 of 1985, an apartheid-era law which remains in force. In 2013 certain provisions of this Act were declared unconstitutional by the Supreme Court in the *Shaanika* case. The sections declared unconstitutional were sections 4(1) and 4(3). Section 4(1) provided for the eviction of persons and demolition of their structures illegal erected on municipal of land. Such evictions and demolitions could occur without a court order and without prior notice to the affected persons. Furthermore, section 4(3) precluded such "illegal occupants" from claiming redress in a court of law.

Petrus Shaanika and 13 other people settled themselves on land belonging to the Windhoek municipality upon which they erected makeshift houses. They were subsequently informed by the municipality that they were illegal squatters and requested to vacate the land. The settlers refused to comply

with this request asserting that they were not wilfully defying the law but were occupying the piece of land out of desperation for housing. The Windhoek Municipality proceeded to demolish their shacks. Shaanika and others petitioned the High Court for an order restraining the City of Windhoek from demolishing their homes and evicting them. They further requested the court to declare sections 4(1) and 4(3) of the Squatters Proclamation unconstitutional.

The High Court, adhered to a strict interpretation of the 'doctrine of clean/dirty hands' and did not bother to entertain the merits of the case. It ruled that all the residents of the informal settlement in question could be forcibly evicted.

The Supreme Court, upon appeal, viewed the matter fundamentally differently. First, it refused to apply the 'doctrine of unclean hands' to this matter. In the view of the upper Court, there was no evidence of dishonesty, fraud, or mala fides in the conduct of petitioners. The Court then went on to consider the constitutionality of sections 4(1) and (3) of the Squatter Proclamation. These sections were declared inconsistent with articles 12 and 13 of the Constitution, respectively. They were found to be overly invasive and in breach of article 13 of the Constitution which prohibits 'interference with the privacy of

one's home'. The ousting of the court's power to review the action of private landowners and/or local authorities, as professed by the impugned provisions, was also found contrary to the right to access to courts as recognised and guaranteed under article 12 of the Constitution. It was also found to run foul to one of the foundational values of the Constitution, namely the rule of law as entrenched in article 1(1). In fact, section 4(3) amounts to an ouster clause, a remnant of the apartheid and colonial era. Through the inclusion of ouster clauses in legislation, parliament could, based on the doctrine of parliamentary supremacy, preclude judicial review of certain administrative actions. Parliamentary supremacy has, however, been replaced with constitutional supremacy in terms of article 1(6) of the Namibian Constitution. In addition, access to courts is also explicitly recognised and guaranteed in articles 12, 18 and 25, of the Constitution amongst others.

With that said, the Municipality of Windhoek and the city police were accordingly interdicted and restrained from demolishing the homes and/or removing material and content belonging to the petitioners. The Court, importantly, went on to rule that in Namibia no forced evictions linked to the unlawful occupation of land may henceforth be carried out without a court order in Namibia. This ruling is undoubtedly welcomed and important

in extending the protection against forced evictions to residents of so-called unlawful informal settlements. The ruling, however, is limited in certain respects. For instance, it does not address the issue of alternative accommodation, the timing of evictions, consultations, etc. The Court cannot be faulted though. Admittedly, the petitioners did not argue the violation of their right to adequate housing. Specifically, the right claimed was not to be subjected to forced evictions in 'inclement weather' as pointed out by the African Commission (African Commission, 2010, par.79 (z) (dd)). The evictions in question were to take place in July – the coldest month in the country.

Habitability

Habitability is listed as one of the core dimensions of housing adequacy. The habitability aspect requires that housing units provide the inhabitants with adequate space, physical safety, and protection against cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors (CESCR, par. 8(d)). Inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates. The CESCR accordingly encourages State parties to refer and apply the 1989 Health Principles of Housing of the World Health Organisation (WHO) as a way of complying with the habitability aspect. To this end, protecting against

communicable diseases, protecting against injuries, poisonings, and chronic diseases, reducing psychological and social stresses to a minimum, improving the housing environment, making informed use of housing, and lastly protecting populations at risk fall under these principles (WHO, p.1).

This aspect of housing adequacy is very relevant to the situation of informal settlements in the country. The Namibia Inter-censal Demographic Survey Report shows that by 2016 about 40 percent (39.7%) of urban households throughout the country reside in informal settlements (NSA, 2017, p.101). The living conditions in these informal settlements are, generally, shocking, and intolerable and 'devoid of minimum decent living conditions' (UN Human Rights Council, 2011, par.21). Residents of informal settlements, generally, reside in dwellings made from corrugated iron/zinc. These corrugated iron shacks reportedly get unbearably hot during the daytime and unbearably cold at night (LAC, not dated, p.15). Such inadequate housing exposes these residents to harsh weather conditions which makes them more prone to opportunistic infections. Those largely affected by housing informality include the poor, the sick, children, the elderly, women, and people with disabilities. These people spend most of their time in their home setting and are, therefore, most vulnerable and in most need

of safe, healthy, and habitable living environments as noted by the WHO (2010, p.3).

A detailed analysis and critique of the compliance of the Government of the Republic of Namibia (GRN) with the habitability element is a topic for a separate study. Suffice it to say that the current situation in the context of housing informality raises serious human rights concerns.

Availability of Public Services, Materials, and Infrastructure

An adequate house, according to the CESC (1991, par. 8(b)) must contain certain facilities essential for health, security, comfort, and nutrition. This requires that all households should have sustainable access to natural and common resources, such as safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

The African Commission (2010, par.78) embraces the same understanding in respect of this aspect of housing adequacy. The South African Constitutional Court (ConCourt) in the seminal Grootboom case (2000, par.35) similarly pointed out that housing:

[...] requires available land, appropriate services such as the provision of water and the removal

of sewage and the financing of all of these [...] [thus], [f]or a person to have access to adequate housing all these conditions need to be met, [namely], there must be land, there must be services, there must be a dwelling.

The CESC (2016, par.56) expressed concern about the poor housing conditions associated with informal settlements in Namibia and particularly that residents of informal settlements live without security of tenure, access to water, electricity, and sanitation facilities. It is indeed concerning that as much as 26 percent of people in urban areas, invariably those residing in informal settlements, are practising open defecation (NASA, 2016, p.112).

Lack of access to safe drinking water and an adequate sanitation facility not only violates the dignity of the poor, but also affects their health (UN HABITAT, 2006, p.vii). The outbreak of Hepatitis E in Windhoek, Khomas region, declared by the Ministry of Health and Social Services on 14 December 2017 serves as an ample proof of this (Ministry of Health and Social Service, 2020, p.2). By April 2018, the outbreak had reportedly engulfed ten regions, affecting mainly the informal settlements found in Havana, Okuryangava, Hakahana, and Goreagab in Windhoek, the DRC informal settlement in Swakopmund, and Kuisebmond in Walvisbay. The state of access to potable water, sanitation,

and limited hygiene in these and similar settings have been singled out as the main drivers of the outbreak. It is worth stressing that a disproportionate share of the labour and health burden of inadequate sanitation falls on women and girls. They are the ones who have to wait for long periods to gain access to public toilets or have to bear the indignity of defecating in the open (UN-HABITAT, 2006, p.vii).

The lack of public services in informal settlements and the challenges that this poses was also revealed during the COVID-19 pandemic. The principle approaches for reducing COVID-19 transmission, as noted by Wilkinson (2020, p.1) are the same in any context. These include hand washing, physical distancing, self-quarantine, self-isolation, or community-wide lockdowns. Many of these measures and protocols are often impossible to observe in informal settlements. The reason for this is self-explanatory. In the words of the World Health Organisation (WHO): people do not have running water at home and must travel outside the home to collect water. They use shared toilets or practise open defecation. They live in crowded conditions and families often share just one or two rooms (WHO, p.1). Informal settlements have accordingly emerged as hotspots for COVID-19.

The lack of public services, materials and infrastructure in informal settlements and the deplorable living

conditions therein violate and or threaten a wide range of rights. These include the right to adequate housing, the right to human dignity, the right to health, and the right to life.

Housing Affordability

Affordability constitutes another core element of housing adequacy. Housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights (OHCHR, n.d, p.4). Personal or household financial costs associated with housing should as such not be so high that the attainment and satisfaction of other basic needs are thereby threatened or compromised (CESCR, 1991, par.8(c)). In other words, housing should not be so expensive that it leaves little room in one's budget for utilities, food, clothing, transportation, health care and other basic needs (UN-Habitat and OHCHR, 2003, p.13). This consideration is vital if one considers that the lack of affordable housing places poor people, particularly, as noted by Gómez, Thiele, and Tegeler (2005, pp. 2-5), in the impossible position of having to choose between the most basic of human necessities i.e., housing or food, housing or health care, housing or clothing.

The obligation to ensure the realisation of affordable adequate housing does not oblige Governments to provide publicly built housing for all though. This obligation does, however, require the State to provide

social housing or low-rental housing units to low-income households who are particularly deprived (CESCR, 2008, par.70). This is what the CESCR stated in its Concluding Observations on India. The Committee called on the Indian Government to address the acute shortage of affordable housing in that country by, inter alia, building or providing low-cost rental housing units, especially for the disadvantaged and low-income groups, including those living in slums. In a similar vein, the Committee recommended that the Kenyan Government take actions to:

“[...] ensure that slum upgrading projects give priority to the construction of social housing which is affordable for disadvantaged and marginalized individuals and families and that affected communities are effectively consulted and involved in the planning and implementation of such projects” (CESCR, 2008, par.30).

The principle of affordability also requires that tenants be protected against unreasonable rent levels or rent increases (CESCR, 1991, par. 8(c)). This duty flows from the State's obligation to protect against abuses of human rights by third parties. In this context, Rolnik (2013, par.38) called on States to regulate the private rental market to protect against human rights abuses such as forced evictions or economic eviction and rental price “bubbles”. Kalim (1990,

pp.186-188) argues that rent legislation, regulation and control are major means of securing affordability and tenure security for low-income tenants in private rental arrangements.

It will be foolhardy to assume that rent control is supported by everyone. Scanlon and Kochan (2011, p.11) for instance, regard rent and security regulation as impediments for investors. Rent control and regulation measures, from this vantage point, allegedly produce inefficiencies, distort market values, reduce the housing supply, and encourage corruption and low housing maintenance. Rent regulation has also been criticised for not targeting low-income households since controlled rents and protected tenancies usually favour those who have lived in rental housing for years over potential new tenants (1990, pp.104-113). A further criticism against rent control is that there is no mechanism to ensure that those benefitting from rent control are the low-income households (Kumar, 1996, pp. 768-769).

Rent control/regulation, despite the criticisms cited above, has produced some positive results, in some countries and cities. In this context, the 2013 Guiding Principles on security of tenure for the urban poor flags certain countries and cities as examples of good practice. These countries include Austria, Germany, Switzerland, and the cities of New York and San Francisco

in the United States. Rent and security regulation in these countries and cities are reportedly stabilising the system and reducing the risks for both parties as well as facilitating and maintaining access to urban housing that is well located for low-income households (UN General Assembly, 2014, paras. 14-16).

Housing is generally considered unaffordable in Namibia. This is the case for both house prices and rentals. Suffice it to state that the time is ripe to conduct an in-depth human rights impact assessment viz. the prevailing situation regarding unaffordability of housing in Namibia.

Accessibility

Adequate housing must be accessible to all those entitled to it, especially to the disadvantaged and marginalised groups in society (CECSR, 1991, par.8(e)). This confirms that the right to adequate housing is closely related to the right to non-discrimination. This notwithstanding, many persons are subjected to homelessness, informal accommodation, and inadequate housing where they are relegated to the most marginal and unsafe areas (UN HRC, 2020, par.44). Those disproportionately affected in this regard reportedly include refugees, asylum seekers, migrants, especially those who are undocumented, persons with disabilities, children, youth, indigenous peoples, women, lesbian,

gay, bisexual, transgender and intersex persons (UN HRC, 2020, par.44).

These groups often experience intersectional discrimination because of their housing status which exacerbates and reinforces their socio-economic inequality. This calls for the enactment and implementation of laws to address entrenched systemic discrimination in housing instead of eliminating inequality. After all, States are obliged to prohibit all forms of discrimination in housing by public or private actors (CESCR, 2009, par. 37). States are obliged to ensure the full enjoyment of both formal and substantive equality. The latter, in the context of housing, would require that positive measures be taken to address housing disadvantages to ensure equal enjoyment of the right.

This would, for instance, require a revision of the Flexible Land Tenure Act which stipulates that starter titles and land hold titles be registered in the name of the head of the household. This seemingly neutral stipulation indirectly perpetuates gender inequality in the housing sector. The 2016 Namibia Inter-censal Demographic Survey Report shows that most households in the country are headed by men. By 2016 some 54 percent of households were reportedly headed by men compared to 46 percent headed by women (NSA, 2017, p.90). The effect of the head of household stipulation in the Act will therefore result in the fact that most

title holders registered under the Act will be men.

Adequate Location

The CESCR clarified that adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres, and other social facilities (1991, par.8(f)). The financial costs of getting to and from the place of work as noted by CESCR can place excessive demands upon the budgets of poor households. In addition, housing should also not be situated near hazardous areas that threaten the right to health of the inhabitants. Phrased differently, housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres, and other social facilities, or if located in polluted or dangerous areas (UN HRC, n.d, p.4).

In Namibia it is commonly observed that new low-income houses, as pointed out by the Shack Dwellers Federation of Namibia (SDFN) and the National Housing Action Group (NHAG), are located far away from the means of livelihood of the low-income population (SDFN and NHAG, 2019, p.29). These low-income earners thus face in addition to limited job opportunities, long travelling distances and high transport costs (SDFN and NHAG, 2019, p.29). Finally, housing should not be built on polluted sites nor in immediate proximity to pollution

sources that threaten the right to health of the inhabitants (CESCR, par. 8(f)).

Cultural Adequacy

The way housing is constructed, the building materials used and the relevant policies informing these must enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernisation in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured (CESCR, 1991, par.8(f)).

The relevance of the cultural appropriateness of housing is aptly demonstrated in respect of 200 houses built for the !Xun, #Akhoe and Hai||om San communities residing in the Ekoka and Oshanashiwa villages in the Ohangwena Region in 2005. This housing project was reportedly initiated by the former Deputy Prime Minister, Libertina Amathila. In February 2017, the Namibian Sun newspaper published a story about these 'modern homes' standing idle whilst their occupants prefer sleeping outdoors. When quizzed on this, San elders explained that according to their cultural norms when someone died in a house, they vacate it to escape the roaming spirit of the deceased. That is why they do not stay in permanent structures. The project has been branded as a wasteful expenditure because of a failure

to consult by government officials (Nandjato, 2017)

In a similar vein, residents of informal settlements in Windhoek are reportedly objecting to the idea of living in flats as part of the City of Windhoek densification strategy. Their primary objection relates to the cultural adequacy of flats for most of them. The multi-storey flats constructed by the National Housing Enterprise (NHE) in Otjomuise, Windhoek, has also proved unpopular (Remmert and Ndhlovu, 2020, p.68).

The housing officials are well advised not to treat these objections lightly. They must be cognisant that housing is not adequate if it does not respect and take into consideration the expression of cultural identity of potential beneficiaries (UNHRC, n.d, p.4).

Conclusion

The main thrust of this article was to give an exposition on the right to adequate housing as guaranteed under international human rights law. It focused on the scourge of housing informality in the country. It argued that whilst residents of informal settlements are equally entitled to all aspects of the right to adequate housing this is not the case in practice.

There is a strong argument to be made that the prevailing crisis of housing informality in the country violates every single aspect of the right to adequate

housing of those relegated to reside in informal settlements throughout the country. It is inconceivable why such flagrant violations have not yet been challenged.

The article reaches some simple but urgent conclusions. Paraphrasing Farha, the scope and severity of the living conditions in informal settlements make this one of the most pervasive violations of human rights in the country. As a nation we have come to accept the unacceptable (UN General Assembly, 2018, p.2). This cannot be allowed to continue uncontested. It is a human rights imperative that residents of informal settlements be empowered to claim their birth right to adequate housing. There is need to educate and train a cadre of paralegals to precipitate an attitude shift towards the enforceability of the right to adequate housing of residents of informal settlements in the country.

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The Horizon for a Fuller Urban Life in Namibia is Visible: Expanding the Notion of the Urban Housing Crisis and Changing Urban Politics

Guillermo Delgado

Abstract

New emerging narratives are exposing the contrast between the current appalling housing situation and the potential possibilities of urban life in Namibia. In this article, I argue that the current housing situation is not only a crisis, but has its origins in Namibia history. The beginnings of urban development in Namibia were anchored in colonialist dispossession and an apartheid-

modernist uneven development. To a certain extent, this changed with independence in 1990. The changes also showed the continuities that have allowed the historical crisis to prevail and expand. Two sets of theoretical arguments are advanced to provide the analytical lenses for this process and the present situation. Firstly, a materialist approach that focuses on the political



Photo: Guillermo Delgado

economy of housing and urban land. Secondly, the narratives emerging from the cries of current day protests on the streets of Namibia's urban areas. They are feminist and decolonial in approaches. The research used a mixed methodology. This included critical discourse analysis, secondary analysis of official statistics, research reports and policy documents as well as qualitative performative work for empirical data collection. I conclude that the emerging narratives provide a fuller critique of land and housing, beyond narrow land delivery or high housing prices arguments. They also expose what young contemporary thinker-practitioners decry as delayed coloniality and false transformation.

Key words: Colonialism, decoloniality, spatial justice, neoliberalism, governance, co-production.

Introduction

This article presents a critique of urban development in Namibia, particularly, housing. It is primarily based on a political-economic approach but not limited to this approach because of its limitations. The article explains why the urban land and housing situation in Namibia is in a crisis. It goes beyond technical issues and the living conditions of most in urban areas. There is an on-going and long-standing process of transformation appearing on the horizon. The article attempts to do what Munoz describes as

“a backward glance that enacts a future vision” (Munoz, 2009, p.4). The “look back” explains the trajectory of urban development and housing in Namibia and raises new questions that hint at a possible future vision.

The article considers the fundamentals of the urban housing crisis, why it is a crisis and recent developments. I argue that there are important changes in urban politics. While using a political economy angle to account for the housing and urban development crisis, I acknowledge the limitations of using this approach and the need to move beyond it. There are naturally many other relevant debates that can be mobilised for the study of urban development and housing in Namibia. I do not aim to be conclusive on these theoretical debates, but rather to present a critical perspective.

While a socio-spatial history of Namibia is still to be written, it is possible to mobilise existing scholarship to piece together a narrative based on key transformations documented in the wider literature on Namibia's history (Delgado, 2018). I firstly trace the early developments and transitions that took place between 1990 until the 2013, especially, the Mass Housing Development Programme (MHDP), which was the largest development intervention in Namibia since independence. Based on recent information I further argue why we can

speak of an urban land and housing crisis. I outline the severity of the situation and argue that a change in urban politics is taking place that puts the country at “a crossroad” (Delgado & Dempers, 2020). Here I focus on more recent processes in housing provision as they are pregnant with potential ruptures that can lead to the incremental production of the current urban land and housing crisis.

Methodology

I firstly used Critical Discourse Analysis to deconstruct dominant narratives around land and housing. I also did a secondary analysis of documentary sources. These included official statistics, government policy documents, research reports, international policy documents and monitoring instruments. Thirdly, I used qualitative performative work for empirical data collection. The latter involved my own lived experience of participation in government programmes, task teams, my participation in national dialogues regarding urban and housing questions as well as my participation in city-wide planning and civil society processes.

Theoretical Approaches

I employ a historical materialist approach, focused on an anti-capitalist critique of urban development and housing. This approach stands in contrast with the tenets of more recent approaches such as decoloniality and

feminism. While the proponents of decoloniality include capitalism as one of the components of oppression and coloniality, they also propose a relational approach which departs from the historical materialist tendency that privileges the material aspects as categories of analysis. Feminists have a strong critique of gender-blind approaches that render gender inequality invisible. Fraser (2013) found ways to bridge Marxist and feminist approaches. Queer theorists have pushed the boundaries by challenging “theoretical insights that have been stunted by the lull of presentness and various romances of negativity and have thus become routine and resoundingly anticritical” (Muñoz, 2009, p.12). While these tensions remain the subject of academic debate, I do not aim to resolve them, but rather to apply them to critique the housing crisis.

It is almost commonly accepted that currently the world political economy is some form of late capitalism. The debate diverges once one attempts to define the specific kind of capitalism. Some place its origins in mercantilist Europe in the 15/16th centuries and map its expansion across the globe through several crises while shifting its geographical centre (Arrighi, 1995). Neoliberalism refers to a relatively recent iteration of capitalism in the 20th Century. It mobilises the liberal ideas of Adam Smith about capitalism (Smith 2001[1776]), namely, a *laissez faire* approach to economics

and minimal state intervention. These ideas were infamously implemented in Latin America and then spread around the world. It was seen as the supposed solution to the apparent failures of statist approaches and to the communist/socialist experiments which proponents saw as a threat (Harvey, 2007). Neoliberal ideals held sway in the 1980s and 90s, but themselves failed to adhere to their own principles. The economic crises of 2008 required massive state interventions and subsidies to save capitalism itself. This calls into question the idea of neoliberalism as self-regulating and in the best interests of the planet.

There is agreement that state capitalism, a process that has taken place over centuries, is at an advanced stage and is currently in a global crisis. Housing and urban land are at the epicentre of this crisis. The 2008 financial crisis had its origin in the financial alchemy that stretches its horizon from commercial financial services to “affordable housing” in the United States (Aalbers, 2009). This “financialisation” or commodification of housing is an on-going and long-standing process and is at odds with human rights approaches that see housing as a human right (Office of the High Commissioner for Human Rights (OHCHR), 1966). This tension is world-wide, and when put to the test, governments will favour one interest over the other. This is reflected

in the “conducive” markets mantra that framed housing provision in the 1990s (World Bank, 1993). In practice governments enabled developers to operate beyond the traditional fields considered profitable (i.e. middle and upper-income housing), but also in “affordable” housing provision which was made attractive for commercial interests. The results were questionable and the evidence was critically documented by bodies like the United Nations (UN, 2012, 2017). The global housing crisis, therefore, emerges as a field of tension between housing as a *right* and as a field for “markets to grow”.

Contemporary understandings of decoloniality only emerged in recent years. The first is decoloniality which is different from “decolonisation”. The teachings of those that today are considered “decolonial thinkers” have only recently been re-grouped into a distinct episteme. “Decolonisation” traditionally refers to a process of independence from colonial oppression. Decoloniality, on the other hand, is a concept introduced in the 1990s by Quijano as a reaction to Western modernity (Maldonado-Torres, 2008). It challenges various forms of oppression related to colonialism, neoliberalism, right-wing nationalism, racism, patriarchy and heteronormativity. In this sense, the opposite of decoloniality is not “colonialism” *per se*, but *coloniality* as a totalising force. Decoloniality therefore

proposes to “engender liberations with respect to thinking, being, knowing, understanding, and living. It encourages venues of re-existence and connects among regions, territories, struggles and peoples” (Mignolo & Walsh, 2018, p.4). This is what some see as a *decolonial turn*. Decolonial thinkers therefore stand against the totalising drive of the forces of coloniality beyond colonialism. In this way, a decolonial process would entail overcoming several forms of oppression -including I would argue- capitalist/neoliberal urbanisation.

Feminist theorists radically question the role that women have been assigned by the dominant narratives that privilege men. This role is also spatialised. Federici argues that “the body has been for woman in capitalist society what the factory has been for male waged workers: the primary ground of their exploitation and resistance” (Federici, 2014, p.16). This body has been furthermore relegated to the sphere of “the domestic”. American material feminists in the late 19th and early 20th centuries “argued that the entire physical environment of cities and towns must be re-designed to reflect equality for women” (Hayden, 1981, p.8). Hayden (1981, p.5) further observes that progressive demands around that time, such as “votes, higher education, jobs, and trade unions for women were demanded in the name of extending and protecting, rather than

abolishing, women’s domestic sphere”. Moser reflects on the assumptions underlying the role of women by both the state, professions as well as in the self-help housing approaches that allocate specific functions to females in terms of reproduction, domesticity and the organisation labour (Moser, 1992). Massey (1994, p.7) adds that the potential conceptualisation of a place as a *space of flows*, and argues that “the need for the security of boundaries [...] is culturally masculine”. This concurs with Garuba’s (2002) argument that the “Cartesian logic” of the colonial project with regard to land and the body, makes African narratives invisible. This Cartesian logic or securitisation of boundaries can be included in what Mignolo & Walsh (2018, p.42018, p.4) describe as a “colonial matrix of power”. Space, therefore, emerges as a category that feminist and decolonial thinkers have in common. These two perspectives need to be kept in mind when employing a political-economy approach. The latter approaches tend to reduce the situation to a matter of accumulation and profit-led logic by a small ruling class. It primarily focuses on financial and material flows. Decolonial and feminist approaches, on the other hand, show how even aspects that may be considered “positive” in the strict material sense (e.g. houses, water infrastructure) might engender coloniality or reinforce specific, limited roles for women in society.

The Production of a Housing Crisis

The history of housing in Namibia started long before colonial times and include the kinds of settlement patterns and dynamics during that period. However, there is limited information about this. Writings on urbanisation tend to take a rather conservative view and understand urbanisation primarily as migration (e.g. Pendleton, 1979). It is relevant to note that during this period, settlement patterns were closely linked to the availability of natural resources (e.g. a well or a herd of domestic animals) and spaces were negotiated among the different groups.

More permanent settlement started to occur with migration from the north and from the south in the period 1730 to 1870. (2011, p.45) describes this period a “rapid transformation” from hunter-gatherers and early trade routes, to a contested territory not only for resources but also for access to such routes. Early trade with European countries in the 1880s included land purchases in exchange for goods. This required that the territory be mapped and understood in Western/Cartesian terms while the notion of private property was forcefully introduced.

The development of infrastructure during the German colonial period “presaged the construction of a new form of capitalist economy, with much greater industrialisation and increased access to technological

resources” (Wallace, 2011, p.151). It was this early German colonial industrialisation, that ushered in the the contract labour system, which was the foundation of separate housing and urban development. There were neighbourhoods and liveable spaces for whites, understood as permanent settlers and labour compounds for black workers who were seen as merely temporary inhabitants of urban areas. The roots of social injustice can be said to have been grounded in these earlier periods.

The contract labour system continued throughout subsequent South African rule, which consolidated separate development through the implementation of the apartheid policy from the mid-1900s. With a private property system well established during the early German colonial period, it was possible for the apartheid regime to regulate African mobility through town planning regulations and by “using the title deeds of individual properties to prevent land in ‘white’ and ‘coloured’ areas being sold to Africans” (Wallace, 2011, p.252). Separate development was not only present between “whites” and “blacks” but also among “non-white” groups that were perceived as monocultural by the Administration. The territory as a whole was “masterplanned” for this separation that apportioned most of the land as freehold tenured “commercial farmland”. It relegated some collectively

owned and traditionally managed “communal areas” as “reserves”, while allocating a small number of urban areas for strategic functions within the overall scheme. This structure is still prevalent in Namibia today (Namibia Statistics Agency (NSA), 2018). This was only one of the layers for mobilising conventional modernist planning to separate residential from working (industrial) areas, strategically positioning public infrastructure (hospitals, police stations, schools) for ease of administration (control) and ultimately producing “orderly” urban areas so that national planners could understand and administer the whole population. In the late 1970s, the imminence of independence, started a gradual transition that turned Namibia into a test laboratory for South Africa to understand the potential impacts of changes (Pickard-Cambridge, 1988). Many aspects that regulated the movement of black people in the territory were gradually repealed, such as passes, permits to stay in urban areas and forced removals.

Unplanned “informal” settlements increased and by the late 1980s resource constraints vis-à-vis the rate of urbanisation was a concern (Stals, 1987). Muller notes “two eras” of state-supported housing delivery, during the 1960s and 70s when municipalities, built houses for rent and then in the 1980s when home ownership for blacks was introduced by housing institutions

created for this purpose (Muller, 1993, p.213). In all cases, she notes that “[h]ouse types were designed for the socio-economic needs of a nuclear family living an euro-american lifestyle” (1993, p.213). Emerging informal settlements were documented in the 1980s. Despite freedom of movement, those who moved to urban areas found that they were only able to settle at the edges and interstices of the black townships. The limitation of access to formal housing became a question of labour market participation because “[a]ccess to land and housing does, in fact, require regular payments which can only be assured if a regular salary is received” (Peyroux & Graefe, 1995, p.41). The influx of blacks to urban areas was no longer regulated and freedom of movement caused a labour surplus and homelessness. Considering that the labour market at the time (and arguably still now) advantaged men over women, housing options premised on formal employment, favoured men over women.

After independence, housing was immediately addressed at the policy and discussion level, but the overall national agenda remained focused on agrarian matters. One of the earliest activities of the independent administration was a housing workshop (Andima, 1992). A comprehensive housing policy soon followed. However, the focus – both at government and civil society level – was primarily on “land reform”,

which was narrowly understood as the redistribution of agricultural land. During the First National Land Conference the issue of urban land was not addressed despite awareness of the gravity of impending urbanisation. Due to a lack of implementation, a “People’s Land Conference” was organised in 1994, which saw the participation of the emerging Shack Dwellers Federation of Namibia (SDFN) and the professionals supporting it. The land issue was considered only in terms of the sector and the perception in larger civil society was that the issue would be sufficiently addressed by the SDFN (Delgado & Dempers, 2020). The Build Together Programme, a state-supported micro-finance programme for land as well as for building or improving houses was developed and implemented with the assistance of international development experts. Despite an initial momentum, slow and non-transparent implementation was already documented in the early stages of the programme (Namoya-Jacobs & Hokans, 1994).

The pre-independence entity tasked with delivering houses (and homeownership) to blacks in urban areas, was transformed into the National Housing Enterprise (NHE) which eventually focused on the delivery of credit-linked housing for the lower-middle class that primarily consisted of medium and low-tier government workers who were and still are a small

fraction of the population. The 1990s also saw the emergence of projects that were supported by international development cooperation agencies. Their legacy remains in question as they have not yet been assessed.

Land and home ownership programmes both in the 1980s and 90s adopted a static approach that only recognised “land markets” as those transactions that occurred within “the formal”. Already in the late 1990s it was recognised that people would prefer an additional income at the expense of their own living conditions. Some for example preferred to sub-let their house to live in a “shack”, either on the same property or in the informal settlements (Becker & Bergdolt, 2001; Peyroux, 2001). During the 1990s and 2000s the general perception was that the lack of access to land and shelter could be addressed through formal statutory land and housing delivery. This was maintained by the idea that one day everyone would have a formal land title and a house, delivered in some form or the other by the state.

During the early 2010s the lack of access to urban land and housing was increasingly perceived as a crisis. It is worth noting that already then community-based organisations (CBOs) played “an important role” in urban development (Becker & Bergdolt, 2001, p.137). At the same time, municipalities like Windhoek started

to adopt “an official policy of enabler/facilitator, moving away from provider/developer” (Campbell et al., 2008, p.48). The number of proclaimed urban areas steadily increased, from 27 in 1991 (Republic of Namibia, 1995) to 57 today. In 2008, the SDFN and their support NGO, the Namibia Housing Action Group (NHAG), began with self-enumeration exercises, which yielded the Community Land Information Programme (CLIP). The first CLIP report documents those living in “shacks” in urban areas and other settlements generally regarded as “informal”. It revealed that about half of the national population lived in an informal settlement (SDFN, 2009), a fact that only recently gathered broad recognition and is today employed in official presidential and ministerial speeches (Republic of Namibia, 2018b; Shaningwa, 2016). Perhaps inspired by this crisis, President Pohamba launched the most ambitious government programme since independence, namely, the Mass Housing Development Programme. It aimed at building 180,000 units in a period of 17 years at a projected cost of N\$45 billion (Republic of Namibia, 2013). The programme had many components which included support for “people’s housing processes” (e.g. SDFN).

Despite its own situational analysis that 73% of the population had no access to credit, during the first phase, only the credit-linked housing component was implemented. Highly subsidised

houses were built by contractors, some of whom, boasted of the hefty profits earned from the programme (Immanuel, 2014). The delivery of state-led turnkey housing projects resulted in massive public expenditure but a limited number of houses, that in many instances remained vacant as they remained unaffordable. The programme was suspended in 2015 and is currently being revised. However, this attempt was widely considered a failure and left a lasting mark on the credibility of state-led housing delivery.

Defining a Crisis

To paraphrase Marcuse’s famous dictum that the housing crises exist not because the system is not working but because this is the way the system works. I write here of “a crisis” not as something that is “an error” in the system, but a characteristic of an ongoing and long-standing process of capitalist urbanisation. One can safely say that for the poorest the housing crisis has been a historical fact. It is important to localise this view and place it in the context of historical dispossession through colonialism. Dispossession continued, if not expanded, by a neoliberal democratic dispensation. The fundamentals of such processes should still be deconstructed.

If one disregards the oppressive living conditions during the contract labour system, one could say that in fact, living conditions in urban areas were “under control”. The poorest black

communities had a place to live, but the conditions were as good or as bad as those in power decided they would be. This seemingly *controlled crisis* (it would be inaccurate to say the regime had full control) ushered in a new phase around the time of independence. The state to a certain degree, renounced its role as provider. Inhabitants of urban areas occupied land and took charge of their own living conditions. Informal settlements became the home of the majority. This new era of urban crisis expanded beyond towns, and arguably, involved the national territory. Communal land markets are today vibrant, and they are animated, largely because of the dynamics in urban areas, that in many instances, are encroaching on communal land. One example is how most farmers on communal land derive their income from non-farming sources and how the most vibrant land markets are found in peri-urban areas (Mendelsohn & Nghitevelekwa, 2017). The housing crisis is, therefore, understood as both a result and an engine of the urban crisis, founded on a system of uneven development.

Looking at the evidence, it seems that the various interventions to improve living conditions of the poorer sectors have enhanced the crisis. In 1990 the housing backlog was set at 45,000 units with an urban population of 500,000 (and a national population of 1,5 million) (Republic of Namibia, 1990b). In 2013 the backlog was estimated

at 100,000 units (Shaningwa, 2016), with an urban population of almost a million (and a national population of 2,3 million) (NSA, 2016a). This means that efforts were futile. The pace of delivery of the NHE in recent years stands at an average of less than 400 housing units per year (NHE, 2014). The urban population nationally has increased since 1991 at an average of 29,000 people per year. The NHE's impact is negligible and the costs of running the institution are, on the other hand, significant. About 20% of the urban population lived in informal settlements around 1990 (Republic of Namibia, 1990b). The latest estimates by NHAG & SDFN (2019) put this figure at almost two thirds. This is a dramatic change. Around the time of independence, Namibia had “[no] examples of serious urban decay” (Stals, 1987:26) and informal settlements were considered as a new (Peyroux & Graefe, 1995) or a temporary phenomenon (Peyroux, 2001:199). Namibia's urban transformation since independence has been extensive and has largely taken place with minimal public intervention. This increasingly exposes how conventional tools to tackle the situation appear impotent.

From Engels' (1969[1854]) documentation of the living conditions of the working class in England to Hishongwa's (1992) documentation of poor living conditions in labour compounds and reports of living

conditions of the lowest-paid workers (Legal Assistance Centre (LAC), 1996), it is well established that the poor face extremely challenging living conditions. More than half of Namibia's population has no access to improved sanitation (NSA, 2015a). They have to use open spaces for sanitation purposes. On any given day, one reads about cholera outbreaks (Nyaungwa, 2018), floods sweeping away informal structures with fatal consequences (New Era, 2018), and public officials threatening inhabitants of informal settlements with evictions (Menges, 2017). However, informal settlements provide their inhabitants with a foothold in urban life, which gives them access to the possibilities of urban life currently available to those in wealthier neighbourhoods.

Some aspects of the crisis may indeed be due to population dynamics, but other aspects such as profit-led speculation remain less documented. It had been common in Namibia for housing prices to double in a matter of four years. By 2012 prices climbed at a "record high" (First National Bank (FNB), 2012). Conversely, the rise in wages was meagre and not at all in line with the increase in house prices (NSA, 2015b, 2016b). This, coupled with growth in unemployment and a rising population, creates a trend where housing and serviced land becomes increasingly difficult to access for the majority. Having a foothold in urban areas is, however, not a guarantee

of access to the basics for survival. Studies show that in 1999 only 4% of households in Windhoek were eligible for individual service connections, and 16% could not afford to pay the lowest tariffs (Becker & Bergdolt, 2001:144). The cost of building is also influenced by the fact that 80% of the building materials in Namibia are imported (UN-Habitat, 2005:60). Their prices are therefore subject to the volatility of markets beyond national influence. Labour is traditionally the highest cost in housing construction, which explains why projects like the Build Together Programme or the SDFN processes (which rely on "sweat equity") are much more impactful than state-led housing construction relying on contractors.

Costs may have more to do with speculation than actual material costs. An International Monetary Fund (IMF) (2007) study on the stability of the financial sector in Namibia, reported that about 40% of the loans of commercial banks were in the housing (mortgage) sector. These loans constitute 38% of the financial market in Namibia. There is however a limit to what can be attributed to the "housing market". The latter should be viewed in the context of the Namibian economy that is characterised by limited profitable investment opportunities. A more recent assessment by the same institution pointed out the dangers that the rapid increase in housing prices posed for the national economy. The

study determined that house price overvaluation was on average above 16 percent (IMF, 2016). This is despite the small number of households who in any case can access commercial loans. Taking the median house price in Namibia, which towards the end of 2017 stood at N\$1.1 million, a commercial loan over 20 years at an interest rate of 11% would require an income of N\$37,846. The cost of the loan would be about 2.5 times the original cost of the house (Bank Windhoek, 2019). The 2018 Namibia Labour Force Survey (NLFS) showed that those in a position to access such a loan represent less than 4% of the population (NSA, 2019). Furthermore, the NLFS indicates that 2/3 of the majority of working population is employed in the informal sector, therefore, the majority are structurally impeded from accessing formal housing. This is what some see as the *financialisation* of housing in Namibia (Delgado & Lühl, 2013). *Financialisation* is a phenomenon recognised as problematic at the highest political and economic levels. It is a matter the UN special rapporteur on adequate housing has strongly criticised on several occasions (e.g. UN 2012 & 2017). Another less documented aspect of the crisis is the production of land scarcity through speculation and short-sighted land sales by local authorities and low-density planning. While Namibia's current economic slowdown may have eased the investment pressures somewhat, and while house

and rent prices have dropped, profit-led investments in housing are far from dissipating.

Changing Urban Politics

The phenomenon of urban areas becoming sites of contested politics in Namibia is long overdue. It is not surprising that in 2014, youth activists took a more radical stance on matters of access to urban land and housing. After symbolically occupying a plot of land in an upper-income area of Windhoek and threatening mass invasions of urban land, the Affirmative Repositioning (AR) movement caught public and political attention. By doing so, they placed the urban land and housing crisis at the centre of the national agenda. The impact that mass land invasions in urban areas would have had on the economy would have been far-reaching, so the Government entered into immediate dialogue with the group. The result of this engagement was the Mass Urban Land Servicing Programme, which aimed at servicing 200,000 plots by 2020 (MURD, n.d.). The process mobilised dozens of stakeholders in urban development and was coordinated by a cross-ministerial committee, chaired by high-ranking officers within Ministries and included AR activists. Several lengthy meetings, field visits and discussions were held to monitor progress at three pilot sites. The debate ranged from strategic issues to implementation details. The meetings gradually lost momentum

and ultimately ended without clarity on the way forward. The programme's current status is unclear (Ndeyanale and Iikela, 2020). AR activists resigned from the committee, arguing that the programme amounted to window dressing by government. Today, they are suing the President for non-compliance with his promise regarding this programme (Menges, 2021). This exposes how the programme was another failed commitment by the state.

Not long after, the agrarian and ancestral land questions were raised and the then vocal deputy minister of Land Reform was fired for challenging the minister on the effectiveness of the land reform policy. This led to the formation of the Landless People's Movement (LPM). They mobilised and organised around raised matters neglected by the mainstream discourse on land, particularly in the run-up to the 2018 Second National Land Conference (2NLC). These new movements, which some see as Namibia's "Fanonian moment" (Becker, 2016), are today political parties gradually making gains in the local government arena. Irrespective of these questions, the two movements foreground key socially relevant issues. The 2NLC promised to re-define the way the state would deal with "the land question". Although the outcome of the conference is debatable, it placed two previously disregarded themes on the national land agenda, namely, ancestral and urban land

(Republic of Namibia, 2018a). A set of resolutions was drafted and an implementation plan soon followed. However, the governance processes established to oversee implementation progress have been disappointing, hinting once more at the inability of state institutions to address the crisis.

Urban activism has arguably entered electoral politics. At the 2020 regional and local elections, urban areas largely elected various opposition parties, including AR and LPM. This suggests a new era of contested party politics for Namibia (Melber, 2020). It is also an indication of the neglect of the urban land question by the ruling party since independence. Namibia is undergoing a time of severe austerity after the national accounts have been weakened by grand expenditure in the preceding years. The two large state land and housing programmes have been reduced to the bare minimum. Only critical capital projects are being developed. The key responses occurred through legal reform, in the shape of the new Urban and Regional Planning Act and the Flexible Land Tenure Act. While this legislation might have an impact on streamlining statutory land delivery processes and providing access to "formal" land tenure to a larger number, implementation and impact on the ground remain to be seen.

The land delivery question is rather complex, in great measure, due to the

various regulations governing it (Ulrich & Meurers, 2015). The question whether the solution is indeed more regulation or otherwise is gaining increased currency (Lewis, 2016). Some have found new ways of operating within or in-between existing legal frameworks. One emerging debate is around the expropriation of urban land, which would broaden the horizon of spatial justice and redistribution. A national spatial strategy, potentially geared towards transforming the segregationist legacies, is still outstanding but may potentially be on the cards.

New approaches are starting to emerge from this crisis. Younger generations of locally trained professionals, activists and cultural producers are focusing on contemporary urban questions. The opportunity for architects and planners to study in Namibia opened up only since the late 2000s, with the establishment of the Department of Architecture and Spatial Planning at the Namibia University of Science and Technology (Lühl, 2018). Cultural institutions at the University of Namibia (UNAM) and the Katutura Community Arts Centre (KCAC) also activated a generation concerned about questions of urban life. The practice of some of these younger urbanists challenges the relevance of policy and technical solutions. The practices of the SDFN, that have steadily proved themselves over three decades, have now reached a point of scaling up nationwide. Through a wider

coalition of stakeholders, the National Alliance for Informal Settlement Upgrading aims to mainstream inclusive co-productive practices as a national priority to improve the living conditions of the poorest. The Alliance has gathered support across sectors. It promises to become a practice that can consolidate the grassroots movement as the most successful measure of addressing historical urban inequality. The fact that it receives an annual government contribution to this end (NHAG & SDFN, 2019), makes Namibia an international case study for inclusive and co-productive practices for the shelter of the poorest. These movements are emerging and whether they will indeed take hold is the crossroads that makes the urban question a vibrant arena to observe in Namibia's changing political landscape.

Discussion and Analysis

The crisis is an on-going and long-standing process. The private property regime, that was established through colonial rules, had by the mid-20th century been cemented at a national scale. It benefitted a small colonial elite while dispossessing the majority of the population. In the late 1970s the possibility of independence started a process of extending private property rights to blacks. This was done in a top-down controlled fashion. Its potential for liberation was overshadowed by the way the project was implemented (*for*, instead of *with* inhabitants) and how it

cemented apartheid spatial segregation for generations to come. It is not well documented whether women were among the beneficiaries. Based on the evidence available, it seems that these early programmes targeted the “head of household” with some form of employment, which at the time favoured men.

The transition to independence saw a shift in the housing paradigm from state-driven capitalism to a form of neoliberalism. The reforms shortly after independence represented a significant change in governance (some gave prominence to local governments as stakeholders) and engagement with inhabitants. Some were mere consultations and others more extensive engagements with community development committees. While these measures were indeed significant, given the previously expert-led urban development, the key transition was the emergence of bottom-up groups who organised to gain access to housing.

What underlies the professionalised and standards-oriented urban development in Namibia may be a tendency towards centralised control. This coincides with the “tendencies towards authoritarianism” observed in the forces leading the liberation struggle (Leys & Saul, 1995, p.15). This can explain the difficulty that bottom-up governance in urban development faces despite the promises and hopes

for “change”. The emergence of bottom-up forces like SDFN therefore represent a fundamental transition in the way municipalities engage low-income groups. The critique of self-help housing was raised since the 1970s, it in essence questions whether such groups in effect relieve other actors (e.g. local/central government) from their responsibility (Ward, 1982). Others argue that inhabitants’ involvement in their own development process creates an empowering experience that many low-income groups cannot find through other means (e.g. public education, employment) (Mitlin & Satterthwaite, 2004). In the 1990s these bottom-up groups consolidated into the grassroots movement of the SDFN with support from the NGO, NHAG. Key in this process, is their relationship with the state. Muller and Mitlin (2007, p.434) argue that SDFN/NHAG processes “do not view the state as a single stationary force capable of being won over (for fixed periods of time) to the cause of the poor. Hence, their primary focus is not on state provision. They consider the state as an arena of ongoing contestation”. This is an important statement as it turns “self-help community development into a political process of redistribution” (Muller & Mitlin, 2007, p.435). Their practices continue until today. They are increasing their support, currently in the process of consolidating into a multi-stakeholder coalition for informal settlement upgrading nation-



Photo: Guillermo Delgado

Housing exchange with communities, local authorities, universities, and government officials in Gobabis.

wide (National Alliance for Informal Settlement Upgrading, 2020). However, this transition has not fully taken place yet, as the arena of “affordable housing” is also sought by other interests.

Socially-orientated post-independence measures have changed as the independence momentum starts to fade. The first housing policy was still developed by some of the professionals involved in the pre-independence administration, and was a comprehensive document detailing the various components in a diverse housing “market”. The Build Together programme was also transformative in the sense that it availed a funding mechanism for the lowest income groups, which helped many in the improvement of their living conditions. However, the 2009 policy revision

indicates a more market-driven focus. In other words, one saw the field of “affordable housing” as a profit-making opportunity. This coincides with a global transition in the 1990s where “housing” emerged as a strategy to activate markets (World Bank, 1993).

While the first housing policy was of a social democratic nature, the revision, some twenty years later “neoliberalised” the policy. This paved the way for new and different types of state-sponsored projects in urban development. The climax was reached in 2013 with the Mass Housing Development Programme, which enabled profit-driven interests to enter the affordable housing field. While the narrative at government level was that of delivering houses “for the people”, some developers were blunt when outlining their own profit-led

interests. Some “affordable housing” developers clarified their interest when some openly stated that “we are not the Red Cross” (Immanuel, 2014). This raises the question of whether Namibia is indeed “neoliberalised” if government initiatives continue to promote the state as “the provider” of urban land and housing. Here one needs to distinguish between the narrative and the evidence. When government stopped the programme, developers and investors were pitched against government. The legal battles with regard to the contractual obligations concluded during this programme continue to this day (Iikela, 2019).

State-led interventions to “fight” homelessness have primarily benefitted, profit-led contractors rather than the urban poor. At the same time government has not retreated or reduced its roles but remains as a large provider institution, distributing benefits in a manner that may also not be satisfactory to the private sector. The question of what “neoliberalism” means in the context of Namibia needs closer attention. Recent “informal settlement upgrading” projects led by the City of Windhoek in partnership with NHE and the regional and central governments, still following a developer-led approach to comply with the various standards established by the state itself, yet they remain inadequate for the lowest income groups (Ndeyanale and Sakeus, 2020). While the practice of SDFN/

NHAG and the BTP continue to receive support from the state, central government and many local authorities continue to invest in approaches that are expensive but yield only paltry land delivery.

It seems almost impossible for statutory processes to make an impact on the delivery of land for housing in the changing contemporary Namibian political landscape. The observation in South Africa that the land question is more about politics than legal reform (Hendricks et al., 2013; Hornby et al., 2017; Ntsebeza & Hall, 2007) may hold some currency in this context. In the main, critiques of neoliberalised or capitalist approaches to the delivery of urban land and housing for the majority are part of an overall critique of a political economy that has activated every possible field for profit-making. However, what is emerging are radical critiques of the fundamental understanding of general developmental approaches since independence. Mushaandja (2020, p.2) argues “We are frustrated at the excessive heteronormative thinking and normalization of the ways in which Namibian nationalism endorses women, children, queer, poor, differently-abled and Black bodies as disposable and value-less. Hence, we turn to the teaching of transgression, [...] transgressing multiple colonial projects”

The critique raises several important questions and exposes the many developmental measures as immensely insufficient. It also reveals that the political economy lens is unable to present a full portrait of the extent of the crisis. These questions move the discussion beyond the quantitative realm (i.e. how many plots of land/houses were delivered) to the qualitative realm and, importantly, render the current delivery by formal institutions immensely more inadequate than the current debate on “land” and “housing delivery” - with its narrow focus on “the housing backlog” and “housing prices” - suggests. Hence the cry of the feminist and decolonial youth on the streets of Namibia today is to “Shut it all down”.

Conclusion

These are crucial times for urban development and the housing question. The beginnings of urban development in Namibia were driven by colonial dispossession and the violent restructuring of entire territories while reserving cities for the benefit of the minority white and wealthier population. In the 20th century, the modernist paradigm prevailed. It relied on state-led and professionalised approaches based with a mechanistic understanding of society. The moment of independence brought with it the recognition of blacks as inhabitants of urban areas in their own right. This moment held some potential and some restructuring occurred like

the emergence of community groups as stakeholders. However, to a large extent what followed was a logic of the *incorporation* of previously excluded groups into the property regime. Grassroots initiatives worked with existing structures and were sometimes at the interstices of them. Some have argued (Delgado, 2019; Delgado & Dempers, 2020) that they hold the potential for transforming the governance of urban areas and the way the state is understood. They therefore hold the potential to address the structural aspects of the crisis.

The crisis is not merely about a lack of land or housing delivery, it is also about the *type* of land and housing that has been produced, purportedly, to address the crisis if most of state support for housing (e.g. MHDP, NHE) or land (e.g. MULSP) has enhanced spatial poverty. One can argue that the process of dispossession has indeed continued and expanded. A systematic evaluation of the effects of state-supported housing measures among “beneficiaries” is missing, but the cost/benefit with regards to the public investment and number of beneficiaries is certainly not. The current spatial poverty that the colonial, capitalist, and then neoliberal urbanisation has left behind, does not only refer to the uneven distribution of urban opportunities, but also to a lack of imagination and liberatory potential in the built environment and urban fabric. It is safe to say that decolonial

and feminist approaches in urban development are still needed or are perhaps already forming in the cracks and at the fringes of the so-called “post-apartheid city”.

What was outlined in the article is the beginning. Aspects of the change is beyond the scope of the article or needs further research. This is in fact a generational task for a new kind of urban activists, activist thinker-practitioners and alliances of actors with a firm belief in an independent, democratic, equal and liberated society. The challenge is considerable and the evidence vast. The impasse may be – as some have posed – that “the old is dying and the new cannot be born” (Fraser, 2019). The contemporary crisis presents a challenge to the actors in the production of space. To the state, it poses the question whether a new urban politics will emerge or whether centralised power will continue its fight to exist. Activism has indeed flourished in urban areas and in some cases emergent political formations have taken over local government. Young professionals have emerged, focused, primarily on the challenges faced by the lowest income groups. They are developing tools and strategies to make professional expertise work for the largest number. Academia is reconfiguring itself to respond to the realities of the largest number (Lühl, 2018). These transformations create fertile ground for a fuller critique

of the housing crisis and reveal the potential that Namibia’s ongoing urban revolution holds. The new and emerging practices, that are yet to be adequately documented, have decolonial and feminist components. These are precisely the characteristics that give them their radical potential. It however requires avoiding reformist approaches based merely on incorporation, functionalism and the positivist logic that promises a false liberation while structural processes of uneven, colonial and patriarchal development continue.

A spatial critique of Namibia’s more general development is also still outstanding. Some factors of the housing crisis cannot be isolated to “housing” alone but are part of the structural characteristics of the post-independence economy and labour market. Further research is needed on the role of the private sector in the making of this crisis. These include land speculation, the lending patterns of financial institutions as well as self-serving professional practices. A critique of the political economy of Namibia would, therefore, be incomplete without a significant focus on how the urban crisis is both an engine and a result of the situation. One can endlessly argue about the high costs of urban land, housing and rent but this should be considered in the context of the socio-economic patterns in the country. The continued emphasis on employment,

misses the point. This is an opening for the fertile field of intersectional research that incorporates political-economy with feminist, decolonial and other approaches. This has also methodological implications as most of the research currently taking place locally still focuses on documenting the experiences and causes of urban poverty. New ethnographies, participatory action research approaches, direct action, and other ways of knowing and doing are only emerging. Examples of these can be the work of Tjirera (2019), Lühl (2020) and Mushaandja (2020) as well as work that go beyond academic outputs. Paraphrasing the Situationists, who stated that the only way to arouse the masses is to expose the appalling contrast between the potential constructions and the present poverty of life (Situationists International, 1961), my article aimed to expose the vast field of seeing differently and to re-think the urban question in Namibia. Far beyond “service delivery” and policy debates, the cry has turned to exposing the “delayed decoloniality and false transformation” (Mushaandja, 2020, p.2) that prevent those inhabiting Namibia from their right to the fullest urban life.

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(Re)tracing the History of Spatial Segregation, Urbanisation and Housing in Windhoek

Cities are haunted by their own histories. They not only stretch across time, but also extend through space (Patke, 2000: 4).

Ellison Tjirera

Abstract

Namibia's fraught history of segregation remains the phantom that haunts contemporary urban spaces. The nature of urbanisation, and attendant problems that this process presents – as far as provision of housing is concerned – undoubtedly indicts the history of spatial segregation. Since the lifting of influx control in the mid-1980s, urban areas across Namibia have experienced unsustainable waves of urbanisation and resultant lack of decent housing. This lack of housing has implications for social justice, viz. right to shelter. Archival research findings allow for a retracing of colonial spatial segregation that continues to provide valuable context. This context needs to be thoroughly understood so that a meaningful change of Namibia's urban spaces ensues. The question of housing provision remains a problem area in most of urban Namibia,



Photo: Guillermo Delgado

for there have been more misses than hits. These misses have implications for social justice as those who suffer the indignities of lack of decent housing are largely the black, urban poor.

Key words: colonial spatial segregation, urbanisation, housing, contemporary urban spaces, Windhoek, social justice.

Introduction

The recent World Cities Report by the UN-Habitat foregrounds the value of sustainable urbanisation across several dimensions such as the economy, the environment and importantly, the people. Amongst the main findings of this report, “inequality remains a persistent trend in urban areas; and affordable housing remains elusive” (UN-Habitat 2020: xvii). How do we make sense of these enduring urban problems that continue to beset cities of the Global South? Patke (2000) reminds us that cities are haunted by their own histories. In making sense of the maladies of urban inequality and elusiveness of affordable housing, we should then probably travel back in time.

An account of contemporary urban spatiality demands attention to its historical antecedents. This is precisely because urban spaces are endlessly (re)shaped through and by successive dominant practices, social mores and legal systems. Spinks rightly posits

that “all phenomena occur over time, and thus have history, but they also happen in space, at particular places and so also have geography” (2001: 3). It follows that excavating the history of Windhoek – a history that spans over at least three-quarters of a century – allows for an understanding of contemporary spatial layout based on residential segregation and lack of adequate housing. The history of Windhoek is alluded to without absolving contemporary policies that equally explain the housing problem. For one, there are enduring private interests in the provision of housing and lengthy administrative processes. The inertia surrounding zoning and other building protocols suggest that a lot has been left unchanged, perhaps deliberately. As evinced by the 1991 National Housing Policy and its updated review in 2009, there has been due recognition of housing challenges in Namibia. The policy landscape aside, it is widely accepted that the demand for affordable housing by citizens has surpassed the supply, particularly in lower income brackets (Cf. Itewa 2002; Sweeney-Bindels 2011; Remmert & Ndhlovu 2018).

There are spatial changes over time that have bequeathed Windhoek some sense of identity. The Windhoek of today with all its spatial determinants and social ordering exhibits an immense indictment of history. In an attempt to historicise Windhoek’s spatiality, this

article briefly revisits the history of Windhoek, beginning with painting a picture of a colonial outpost of German imperial rule. As German colonial rule was short-lived (1885-1915), though stubborn to efface spatially, the changing of colonial hands and the related making of an apartheid city is worth reflecting on. The apartheid city was predated by a Windhoek that was ready for separation. Retracing the heightening of residential apartheid when Windhoek came under the influence of Pretoria remains extremely important. The amplification of segregation during South Africa's rule (1915-1990) led to "cartographies of balkanisation" (Hanlon 2011: 749) that came to define how residents converse about different residential areas of Windhoek. Normalised are toponymical identifiers that freeze segregation history of colonialism in contemporary urban life.

Tracing the history of Windhoek while appreciating its contemporary nature demands that one assumes using a wide range of sources as far as instruments of data collection are concerned. Revisiting the history of Windhoek requires delving into the archives, and it is for this reason that this article is chiefly based on archival research. A close reading of old maps of Windhoek allows for a decoding of a city that was, *ab initio*, deliberately segregated.

Theoretical Fetishism?

In broad stokes, this article is anti-theory. The contention is that theory imprisons innovation and acts as a tool for advancing matrixes of power and knowledge from the Western canon. The canon must be subverted, questioned and, if need be, dismantled. Even though we could argue that the use of theory is not necessarily confirmatory, it is not out of place that critiquing a particular theory is equally an act of validation.

Social reality is too complex to be pigeon-holed in this or that theory and the time has probably come to disrupt or totally ignore Western theoretical prisons. In fact, the dominance of Western theories in academia goes against social justice, the very organising principle of the *Namibian Journal of Social Justice* (NJSJ). Necessarily, theory is about "governing interpretations" (Knapp & Michaels 1985, p. 11) and consequently about governing meaning. I argue for an approach – whatever that is – espousing fragments and bits of 'social reality' in and of themselves; a narration of history and events which may be understood in their own right, outside the strictures of theoretical fetishism.

A Brief History of Windhoek

Modern Windhoek is commonly agreed to have been marked by the arrival of the German *Schutztruppe* and the construction of a fort in 1890

(Cf. Mossolow, 1965; Dierks, 2002; Hartmann, 2004; Gewalt, 2009), but there are recorded indications of human activity prior to this intrusion. Archaeological findings in a form of prehistoric elephant relics during the reconstruction of the Zoo Park in 1962 point to hunters some 5 000 years ago (Sydow, 1961, as cited in Voigt, 2004). Despite this indication of earlier activity, Kotzé (1990) maintains that “as no records exist of what the settlement around the hot springs looked like before the arrival of Jonker Afrikaner in 1840, this is where the known history of the town inevitably begins” (p. 2).

Characterising Windhoek's hydrogeology, some authors point to hot springs in the centre of the city, and the Zoo Park at which the elephant relics were found is situated in city centre (Cf. Tredoux, Van Der Merwe, & Peters, 2009; Brook, Cherkasy, Marais & Todd, 2014:1). Therefore, this is perhaps where the history of Windhoek could *inevitably* start. Nonetheless, when the first Europeans arrived in what is now Windhoek, it was inhabited chiefly by OvaHerero (Wagner, 1951; Katjavivi, 1990). Simon (1983), on the other hand maintains that the arrival of European settlers in the 19th century was preceded by Windhoek's inhabitation by at least five distinct groups, Damara, Aawambo, Kavango, OvaHerero and Nama (p. 55). Contestation over Windhoek was chiefly between the OvaHerero and the Orlam. The Orlam under Jonker

Afrikaner had a predilection of coming from the south to raid the OvaHerero cattle in the central part (Wagner, 1951). This raiding of cattle and conflict over land and water rights eventually led to a full-blown war between the two groups in the latter part of the 19th century (Katjavivi, 1990). Because of this war, Windhoek seems to have degenerated into a ‘no man's land’ by the time the Germans arrived and turned it into a colonial headquarters. Writing on the period 1884 – 1887, the Swiss explorer Hans Schinz avers that their [Germans] arrival in Windhoek was only acknowledged by some barking jackals that ran off when they came closer (Schinz, 1891). There were some guinea fowls squeaking but there was no sign of humans (Schinz, 1891). According to Wallace (1997), this account is consistent with the dominant missionary narrative of the time, which nonetheless seems to have ignored the Damara settlement in Windhoek circa 1891.

Prelude to Colonial Windhoek

The first intimations leading to the inception of what would become colonial Windhoek can be traced to the arrival of missionaries of the Rhenish Mission Society. German missionaries and Cape Traders were the two major categories of Europeans in pre-colonial South West Africa (Kienetz, 1976). They did not precede the Portuguese sailor and explorer Diego Cão landing

at Cape Cross in 1485, marking the first recorded arrival of Europeans in Namibia (Katjavivi, 1988). Traders and explorers aside, activities of missionaries in and around Windhoek are equally important as this was the prelude to the colonial city in the making.

Missionaries played a role in offering translation services between the locals and the colonisers and their diary entries informed historical writings about Windhoek and Namibia. Some population figures before 1915 use the diaries of missionaries as sources and this raises doubts about the accuracy of data during this period. It is difficult to establish how many people lived in Windhoek before 1926 as no census was conducted before then.

Kotzè (1990) maintains that Heinrich Kleinschmidt and Carl Hugo Hahn arrived in Windhoek by 1842 and arguably found about 2000 people there. On the other hand, Bravenboer (2004) cites 1852 as the year in which the missionary Hahn paid a visit to Windhoek and estimated the number of Jonker's followers to be about 1200 Afrikaners, 2000 Damaras and 2000 Hereros, bringing the total population of Windhoek to 5200.

The first census of colonial South West Africa in 1926 puts the total population of Windhoek at 4532 (Pretoria Archives Depot, SAB/STK/517). In the middle of these disparate statistics, Simon (1983)

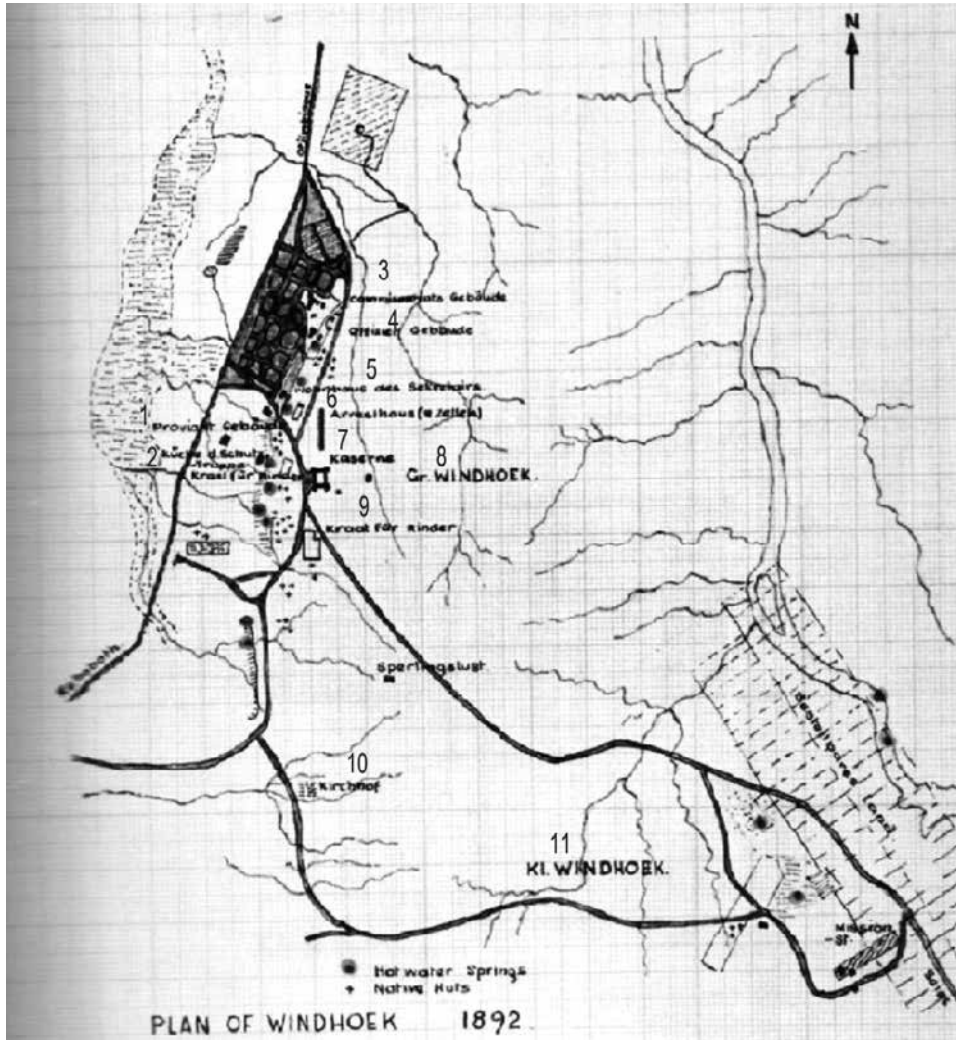
provides by far the most comprehensive data on Windhoek's population from 1921 – 1975 (see Appendix 1).

Genesis of Colonial Windhoek – The Arrival of German Schutztruppe

In December 1891, Windhoek became the seat of the German administration whose previous headquarters had been at Otjimbingwe (Wagner, 1951). Map 1 below shows structures that existed in Windhoek two years after the arrival of imperial German forces. The inscription 'Plan of Windhoek' could easily confuse unsuspecting readers and thus necessitates an explanatory note. A mixture of German and English was used in labelling the map – *plan* (*n.* Der Plan) is a German equivalent of *map* – and the map below will read *Map of Windhoek* in English. What can also be deduced is that this map is necessarily not a duplicate of the original as the use of name 'Windhoek' as opposed to 'Windhuk' (German version) suggests. It is probable that one F.C. Meyer from whose publication the map below was sourced, tampered with it for his own purposes.

The legend of the map is vaguely legible, but gets clearer when magnified beyond the margins of the sheet on which the map appears. A circular sign highlighted in red shows one of the main attractions of the settlement, which played a role in two vernacular names that Windhoek assumed, the

Map 1: Windhoek 1892



Source: NSS, I7220, 'Meyer, F.C. 1953/4 – Windhoek Town Planning

Key:

- Food storeroom for soldiers (Proviant Gebäude)
- Kitchen for Occupying Force (Küche der Schutztruppe)
- Commissioner Building (Commisariats Gebäude)
- Building for Officers (Offiziers Gebäude)
- House of the Secretary (Wohnhaus des Sekretärs)
- Prison / Holding Cells (Arresthaus / Zellen)
- Army Base (Kaserne)
- Great Windhoek (Groß Windhoek)
- Cattle Kraal (Kraal für Rinder)
- Cemetery (Kirchhof)
- Small Windhoek (Klein Windhoek)

hot springs. The other symbol is a plus (+) representing what is labelled 'native huts'. Other notable structures without any corresponding legend on the map are *Kirchhof* (graveyard), *Arresthaus / Zellen* (prison / holding cells) and *Kaserne* (army base).

Virtually all of the structures on this map are hardly legible within the confines of what the image resolution allows. Therefore, a translated reproduction of these structures is apt to allow for a reading of the formative years – in the sense of colonial occupation of Windhoek.

The notable structures on the map suggest a strongly fortified outpost of the German colonial empire. Moreover, what is rendered apparent in these structures is a quintessential colonial capital premised on control of the local population and assertion of military power. Colonial historians maintain that the original core structures of the colonial state are the military station, the fortress, the barracks and the prison (Cf. King, 1990; von Trotha, 1990). With regards to Windhoek, the installation of these structures marked a transition from protection presence to occupation of the territory. Before setting up headquarters in Windhoek, the presence of German forces was in part related to dubious protection treaties signed with various native groups who were intermittently at war with each other (Cf. Katjavivi, 1990; Dierks, 2002;

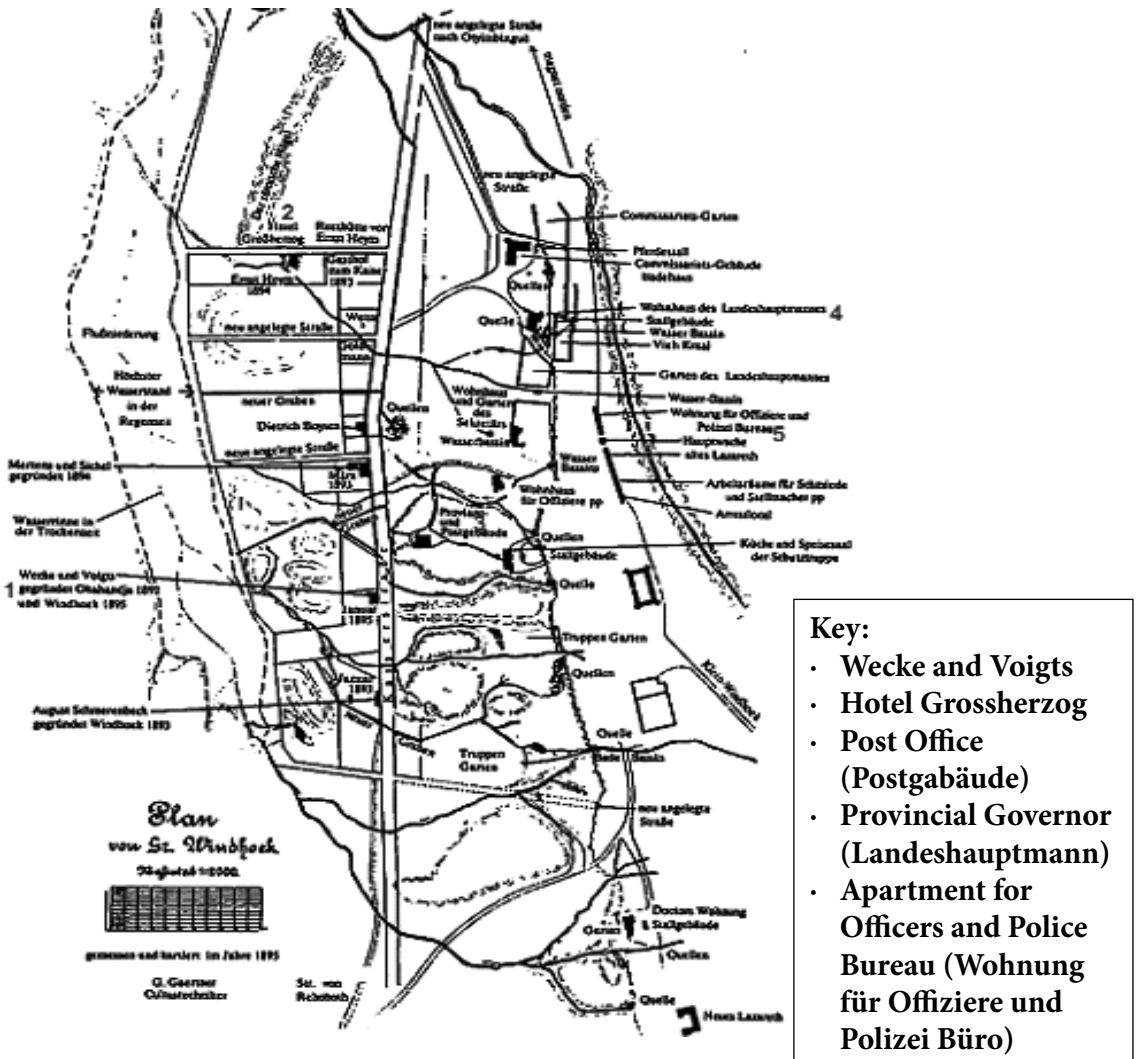
Bravenboer, 2004). The establishment of a garrison in Windhoek and concomitant military structures from 1890 onwards signposted a change in colonial policy. The fortified colonial city was based on a double structure of Gross Windhoek and Klein Windhoek with two separate administrative entities. Klein Windhoek blossomed very quickly into an agricultural settlement of remarkable productivity where settlers resided (Heywood & Lau, 1993). It was only in 1920 that one Windhoek – at least in the realm of law – came into being with the amalgamation of Gross and Klein Windhoek (NAN, LWI, 3/1/23, 63/25/40).

The second map of Windhoek, which is slightly more elaborate, appeared in 1895. Annotated by Günter von Schumann of Namibia Scientific Society, the map of 1895 shows a number of new structures that emphasise the expansion of control over the territory through technologies of discipline represented by a police bureau, for example. The map also points to the gradual expansion of the city and the introduction of civilian communication services. In a modern and expanded incarnation, the national postal operator – Namibia Post Ltd. (NamPost) – remains at the same spot where it was founded in 1895. Similarly, Wecke and Voigts, the oldest department store in Windhoek which was established in Okahandja in 1892 (Wecke & Voigts, 2018) remains at

the same spot and is marked No. 1 on the map. The relocation of this private family business to Windhoek in 1895 could well be as a result of a growing market in the colonial capital. It could also speak to the change in colonial policy, for Wecke and Voigts opened their store initially on a piece of land

given to them by Samuel Maharero in Okahandja at the time when the Germans had a protection treaty with Ovaharero. Cracks in this protection treaty became visible when Curt von François – to the chagrin of Samuel Maharero – established control over Windhoek (Sarkin, 2009). Under Curt

Map 2: Windhoek 1895



von François, Windhoek was firmly established as the centre of German hegemonic colonial dominance. In the wake of at least three military campaigns against Hendrik Witbooi before 1900 – and later the genocidal war of 1904 – 1908, Windhoek housed substantial prisoner-of-war populations (Hartmann, 2007).

As Windhoek's population was expanding because of the new shops that were aiming to cash in on the German troops stationed there – and not least hotels to cater for the new found importance of a colonial capital – it was inevitable that a police force to maintain colonial order was soon going to assume the role of discharging the legitimate use of violence. It was in 1894 that some German troopers as well as a few Africans would be seconded as policemen to the colonial capital (Zollman, 2011).

In German colonial Windhoek, racial segregation was adopted in 1905 to keep the races separate across various spheres of life (Pfister, 2006). From prohibition of mixed marriages to separate health and educational facilities, segregation was enacted through provision of services and morphed into residential divisions (Wessels, Taylor, Correia & Brock [Accepted/In press]). It follows that spatial segregation between the indigenous and European settler community was not invented by apartheid rulers but was initially

implemented during the early years of the Windhoek settlement (Friedman, 2000; Melber, 2020). As early as 1912, town planners established two 'locations' – the 'Main Location' near the city centre for Windhoek's black and coloured population, while Klein Windhoek was for settlers (Friedman, 2000).

Changing of Colonial Hands

After being under siege from virtually all directions, Windhoek fell to the South Africa Union Forces on 9th July 1915 (Pretoria Depot: GG, 603, 9/59/95). General Louis Botha was the Commander of the Union Forces and the Prime Minister of South Africa at the time. The war was in essence between the German imperial forces and the British Empire, and South Africa as a dominion under the Empire simply executing an imperial service, was automatically drawn into the conflict (Cruise, 2015). After conquering Windhoek, the Union of South Africa wasted no time in asserting its dominion over the territory. A Proclamation was issued by General Louis Botha on 13th July 1915 asserting South Africa's authority and instituting Martial Law in the territory:

“The forces of the Union of South Africa (herein after termed the Union) under my command have conquered and now occupy the whole of the territory known as German South West Africa (herein

after termed the Protectorate) (...). I hereby proclaim and make known that Martial Law as such law is understood and administered in British territory shall be established throughout the Protectorate from the 9th July 1915, being the date of the formal surrender of the protectorate troops” (SAB, GG 603, 9159/86).

With regard to exerting influence over urban space by demarcating who could settle where and who could not, the South African Administration acted quickly in making its intentions known as official records reveal. As early as 1916, contestation over space had already begun with regards to the presence of native *pontoks* (informal housing units / shacks) around the construction site of a railway line (NAN, LWI: 1/2/5 Vol. 2). The Burgomaster wrote to the Military Magistrate, one Major Gadd, suggesting that the natives be moved away from the railway on account of “the insanitary environ” that their presence invited (NAN, LWI: 1/2/5 Vol. 2).

In his classic essay on sanitation, Swanson (1977) maintains that medical and other public authorities in South Africa at the turn of the 20th century were imbued with the imagery of infectious disease as a social metaphor that interacted powerfully with racial attitudes that influenced policies and shaped institutions of segregation.

When South Africa took over the then South West Africa, ‘sanitation syndrome’ was variously mobilised to effect racial urban segregation and politics in the colonial capital, Windhoek. Even though the 1916 attempt to move the natives’ *pontoks* on account of hygiene was not carried through (NAN, LWI: 1/2/5 Vol. 2), it nonetheless suggests that the ‘obsession with cleanliness’ has a long colonial history and provenance.

Extending the 1905 racial segregation of the German colonial period, incisive? South African interventions can be traced to the introduction of separate ‘natives’ administration in 1923. Expressive of the continuity of colonial racial segregation, the Natives (Urban Areas) Act No. 21 of 1923 overtly sought to set apart and lay out areas of land for residence of natives. As Maylam (1995) observes, the 1923 Natives (Urban Areas) Act can be viewed as the foundation-stone of urban apartheid, for it embodied mechanisms and institutions such as segregated township, influx control and fiscal segregation. With the Natives (Urban Areas) Proclamation No. 34 of 1924, residential segregation was further cemented by outlawing acquisition of land by ‘Africans’ in ‘white areas, and vice versa (Delgado, 2018). Similarly, the Windhoek Municipal Regulations of September 1925 took the segregation process a little further. These regulations provided for instructions related to

the control, management and use of locations. Size of dwelling units and building materials to be used were under the remit of the location superintendent. Matters of sanitation were deemed very important in locations and the medical officer to the urban local authority was to annually prepare a report on the health and sanitary conditions of the location. The principal Natives (Urban Areas) Act of 1923 underwent various iterations between the 1930s and 1950s, reconfiguring spatial segregation in finer detail that prefigured the making of an apartheid city.

The Making of an Apartheid City – Windhoek under Pretoria

In spite the fact that segregation was part of Windhoek's residential layout during Germany's rule, it was under Pretoria that a deliberate policy of engineering an apartheid city was put in motion. The year 1964 marked the formal imposition of the apartheid policy of Bantustans. This heinous project was an outcome of the infamous Odendaal Commission Report of 1962-1963. Under the chairmanship of F. H. Odendaal, the then Administrator of the Province of the Transvaal, the first meeting of the 'Commission of Enquiry into South West Africa Affairs' (henceforth Odendaal Plan) was held in Pretoria on 17th September 1962 (Republic of South Africa 1964). Published in 1964, this report "recommended, amongst

others, the formation of 10 'homelands' for SWA's black population, i.e., they should live apart from the 'coloureds' as well as the 'whites', in accordance with South Africa's revised apartheid policy" (Dierks 1999: 129, but also see Williams and Hackland, 1988).

The Odendaal Plan balkanised the city of Windhoek into antagonistic groupings that could easily be quelled in the event of an uprising. Residents of Windhoek were to live apart and patronise segregated spaces of entertainment, recreation and eateries. But cracks started to appear, questioning the sustainability of legally sanctioned segregation from the 1970s.

Examples of living 'together' in separation abound, such as when Mr Gabriel Petros had lunch at the Continental Hotel in March of 1973, patronising a hitherto whites-only eatery and made front page news in the *Windhoek Advertiser*. Mr Petros was interviewed by the *Windhoek Advertiser's* reporter and their exchange unfolded as follow:

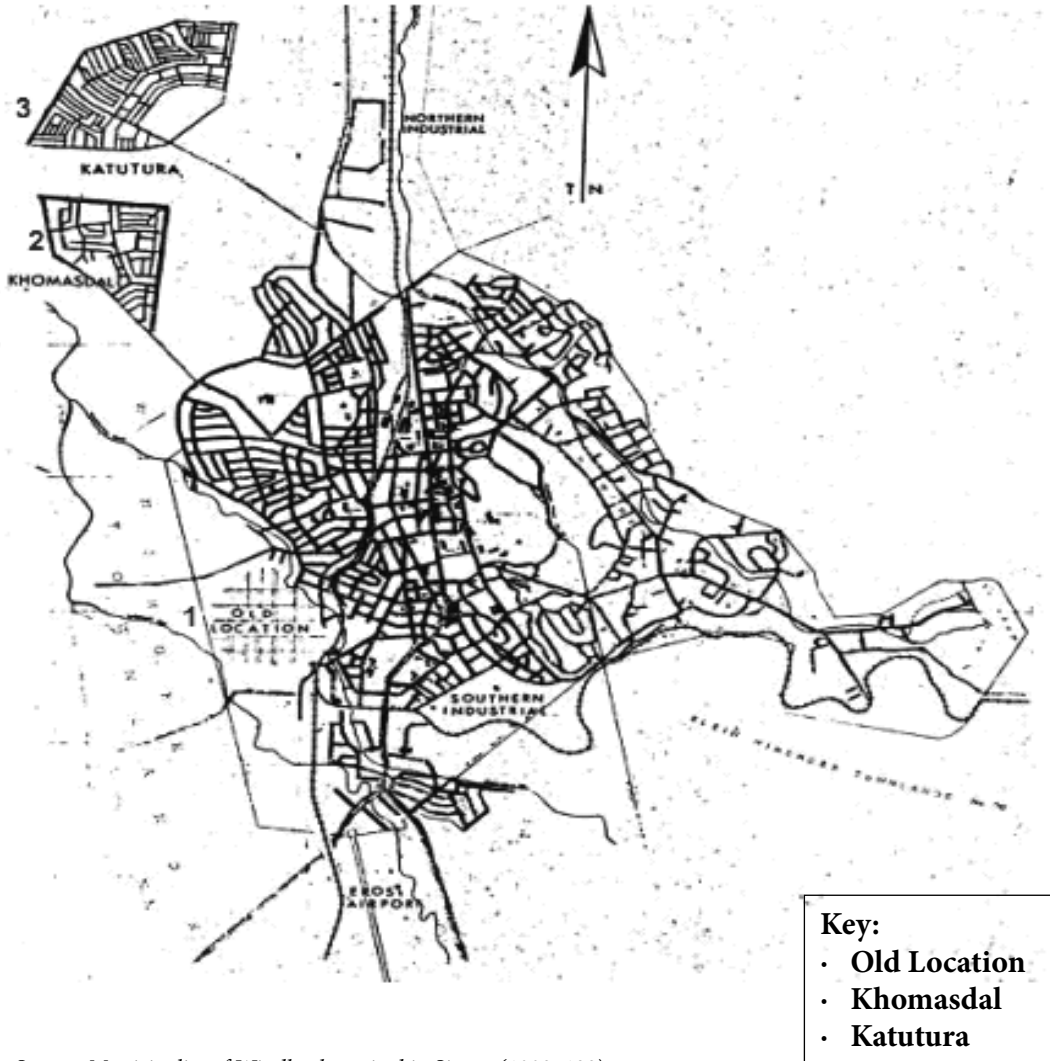
"Mr. Petros, did you read the recent article in the [Windhoek] Advertiser when the Prime Minister [John Vorster] said non-Whites could patronise White hotels?"

"No".

"Where do you come from?"

"I come from Owambo [northern Namibia]".

Map 3: Windhoek in 1961



Source: Municipality of Windhoek as cited in Simon (1983: 133)

“Where do you work?”

“I am a waiter at the Grand Hotel”.

“Is this the first time you are patronising a White hotel?”

“Yes”.

“Do you prefer White hotels to non-White hotels?”

“Yes”.

“Why do you say that?”

“I don’t know”.

“Is it because the service is better?”

“Yes”, He smiled (Windhoek Advertiser, March 20, 1973, p. 1).

At the time, a seemingly banal incident of a black man lunching at a hotel patronised by whites was seen as an urban spectacle as it went against the express segregation of the time. It was an anomaly that shook the spatial-temporal axis of colonial Windhoek in the aftermath of the Odendaal Plan's expansive rollout.

Scrutinised carefully, Map 3 above lays bare a Windhoek that was prepared for pronounced spatial segregation shortly before the implementation of Odendaal Plan. Number 1 on the Map is the 'Old Location', the site that a little more than two years earlier had witnessed the most brutal forced removal of inhabitants in the recorded history of colonial Windhoek. In the northerly direction, the Coloureds-only suburb of Khomasdal – marked Number 2 – was to play the role of a buffer zone between the White and Black areas of Windhoek. Number 3 is Katutura to which Black inhabitants were moved in the aftermath of 1959 'Old Location' unrest. A cursory reading of Windhoek today confirms that the Odendaal Plan was very successful at dividing this city beyond imagination.

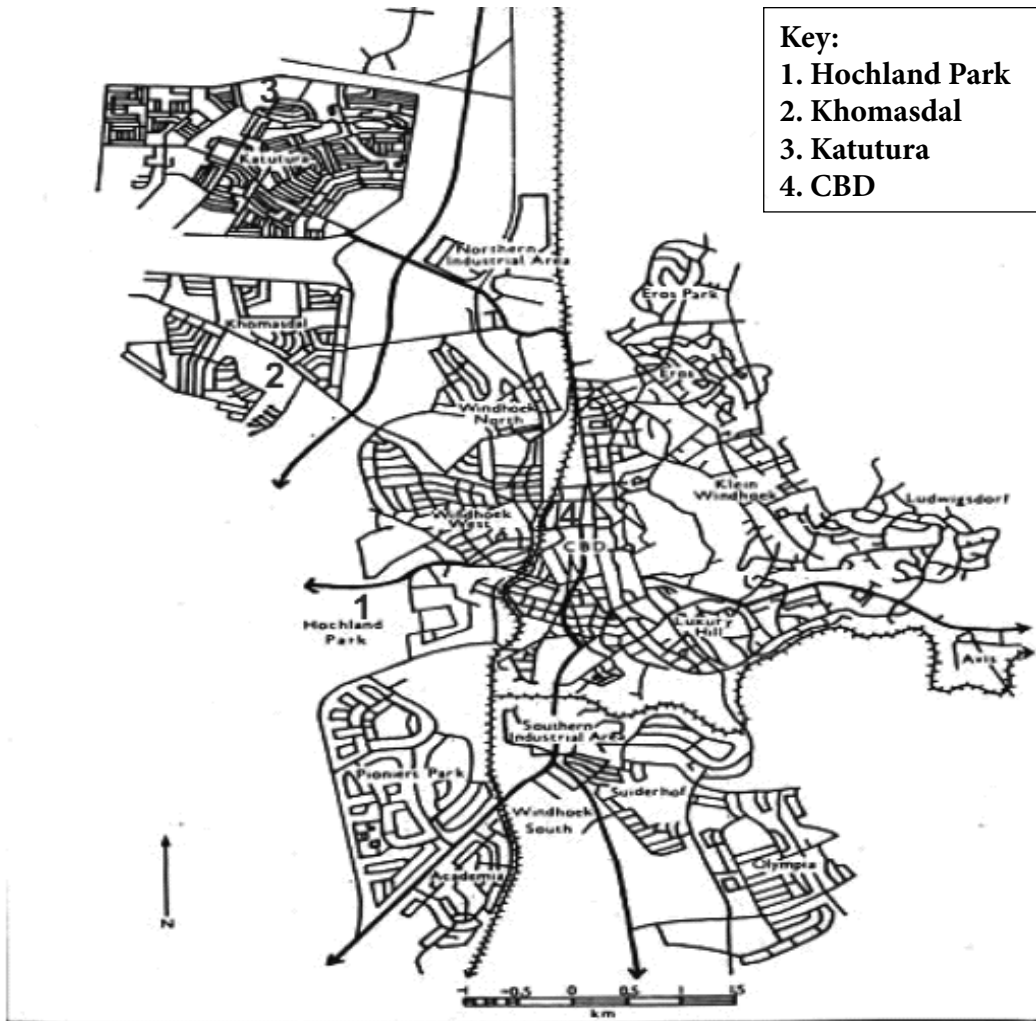
The township of Katutura is still to a great extent divided according to different ethnic groups and Khomasdal is still predominantly a suburb of Coloureds. It is important to note that the category 'township' applies to Katutura only from 1979, when

the first extensions were proclaimed townships. In this sense, 'township' is not only a black suburb in everyday language, but a legal category that until then privileged white suburbs in terms of planning, servicing and urban land tenure.

Residential Apartheid and Urban Housing

Shack demolitions or forced removals are by all accounts reminiscent of the 'Old Location' in the late 1950s. On 10 December 1959, protests mounted in Windhoek as blacks were forced to leave the 'Old Location' and move to Katutura, a new apartheid township. Thirteen were killed and 54 injured (Tonchi, Lindeke & Grotpeter, 2012: XXV). This is not to say that Windhoek was a neatly integrated city before the forced removals of the 1950s, but thereafter, as I argue above, residential segregation became codified and implemented to the letter. In colonial Windhoek, *de jure* segregation goes back to the late 1930s although expansive *de facto* residential segregation took a decisive foothold in 1956 after a visit by a delegation from the Windhoek Town Council to the Native Affairs Department in Pretoria (SAB, NTS, 4566, 1115/313). Under the chairmanship of one Mr F.H.C. Dixon, the delegation visited the native townships of Atteridgeville and Saulsville in Pretoria as well as Meadowlands and Daveyton in Benoni (SAB, NTS, 4566, 1115/313). The stated aim of the visit was "to make the

Map 4: Windhoek in 1981



Source: Simon (1983: 138).

Council and its officials more familiar with the many aspects of the housing of Africans” (SAB, NTS, 4566, 1115/313). But a closer scrutiny – considering the spatial politics of apartheid South Africa – suggest that this visit was

aimed at learning about effective strategies of how best to segregate and keep blacks as far away as possible from whites. Even though the language of the report compiled after the Windhoek Municipal Council visit to Pretoria

and Johannesburg was couched in the narrative of drawing an enviable 'model township' for blacks, there were clearly other forces at play. One such force could be gleaned from allegations that the moving of blacks to Windhoek's new location was being delayed by the Union Native Affairs Department, exposing European residents of Windhoek to tuberculosis (Windhoek Advertiser, July 5, 1957). Therefore, the black body was classified as a carrier of diseases whose proximity to European residents presented a danger best to be avoided through residential segregation.

By November 1959 it became apparent that the removal of Blacks from Windhoek Location in the western part of the city to a newly constructed apartheid township of Katutura was imminent as a defiantly worded letter by Hosea Kutako to the Administrator Viljoen suggests (SAB, NTS, 4590, 1115/313[1]). On 23 November 1959, Chief Hosea Kutako of the OvaHerero wrote to the Administrator of South West Africa citing several reasons as to why they were opposed to relocation. One of the reasons was that the Old Location was a suitable place because of its proximity to the workplaces of most of the residents. A rebuttal in which Administrator Viljoen rubbished virtually everything raised by Hosea Kutako was only written on 18 December 1959, a little more than a week after what is today known as the 'Windhoek Massacre of 10 December

1959' had taken place (SAB, NTS, 4590, 1115/313[1]). Writing a decade after the 'Old Location' forced removals, White observed that the new black township of Katutura is methodically planned, well-constructed and a thousand times superior to the conditions in which its inhabitants existed when they used to live in their old shanty-towns (White, 1969). White's observation notwithstanding, residents of 'Old Location' raised various issues regarding their objections to being moved. The proximity of the 'Old Location' to workplaces of most of the residents was one of the main reasons for their reluctance to move (SAB, NTS, 4590, 1115/313[1]).

On the ruins of the 'Old Location', the Whites-only suburb of Hochland Park – marked Number 1 on the Map – was erected. The distance between Hochland Park (the former 'Old Location') and the CBD (marked Number 4) is much shorter than the distance to Katutura (marked Number 3). Unsurprisingly, transport costs which the forced relocation from 'Old Location' to Katutura dictated were the centre of contention, among other reasons. From the foregoing account, 1956 to 1959 form a crucial historical moment without which it would be difficult to account for contemporary Windhoek in its various facets. Therefore, what is happening in Windhoek today is perhaps a reincarnation of residential apartheid and its brutality. 'Old location'

has returned, as it were. Although racial elements of segregation remain, the divisions have increasingly assumed the dimension of social class. In this view, contemporary Windhoek bears witness to racial segregation interwoven with socio-economic segregation (Friedman, 2000). Economic dualism, social inequalities and heterogeneous cultural groupings lend credence to the assertion that racial segregation remains a stark feature of Windhoek's cityscape.

The drastic rearrangement of residential Windhoek from 1956 and the eventual culmination of a forced relocation of the black population in 1959 form a historical watershed that defines contemporary city space as well as physical and cognitive maps of the city. This event was taking place within an atmosphere of increasingly insistent calls for separate homelands spearheaded by Pretoria. As I will show later, the removal of blacks from the 'Old Location' was to be followed by separate locations in the new 'township' of Katutura. In a substantial way, this had everything to do with the 1959 Promotion of Bantu Self-Government Act in the Union of South Africa. As Dubow demonstrates, this Act signalled a decisive change as it dispensed with the assumption that 'bantus' were a single "homogenous people, and instead envisaged the creation of self-governing African territories, supposedly based on historically determined ethnic

grounds" (Dubow, 2014: 105). From the vantage point of the colonial government in Windhoek, the events of 1959 were vastly unsettling, so much so that a commission of inquiry was instituted to provide a detailed report on the direct causes that gave rise to the 'unrest' and presumably ascertain what should be done to prevent this happening in the future. What gave rise to the 'unrest' was nonetheless common knowledge, for the letter written in November 1959 by Hosea Kutako to Administrator Viljoen clearly states the reasons why the black inhabitants of the then 'Old Location' did not want to be relocated. It follows that the 'unrest' was, needless to emphasise, the response to the forced relocation or removal. Still, the commission of inquiry was set up and held. Solely constituted by the then Judge President of the High Court of South West Africa, Cyril Godfrey Hall, the report of this commission was part of a dossier sent to the Council of the League of Nations in 1960 (AMPT PUBS, 6/532, UG 23 - 1960). Unsurprisingly, the report exonerated the police force and concluded that the use of firearms was justified, for municipal officials would have lost their lives. In other words, some lives were more important than others, so the colonial regime decided.

To Namibians and *Windhoekers* in particular, 10 December 1959 was a turning point in race relations as it marked the most direct confrontation

aimed at balkanising the city administratively and residentially. Despite its importance in shaping the residential urban landscape of Windhoek permanently, the 'Old Location' Massacre has – until recently – been condemned to historical oblivion in the politics of memory. On 10 December 2011, exactly 52 years after the 'Old Location massacre' or 'native unrest' – depending from which angle you are looking at it – a memorial grave with a shrine was erected at the 'Old Location' Cemetery in memory of those who died at the hands of the South African colonial police. This indicates that this massacre finally received recognition – perhaps belatedly – at the highest level of Namibia's leadership. It took the Namibian government and the Municipality of Windhoek 21 years to accord this massacre some noteworthy recognition. But this belated recognition seems to have a context. Forced removals akin to those of 1959 are a rule rather than an exception in contemporary Windhoek. The spectre of postcolonial living conditions provides a fertile ground for informality of housing amongst blacks. Even though Namibia ratified the International Covenant on Economic, Social and Cultural Rights in 1994, the right to adequate housing remains a concern. Article 11.1 of this instrument maintains that:

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard

of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions".

Concretely giving expression to the right to housing is rendered an obligation under Article 144 of the Constitution of Namibia, viz.: "[u]nless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia". Translating international law obligations binding on Namibia into concrete interventions has proven difficult with dire implications for social justice. Often, the major 'excuse' deployed to account for the inability of meeting international law obligations has been lack of resources.

The two photos below show demolition of a housing structure during the forced removal of black inhabitants from the 'Old Location' in 1959 (left) and demolition of shacks in Okahandja Park, an informal settlement in Windhoek, 2012 (right) (LaRRI & FES 2012). Even though this is not unique to Windhoek, the degree to which the clamping down on 'informal' housing stretches is ruthlessly aggressive. Invoking Proclamation AG 21 of 1985, the City of Windhoek has synonymised 'informal' dwelling with insecurity and rendered everything it

Photo 1: Old Location Returns to Windhoek



Source: NAN and Tanja Bause as cited in LaRRI & FES 2012, p. 4.

deems ‘informal’, a blemish that could be tolerated in certain locales but should not be accommodated so as to avoid contaminating the fantasy of the cleanest city in Africa. The Squatters Proclamation, AG 21 of 1985 provides for the removal of persons unlawfully present on land or on buildings, and for the demolition of structures which are unlawfully erected. Some parts of the Squatters Proclamation of 1985 have been invalidated by the Supreme Court in 2013. In *Shaanika and Others v Windhoek City Police and Others*, the Supreme Court declared sections 4(1) and 4(3) of the Squatters Proclamation to be “inconsistent with the Constitution, and invalid and of no force and effect” (SA35/2010) [2013] (15 July 2013). Yet, local authorities in several cases continue to act against this judgment, for shack demolitions continue to be reported across urban Namibia (Cf. New Era, 2015; The Patriot, 2017; Bayer

2020). These flagrant actions on the part of local authorities have serious negative implications on social justice and the rule of law.

It is widely recognised that at independence, the Namibian government inherited a very unequal pattern of settlement resulting from segregation laws followed by successive colonial administrations (Peyroux, 2001; Itewa, 2002). In the post-independence period, shelter or housing provision has not been approached from a social justice perspective. Even though several national housing programmes have been implemented by the government over decades to deal with the ever-increasing backlog of housing, most houses constructed have been unaffordable to the majority of the urban poor (Weber & Mendelsohn 2017; Remmert & Ndlovu 2018). The housing backlog is estimated to be

around 100 000 (Sweeney-Bindels 2011: 7), but recent studies suggest that the latter figure could be conservative (Cf. Weber & Mendelsohn 2017; Remmert & Ndlovu 2018). The high rate of urbanisation has not made things easier, as more people continue to flock to urban areas where provision of housing is under acute strain.

Urbanisation in Windhoek

Coquery-Vidrovitch (2009) argues that except for the unusual case of Cape Town, African colonial cities were populated with an average of at least ten times more Africans than Europeans. Windhoek has been an unusual case, for it has been a peculiar settler colonial city as the urban population was predominantly comprised of white settlers for most of the colonial period. It was only in the 1970s that the white population of Windhoek became the minority (Cf. Simon 1983; Pendleton, Crush & Nickanor 2014). For this reason, focusing on this period since the 1970s will give a sense of how migration is directly related to the changing nature of the Windhoek's socio-economic fabric and the attendant political contestations which this change invites. Given the political background and the restrictions on the movement of black Namibians, it was to be expected that one of the most pressing problems which the Municipality of Windhoek had to contend with was the influx of people seeking better life chances in the Capital (Bravenboer, 2004). Migration

to urban centres was largely temporary in both legal status and practicality, serving the labour needs of the colonial system (Cf. Frayne; 2007; Winterfeldt; 2002). The presence of many Aawambo migrants in the urban central towns of Namibia, especially Windhoek, has its history in the early experience of rural-urban migration (Frayne & Pendleton, 2001). Findings from the City of Windhoek in 1995 showed that 85 percent of the inhabitants in informal settlements came from northern regions (City of Windhoek, 1995). Chiefly because of this internal migration stream fed by the northern regions of Namibia, which accounted for at least 35 percent of Windhoek's total population in 2001, a sizeable number of Windhoek's population reside in informal settlements (Pendleton, Crush & Nickanor 2014), and judging from the expansion of existing informal settlements and the establishment of new ones, the number of improvised housing units will keep on rising. According to the UN Habitat (2010), more than 60 percent of sub-Saharan Africa's population lives in slum conditions. Needless to say, the expansion of slums is largely fuelled by migration, but chiefly driven by unemployment and poverty. It follows that rural areas need to be made economically and socially viable so that pull factors outweigh the push factors in rural-urban migration. In this way, urbanisation could be managed sustainably. Rural-urban differences

in life chances reflect the dualism of socio-economic divisions that are so pronounced in most of urban Namibia.

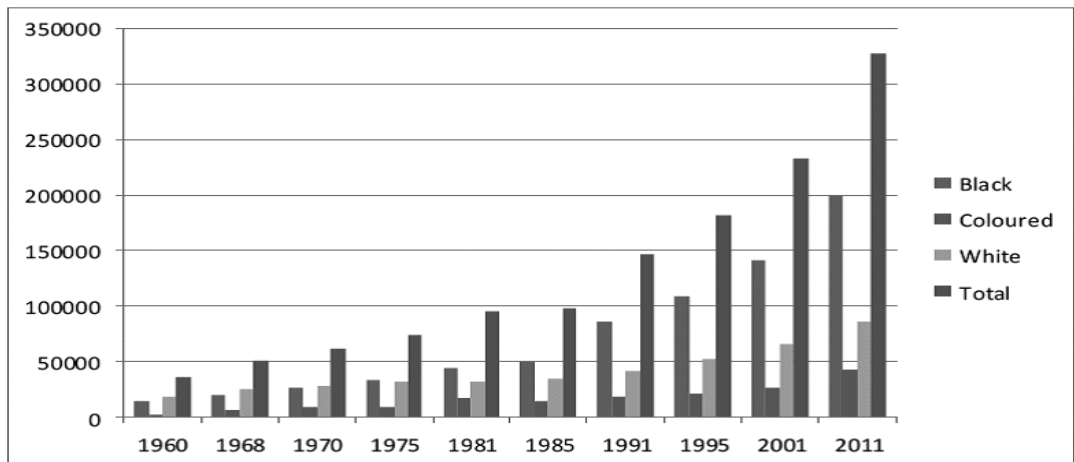
A cautionary note by Pendleton, Nickanor & Pomuti (2012) on reading Figure 1 is worth reproducing in full:

“Beginning in 1981 ‘racial’ group designations were not used for Municipal areas and people were free to live anywhere in the city; however, because of the relatively homogeneous character of the areas (e.g., Khomasdal was primarily occupied by ‘coloured’ people) it is possible to designate areas as primarily occupied by particular ‘racial’ groups. After independence, some areas previously occupied by whites have become more integrated. Figure 1 should thus be viewed as suggestive rather than definitive” (p. 29).

By far the largest urban centre in Namibia is Windhoek whose population is almost 20 times that of the second highly populated urban locality (NSA, 2013). Tvedten (2004) contends that there is no other country in Southern Africa with such a large proportion of its urban population living in the capital as Namibia. The population of Windhoek increased by 40 percent between 2001 (233 529) and 2011 (325 858) (NSA, 2015). As of 2020, Windhoek population is about 431 000 (PopulationStat, 2017-2021).

It has been amply demonstrated that urban migration in Windhoek is not unidirectional as it involves a complex relationship between rural and urban households through an interplay of food transfers and remittances (Cf. Moorsom 1997; Frayne & Pendleton 2003). This rural-urban interplay is

Figure 1: Population growth of Windhoek 1960-2011



Source: Nickanor (2013: 55). See also Pendleton, Nickanor & Pomuti (2012: 2).

nonetheless not unique to Windhoek, but observable in several cities in Southern Africa (Pendleton, Crush, Campbell, Green, Simelane, Tevera & De Vletter 2006).

Development policies and plans do not normally integrate the realities and complexities of internal and international population mobility in any substantive manner (Crush & Frayne, 2010). In the case of Namibia – save for recognition in passing that the gap in average income and living standards drives rural-urban migration – the National Poverty Reduction Action Programme (NPC, 2002), for example, hardly deals with the issue of migration. In a 2015 Migration Report – based on the 2011 Census – the Namibia Statistics Agency admitted that little is known about the effect that the influx of migration to urban areas has with regards to economic growth or the worsening of poverty (NSA, 2015).

Conclusion

By locating Windhoek within its historical context, this article traced the development of the city back to shortly before the definite assertion of colonial authority and conquest by the German ‘protection’ troops. By gleaning together core structures of the colonial state from Windhoek’s ancient maps, I sought to show that Windhoek was founded – at least from 1890 as a German garrison – on the principles of control and conquest. The contestation that preceded the arrival of Germans made occupation somewhat effortless. In turn, the German colonial policy laid the groundwork for the comprehensive implementation of apartheid laws in most of Namibia and particularly in major urban centres. From the early 1950s, residential segregation as a policy was being prepared for thorough implementation. The Windhoek Town Council’s 1956 visit to the Native Affairs Department in Pretoria became the

Appendix 1. Population of Windhoek 1921-1975

Race	3 May 1921	5 May 1936	7 May 1946	8 May 1951	6 Sept. 1960	May 1968	6 May 1970	May 1975
Whites	3 460	4 812	6 985	10 310	19 378	25 417	27 351	32 112
Coloureds	273	1 448	1 353	1 208	2 738	5 925	8 411	9 057
Blacks	-	4 385	6 591	9 080	13 935	19 369	25 945	33 180
Total	3 733	10 651	14 929	20 598	36 051	50 711	61 707	74 349

Source: Simon (1984)

crucible that would three years later offer 'guidance' in the forced removal of black residents of the 'Old Location' to the new township of Katutura north-west of Windhoek. By taking seriously key events that are situated in Windhoek's past – from its origins as a colonial town to a quintessential apartheid urban form – I dealt with this urban agglomeration as a historical object. An appreciation of Windhoek's history allows for a nuanced understanding of segregation, persistent inequality, and the elusiveness of affordable housing. Dealing with the crisis of urban housing decisively requires a different approach. This approach should treat housing as a human right. To be sure, leaving housing provision to the vagaries of markets and speculative capitalism is an act of abdication.

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Claiming Land and Housing – Imagining a Just Society: Precarity and Urban Citizenship in Windhoek

Lalli Metsola

Abstract

This article describes the forms and conditions of access to land, housing and municipal basic service infrastructures among the residents of the precarious urban fringes of Windhoek. It pays particular attention to the ways in which they understand the situation and how they justify their demands of improved access. The article discusses how the issue of urban land, housing and basic services can be interpreted beyond its practical,

concrete aspects as simultaneously indexing broader issues such as urban and national citizenship, principles of access and redistribution, and ideals of a good society. Formal mechanisms of access to land and housing, as well as concomitant basic services such as water, electricity, and sanitation, depend on one's ability to participate in the housing market as a buyer. In contrast, for those who live in informal settlements or



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otherwise informal conditions in the urban fringes, access to these necessities is partial, incremental and dependent on relations with relevant authorities, mainly those representing the City of Windhoek. The residents criticise the authorities for failing to provide improvements and justify their pleas in terms of need, fairness, or their rights as Namibians instead of the market-based access that dominates the formal sphere of provision and planning. Their visions of a better future are twofold – they often entail dreams of ascending to the propertied classes but also ideas of a caring, responsive public authority that honours the perceived mutual obligations between the citizens and authorities. The article is based on interviews, recorded meetings and observational material from fieldwork carried out in 2016 and 2019.

Keywords: housing, informal settlements, urban citizenship, everyday governance

Introduction

This article deals with the arguments that residents of the precarious urban fringes of Windhoek make to justify their claims for access to land, housing and municipal basic services commonly associated with decent housing, for example safe water, electricity and sanitation. It further seeks to situate these arguments and their implications in the context of Namibian history and socio-economic structures. Urban land,

housing and basic service provision have emerged as a widely recognised problem in Namibia. People talk about it constantly; it appears repeatedly in media stories and social media discussions. It has become prominent in political mobilisation (as the 2020 regional and local elections clearly attested), and, most importantly, it is a question that a considerable number of Namibians deal with as part of their everyday lives.

Not surprisingly, this issue has also received increasing attention in recent scholarly literature. The existing literature tends to be focused on potential practical solutions or policies through which the problem could be targeted (Jauch, 2015; Weber & Mendelsohn, 2017; Chiripanhura, 2018; Delgado, 2018; Delgado et al., 2020). While I acknowledge the importance of such literature, my objective here is different. I suggest that precisely because of its perceived importance and visibility in the Namibian public sphere, the issue of urban land, housing and basic services can also serve as a social scientific window into the existing structures and emergent themes of Namibian society. While housing and basic services are a central condition for decent living, the arguments and claims made about these simultaneously reveal facts and views concerning social justice, principles of access and redistribution, urban citizenship and attendant relations between citizens and authorities. I refer

to these here not as given conditions but as something that is actively made through social action. For example, urban citizenship or the day-to-day governance of urban areas does not simply follow automatically from the legal and administrative provisions in place but rather results from the ways in which the various social actors involved use, challenge, modify or bypass such regulations (Blundo & Le Meur, 2008; Cornea, Véron & Zimmer, 2017). In practice, rights and access are realised in various degrees resulting from overlapping social, political and economic factors and their contestation in multiple and sometimes ambivalent forms of struggles and negotiations between residents, governmental agencies, social organisations and movements, and political authorities (Das, 2011; Holston, 2008; Bayat, 2010; Metsola, 2018; Lemanski, 2020; Watt, 2020; Anand, 2017; Fredericks, 2018). Such agency of the marginal urbanites often defies simple categorisations such as 'resistance' (Ortner, 1995).

The article finds that the people living in the informal settlements or otherwise precariously on the urban fringes mainly – but not exclusively – advocate access to land, housing and basic services based on need, fairness, or their rights as Namibians instead of the market-based access that dominates the formal sphere of provision and planning. In practice, improvements in tenure security and access to

housing and basic services for informal residents depend on forging relations with relevant authorities, mainly those representing the City of Windhoek. The attitude of the residents on these relations is ambivalent. On the one hand, they realise that they depend on these relations for improvements, but on the other hand, the authorities are widely criticised for failing to provide improvements because of 'corruption' or 'forgetting' the people. Visions of a better future are twofold – they often entail dreams of ascending to the propertied classes but also ideas of a caring, responsive public authority that honours the perceived mutual obligations between the citizens and authorities.

The article is based on material collected during fieldwork periods in 2016 and 2019. The main body of material consists of 59 recorded semi-structured interviews with residents and 21 with officials, politicians, and local experts, 16 recorded public meetings between residents and the City of Windhoek, together with three other meetings, as well as extensive notes from my interactions and observations in the field. I have analysed these through close reading focusing on the central themes and discursive structures in the materials. Complementary materials include official documents, a survey of the media, secondary literature, as well as materials accumulated during earlier

fieldwork periods from the 1990s onwards.

Overview of the Housing Situation in Windhoek

In principle, “access to basic services and shelter...as the inherent right of human beings in Namibia” (Republic of Namibia, 2009, p. 21) has been officially recognised and informal housing declared a crisis (Nakale, 2019). Yet, the urban housing and service provision situation has not improved over time. Namibia’s independence brought about freedom of movement, leading to a rapid increase in rural-urban migration driven by rural poverty as well as by a perception of better opportunities and the promise of modernity in urban areas. Windhoek grew from 147,000 inhabitants in 1991 to 326,000 in 2011 (Namibia Statistics Agency, n.d. b, p. 39; Republic of Namibia, 1994, appendix C) and its rapid growth has continued. However, jobs are scarce and generally low-paid in the contemporary Namibian economy, leaving many of the migrants relying on odd jobs and small-scale entrepreneurship. Coupled with lack of efficient systems of subsidised public housing, this has led to expansion in informal houses. By 2016, 39.7 % of urban households were living in shacks and in Khomas, where Windhoek is located, the figure stood at 42.3 % (Namibia Statistics Agency, 2017, p. 101).

As I have argued in more detail elsewhere (Metsola, 2020), a dual logic continues to define access to land, housing, infrastructure and service provision, resulting in practically segregated urban spaces till now 31 years after the end of segregation based on apartheid policies. While segregation has taken on an economic basis, in some ways it has become more, not less, extreme than before. On the one hand, while formal apartheid is long gone, in its stead a range of practically discriminatory housing arrangements have become prominent, based on who can afford them. Most new residential areas that have appeared especially at the southern edge of town, are gated communities. Additionally, there is the more recent phenomenon of “lifestyle estates”, new suburban spaces detached from the city itself, offering islands of affluence and tranquility for the upper and middle classes. On the other hand, at the other end of the wealth and income scale, the rapid growth of the city together with shortage of affordable land and housing has made staying with relatives or friends or settling in the informal areas the only options for an increasing number of people. The first of the above situations, propertied citizenship (Roy, 2003; Hammar, 2017; Heer, 2018), depends on one’s ability to pay while the second is one of conditional, relational access that depends on the ability to cultivate relations – to politicians, administrators, neighbours and relatives (Metsola,

2020; Metsola, 2021). The formal city structure, planning and administration is organised according to the former logic, to which a large part of the city's inhabitants do not have access; it is not "affordable" to them, as the phrase goes (see also Fjeldstad et al., 2005). Yet they persistently seek to establish themselves and advance their lot in the city. In the lives of urban "informals", access to infrastructures and services are a central part of their daily struggles and social relations. Meanwhile, for the propertied classes, access tends to follow much more unproblematically from property ownership.

Obviously, the sheer volume of the growth of the city's population over the past three decades has placed an enormous strain on the capacity of the local authority to deal with the demand for land, housing, and basic services. Indeed, lack of resources was something that many of my City of Windhoek interlocutors referred to, pointing out the need for the central government to step in. Yet, this is not all there is to the matter. Several human-made factors also seem to contribute to the land and housing shortage. First, while there have been several social housing initiatives, their scope has been modest. These include the Build Together Programme, meant to provide housing loans for low-income households, the Mass Housing Programme that has sought to provide subsidised housing units for middle-income recipients,

and most recently, the Mass Urban Land Servicing Project that started in 2016. Second, there are various obstacles related to planning, policies and building regulations. The technical regulations concerning residential land delivery make the process complicated, slow and costly (De Vries & Lewis, 2009; Weber & Mendelsohn, 2017, pp. 40-48). Another issue that was repeatedly raised as problematic by my respondents was the official requirement set out in the National Housing Policy that no residential plots under the size of 300 m² should be formalised (Republic of Namibia 2009, p. 21). Despite the problems this raises for informal settlement upgrading, influential politicians have maintained that the requirement is essential for the realisation of decent standards of living. In practice, it has been possible to cut down on plot size up to 150 m², but only with ministerial permission. The new Development and Upgrading Policy of the City does not allow relaxation of plot sizes below 200 m² (City of Windhoek 2019, p. 27). The City of Windhoek may also encourage two households sharing one plot to ease upgrading processes. This had just taken place in a part of the Havana settlement, Havana Proper, dating back to the early 1990s, at the time of my fieldwork in 2019.

Third, apart from such technical impediments, several observers have pointed to the effects of increasing privatisation and financialisation of

land (Jauch, 2015; Delgado, 2018; Chiripanhura, 2018; Lennon, 2018; Melber, 2018). The violent colonial appropriation of land in Namibia is a well-known part of the country's history. However, it would be a mistake to assume that the alienation and privatisation of land is a thing of the past. Despite efforts towards land reform, there are persistent, strong trends to the opposite direction. One of these is the grabbing and fencing of communal lands by the powerful, which contributes to rural poverty (Odendaal, 2011; Mendelsohn and Nghitevelekwa, 2017) and rural-urban migration. Another is the marketisation and financialisation of urban land, which, in the context of high demand and low supply, has driven the prices of land and rentals upwards (Jauch, 2015; Delgado, 2018; Chiripanhura, 2018; Lennon, 2018; Melber, 2018). Notably, this is not necessarily a matter of private versus public as such, but rather of one kind of private ownership, namely speculative investment, crowding out another, namely the ideal of private homeownership in conditions of extreme economic inequalities. An additional factor related to land speculation is the way in which political position is often allegedly utilised to strike lucrative land deals or to get tenders in construction and servicing (see e.g. Immanuel, 2014).

There are efforts to bypass such structural and institutional obstacles

and practically fill the gap between complete informality and fully formal housing that is inaccessible to an increasing number of residents. Important among these has been the saving group approach, whether under the Shack Dwellers Federation umbrella or independently, in which people form groups to pool resources and skills for obtaining land, building houses and installing service connections (Chitekwe-Biti, 2018; Delgado et al., 2020). Apart from this, the City of Windhoek's upgrading system offers certificates of occupation and leasehold agreements that provide degrees of tenure security in informal settlements. Such arrangements have recently received legal backing from the Flexible Tenure Act, which created two new forms of group-based urban land tenure, the starter title and the landhold title that offer individual rights within a block of land ('block erf') (Republic of Namibia, 2016, p. 4). However, while such developments may have potential for improving the quality of life for many, for example by facilitating incremental construction, they do not automatically offer a way out of the affordability impasse. The idea that provision is based on cost-recovery remains firm. As stated by the Development and Upgrading Policy: 'The concepts of full cost recovery and "user pay" should be the underlying principles of any low and ultra-low-income land development project or programme' (City of Windhoek, 2019,

p. 4) and “the level of service provided must coincide with the affordability levels of households” (City of Windhoek, 2019, p. 6). In this way, the existing institutional regime makes it possible for “informals” to attain modest degrees of shelter, services, and tenure security but, at the same time, places limits on these. According to the income analysis presented in the 1999 development and upgrading strategy, only 4 % of informal residents would be able to afford individual service connections (City of Windhoek, 1999, p. 15). Hence, so long as the cost-recovery principle is adhered to, most informal residents are not able to proceed beyond the lowest levels of upgrading.

Access to Land, Housing, and Basic Services in Informal Areas

Much of public attention around the issue of access to land, housing and services focuses on antagonistic situations, such as conflicts over land occupation. However, from the perspective of the residents, such occurrences are fleeting moments in the flow of an everyday life that is far less dramatic and newsworthy, yet immensely consequential. This “everyday” is characterised by what Asef Bayat (2010) has called the quiet encroachment of the ordinary, the incremental efforts towards better conditions and more secure access to land, housing, and basic services.

This quiet encroachment takes place mostly on municipal land, and therefore the residents of informal settlements constantly have to adopt different kinds of relations and tactics towards municipal actors. They do not usually face an immediate threat of removal but are stuck in a state of relatively permanent temporariness or in-betweenness. In terms of land tenure, even though informal residents lack titles to the land they occupy, City officials have largely tolerated their presence since the 1990s and the City's registration and upgrading system offers intermediate degrees of tenure security. Access to housing is similarly partial. Building of permanent structures is not permitted before plot demarcation, servicing, and titling, and in any case, tenure uncertainties inhibit the residents from investing in immovable property. Despite this, it would be a mistake to consider the informal settlements a uniform mass of shacks. They are socially differentiated. Some residents are relatively long-established in their neighbourhoods and may have gradually extended their shacks into multi-roomed houses and made various improvements such as inside pit latrines, illegal electricity connections, solar power systems, or tiled floors. Others are newcomers who are yet to enter the City's registration systems. Some rent shacks that others own or back rooms in other people's yards.

For their access to formal infrastructure and services, including roads, sanitation, waste collection, electricity, water, and transport, the residents of the informal settlements are at the mercy of the considerations of the City, just as with land and housing. According to regulations, the municipality does not provide individual services until land tenure is formalised and plots demarcated (see also Karuaihe & Wandschneider, 2018). So far, the only way to bypass this requirement has been to obtain a piece of land collectively, as saving groups do, and then subdivide this 'block erf' into individual plots for participating households which install individual connections on their own. The City treats the group as a single owner or lessee and provides single infrastructural connections to the block. Apart from such group properties, the reality in informal settlements is mostly that of a rudimentary street network, shared pre-paid water, illegal tapping of electricity, DIY sanitation, insufficient waste collection, few police stations, and no fire brigades. In this context, people depend on a combination of modest advances in public provision and what I have elsewhere called social infrastructuring (Metsola, 2021), by which I mean informal, organic systems of personal networks, knowledge, pooling and sharing, for example in procuring water and electricity, shelter, or security.

In principle, the City of Windhoek reacted to the phenomenon of informal settlements quite rapidly. In the early 1990s, three 'reception areas' were established where new residents were given a lease-based right of occupancy with rudimentary services. As the informal areas spread further, the City outlined a housing policy and a development and upgrading strategy in the late 1990s (City of Windhoek, 2000, 1999). These documents advocated the notion of informal residents as deserving citizens and active agents seeking to improve their conditions instead of being mere problematic lawbreakers. The development and upgrading strategy combines an in-situ upgrading of existing settlements with establishing new residential areas under a sites-and-services model. The original version outlined seven development levels that differed in terms of resident income, tenure arrangements, block layout, service levels and payments. The current strategy, issued in 2019 and renamed 'Development and Upgrading Policy', has been simplified into four levels but the idea of incremental upgrading in tenure security and services remains (City of Windhoek, 2019). The City surveys and registers residents for the purposes of upgrading, recording for instance the duration of their residence and their income levels. The areas to be upgraded tend to be heavily congested, which means that for plot demarcation and servicing to happen, some residents would have to

move. This has become a bottleneck, as suitable relocation sites are in short supply.

Evidently what matters most is not the policy as such but how efficiently it is implemented. Overall, advances in in-situ upgrading have been modest, with the city growing mostly through the divergent trajectories of planning and establishment of new neighbourhoods from scratch (greenfield development) and spontaneous informal settlement growth. For the informal settlements, the situation of partial informality and partial formality has become a relatively lasting state, with most informal settlements advancing only to the stage of basic communal services, such as shared water points, communal toilets, main roads and mast lights, and advances to the first degree of tenure security (certificates of occupation and leasehold agreements). Some of them have remained in relatively the same condition since the early 1990s (which was a matter of major frustration to those participants of my research who lived in such areas). This might be partly a matter of prioritisation. According to the Development and Upgrading Policy, the Council prioritises bringing basic communal services to 'planning areas', that is, informal settlements previously without any formal provision (City of Windhoek, 2019, p. 6). As such areas are constantly growing and as funds for upgrading are limited, such basic

provision might overtake further advances in other settlements.

This situation is often characterised as the residents of informal areas being invisible or forgotten, and this was the way in which the residents themselves often depicted their situation. Such a portrayal correctly identifies the insufficiency of the solutions tried so far and indexes the moral outrage on society that has continued to permit the coexistence of extremes of affluence and poverty side-by-side. However, what it simultaneously overlooks is the existence of the precarious urban residents in the Namibian context not as an invisible and inconsequential category but as a recognised problem – whether understood as a humanitarian one of undignified life, as a security one of potential crime, an economic one of underutilised resources, or a political one of a significant constituency. Certainly, this problem-centred perception obscures much of their agency, including the variety of their situations, the ingenuity of their solutions on livelihoods and infrastructure (Metsola, 2021), their social realities, and overall, their lives in totality and not just an example of one or another problem. However, the problem-centred perceptions of different kinds of authorities and the general public also encourage other forms of agency that the informal residents direct towards these counterparts. These include the gradual

efforts to establish themselves on a site and gain degrees of recognition and access to tenure and services. They also include the pressure that the informal residents place on City operatives and politicians as an undeniable and large presence in the city. This pressure takes multiple forms – expressions of need in the conventional and social media, in public meetings, in occasional acts of protest and, in the 2020 elections, also voting decisions. As the tactics of gradual advancement are the focus of another article in progress, I will here concentrate on the latter – the arguments the residents make to justify their claims to land, housing and services, and what these justifications reveal about their visions of a just society.

Residents' Perspectives

In September 2019 I sat at the roadside with a group of residents in one of Windhoek's informal settlements. The neighbourhood had been there for about ten years and had become quite congested. As in many other such neighbourhoods, the residents had access to prepaid water taps, some communal toilets but no formal electricity. After our discussion on their lives and conditions and about my research, one of them who was a local leader in the area wanted to show me a shack that burned down the previous night. Looking at the charred remains of what had been someone's home the previous day

brought the strong realisation of the way in which inequalities are embodied in infrastructural conditions (see also Latour, 1990; Larkin, 2013; Chance, 2015). For people who live in shacks, security from fire remains a luxury as they do not have access to safe buildings, fire brigades cannot easily access their homes and they rely on such methods as candles or gas and paraffin stoves for their lighting and cooking. Fires are often publicised in the media, as they are so extreme, eradicating people's possessions and at worst, their lives. A particularly devastating fire occurred in Twaloloka settlement in the coastal town of Walvis Bay in July 2020, razing some 150 homes and sparking bitter reactions from residents and commentators (Ngutjinazo, 2020). A member of the Twaloloka Committee argued: 'We have been asking council to move us and to give us each an erf. Look what happened now. Parents have lost a child; people have lost everything. They only have the clothes on their back. Something needs to be done to assist our people and it needs to be done now' ("Fire leaves", 2020). At the site of the fire in Windhoek, my companions expressed similar sentiments, putting the blame on the City for not permitting them to build proper houses.

Indeed, the conditions in informal settlements should not be interpreted as simply resulting from poverty – and in fact, the socio-economic status of their residents varies considerably

– but also, and significantly, from what the regulations and policies concerning informal residence permit. While the residents rely on informal networks of exchange and support for their daily survival (Metsola, 2021), the basic parameters of housing and service provision depend on the City of Windhoek. Hence, the City features prominently in their explanations of what they need – or “the government”, as often the different levels of government are not separated in their parlance.

Residents in different informal areas have different emphases on what they most need. Depending on what services their areas have already received, the residents speak of needing water, electricity, and sanitation, but also such issues as high mast lights, better roads, taxi ranks, and fire brigades. However, the eventual objective is to get plots. Let me try to unpack this desire in a bit more detail, as it takes different forms, with multiple justifications.

Overall, the desire to “have” land should be understood against the background of the people of informal settlements living in a context where having land is the key to a decent existence. Furthermore, such recognised tenure rights are a precondition to individual service connections, which adds to their significance. Additionally, Namibians face the collective trauma of the dispossession and displacement of many communities by colonial land

grabs, or if not this, prevention from moving, settling, and acquiring land freely, which imparts a heightened symbolic significance to the land issue. Connected to this history, many ‘previously disadvantaged’, that is, the current black elite, have become landowners since independence, which also plays a part in setting an example. The obvious injustices and inequities of the histories and existing arrangements of land tenure certainly come strongly to the fore in my respondents’ accounts.

Residents of the informal areas are familiar with different land tenure systems that allocate access in different forms. Market-based freehold ownership is obviously the one most prominent in Windhoek, and the norm in official planning and allocation practices. However, many Namibians also have experience of communal land tenure arrangements. This is where land is allocated for a small fee while the ownership of that land remains vested in the community, administered by the traditional authority and recognised by the land boards. Apart from these, as I argued above, the real, everyday nature of landholding in the informal settlements follows a model of intermediate, semi-formal tenure arrangements that acknowledge such factors as degrees of need or length of presence and may be codified in the City of Windhoek’s registers or certificates of occupation. The latter is well illustrated by the following story of one of my

respondents of how an absentee shack owner tried to evict her and her sister from an informal dwelling that they were renting:

The owner of the place decided that [my sister] must leave the place. She went to the committee. So, the committees knew her, and the councillors. She...told that 'the owner of the place just wants me to move out of the blue'...and the committees decided, 'no, we know you, who is the owner of the place then?' 'No, the owner of the place stays in Swakop' 'And you have been taking care of the place. In this case we can't let you go.' The committees decided that 'you are going to just stay next door, you are going to make your shack just at the next...open [space].'

Against this background of multiple land tenure regimes (see also Mooya & Cloete, 2012), it is perhaps not surprising that in the residents' words, 'having' land may refer to freehold but also to leasehold or any form of secure, formally approved tenure. Furthermore, such different registers for talking about the forms of having land can be mobilized in different ways in different situations. When resources are meagre, the view of land as a form of commons to which everybody should have equal access can be mobilised in efforts to achieve more secure tenure while in situations where one has sufficient resources the idea of

permanent individual land ownership might be dominant.

When it comes to how one might reach the goal of having land and associated services, there are different visions. Very few can afford the market prices for land. Hence, it is perhaps not surprising that the views of the informal residents run counter to the official norm of affordability. They tend to advocate the view that everyone should have access to land, housing and basic services. Some speak of being prepared to "meet the government halfway", meaning making contributions below market prices for access to stable tenure. For example, one local leader of an informal neighbourhood spoke in a public meeting between City representatives and residents in September 2019:

I want to hear what exactly is holding these locations [from] develop[ing] since we come here in 1990s?

City official: We don't have money.

Crowd: Aye...

Leader: I just want to know what is keeping these three locations from being developed since they came first and other new places are being developed... I have gone to different municipality offices, making requests...but we don't receive any answer.

He then proceeded to hand a letter to the City officials. It turned out to be a plea for development, addressed to Sam Nujoma when he was still the President of the Republic. He continued:

All these years we have been fighting for these locations to be developed but nothing is happening... Maybe it's because we are poor, we don't have money, let us raise an amount... because we want electricity and also for the ervens to be developed. We can meet the government or the municipality halfway if money is the problem.

Electricity was also in focus in one of the public meetings I attended at a relatively old informal settlement in September 2019. One of the residents, a woman, argued:

We are voting but we are not happy... This is our land but we are not getting anything... I am a PLAN fighter, I joined the liberation struggle in 1977, but where are the fruits of this country? This is my retirement year, but I don't even want to talk about electricity.

Some speak in favour of free access. For example, one young woman explained:

Now they bring their NHE, whatever housing and they build those houses there, sell the houses; it's not like they are giving people houses like 'you guys can stay

here', they just... sell the houses... to people who can afford it... It's just so bad because we're also humans, we also vote for them... and we need land as well.

The above arguments are motivated by strong moral convictions. They refer to need, fairness, compassion, and shared humanity – in other words, to various reasons why one should be recognised. They also seek to generate relations of mutual obligation with authorities, whether through monetary contributions, political support, or other indications of fealty.

The residents recognise their dependence on the decisions of the municipality – and invest in administrative and political channels, such as the local leaders and public meetings, through which they can push their claims. However, this also entails criticism of the misuse of such relationships and the slow pace of development. One form of explaining the misconduct of the authorities argues that improvements are tied to electoral cycles – ‘they only need us when it's election time’, as some of my respondents said. This is a variant of a more general argument that the authorities do not care enough about the residents of informal areas.

The most common explanation for perceived mismanagement and development deficits is ‘corruption’.

Whether documented or alleged, it is a recurring theme in my data as well as the media and social media. However, in the words of the residents, its meanings are multiple. On the one hand, it refers to acts conventionally associated with corruption such as bribery, misuse of funds or use of connections for financial gain. On the other hand, it also refers to phenomena that are not actually illegal but that the residents find immoral, such as profit-seeking from renting or ownership of multiple plots when others have nothing.

My respondents generally disapproved of complexes of flats for rent and labelled their existence as 'corruption'. This contrasts quite strikingly with housing systems in established urban areas elsewhere in the world. For example, in London, half of households lived in rented homes in 2019 (Cosh and Gleeson, 2020, p. 27). Vienna and Berlin both have well-developed social housing systems that offer subsidised rental housing relatively successfully (Marquardt and Glaser, 2020). In these settings, renting is not considered problematic but rather as one option in the overall palette of providing decent housing. In the context of Windhoek, however, these complexes appear as islands of affluence and means of profit-seeking amidst poverty and lack of access. Apart from disapproving of rental housing, my respondents often criticised the owning of multiple properties or using

land for business purposes rather than residence. Both were perceived as ways of hoarding land and crowding others out. Such practices were seen to diminish political will for effective solutions to the land and housing issue, as those with decision-making power have stakes in land and housing speculation. In such argumentation, land is not considered as a commodity that one can freely buy and sell but as something to be regulated and used in moderation so that everyone can access it.

The Broader Significance of Claims for Land, Housing and Service Provision

Apart from the fact that the issue of urban land, housing and basic services is broadly accepted as a burning one in Namibia, beneath the surface, this issue touches people in various different situations and with various means and aspirations. There is not one agenda but many, depending on the situation, interests and needs of the various segments of society. Therefore, it is also unlikely that there is any simple solution to the issues. Rather, it is a dynamic field of political contestation.

The market logic of access dominates formal ways of access to land and housing, and access to quality services tend to be related. In principle, it is not impossible to combine this access principle with mechanisms that cater for those without sufficient financial

means. Indeed, that is the *modus operandi* of the welfare state. Market-based solutions to the Namibian land and housing problems would still treat land as a commodity but try to ensure that everybody has reasonable access to one or another form of tenure. Such solutions would boost 'affordability' through measures that increase what people can spend in accessing land and housing, such as soft loans, employment generation or welfare payments. They might also seek to bring the cost of land and housing down via more flexible regulations, enhanced land delivery mechanisms, leaseholds, rental subsidies, conditions set on developers regarding types of housing or collaborative, co-productive modalities of producing housing infrastructure. Several of these ideas have been tried or proposed since independence through the NHE, the Mass Urban Land Servicing Programme, the Shack Dwellers Federation, the City of Windhoek's upgrading strategy, or various political movements and parties.

However, it is questionable whether the political will exists in Namibia to avail sufficient resources towards such reforms. The logic of unequal access and selective citizenship is deeply ingrained in Namibian state formation. It used to be determined mainly by 'racial' categorisations of people, having now been replaced by 'affordability' as the main criterion of

access. What has remained intact is the institutionalisation and tolerance of high degrees of inequality. The current status quo combines treating land as a financial asset with a lenient property and capital gains taxation regime. This does not augur well in terms of availability of land or funds for making it more easily available but rather contributes to desires for land accumulation by those with the means.

The residents who shared their stories with me by-and-large questioned the status quo, indicating a wish that the question of access to land, housing and basic services be treated as a matter of social justice and equitable (re)distribution of resources. In my view, this demonstrates that although collective political agency in Namibia is unlikely to be extensively based in shared experiences as a working class in the classical sense, due to the country's relative lack of industrial labourers, such agency can still form around shared experiences as a precariat in relation to the essentials of survival. But what particular characteristics does this agency and vision entail?

The daily modalities of survival and provision among the residents of Windhoek's urban margins operate according to a different logic from market-based access. As I have discussed in more detail elsewhere (Metsola, 2021), the relational logics of sharing and reciprocity between kin, friends and neighbours are

prevalent. Notably, relationships with authorities are also largely understood and organised along relational terms, although not equal ones between peers but rather hierarchical, asymmetrical ones. As a component of the existing everyday governance of informal areas, this relationship operates through constant pleas and responses over developments that take place in public meetings between City officials, councillors and residents as well as a system of community leaders who act as transmitters between residents and higher political and administrative offices. Such communications demand the patience and cooperation of the residents and often tie improvements with expressions of loyalty and gratitude (as I could observe in the public meetings that I attended in 2019). In this sense, the pleas of the residents and administrative responses to them are a form of political and bureaucratic capture.

However, the potential implications of this relational logic of dependencies reach beyond their immediate appearance of clientelist exchange. Apart from being about concrete infrastructural improvements, the pleas of the residents also articulate a claim to be recognised as deserving and worthy members of the urban and national community. Access to secure tenure, housing and basic services is seen as an index of these. The references of the residents to the authorities

forgetting them serve as a 'weapon of the weak' (Scott, 1985) that seeks to entangle the powerful in a moral universe where they are obligated to care for those who depend on them. This moral imagination carries a more fundamental criticism of the status quo than arguments that focus on the hindrances of affordability. According to this, the ability to enjoy the fruits of the land does not need to be deserved by payments, but already belongs to everybody by virtue of their membership in the political community. The roots of such convictions can be traced to histories of political consolidation in the southern African region (Ferguson, 2013, 2015). Historically, territory or land as such was not a scarce resource in Africa to the same extent as human labour. This led to such modes of political organisation that place emphasis on accumulating dependants. In some ways, the colonial economy reproduced such dependencies in the form of personalised, long-term relations between 'bosses' and workers. Even though the southern African region has in recent decades moved from labour shortage to its surplus because of changes in production, the political logic seems to have persisted, with various hierarchical relationships of dependence – and expectancies of such – continuing to organise political and economic relations (Ferguson & Li, 2018; Friedman, 2011; Seekings, 2017). An additional aspect stems from the specific status allotted to the

white minority during South African rule. They had access to high standards of infrastructure, service provision and welfare systems, and for many, decision-makers and laypersons alike, these served as a precedent for what independent Namibia should look like. The imperative to universalise such conditions and benefits has fed a demonstrable, if slow, drive towards the extension of services and welfare payments since independence.

Such perspectives are compatible with solutions that advocate forms of subsidised access but also with non-market-based solutions that adopt a commons perspective to land, housing, and basic services, advocating free access. This is in principle the case in communal lands in Namibia, or for example what are called tribal lands in neighbouring Botswana, even right next to the capital Gaborone. However, such arrangements are not necessarily a silver bullet solution in the context of rapid urbanisation and financialising of market economies. In the case of Botswana, in view of my fieldwork there in 2018, the availability of tribal lands has definitely mobilised people's efforts in land development and generated a class of small-scale landlords who contribute to the rental housing market. At the same time, the system is plagued by huge demand and waiting lists near growing urban centres, as well as informal marketisation, appropriation, and enclosure. Thus, such solutions

might contribute to improved general well-being but not necessarily to a more egalitarian city or society, unless the broader patterns of wealth formation and distribution are addressed.

Conclusion

This article has explored the ways in which residents who live in informal settlements in Windhoek experience and explain their situation, what kinds of improvements in terms of land, housing and basic services they desire, and how they justify their claims for improvement. For these residents, access to these fundamentals is precarious in many ways. It is often partial, with incremental improvements, and dependent on forging and maintaining bureaucratic relations with City officials and local politicians. Yet these residents are not simply forgotten and untouched by formal spheres of governance. On the contrary, their plight is widely perceived as a considerable problem, even crisis, which keeps them in the spotlight and adds leverage to their claims even in the absence of more conventional forms of power. Hence, the residents argue that the authorities have failed to provide improvements for them, contrast their situation with those living in affluence, and refer to need, fairness, or their rights as Namibians in justifying their demands of betterment. This is in sharp contrast with the market-based logic of access that dominates formal urban planning and provision mechanisms.

The article discussed the ways in which these residents' arguments also open perspectives into broader questions of social justice and urban citizenship. While they are speaking about problems and possible solutions related to the concrete issues of land, housing, and basic service provision, they are, at the same time, constantly imparting their visions of social justice. In various ways, these articulate the idea that access to the fundamentals of decent life should not depend on the ability to pay, and the ideal of a caring, responsive public authority that honours the perceived mutual obligations between the citizens and authorities. Such perceptions feed further claims of recognition and socio-economic betterment and are a potent arena for political mobilisation in contemporary Namibia.

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Women and Housing: Katutura Case Study

Imelda !Hoebes

Natalia (not real name) is a 51-year-old female head of household who lives in Dolam, Katutura, Windhoek. She and her family live in a corrugated iron structure, constructed in the backyard of the grandfather of her son's friend. Her household consists of 11 people, that is 6 adults and 5 children under the age of 6 six years. Five of the adults are her children from a previous marriage. She has 2 daughters and 3 sons between the ages of 21 and 30. Natalia's family shares the yard with 8 other adults and 10 children who live either in the

main house built with bricks or in the corrugated or other iron houses that house other families. One daughter is 24 years old and has four children. Another is 21 years old and has one child. As a single mother, she raised her children in rented corrugated iron houses. Constantly moving from one place to the next with minimum financial assistance from her ex-husband.

Natalia's highest level of education is grade 12, although she also took an



Photo: Dirk Haarmann

early childhood course without a formal certificate. She works as a domestic worker and earns N\$ 800.00 per month. She used to earn more when she worked for her previous permanent employer in Pioneerspark but was retrenched upon their retirement.

She supplements her wages as a domestic worker by selling chicken offal that brings in N\$30 per week. Her current employer did not pay her during lockdown when she had to stay home for two months; this resulted in loss of income and lowered her living standards. She barely managed to pay her rent of N\$600 and take care of her big family with her disability grant of N\$1250. She receives a disability grant from the government owing to loss of vision in one eye. Her unemployed adult children received the N\$750 COVID relief grants during the lockdown. With that they bought food items and sanitary products for the household. The size of her family means that the food the food did not last long.

The adult children are struggling to find work, partly, because four out of the five dropped out of school after failing grade 10. From time-to-time they do odd-jobs. This does not significantly contribute to household food security. Her daughter got childcare work during the lockdown period. She earned N\$1200 per month for two months. The employer allowed her to live at their house with her

daughter. This meant two people less in the house during that time. Natalia's youngest son is a first-year student at a vocational training centre. He qualified for an NSFAP loan. They are, however, still waiting on the fund to pay. Her unemployed daughters do not claim childcare grants simply because they do not know where to submit claims. Only two of her grandchildren receive regular maintenance support from their fathers. One receives N\$200 per month. The other receives financial as well as material support. The remaining grandchildren and unemployed adult children depend on her income.

Natalia moved to her current house three years ago. She previously lived in the same area. She has been renting backyard spaces since she lost her brick house after her ex-husband lost his job almost 20 years ago. Her current house consists of four rooms which are partitioned with cloths and iron sheets into a kitchen and 3 sleeping areas. All 6 adults sleep, eat, wash and study in that space. The family uses extension cables to get electricity from the main house for lighting. Every tenant contributes towards electricity daily but it finishes almost immediately as no one can afford to buy enough to last all the households for a full day. They mostly use gas for cooking and sometimes fire. There is no running water inside their house but there is a shared water point in the yard. They also have one ablution

facility which is shared between 21 people including children.

Natalia wishes to own a home. She is tired of renting backyard shacks from others. Life in a corrugated structure is very uncomfortable and unhealthy. Every time she sweeps her carpet there is a lot of dust because the shack has no flooring. They cannot install flooring as it is someone else's house and they can be evicted anytime. Natalia made a formal land application to the City of Windhoek at the Katutura offices in 2003. She submitted a computerised application and got a written positive response the same year. The land she was allocated is in Otjomuise. However, since then she is constantly told to wait until the land is serviced. She is worried because others have set up temporary structures on her approved land. Natalia is tired of waiting to occupy her land as she is ageing.

During the lockdown, she placed buckets of water for family to wash their hands. Natalia encouraged everyone to wash their hands regularly. They, however, do not always have soap. Sometimes the women and children use empty tins to relieve themselves at night because they are afraid of walking to the ablution facility at the other end of the house. None of the grandchildren attend school. The six-year-old was not enrolled for pre-primary discontinued due to financial problems. Natalia cautioned her adult children to stay home to avoid Covid-19 infection. Due to overcrowding at home, they prefer to hang around in the streets or visit friends. Her house is very small and it is very difficult to keep social distance. They share sleeping areas including beds and generally every space in the house is occupied.

Groot Aub Case Study 1

Jermine April

Elizabeth (not her real name) is a 56-year-old woman who has lived in the Oshakati location in Groot Aub since 2004. She lives with six (6) other people in one household. She shares the house with four (4) primary school children and her two adult daughters. All three of them are unemployed. Her oldest son currently works as a shepherd at a farm in the southern Namibia. Her oldest daughter used to work as a domestic worker in Omeya. In 2018, her employers moved to the coast, leaving her unemployed. Elizabeth's youngest daughter worked as a waiter at

a restaurant in Windhoek but lost her job due to the COVID-19 pandemic. Her son sometimes helps her but this is not enough. Elizabeth supports her family by doing odd jobs. She washes and irons laundry for people in her community. Some who refuse to pay for her services. Some only pay N\$30.00 to N\$ 50.00 per wash-load which is not equal to the work she puts in. She described the situation as follows:

“I wash laundry for people but you know how people are, my dear. They promise you they will pay



Photo: Jermine April

but tomorrow they give excuses. I washed for someone last year but they haven't paid me since then. I wrote that debt off because there is nothing I can do about it... Those who pay me only give like a thirty or fifty for so much clothes that I wash and sometimes iron”.

Elizabeth and her family were severely affected by the COVID 19 lockdown. Her oldest daughter helped her with her part-time jobs. However, during the lockdown, she found it hard to earn an income because her services were no longer required.

Elizabeth once lived in the Damara location, Katutura, Windhoek with her husband who has since passed away. After the loss of her husband, she could no longer afford the mortgage payments on her house. She was forced to uproot and relocate to Groot Aub. She built a one-bedroom shack with corrugated iron sheets; however, this is not spacious enough to accommodate her entire family. All seven members of the household sleep, eat and wash in that one bedroom. Elizabeth cannot afford to buy beds and the house has no foundation. They therefore sleep on the floor. She described the situation as follows:

“As you can see, my dear, this is all we have. I don't own much. This is the only bedroom we have. The one you see there is the fireplace. That mattress on the floor belongs

to my daughter. She shares that single mattress with her daughter. I sleep on this old thing. I don't even want to call it a bed. I share this one with two kids. My other daughter makes a bed here that she shares with her son”.

During the rainy season, the roof of her shack leaks and the water floods into her house. They have their own pit latrine at the back of the shack. However, the women complained that it caused infections.

“My dear as you can see for yourself, there is no flushing toilet in here. I'm sure you saw the small establishment outside when you arrived. That is the latrine we are using. It does not flush. My daughters and I got vaginal infection from using it but what can we do? We have no choice. We cannot go to the bushes; it's not safe especially at night”.

There is no running water in the house. Elizabeth and her family collect water from their neighbours. This is sometimes a challenge. Some neighbours sometimes refuse to give her water. Some demand some sort of payment. The shack has electricity but the family makes use of fire wood to cook in order to save money. Electricity is an expensive commodity for Elizabeth and so the family sometimes also uses candles.

During the lockdown, the children were all at the farm and it was difficult to send school materials there. Their work booklets were not completed on time. The family once received a COVID relief parcel from the government that contained of six (6) bars of soap and a water container. They used the soap to wash their hands. It finished quickly as they are a large household and now no longer wash their hands with soap, only with clean water.

“These children went to the farm. It was during the lockdown. We got papers from the school but how could we send it to them? We waited for the kids to return but they did not do some of the work... Yes, we received water containers and soap. I think there were six bars of soap. Yes, they were six. We

finished the soap. We used them for bathing and washing hands but they did not last. The container is very helpful. We are storing water in it”.

Elizabeth is worried about her grandchildren's safety. They live near the main road and the children play in the streets. Elizabeth cannot wait to turn sixty so that she can receive the government old-age pension. She also wants to register her grandchildren for the grants with the Ministry of Gender Equality, Poverty Eradication and Social Welfare. Elizabeth never applied for any formal housing. She received this piece of land when she moved to Groot Aub. Elizabeth saw her housing conditions as poor. She hopes to get a proper house in the future.

Groot Aub Case Study 2

Jermine April

Martha (not her name) is 47 years old and lives with her three children and two grandchildren in Rooirand location, Groot Aub. Her grandchildren are aged 1 and 2. Her teenage daughter is currently pregnant. Her oldest daughter (22 years old) works at a local Chinese-owned shop where she earns N\$700.00 per month. Martha works as a domestic worker in Kleine Kuppe suburb in Windhoek. She commutes from Groot Aub to Windhoek daily and leaves Groot Aub at 5:30 am every morning to get the bus to Windhoek. Despite safety and security concerns, she is forced to stand at the side of the main road to get transport to work. It is unsafe for a woman to wait for the bus alone, especially during winter when the mornings are dark and cold. Martha earns N\$1700. 00. This is not enough as she supports her children and her grandchildren. Most of her income is spent on transportation, diapers for grandchildren, toiletries and food. Martha is concerned that she may not be able to help sustain her teenage daughter and the unborn child.

“My youngest daughter is pregnant. I fear I will not be able to help my daughter when the baby comes. I only get paid N\$1700 and my oldest daughter gets N\$700. I cannot expect my

daughter to help me because she is supporting her two children. They are her children. I pay N\$1000 for transport. That takes most of my pay! I sometimes help my daughter with diapers which I buy at PEP Stores. I buy those food combos from Metro. It helps us a lot”.

Martha has been living in Groot Aub for about 4 years now. She lived with her boyfriend at a farm near Gobabis but moved to Windhoek when he passed away in 2012. In Windhoek, she lived at her previous employer's house whilst her children lived with her sister in Groot Aub. Her previous employers dismissed her when they learned of her HIV status. They accused her of hiding her status during the initial interview and accused of her of intentionally trying to harm the employer's family.

“They fired me on the spot. They said that I was trying to infect the whole family! The woman said it was not safe for her children to be around me. I cried. That was the only source of income I had. I walked away.... No, I didn't report them. I prayed and moved on”.

After the loss of her job, her cousin offered her a shack in Groot Aub into which the family moved. This

is a relatively small shack with no bedrooms. They have no toilet, no electricity and no running water. All family members bath, eat and sleep in that one room. They use a 20 litres container to relieve themselves and dispose of their human waste in a nearby bush. Elizabeth sleeps on the double bed with two grandchildren and one daughter. Her son and youngest daughter share a single bed. The family collects water from their neighbour. They use a paraffin lamp or candles when the paraffin runs out. They either cook over an open fire or a mini gas stove.

“We use that container to do our business. Behind this shack there is a small bush. We empty the container there. It is very uncomfortable because sometimes you get a running stomach now the family has to wait outside when it is dark, you sit outside and wait to use the container... We are still waiting for the city of Windhoek to give us electricity. We

use candles most of the time but if we have money, we buy paraffin for the lamp”.

During the lockdown, Martha had to live-in with her employer. This helped her to save money as she no longer had to pay transport costs. Martha's main concern was the safety of her grandchildren. There is no fencing around her shack and her grandchildren play in the streets. She sometimes worries that her son and teenage daughter do not wash the hands of her the grandchildren. Martha and her daughter received N\$750.00 Emergency Income Grant from the government during the COVID lockdown. She used this money to pay off small debts whilst her daughter bought food for the family. In 2016 she applied to the Town Council for her own land and electricity. To date, this has not yet yielded results. She is worried that her cousin may want to move back into the shack and the family will be homeless.

Otjiwarongo Case Study 1

Mandy Mapenzie

Ester is a 37 year old female head of household who lives in the Ombilli informal settlement in Otjiwarongo. She lives in a household of 4 people, one adult and three children. The children are between the ages of 5 and 12 years old. She works as a cleaner at the hospital in Otjiwarongo. Ester does not have any other source of income apart from her job. Most of her income is spent on school fees, books, gas, candles, transport fare, water and food. She gets food such as millet, dried beans and dried meat from her mother in the Omusati region.

Ester moved to Otjiwarongo from the Omusati region to improve her education. She shared the payment of the rent with her then boyfriend for a few years, but moved to the Ombilli settlement in 2016 because she could not afford to pay rent and take care of her children.

"I decided to move from the rental place because I could not afford it and still take care of the children".

In 2016 she bought corrugated iron sheets and set up her own structure. A few years later she decided to take a loan from Letsego to rebuild her structure with bricks and cement. She decided to do this because the corrugated

structure could not protect them from the harsh weather. Due to roof leaks the house flooded. The destroyed many of their belongings.

"Because of bad weather I decided to build a structure from bricks and cement because the corrugated iron structure could not protect us from heavy rain which usually floods, which usually destroyed our furniture".

Building a brick structure was a risk she decided to take because the land does not belong to her, but the Municipality. There is a chance that the Municipality may remove her from the plot. She applied for the plot she is living on but has not received any response from the municipality.

The family has running water but no electricity. Ester and her twelve-year old daughter use a gas stove or firewood to cook. They use candles for lighting. They have a pit latrine outside the house but do not have a proper sewage system.

"We have running water taps in the house but we do not have electricity. The only issue we really have is that we use a pit latrine and do not have a good sewage system".

When the pandemic started Ester was scared that she could not keep her children from getting corona because she works at the hospital. *“Since I clean at the hospital, I was afraid that I could get sick from COVID and could give it to the children too.”* Lockdown was hard on the children because they could not

go to school. It was difficult to teach them at home. Ester being at work and the children staying at home meant she had to buy more food for them to eat. Keeping the children in the house was the hardest because they wanted to play outside. She could not monitor them because she was at work during the day.

Otjiwarongo Case Study 2

Mandy Mapenzie

Maria is a 40 year old female head of household who lives in the Ombilli informal settlement in Otjiwarongo. She lives in a household of three people, 2 adults and one child. She sews clothes for a living. She does not have a fixed monthly income and has no source of income. Her brother is currently looking for a job, so Maria is responsible for paying school fees, water, food, oil for the sewing machine and candles.

Maria moved to the Ombilli informal settlement in 2005 from the Northern part of Namibia to look for a job after she failed grade 12. She lived with her aunt and when she heard that people were settling on municipal land and she decided to do the same. In 2006 she learned how to sew and with the money she made she bought some corrugated iron sheets and set up her own structure.

"I got my income from sewing which I learned in 2006, and I was able to buy corrugated iron to make my small house".

Her house consists of a one-roomed shack which is partitioned into a kitchen and sleeping area. All three family members sleep, eat, wash and study in one room. The family does not have electricity so they use candles and firewood for cooking and lighting.

"We don't have water in the house, but there is a community tap where we fetch water". They use pit latrines.

Maria would like to own her own house and wants to build a proper house so that she and her family can be safe and have enough space. She did not bother to apply for formal housing because she will not be able to pay for it.

"I did not apply for formal housing because I know the little money I make from sewing, will not be enough to pay for it".

In 2006, she applied for the plot she is currently living on but she has had no response to her application from the municipality.

During the lockdown Maria and her family had to make extra trips to the communal tap because they had to fetch enough water to wash their hands frequently. She was always worried that she would get the corona virus because some of the people at the taps did not wear masks or did not practice social distancing.

"Since the lockdown we had to go to the community tap more than usual because we needed enough water to wash our hands,

for the family and for my clients. I was worried that we would get COVID, because the people stood close to one another and some did not wear masks”.

She did not make enough money for the upkeep of her household and did

not receive the N\$750 COVID grant from the government. Lockdown was very hard on the child because she did not go to school. It was difficult to teach the child because she did not understand half of the work the child was given from school.

Women's Access to Urban Land and Housing: Implications for Human Rights and Gender Justice in Namibia

Ndeshi Namupala, Emma Nangolo and Lucy Edwards-Jauch

Abstract

In Namibia access to urban land and housing remains a complex and contentious subject. On the one hand, the pressure on urban land is becoming increasingly acute; on the other, the demand for serviced land and adequate affordable housing is exceeding supply. This paper explores the relationship between gender and access to housing in urban areas and its implications

for human rights and gender justice. This article draws on secondary data from research reports, official statistics, governmental reports and newspaper articles to analyse women's access to land and affordable housing. The lack of gender disaggregated data was the greatest limitation to the research. This research uses an Intersectional Feminist approach to housing. It questions whether



Photo: Dirk Haarmann

incremental approaches can deliver adequate housing under conditions of precarity and calls for gender-sensitive and gender-transformative approaches to housing. This recognises that women do not form a homogenous group. Their access to housing depends on where they are socially situated with regard to “race”, class, nationality, marital status, age, ethnicity and disability. Differential social locations afford privileged access to housing for some and exclude others. An Intersectional Feminist approach to housing can lead to more gender sensitive and gender transformative outcomes.

Key words: gender, social justice, land and urban housing, intersectionality.

Introduction

Access to adequate housing in Namibia is mainly mediated by gender, class and “race” as forms of discrimination and exclusion intersect with housing markets. Housing policy has thus far been gender-blind and does not articulate the discrimination different groups of women have to endure. An intersectional approach to housing can make this discrimination and exclusion more visible. In the interest of social justice there is a need to reflect on the different circumstances of different groups of women, particularly, marginalised women.

Market-based approaches to housing provision have excluded poor

and vulnerable groups. Women face multiple exclusions from housing markets based on their gender, class, age, marital status and geographic location. In the face of market failure, the state has to step in. However, central, regional and local governments have not sufficiently added to the low-rental housing stock or subsidised home ownership programmes to make adequate housing affordable to all who need it. Instead, there is an over-reliance on the market mechanism. The process is often manipulated to the benefit of individual property developers, middle men or tenderpreneurs.

Housing delivery has not kept abreast with the levels of urbanisation in the country. The primary cause of this is under-funding. The wide-spread demand for housing has led to the emergence of self-help or self-managed housing by low-income groups. Women have been the primary drivers and beneficiaries of these initiatives that have brought some relief to a dire situation but could not deliver enough housing units to satisfy the need. Municipalities have retreated from adequate housing provision. Instead, they have concentrated on the provision of serviced and un-serviced sites. One welcomes their efforts to provide services and more secure tenure to people in informal settlements however, does not automatically translate into adequate housing provision.

This article reflects the relationship between gender and access to housing in urban areas. It is mindful of the fact that housing provides security and stability to individuals and families. It questions whether incremental approaches can deliver adequate housing under conditions of precarity and calls for gender-sensitive and gender-transformative approaches to housing.

Conceptual Framework

This article uses an *Intersectional Feminist* approach to housing. An intersectional approach privileges the intersections between multiple forms of oppression and exclusion. Gender intersects with other hierarchies of power to form a matrix of domination. These hierarchies of power include, but are not limited to, “race”, class, ethnicity, age, disability, sexual orientation, nationality and geographic location (Collins, 2000; Creshaw, 1991; Barnes & Cowser, 2017). Women are not a homogenous group and therefore their access to housing depends on where they are socially situated in this matrix. Their differential social locations in this matrix afford privileged access to adequate housing to a small group of Namibian women. Intersectional studies in the USA have shown that most property is owned by white, middle class men. The lack of ownership of assets and productive resources for many poor and marginalised women means that the right to housing remains

an unrealised. An intersectional approach to housing makes inequalities visible and recognises that unequal access to power and resources shape women's ability to claim assets like land and housing (UN- Habitat, 2020).

Methodology

This research used secondary data to analyse women's access to affordable housing. Documentary sources used include research reports, official statistics, official governmental reports and newspaper articles. The greatest challenge was the lack of gender disaggregated data. This lack was previously flagged by other researchers (LAC, 2017). The gender-blind analysis of housing makes women's struggles to access housing and services invisible and should be remedied as a matter of priority. The authors had to rely on what was available and therefore recognise that the information presented is constrained by the lack of gender disaggregated data.

Access to Affordable Adequate Housing in Namibia

Housing is not just a home or a neighbourhood. It is an important aspect of human wellbeing, development and empowerment. It impacts on other socio and economic relationships (Holhmann, 2013). Most areas of human well-being, such as shelter, safety, protection and stability can only be fully achieved through

access to adequate housing. Thus, access to adequate housing plays a central role in building families and communities (Waetjen & Vahed, 2012). According to the Shack Dwellers Federation of Namibia (SDFN) (2021) by June 2021 Namibia had 282 informal settlements with 228,423 shacks that accommodate about 950,000 people. In addition, more than 40% of the total population and about 80% of the urban population live in shacks.

Despite the lack of gender disaggregated data on housing in Namibia, studies conducted elsewhere show that women who migrate to urban areas end up in urban slums and informal settlements due to the lack of sufficient employment opportunities. The unfavourable proximity to services also precludes easy access to affordable sexual and reproductive health services. The outcome of this is often single mothers with absent fathers (UN-Habitat 2020).

An African Food Security Urban Network (AFSUN) study on food security in low-income urban households in Windhoek, revealed that 34% of the surveyed households were female-headed. The study further found that most poor households in low-income areas of Windhoek were headed by women. These households carried high dependency burdens, with many dependent children and unemployed relatives. Women with low levels of

education who migrated to urban areas in search of job opportunities also find it challenging to secure decent housing (Pendleton, Nickanor, & Pomuti, 2012).

Low-income single women are often more restricted in their access to adequate urban housing. This is especially a predicament for many single parents, those who are separated, divorced or widows living with their children. Indongo (2015) reports that about 53% of women heading households in the informal settlements of Windhoek were never married. These women are also most likely to be renting compared with married women. Home ownership also coincides with stable housing. Those in rented housing tend to move or change places of living more frequently than those who own their homes. The constant moving disrupts family coherence and makes it hard for women and their children to embed into communities for a longer period of time. Women's search for rental accommodation is often characterised by gender-based discrimination. There are landlords who do not want to rent to women who are either separated or divorced because they anticipate problems with the husbands (Immigration and Refugee Board of Canada, 2012).

According to the 2013 Demographic and Health Survey, about 31% of women surveyed owned their homes (LAC, 2017). The First National Bank

of Namibia (FNB) housing index of June 2020, shows the average house price in Windhoek as N\$1.18 million. A detached (free standing) two-bedroom house in lower middle-class suburbs such as Rocky Crest or Cimbebasia range between N\$1.2 million and N\$2.5 million. A one-bedroom rented room in these areas cost a minimum of N\$ 3,500 per month (Uusiku, 2020). This is beyond the means of the majority of city residents where the average wages in 2020 for Namibia was under N\$8 000 per month (Erastus, 2020 b). In addition, Namibia has an unemployment rate of over 33% (Namibia Statistics Agency, 2019). For many, informality remains the only option, hence the mushrooming of informal settlements. The Shack Dwellers Federation of Namibia (SDFN) contends that in 2020 Namibia had 308 informal settlements that housed 995 000 people and that 80% of urban residents live in shacks (Erastus, 2020 a). Besides those in informal settlement there are many backyard dwellers, who also need affordable and adequate housing. The Deputy Minister of Urban and Rural Development estimates a housing backlog of 300 000 units (Erastus, 2020c).

Gaps in Housing Finance

Eighty nine percent (89%) of Namibians cannot access housing finance through commercial financial institutions (Nembwaya, 2020). A survey conducted by the Office of the

Ombudsman in 2013 found that 67% of respondents found unaffordability a barrier to accessing housing and that people with tertiary education were living in informal settlements owing to the unaffordability of adequate housing (LAC, 2017). Secured lending through mortgages from private financial institutions is not accessible to most due to affordability, lengthy bureaucratic processes and high indebtedness (Akinin, Garbers, & Colli, 2019).

The National Planning has identified high prices due to demand and supply imbalances, the exclusion of 73% of Namibians from housing credit, inadequate housing budgetary provision by the State, poor access to adequate land and inadequate policy and legislative frameworks as the key drivers of housing market failure (Republic of Namibia, 2018). Speculative buying, oligopolistic and corrupt practices have all inflated prices. In addition, Local Authorities seek super profits when they auction off land to the highest bidder. This advantages big property developers over ordinary citizens. Although government has made adequate housing a national priority, its budgets allocations do not attest to that (Remmert & Ndhlovu, 2018).

Alternative measures to finance adequate housing include government-funded home loan guarantee facilities, the mobilisation of domestic savings,

particularly pension funds for home loan guarantee mechanisms and the provision of government subsidies and grants (Sweeny-Bindels, 2018). More recently online crowd funding platforms that rely on the benevolence of others have also been proposed (Kahireke, 2018). Local self-help initiatives through membership savings and credit schemes by the Shack Dwellers Federation and the Namibia Housing Action Group has brought relief to many low-income households (Sweeny-Bindels, 2018).

COVID 19 has amplified the deep social and economic inequalities and accentuated the urgent need to prioritise access to adequate housing. Unequal access to adequate housing becomes a threat to health and life as homelessness, overcrowding and lack of services and facilities make it difficult to adhere to hygiene and social distancing measures mandated to protect from Corona virus infection. With mass retrenchments and income losses resulting from lockdowns more and more people are not able to afford mortgages and rentals and will face evictions (Rogers & Power, 2020).

Gender and Government Programmes

Under successive colonial regimes black women did not enjoy freedom of movement and were constrained from moving to urban areas by various laws. These laws prevented black women and

children from taking up co-residence with husbands and fathers in towns. The influx control measures included the Native Labour Proclamation (1919); The Vagrancy Proclamation (1920); The Administration Proclamation (1922); The Native Passes Proclamation (1930); The Northern Natives Proclamation (1935); The Native Urban Areas Proclamation (1951) and the 1963 Aliens Control Act. (Hishongwa, 1991, p. 60). The apartheid state introduced residential apartheid. Because a city's spatial structure reflects our society, Namibia's urban areas like Walvis Bay and Windhoek's reflect our fractured past, particularly how our society was/is divided by class, "race" language and ethnicity (Chitekwe-Biti, 2018). These urban areas are still residentially separated between the wealthy and the poor, predominantly black and white. There are still residential areas that have mainly Oshiwambo, Otijilhero and Khoekhoegowab speakers.

Some of the restrictive laws were abolished prior to Namibia's Independence. This led to an increase in female urbanisation. Independence brought about an even greater increase in female migration. This, was facilitated by the abolition of colonial restrictions on black women's mobility (Winterveldt, 2002). In the 1980s there was a rapid increase in urban migration that placed pressure on the available housing and services. Many people moved out of overcrowded

single quarter hostels and into backyard shacks. This placed further pressure on already inadequate sanitation facilities. This public health concern was then used by municipalities to evict people (Chitekwe-Biti, 2018). The severe demand for housing and services was, therefore, inherited by the postcolonial government.

The postcolonial Namibian government's housing policies did not focus on the youth or women (Jauch, 2015). The country's Human Rights Action Plan does not set gender housing needs or targets (Legal Assistance Centre, 2017). Malaza, Todes & Williamson (2009) argue that "gender blindness in housing delivery and urban development is insensitive to the struggles of women who are affected by the feminisation of poverty and discrimination by various institutions in society."

Urban land and housing allocation has primarily been through the market mechanism of supply and demand driven by profit maximisation. However, Remmert and Ndhlovu (2018) argue that the market-oriented housing policies result in under-provision in certain market segments particularly and in the exclusion of poor and vulnerable groups. They, therefore, call on the state, as the custodian of common interests, to intervene to ensure a more equitable and socially distribution of urban land.

The Build Together Programme (BTP) was introduced in 1992 primarily to assist low-income earners to access housing credit. The BTP had a number of objectives namely: to facilitate loans to low-income and middle-income households without access to formal housing credit; to provide funds to smaller local authorities and regional councils for housing provision for welfare cases, (example people living with disabilities and pensioners) through a cross-subsidisation system; to transform Single Quarters and to assist small local authorities and regional councils in the provision of basic services such as water, sewerage, electricity and roads in informal settlements (Remmert & Ndhlovu, 2018). Many female members the SDFN benefited from the credit provided and were able to build their own homes. Different spheres of government gave support to the SDFN to facilitate access to housing for disadvantaged groups (LAC, 2017). However, Remmert & Ndhlovu (2018) argue that the SDFN's capacity to forge such linkages hampered it in securing additional resources and services from local authorities and government agencies.

The BTP programme was decentralised to local and regional governments in 1998. This was done to relieve central government from the programme. The requisite resources were, however, not decentralised. This placed a strain on existing staff in

regional and local governments, who often lacked the requisite capacity. In 2013, the programme was incorporated into the Mass Housing Development Programme (MHDP) but reverted back to a stand-alone programme in 2016 as the MHDP did not facilitate access to housing for low-income groups (Remmert & Ndhlovu, 2018).

The Mass Housing Development Programme (MHDP) was launched in November 2013 to empower Namibians, stimulate economic growth and provide access to affordable housing. It set out to build 185,000 housing units by 2030. The programme ceased in 2015 as a result of inadequate allocation of financial resources by central government (Remmert & Ndhlovu, 2018). The MHDP failed to meet its targets and/or make a serious dent in the housing backlog. The delivery model was flawed and the houses unaffordable to many of the intended beneficiaries. Many houses built under this programme were left unoccupied after completion. Government had to eventually reduce the prices (Cloete, 2020 b). Many houses were left incomplete and even with the reduced prices, many people could still not afford them. Its hasty and often uncoordinated implementation that by-passed low-income households contributed to its discontinuation (Jauch, 2015).

In 2012 government promulgated the Flexible Land Tenure Act. The primary

aim was to secure tenure rights for residents of informal settlements. The system is also conducive to collective or cooperative housing schemes because it provides for different forms of title to individuals and groups. In the past urban land ownership were limited freehold titles, sectional titles that granted individual ownership in a multi-unit complex and leaseholds. All of these could be transferred, inherited and used as security for loans. The Flexible Land Tenure Act aims to create alternative forms of land title that are simple and cheap to administer and at the same time give secure titles to people in informal settlements (Republic of Namibia, 2016).

The blockerf system grants starter title rights and land hold titles to group and individuals. A starter title gives the holder rights over the dwelling at a specified location within a blockerf, but not full rights over the land on which the dwelling sits. Land hold titles are more advanced and grants freehold title over the land and can thus be used as collateral to secure credit. A starter title can be upgraded to a land hold title (Republic of Namibia, 2016). The blockerf system is advantageous to self-help groups like the SDFN and whose members are mainly women.

In the run-up to local and regional government elections in November 2020, government officials, representatives of private

enterprises and non-governmental organisations participated in a flurry of highly publicised land and housing related handovers to marginalised communities. Flexible land tenure titles were handed over to residents of informal settlements. Other handovers included houses, bags of cement and occupancy certificates to serviced and un-serviced land (De Klerk, 2020; Klukowski, 2020; Nambadja, 2020; Cloete, 202a; Hartman, 2020; Jason, 2021). Despite these attempts to provide houses, the small number of adequate houses delivered belies our systemic failures. Forty percent (40%) of the Namibian population and 80% of the Namibia's urban population still live in shacks (Shack Dweller's Federation of Namibia, 2021).

In February 2021, the City of Windhoek announced a further allocation of 3000 plots to residents of informal settlements. The city also announced statutory steps to secure tenure that will convert leaseholds to freehold titles (Jason, 2021). While steps to secure tenure is a welcome departure from the previous criminalisation of informal urban settlement, the announcement did not indicate gender specific targets. This may signal a continuation of gender-blind approaches to urban land and housing allocations. It also signals a continuation of incrementalism. Tenure rights do not automatically translate into adequate housing.

Incrementalism starts from the premise that people can progressively transform their habitable space. This often occurs under precarious living conditions and incomes (Van Noorloos, Ciroli & Friendly, 2020). This is especially relevant to women's affordable access to adequate housing in view of the feminisation of poverty. The 2015/2016 Namibia Household Income and Expenditure Survey (NHIE) found that the incidence of poverty in female-headed households was 19% compared to 16% for male-headed households (Namibia Statistics Agency, 2018).

A key question for future research is whether the incremental realisation of adequate housing is possible under conditions of precarity and whether it is sufficient to overcome informality. The Legal Assistance Centre (2017) noted that women have limited opportunities compared to men to raise their income and socio-economic status so as to acquire secure tenure in urban areas. In Windhoek, for example, women are more likely to be in the informal sector where they are engaged in domestic worker or as petty trader. Their incomes are generally low and irregular, with very low or no housing benefits. According to the 2018 Namibia Labour Force Survey, female unemployment rate in Khomas Region stood at 33% and 43% of them were employed in informal employment (Namibia Statistics Agency, 2019). Women in paid employment have a mean gender

wage gap of 11.1 % per annum, this means that they have lower average earnings than their male counterparts (Kalimbo, n.d). On average Namibian women have to work an additional 47 days per year for their earnings to be equal to that of their male counterparts.

Self-Governing Housing Cooperatives

Saamstaan

The first Namibian initiative to grant women access to affordable housing came from the community-based Saamstaan cooperative formed in 1989. It adopted an intersectional approach by prioritising affordable land and shelter for its members who were mainly poor, black women, often single mothers, who were living in backyard shacks, informal settlements and rented rooms. Ninety seven percent of Saamstaan members were single mothers with very low incomes. The Catholic church provided the first seed funding under the banner “no family life without shelter”. With the financial support from Frères Des Hommes (Luxembourg), a revolving loan fund was started to purchase land collectively (Habitat International Coalition, 1996). They obtained affordable land from the Windhoek municipality, which they serviced themselves (UN-Habitat, 1998). Funding for capacity building came from Frères des Hommes-Luxembourg and the Dutch Inter Church Organization for Development

Cooperation (ICCO) In 1992 the Namibian Housing Action Group (NHAG) was formed by professional architects and volunteers to assist the self-help and self-governed groups. They offered training in bookkeeping, management, leadership and group, mobilisation (Habitat International Coalition, 1996 & Chitekwe-Biti, 2018).

Shack Dwellers Federation of Namibia

With the formation of NHAG, 33 self-governing saving clubs were combined and the Shack Dwellers Federation of Namibia was launched. They linked up with the Shack/Slum Dwellers International (SDI) and sought cooperation with the newly independent government (Chitekwe-Biti, 2018). In 2002 the Ministry of Regional and Local Government and Housing announced an annual fiscal allocation to the SDFN movement that would match their own savings a revolving loan fund called Twahangana. The SDFN uses collective savings to purchase land from local authorities. Collectively they decide the layout of land. Individual plots are then allocated to individual households. The collective, however, retains freehold ownership over the land. The majority of members are women. The collective’s joint decision-making as well as its capacity-building of women ensured that they participation in making decisions that affect them. Members are responsible for their own connection to services

before their houses are built. The average house size is about 34 square meters (UN-Habitat, 2020). Since its inception the SDFN has expanded to all the regions of the country. By 2020 the SDFN comprised 851 savings groups with 26 880 members. It has built 5 300 homes since its inception (Nembwaya, 2020).

UN Habitat (2020) argues that SDFN has been successful because of its focus on the multiple and intersecting discriminations faced by women and its primary focus on poor single mothers. Despite its impressive achievements the SDFN could not meet the number of housing units required. The backlog requires far greater commitment from the state.

Adequate Safe Housing and Gender-Based Violence

UN-Habitat (2020) found that the lack of secure housing and tenure increases women's vulnerability to domestic violence and that low-income women in urban informal settlements often do not have the legal means to remain in their homes after reporting a violent partner. COVID 19 lockdowns exacerbated the situation and Amnesty International (2021) argues that COVID-19 exposed the structural discrimination and inequalities women and girls face. Women's unequal access, ownership and control over resources and productive assets are examples the structural barriers to secure housing

rights. There was an increase in violence against women and children during Namibia's lockdown. Windhoek City Police reported an increase in calls to report gender-based violence in the first week of April, 2020. According to UN Secretary General, António Guterres, lockdowns can trap women with abusive partners (Amnesty International, 2020, p. 9).

While more recent statistics are scant, the 2013 Demographic and Health Survey indicates 30% female home ownership (LAC, 2017). Globally homelessness affects marginalised groups of women including women from low-income groups, women who are economically dependent, migrants, asylum seekers, indigenous women, and women with disabilities (UN Habitat, 2020). Homelessness can at times occur when women escape violent homes. Homelessness can also expose women to violence. The lack of safe and secure housing keeps millions of women and children in violent situations as they lack the means to acquire homes in their own right. Outside the home women who live in slums and informal settlements are faced with daily challenges to personal security due to lack of appropriate housing conditions. They face sexual assault in their homes as well as attacks when they relieve themselves in bushes or communal toilets or when they are out collecting firewood. Therefore, access to safe and affordable adequate housing is an

important to combat gender-based violence.

The UN Habitat (2020) cites Brazil's Casa, Minha Vida – My House, My Life, a mass housing project introduced by President Lula Da Silva in 2009 as an example of the application of an intersectional approach to housing that takes into account women's vulnerability to violence. The programme segments beneficiaries into groups based on their differential needs. Category one beneficiaries included the most marginalised women. Title deeds were transferred into their names so that they had secure tenure in cases of divorce and separation. Independent tenure security enables them to act more autonomously, to protect their bodily integrity and to free themselves from violent domestic relationships. The programme also ensured secured tenure to persons with disabilities, fathers who had sole custody of children. The programme further ensured close proximity to services and recognises women's social and biological reproductive roles. They therefore have easy access to childcare, healthcare and sanitation facilities (UN Habitat, 2020).

Conclusion

Namibia should adhere to its gender mainstreaming commitments and invest in the generation of gender disaggregated data on housing access, ownership and control. This is the

responsibility of government agencies, research organisations and academic institutions.

Access to adequate housing is a serious human rights and gender justice issue. Women face exclusions on the basis of their socio-economic position, their gender, their age and their marital status. The lack of adequate housing affects multiple constitutional and human rights. These include, but are not limited to, the right to equality and non-discrimination, the right to dignity, the right to health, the right to a decent life and a right to safety and security. Gender-blind approaches fail to make women's struggles for adequate housing visible. An intersectional approach to housing will enable the identification of multiple forms of exclusion from housing and could, therefore, engender the appropriate policy responses.

While self-governing community-based models are empowering, they do not deliver the volume of housing units required. It needs far greater financial investment from the state. It is also important that oversight mechanisms are employed to avoid the manipulation of housing provision for narrow elite interests. It is time that all agencies apply gender mainstreaming to housing provision. The starting point should be the generation of gender disaggregated data to ensure gender analysis that can identify women's practical and strategic needs. This can ensure gender-sensitive

and even gender-transformative housing provision.

There is a need to critically engage with market-oriented and incremental approaches to housing as they do not provide sufficient affordable, adequate housing to meet the increasing demand. Incremental approaches do not necessarily lead to adequate housing. It often entrenches marginalisation and residential segregation as poor women are relegated to the outskirts of urban centres, away from employment, economic opportunities and services. We need new housing models that are intersectional and take into account the multiple forms of discrimination and exclusion women face. It is not sufficient to enable housing access to middle-class female professionals, our housing models should also direct adequate housing to poor and marginalised women.

The Brazilian example shows how gendered and intersectional approaches to housing can ensure access to adequate housing for women and other marginalised groups. It is therefore time for the Namibian government to institute a gender audit of housing and urban land to assesses and respond to women's need for safe, affordable housing that is close to economic opportunities and services.

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Alternatives - International Case Studies

Urban Housing Provision for the Poor in Botswana: The Case of Kasane

Albius Mwiya

Introduction

Botswana has a land area of 585,370 square kilometres with a small population of just over 2 million according to the 2011 Population and Housing Census. Traditionally a pastoral society, with a predominately rural population, an ever-increasing numbers of Batswana have moved to urban areas and larger villages in the last three decades. In 2000, urban growth rates have been estimated at about 7% per annum (Government of Botswana, 2011).

Between the early 1970s and the early 1990s the percentage of the urban population more than doubled. Botswana instituted a national urban development strategy in 1978 and a national housing policy in 1982. The government has only provided housing to its direct employees while the urban poor and new migrants from the rural areas have been left to fend for themselves (Mosha, 2010).

The provision of shelter was not considered a top priority by the Government until the 1980s. There

was no attempt before Independence in 1966 to prepare either a national, regional or local housing plan and those that existed were usually for the areas where the white European settlers lived. Fifteen years later, there was a realisation that the problem of slums and squatter settlements which were mushrooming in almost all of Botswana's urban centres required urgent attention. The rapid urbanisation led government to introduce tenure regimes such as the Certificate of Rights to curb squatter problems and the Fixed Period State Grant (FPSG) for the middle and high income groups. Beneficiaries are issued with a Certificate of Rights (COR) which allows them to enjoy the use of the plot while the state still owns the land. This tenure is secure, inheritable and can be ceded with the consent of the Council. Although COR can be given as collateral, financial institutions are hesitant to accept it since the land still belongs to the state and require consent of the Council. In order to address this challenge Government approved the conversion from COR to Fixed Period State Grant (FPSG). This is a simple form of title deed and is accepted as

collateral by financial institutions. With this tenure system, the beneficiary can transfer the ownership of their plot to another person without the approval of the relevant council. It provides a secure tenure that is so much needed (Self-Help Housing Agency, 2006).

This case study highlights the policies introduced by the Government of Botswana to address the problem of lack of decent housing for all income groups in Botswana. This includes the issue of providing affordable housing to the poor in urban areas and the issue of abolishing informal settlements in urban areas. The challenges and measures taken to address those challenges are outlined and the conclusion highlights the achievements of the programmes.

Background

Like many other developing countries, Botswana experienced a rapid migration of people from the rural areas to urban centres which puts pressure on housing delivery in most towns. People started erecting shelters on unserviced land and this led to the emergence of informal settlements in most urban centres in Botswana. The first squatter settlements started in Francistown in the 1950s when African settled on Tati Frahold land along river banks. By 1975, 60% of Francistown residents were squatters. Other squatter settlements in Francistown included Monarch, Somerset East and West and

Tati Town. Old Naledi and Botshabelo squatter settlements started as workers' camps for labourers engaged in the construction of Gaborone and Selebi Phikwe respectively. Squatter settlements developed in Kasane, Jwanang, Sowa Town, Gaborone and Francistown (Mosha, 2010).

In order to address the problem of housing, the government of Botswana came up with the several policies. Firstly, there is the Botswana Housing Policy 2000. This has the objective to provide access to good quality basic shelter both in urban and rural areas. In urban areas, central government provides serviced land, policy and administrative guidance to local councils. Central government further provides construction finance to councils which in turn lends it to beneficiaries. Beneficiaries are selected by the councils and are expected to build a core house which is a two-bedroomed house which should conform to local building regulations. In rural areas, the implementation does not differ much from the urban areas. The Land Boards in the rural areas select the beneficiaries and allocate land free of charge. Central government provides funding to the district councils which in turn disburse to the beneficiaries (Self-Help Housing Agency, 2006).

Secondly, there is the National Policy on Housing of 1981. It states that the government has to:

- (1) facilitate various settlements in partnership with other stakeholders;
- (2) channel more resources (and emphasis) to low and middle-income housing in both urban and rural areas;
- (3) promote housing as an instrument for economic empowerment and poverty alleviation; and
- (4) foster a spirit of partnership with private sector and all major employers in home development and facilitating home ownership.

Thirdly, there is the Urban Development Policy of 1983 which has the following objectives: all settlements must have a spatial plan and the land has to be serviced before allocation. Subsidies for land delivery for low-income groups were introduced while the principle of cost recovery applied to middle income groups and the principle of market prices applied to high income groups. Urban centres were not subsidised by rural areas and Botswana followed a mixed residential development strategy which means that all residential neighbourhoods must include low, middle- and high-income areas. This approach was adopted to ensure that the services reach everybody and that all informal settlements will be provided with all amenities (Government of Botswana, 1991).

After realising the rapid growth of squatters in urban centres such as Gaborone, Selebi Phikwe, Francistown and Kasane, Government reacted quickly by introducing an incremental Slum Upgrading Programme, first by providing basic necessities (earth roads, sand pipes, pit latrines) and then better services like tarred roads, reticulated water, sewer systems, social amenities, etc. The Government decided on upgrading the squatter areas and this approach was also followed by the Chobe District Council in Kasane (Government of Botswana, 1991).

Botswana established the Self-Help Housing Agency (SHHA) in 1973 to facilitate access to serviced residential plots and housing financing by low-income households. Beneficiaries are given free serviced plots and a Fixed Period State Grant. Government provides services such as tarred roads, water connections, electricity, streetlights and other amenities. Plot owners are required to develop their own houses within a period of two years. They are encouraged to use locally produced certified building material. Plot owners are given loans to purchase building materials. They only pay a service fee and do not pay rates. Initially this programme was for urban areas only but now it has been extended to the rural areas as well (Government of Botswana, 1991).

Under a Presidential directive a new SHHA Programme was introduced in 2009 to include those households who could not qualify for the old SHHA programme. The 2 new initiatives, the new SHHA programme and the TurnKey Housing Programme provide housing loans of up to 45,000 Pula at zero interest. The National Development Bank, the Botswana Building Society (BBS) and commercial banks provide funding to all income categories and government provides guarantees. For all the low-income housing programmes, government provides funding through the Department of Housing which in turn channels it to the District Councils (Moshia, 2010).

In addition, Botswana established the Integrated Poverty Alleviation and Housing Scheme in 1990 to provide shelter and to promote housing as an instrument for economic empowerment and poverty alleviation. The Government provides funding to poor households to set-up projects to produce building materials. This income helps them to then construct their own houses.

The Case of Kasane

Kasane is a small town located in the Chobe district in the northern part of Botswana. It is the headquarters of the Chobe District. According to the Population and the Housing Census of 2011, the population of Kasane stood at about 9,000 people. Kasane town has

experienced a high demand for housing owing to the rapid influx of people from rural areas in search of employment opportunities and a better life. New migrants started constructing their makeshift houses out of mud walls and thatched roofs in unauthorised areas. These areas were without basic services such as roads, water, electricity and proper sanitation. The Chobe District Council is responsible for the provision of housing, amongst other things. This necessitated the Council to develop innovative ways to encourage people to build their own residential houses (Ikgopoleng and Cavric, 2011).

The Chobe District Council implemented the following programmes to provide affordable housing and curb the mushrooming of slum/squatter settlements in Kasane. The Integrated Poverty Alleviation and Housing Schemes w has three objectives:

- (1) To promote housing as an instrument of economic development and poverty alleviation;
- (2) To provide capital by Government to poor householders to set up project to produce building materials; and
- (3) To enable households to participate in business ventures for them to earn a wage which in turn assist them to build houses for themselves.

The programme is implemented in three phases. The first phase involves training the beneficiaries in the production and marketing of standard building materials. such as stock bricks, blocks, pavement bricks/ slabs and kerbstones which are sold at competitive prices on the local market. Participants are paid basic salaries from revenue generated from the programme (Mosha, 2010).

The second phase involves the training of beneficiaries to construct their own houses. They are trained on the most cost-effective construction methods and are given loans for building materials to construct their dwellings and are expected to acquire other materials not available at site since they earn a wage. The objective of home ownership is achieved during this phase.

The third phase of the programme is the repayment of the capital amount provided by Government – this is the establishment of the revolving loan fund to sustain replication of the project in other settlements, which constitutes the final phase of the project (Mosha, 2010).

The following were the key successes of this programme:

- Public participation in the upgrading process in the preparation of layouts, plot

demarcation and regularisation; and

- Allowing freedom to residents by Government on the design and construction of their homes. This ensured that cultural traditions are not destroyed and it achieved maximum cooperation.

Tenure legalisation is provided in the form of two systems: The Certificate of Rights (CORs) means that the holder has the right of usage but the land belongs to the state. This provides security of tenure and allows COR beneficiaries to enjoy the use of the plot while the state still owns the land. This tenure is secure, inheritable and can be ceded with the consent of the Council. This tenure system can be converted to the Fixed Period State Grant (FPSG), which is a simple form of title deed and is accepted as collateral by financial institutions. With this tenure system, the beneficiary can transfer the ownership of their plot to another person without the approval of the Council (Government of Botswana, 2014).

The second system is the regularisation of irregular settlements which is done through infrastructure provision, social services and amenities and other improvements. Subsequent provision of infrastructure is provided through self-help methods as opposed

to investment by public and private sectors (Mosha, 2010).

Challenges

The programme is faced with challenges such as bureaucratic procedures within council during procurement of building materials for the scheme as the scheme was competing with other independent brick moulders in the village. District Councils are different and autonomous bodies. The beneficiaries of this project are paid an allowance which is regarded as a salary. Since the payment depends on the profit gained from the sale of the produced building materials, Councils pay different allowances to beneficiaries. Meaning some Councils pay more than others. The payment structure of beneficiaries is thus different between Councils (Ikgopoleng and Cavric, 2011).

There were no clear criteria for beneficiaries to exit the scheme and the beneficiaries exit the scheme at their own time without the council's intervention. Beneficiaries are not able to run the project on their own after the first two years. The project is expected to reach optimal operational capacity and be self-sustaining. Beneficiaries are expected after two years to run their projects without the involvement of the Council (Ikgopoleng and Cavric, 2011).

Conclusion

The housing programme in Kasane has ensured that certified structures were built. The beneficiaries were trained and equipped with skills to make bricks, paving slabs, kerbstone etc. They were given allowances from the profit made from the sale of the project's products. They were encouraged to use the allowance to obtain building materials for the construction or improvement of their own houses (Mosha, 2010).

The poverty levels amongst the beneficiaries were reduced through gainful employment in the construction sector. The beneficiaries were trained in the production and marketing of standard building materials such as stock bricks, blocks, pavement slabs and kerbstones for sale at competitive prices on the local market (Mosha, 2010).

Through this strategy of Self-Help Squatter Upgrading and Site and Services Programme, low-income groups have been provided with serviced land to build their own houses. Today self-help urban housing accommodates more than 60% of the urban population in Botswana. Thus, the country has made tremendous strides in providing decent shelter and basic infrastructure to all income groups. Its policy has concentrated mostly on low and middle-income groups. People with different income levels are encouraged to construct their own houses at their own pace. This approach ensures that

no person in the urban area is forced to live in an unauthorised area (Mosha, 2010).

Housing programmes have been designed in such a way that they accommodate a broad range of income groups. The success has come through careful physical planning, use of legal instruments and involving the people in slum upgrading. The urban development standards and the development control code (1995) has enabled the equitable provision of services (Mosha, 2010).

The Government has managed to finance upgrading of its infrastructure to almost entirely eliminate slums and has been successful in facilitating incremental upgrading. The new housing policy and the new land policy approached the question of shelter in a holistic manner as both facilitated steps to address shelter and infrastructure provision to meet future needs. The scheme has had a positive impact since its inception and sustainable shelter development has taken centre stage. The poverty alleviation and housing scheme model managed to address the most pertinent socio-economic problems of the Chobe District Community. Ultimately, the programme could only succeed because of Government's commitment to the right to decent housing for every citizen.

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Moving Beyond Market Forces: Housing Cooperatives in Uruguay

Herbert Jauch

Introduction

In the era of the commodification of housing where the right to decent shelter was replaced by speculative investment considerations, the case of Uruguay's housing cooperatives provides a refreshing and fundamentally different alternative. This case study will briefly highlight the social, economic, political and legal factors that contributed to the establishment of the housing cooperative movement and its achievements in Uruguay. By 2018, over 25,000 families were organised in 560 cooperatives and this programme represents one of the world's most ambitious and radical attempts to solve the housing crisis. It serves as a model to be emulated and adapted to diverse national contexts not only in Latin America but also in other regions of the world (Chavez, 2018) and provides valuable lessons for countries like Namibia.

Background

As in all capitalist societies, the economic situation in Uruguay had a large influence on access to housing which became the most expensive and often inaccessible commodity for

working class families. This was due to the existing economic inequality as well as the organisation of the urban space according to capital's interest and by real estate speculation (Maricato, 2000, quoted by Valdares and da Cunha, 2018). Market housing had paved the way for "an unprecedented speculative feast" (Valadares and da Cunha, 2018).

As urbanisation accelerated, the claim for the right to housing has shifted to "the right to the city" based on the realisation that adequate access to adapted urban and housing goods and commodities was needed for all inhabitants to enjoy decent living conditions. As pointed out by Nahoum and Valles (2014) "This is a claim for urban rights and when these are truly effective, they assert the right to the city and therefore citizenship".

In Uruguay, the industries are concentrated in the capital Montevideo and many people (mostly young) have migrated to the city or to other countries in search of jobs and a better life. About 10% of the population of Montevideo have had to live in informal settlements, improvised housing with no basic water services, electricity and

sanitation (Valadares and da Cunha, 2018).

The “Right to the City”

Access to urban rights has traditionally been overlooked and housing policies have often focused on cheaper solutions in poor urban areas, often without access to the adequate services. Relying on market forces has failed to solve the problem of access to land and led to evictions and social segregation by making it impossible for lower-income earners to afford a decent location in the city where they live and work. (Valadares and da Cunha, 2018). Nahum and Valles (2014) thus asserted: “To enforce the right to the city, urban land must be considered a public good and along with an adequate location, it should be the basis for a decent urban and housing solution”.

Uruguay has utilised self-managed housing cooperatives which are run by the members of the cooperatives as a key mechanism of “social production of habitat”. This was one of the most efficient and successful solutions to the housing problems faced by low-income earners. The Uruguayan cooperative system has taken various forms and the most important and successful one was self-management and mutual assistance under collective ownership. This helped to sidestep the logic of the market by making families the builders and managers of their own homes. Such collective ownership granted ownership

to the group while families were entitled to use and enjoy the common property. Thus, the Uruguayan housing cooperatives restored the concept of housing as a right instead of as a tradeable commodity that benefits speculative capital (Valadares and da Cunha, 2018).

Nahoum and Valles (2014) pointed out that besides democratic participation, self-management, and collective ownership, the housing cooperatives relied on technical guidance provided by non-profit multi-disciplinary teams. Even more critical was the state's participation as a key player dealing with policymaking, planning, supervising and monitoring programme implementation, as well as financing. This role could not be performed by any other actor.

Funding for the housing cooperative programmes had to cover access to urban land. This was a challenge because the cooperatives did not have their own resources and state funding could only be obtained once the programme was approved and the loan signed. This resulted in a vicious circle: “the land can be paid for with the funding, but the financing cannot be obtained if there isn't at least a minimum guarantee regarding the land” (Nahoum and Valles, 2014).

The Housing Law of 1968

This dilemma was solved with the passing of the Housing Law in 1968 which provided the legal framework for housing cooperatives. It established a public land bank “to allow beneficiaries to access adequate land and pay for it once they had received the funding they applied for. This boosted the cooperative movement significantly” (Nahoum and Valles, 2014).

It is importantly to point out that the specific inclusion of cooperatives in the law was the result of union struggles in the 1960s. These struggles included housing as a social struggle and formed part of an attack on the legal, economic and organisational problems in the country such as economic instability, the reduction of exports and the increase in imports which exacerbated the economic crisis. The new Housing Law meant that cooperatives no longer played a marginal role but became active players to solve social problems. It enshrined the principle that every family, no matter their income, was assisted with adequate housing and that the state was responsible for creating the necessary conditions. Although the state did not have to provide the dwellings, it had to provide “fair means of access to the entire population” while the housing cooperatives had to provide adequate housing for their members (Valadares and da Cunha, 2018).

Uruguay’s Housing Law is based on the theory of human dignity, seeking to promote dignified housing for any person, regardless of family income, safeguarding individuality and inviolability. The law gives cooperative members the full right to use the house and even to pass it on through inheritance while the property belongs to the cooperative unit (Valadares and da Cunha, 2018).

The Federation of Housing Cooperatives

Uruguay’s housing policy aims to deal with the housing demand by regulating housing independent of market considerations. In 1968, housing cooperatives met to find solutions to problems such as the lack of construction materials and cumbersome bureaucratic processes. In 1970, the Uruguayan Federation of Mutual-Aid Housing Cooperatives (FUCVAM) was formed as an umbrella body which represented the cooperatives when dealing with public and private institutions, including government at all levels (Valadares and da Cunha, 2018).

FUCVAM’s objectives are related to housing while its members individually participate in political activities in their respective unions or political parties. When the Uruguayan government announced its intention to increase the interest rates in the 1970s, FUCVAM fought back through protests and legal

action. In the 1990s, FUCVAM formed an alliance with the Occupants and Tenants Movement (MOI) in Argentina and with the UNMP in Brazil to establish the Latin American Secretariat of Popular Housing (SELVIP). The main objective of this secretariat was to initiate actions “in opposition to capitalism and its forms of production and circulation of goods; to stimulate self-management in housing provision policies; and to adopt collective property in housing projects as a way to fight the interests of the capital” (Valadares and da Cunha, 2018).

Achievements

During its 50 years of existence, the Uruguayan Federation of Mutual-Aid Housing Cooperatives has successfully promoted workers' self-management, participatory democracy, and what Chavez (2018) called “sweat equity” i.e., the direct contribution to the building process by all cooperative members. FUCVAM contributed not only to the construction of high-quality dwellings but has also become a leading organisation resisting authoritarianism and social exclusion. One of the criticisms of FUCVAM's practices was the requirement of 80 hours of work per month from each member to build the cooperative houses. Questions were raised about the possible work overload for the members. In response, FUCVAM pointed out that its operations were the only ones to enable workers to have decent housing because with their

monthly income workers could not purchase the houses on offer in the real estate market. Therefore, the additional work by members was the only way to overcome the market limitations and guarantee a decent house for all cooperative members (Alvarez, 2008, cited by Valadares and da Cunha, 2018).

In the Uruguayan cooperative housing movement, housing construction and political activism have been closely intertwined and the active involvement of cooperative members in the building process resulted in a broader social engagement of the movement. FUCVAM understands housing as a common good and thus the houses built by the cooperatives are not privately owned. Instead, the members of the cooperative jointly search for a suitable plot of land, take out a loan from the state and then take charge of the building process as well as the management of their urban space. This fosters a spirit of solidarity, social empowerment and grassroots democracy (Chavez, 2018).

The housing units built by the FUCVAM cooperatives can only be used by cooperative members and do not enter the real estate market. The units cannot be sold or mortgaged because they belong to the cooperative but the members can use them for an indefinite period. The user right can be transferred by inheritance and the heirs then have the same obligations as the

initial cooperative member. The heirs are incorporated into the cooperatives' board of members with the same rights and conditions (Baravelli, 2006, cited by Valadares and da Cunha, 2018). Members take all the decisions, from the design to the execution of housing projects.

The success of Uruguay's housing cooperatives is built on supportive state interventions in the form of financial support and provision of land. The state thus decides where construction takes place but the cooperatives pay for the land through a revolving fund mechanism. Only seed capital is required and since 1990 a Land Portfolio is operational in Uruguay's capital Montevideo where over half of the country's population lives. Other municipal authorities soon followed this example and in 2008 a national land portfolio was created under the Ministry of Housing. This contributed towards making the right to urban land a reality in Uruguay (Nahoum and Valles, 2014).

Nahoum and Valles (2014) pointed out that the State *"has a decisive role to play and is not just a facilitator for the market. This proactive gesture is an element of public policy which responds to a long-lasting claim from the cooperative movement... Land policy and the cooperative movement can, hand in hand, prove to be a very powerful driver for materializing urban*

rights. Examples of this can be found in experiences throughout the city in which popular sectors have undertaken cooperative housing projects and are experiencing collective ownership of land and housing".

Uruguay has taken steps towards desegregating urban spaces through experiments in consolidated urban areas with mean densities, as well as urban restoration initiatives in the historical centre of Montevideo, known as the "Old City". This was done by creating favourable conditions for access to land and at the same time implementing high-quality urban and architectural projects to meet the needs and aspirations of the urban inhabitants (Nahoum and Valles, 2014)).

Although the granted urban land has not always been used optimally, the collective ownership and access to decent locations have provided a very real alternative for low-income earners living in urban areas. This was only possible because the State went beyond creating a conducive environment for the market and instead took steps towards social inclusion (Nahoum and Valles, 2014).

The Uruguayan case study demonstrates that alternative housing initiatives require not only a progressive housing policy and an adequate legal framework but also the political determination to make housing rights a reality.

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Venezuela's Housing Struggles and the Emancipatory Project

Herbert Jauch

Background

For many decades, Venezuela has been a country of extreme inequalities which were also reflected in the country's approach to housing. Insufficient government housing policies resulted in sprawling shanty towns on the outskirts of the cities and this was a common feature until the end of the 20th century (Holldack, 2016). At the time, Venezuela was characterised by mass poverty and political corruption as well as typical neoliberal economic policies. A small elite reaped the benefits of Venezuela's national resources, including oil (Jauch & Shindondola, 2008; Bolivarian Republic of Venezuela, 2020).

In the second half of the last century, Venezuela experienced a rapid rate of urbanisation as many people left the countryside to look for jobs in the cities. The urban population increased 6-fold between 1950 and 1999. Local elites controlled the real estate market and reduced housing to a tradeable and profitable commodity which resulted in a large-scale social exclusion of the urban poor. Over 30% of Venezuelans, more than 3 million households, were condemned to live in inadequate

housing conditions (Bolivarian Republic of Venezuela, 2020).

With the 1998 election victory of the Bolivarian Party led by Hugo Chavez Frias, significant and fundamental changes began to take place to alter Venezuela's political, economic and social landscape. Chavez firmly believed in the ideals of a "people's government" as opposed to a government of the elite. He envisaged to replace the system of capitalist accumulation with an economic system that was founded on people's direct participation and control over their national resources. A basis was laid through the participatory development of a new Constitution which was adopted by 72% of Venezuelans through a national referendum in December 1999 (Jauch and Shindondola 2008).

New Social Programmes

Following the attempted US-backed coup against the Chavez government in 2002, changes intensified to systematically tackle the inequalities that were visible in all spheres of life. Participatory democracy became the vehicle to give citizens a direct say in the running of the country and the

utilisation of its resources. A whole range of targeted programmes, known as “missions”, were implemented from 2003 onwards to deal with free education for all, free health care, food security, decent housing etc. (Jauch & Shindondola, 2008).

The resources needed for these social programmes were derived from the country's oil revenue. The national oil company, several large manufacturing companies and much of Venezuela's farmland already belonged to the state by the time the Chavez government was elected. What changed was how these resources were utilised to benefit the poor. The royalty fees payable by private oil companies were increased from 1% to 16% and an extraction tax was introduced, earning the country around US\$ 10 billion between 2004 and 2007 (Chavez, 2008).

Housing Missions

Venezuela's Vivienda Great Housing Mission began as a nationwide project in 2011 with the goal of building 3 million homes at an affordable cost for families most in need by 2019. Adequate housing was regarded as a human right and linked to the struggles for land and to live in the city. This presented a direct challenge to the concept of housing as a capitalist commodity (Holldack, 2016).

In 2014, a second housing mission, the Barrio Nuevo Barrio Tricolor Great Mission, was established to transform

and consolidate areas which had been historically excluded from assistance and reduced to misery at the margins of the big cities (Bolivarian Republic of Venezuela, 2020).

The Vivienda Great Housing Mission was implemented based on five key principles:

- Firstly, community self-organisation to ensure the participation of organised communities in the design and transformation of their neighbourhoods and towns. Community councils and volunteers (known as “brigadiers”) organised themselves into “construction communes” to take charge of finding suitable land for construction and for creating suitable housing projects. As organised communities, people found solutions to their own housing problems and families could choose between renovating their existing home or moving to a newly constructed home (Bolivarian Republic of Venezuela, 2020; Correo del Orinoco International, 2011).
- Secondly, the availability of land was increased through legal reforms which allowed the State to acquire more land for housing. This enabled more than a million families in urban areas to receive title deeds for

their homes between 2011 and 2019 (Bolivarian Republic of Venezuela. 2020).

- Thirdly, the local production of housing and construction materials was systematically promoted through private, nationalised and worker-controlled social production enterprises which supplied cement, doors, windows, ceilings, synthetic and natural wood etc. needed for the execution of the housing missions.
- Fourthly, the actual construction was carried out not only by private companies (hired by the state) but 37% of construction was undertaken by community organisations. Grassroots movements co-existed alongside the housing missions and promoted collective ownership of the housing processes (Bolivarian Republic of Venezuela, 2020; Holldack, 2016).
- The fifth pillar of the housing mission was financing which initially was based on Venezuela's oil revenue. Owing to the economic crisis and sanctions, the Venezuelan government now uses a crypto currency based on the value of the oil resources to safeguard funding for the construction sector. In addition, the sector

was exempted from VAT while import tariffs and customs duties were introduced for imported construction materials and services to encourage local production (Bolivarian Republic of Venezuela. 2020).

The beneficiaries of the housing programmes were families with combined incomes of between 1 and 3 minimum wages. Most beneficiaries received a subsidised 30-year credit to make the new houses affordable. The interest rate on such housing loans was fixed at 4.66% which is much lower than in other Latin American countries such as Argentina and Peru where interest rates vary between 9 and 43 percent. Thus, beneficiaries in Venezuela could acquire new homes at a fraction of the actual costs (Blough, 2012)

Grassroots Participation and the “Consejos Comunales” (Community Councils)

A key political project in Venezuela was the deepening of democracy through direct, grassroots empowerment. Various initiatives were undertaken and from 2006 onwards, community councils were formally established. These councils are neighbourhood organisations comprising of 200 – 400 families in urban areas and at least 20 families in rural areas. The councils have constitutional status and are meant to effect direct democracy and

decision-making power at grassroots level. (Lopez Maya, 2007; Albert, 2008; McIlroy, 2008).

All council decisions are taken in “citizens’ assemblies” attended by residents who are 15 years and older. These assemblies elect their council executive committee, financial management and monitoring committees as well as thematic committees dealing with specific local priorities such as health, education, land, recreation, etc. Before a communal council is formed, the assembly has to elect a preparatory committee, which carries out a “census” of the community, including a profile and challenges faced by the particular community. The preparatory committee also has to organise an electoral commission to supervise the council elections. The elected spokespersons serve for 2 years but can be recalled at any time by the citizens’ assembly. This helps the community to hold their spokespersons accountable (Lopez Maya, 2007).

Self-management

Rigel Sergent from the anti-eviction movement which is part of an alliance for urban struggles in Venezuela (known as “Movimiento de Pabladoras”), explained that the struggle for the right to housing was part of a broader struggle for the right to the city, for the construction of new collective habitat and for an urban revolution. Practically, this included fighting against evictions

and for the right of people to own the land where they built their houses or shacks. This urban movement developed its own political programme based on Chavismo’s guiding premise of building a communal and egalitarian society. President Chavez had repeatedly emphasised the importance of transforming society through the development of socialism at grassroots level which cannot happen without “popular” participatory democracy which includes self-management and self-government (Sergent, interviewed by Pascual Marquina, 2019).

Venezuela’s urban movement, therefore, engaged with collective struggles as opposed to individual struggles to break with the logic of capitalism. Its key aim was not merely to build self-constructed houses but it emphasised participation “in a process that aims at the collective transformation of the city”. Self-management was seen as “a transformative collective experience” as decisions were arrived at through debates and collective struggles which contributed towards building another set of social values (Sergent, interviewed by Pascual Marquina, 2019).

Although private enterprises were able to deliver houses at a faster pace than communal self-managed housing initiatives, the movement pointed out that its aim was to promote collective decision-making, transformation

and “qualitative leaps in people’s consciousness”. The difference in approach was aptly captured by Sergeant, who pointed out that when the state gives a key to a house for a family, “they are tremendously grateful, but the home does not produce new values, new world views” (Sergeant, interviewed by Pascual Marquina, 2019). Thus, self-managed housing processes are intrinsically political in nature and opposed to hierarchical decision-making that is common with bureaucratic structures in government and political parties.

Access to Finance: Communal Banks

Community councils can receive funds directly from the national, state or city governments or through fundraising and donations. This is facilitated through communal banks, which the councils set up as co-operatives. Such communal banks can be established by a single council or in collaboration with other councils. The national government channelled millions of US dollars annually to the thousands of communal banks that the councils established. In turn, the communal banks provided grants for community projects and have already funded thousands of projects such as street paving, housing for shack dwellers (who can exchange a shack for a flat in a newly built block), medical centres, housing or sewage schemes etc (Pearson, 2008; Jauch, 2009).

Community councils and communal banks as a direct expression of grassroots democracy seem to frequently clash with the formal political structures like city councils, mayors and governors. Although they co-operate with each other on several infrastructural projects, there is a tension regarding power and status. Funding for the community councils comes at the expense of city budgets and Chavez’ vision was to develop the community councils as the most important motor of the Bolivarian revolution. They facilitate a process of people regaining control over their lives and are an alternative rather than an appendix to the old local government institutions. Thus, the community councils and communal banks are the seeds for Venezuela’s “Socialism of the 21st century”. They are meant to become the primary locus of government power and are part of a movement to replace the old government structures (Albert, 2008).

International Solidarity

The harsh economic sanctions imposed on Venezuela forced the country to rely largely on its own resources but the housing missions also benefited from international support from and trade with countries such as Belarus, Brazil, China, Cuba, Spain, Iran, Portugal, Russia and Turkey. As part of its commitment to Latin American solidarity, Venezuela in turn assisted housing initiatives in Bolivia, Cuba, Dominica, Ecuador, Guatemala,

Haiti, Nicaragua, and the Dominican Republic (Bolivarian Republic of Venezuela, 2020).

Challenges

The opposition parties in Venezuela's National Assembly which often represent corporate and elite interests opposed the housing missions and introduced the Housing Privatisation Law in an attempt to privatise housing across the country. However, in 2016 the Supreme Court declared the law unconstitutional based on the enshrined right to public housing as set out in the Venezuelan Constitution (Holldack, 2016).

There were also different views on the housing missions within the "Chavismo movement" (which emerged around the ideas of "Socialism of the 21st Century" as espoused by former President Chavez). The question of centralised delivery through private contractors *versus* community self-organisation and the use of social enterprises (like workers-owned companies) was at the heart of the debates. In 2019, various community-based organisation, known as "popular movements", marched to the National Constituent Assembly and demanded a legally binding quota of 50% of the newly constructed houses to be undertaken through community housing initiatives. Their demands included to expand the housing process beyond just housing delivery. They called for access to land

under social property and for direct access to the means of production. The community organisations demanded a new law to recognise them as builders as they believed that "through self-management, organising and planning, we can address all the issues of the community". Self-management thus was understood not merely as a means for housing delivery but rather as a general principle of organising a new society (Vaz, 2019).

Results

By the end of 2018, 2.5 million new homes had been constructed and government announced a new target of 5 million homes by the end of 2025. The standard houses and flats built under the missions consisted of 3 bedrooms, 2 bathrooms, a dining room and a general area. The new and renovated homes benefited 11.7 million people, equivalent to 38% of the country's population. Overall, the number of adequate homes across the country increased by 37% and were spread across 334 municipalities (TelesUR, 2 January 2019; Pearson, 2014; Bolivarian Republic of Venezuela, 2020).

These achievements of the Vivienda Venezuela Great Mission between 2011 and 2019 were enabled by an unprecedented investment of \$US 86 billion by the State. Despite the economic difficulties in the past few years, caused by the fall in the oil price and the brutal economic sanctions

imposed against Venezuela, the State maintained its commitment to provide decent housing to every family. This included access to gas, electricity, potable water and sewage services (Bolivarian Republic of Venezuela, 2020).

The housing missions targeted poor and marginalised households and about 40% of the beneficiaries were young people. Other social groups who benefitted included indigenous peoples (2%), military personnel (2.45%), peasants (8.40%), workers (21.21%), and education sector workers (4.10%). Furthermore, 438,110 immigrant families benefitted from the housing missions with 308,255 new homes allocated to migrants from neighbouring Colombia (Bolivarian Republic of Venezuela, 2020).

Conclusion

Although global media houses portray developments in Venezuela in a very negative light, there is no doubt, that the achievements of the country's missions, including housing, are impressive. Available figures indicate that a large portion of the population directly benefited from the housing missions and that the constitutional right to decent housing is being realised in practical terms. The poor were protected from the arbitrariness of the housing market through protection against eviction and the provision of decent shelter, subsidised loans and

title deeds to urban land. This ended the commodification of housing to some extent and paved the way for the recognition of housing as a human right as set out in the Venezuelan constitution.

There are various lessons that can be drawn from Venezuela's experiences. Firstly, the social justice aspect that underpinned the housing programmes meant that the focus was not merely on the number of newly created homes alone, but also on the participatory processes that constituted the housing missions. The direct participation of communities was perhaps the most crucial aspect in terms of a transformative political agenda. Venezuela's housing missions were not just about creating new homes but also about creating a new society through solidarity and cooperation within communities.

Secondly, the state played a facilitative role and supported these grassroots initiatives with funding mostly derived from Venezuela's oil revenue. Resources could be accessed directly by the community councils which set up the communal banks which provided subsidised housing loans. This meant that the market mechanisms that underpin the commodification of housing were disabled to ensure decent housing as a human right.

Thirdly, the question of efficiency of housing delivery was not measured only in terms of the speed of housing construction but also in terms of transformative processes that accompanied the housing missions. This is an ongoing struggle with community-based organisations pushing for greater emphasis on self-management of housing and economic production.

With falling oil prices and the brutal economic sanctions imposed by the USA and some of its allies against Venezuela, it will be increasingly difficult to sustain the funding model based on oil revenue. It is certainly no coincidence that the Western countries driving the sanctions have a vested interest to see Venezuela's transformative programmes fail. The proposal by Venezuela's opposition to privatise housing is an example of ongoing attempts to undermine such transformative processes. Venezuela certainly faces very challenging years ahead to defend and broaden its emancipatory achievements but its successes - despite vicious sanctions - provide an inspiration for housing struggles elsewhere.

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Mount Frere Extension 6 Affordable Housing Project

Temba Jauch and Zachary Kimberling

This project aims to address some of the challenges associated with the design of affordable housing particularly in the Southern African context. This project will illustrate the role of design when it comes to affordable housing. Housing in general has tended towards an engineering exercise, with architects playing a rather peripheral role in the process. Most housing projects focus on the provision of as many as possible standard “units” on plots, still based on the false notions of a nuclear family. The “unit” offered precedes the actual demands and thus its design is arbitrary.

The Mount Frere Extension 6 Affordable Housing project set out to look at these issues and find responses to them within the domain of architecture. It is taken as given that housing is very constrained between market forces, building codes, and policy frameworks which lie beyond the domain of the architect.

The site is in the town of Mount Frere in the Eastern Cape. A road layout was inherited, which was planned for freestanding affordable housing units, with each house located centrally on a plot of about 250m².



Figure 1: Perspective from street corner

The inherited proposal was rather typical of the approach adopted in most affordable housing projects in the region. The following symptoms of this approach were things we looked to address through the redesign:

Density: low residential densities which do not provide the critical mass needed to provide urban amenities and to stimulate economic activity.

Backyard access: Plot sizes are too large, and no provision has been made for access to back yards. The plot inevitably is an economic resource for the owner who will look to obtain rental income by providing back yard accommodation. This is a condition which needs to be pre-empted and taken into account in the design.

Shared public spaces: In addition to parks and public space designed at a macro scale, the incorporation of micro-communal spaces is integral to providing the necessary amenities for improved living environments. The question of the needs of the community is too often left out in this context.

The first point of departure was to interrogate the arrangement of plots and their sizes. By nature, standard housing is repetitive. How to arrange repeated units without creating overly repetitive and never-ending vistas was a primary concern. Narrow plots were devised, with houses built up to

the lateral site boundaries. A series of different house types were designed and a systematic way of arranging these houses was developed, which could result in endlessly varied clusters despite using only a handful of unit types. To further disrupt repetition, the plot dimensions are not uniform. Although there is a requirement for each unit to have a similar sized plot, there is no rule stipulating the proportions of length and width needed to achieve the requisite plot sizes. Varying these proportions from plot to plot further helped to manipulate the clustered houses.

The plot sizes were reduced from the initial 250m² to sizes ranging between 100-150m². This allowed for a greater density of houses. Given the pre-defined road layout, additional one-way streets were incorporated into the design to effectively make the blocks smaller. The one-way street provides opportunity for on-street parking close enough to the houses, thereby alleviating the need for off-street parking. This allows the smaller plots to be utilised more efficiently for accommodation. The one-way streets are staggered as a means of slowing down traffic and prioritising pedestrians. The change in surface material also registers the multiple uses of the street. It is common practice for streets to be used as a hard surface shared space which acts as a play space for children. These devices simply help articulate the street as such.

As a result of the increased density and efficiency of plots, it becomes possible to incorporate shared community spaces. These micro- community spaces would complement the public street space and provide safe play areas near homes. These community spaces are also pivotal in creating a safer pedestrian network for accessing the backyards of the plots. The pedestrian routes between the communal spaces are of a short distance, which gives better visual surveillance and creates a safer space for pedestrians. Given the crisis of violence against women and children, strategies for creating safer urban environments should be fundamental to all housing schemes.

The pedestrian access routes are important to the scheme because these routes would contain essential sewerage and water services below ground, which would service the future back yard extensions undertaken by the residents. It is inevitable that starter houses will be changed and expanded to accommodate various groupings or family arrangements as required. The plots will be utilised as an economic asset which allows for rental income by building further rooms. The houses themselves are designed taking these extensions into account, but it is also imperative that the bulk civil infrastructure can accommodate this. The independent pedestrian access to the back yards allows for better possibilities of developing separate entrances to the backyards, as well as providing the infrastructure to service and maintain them.

Figure 2: Aerial perspective



Figure 3: Overall Site Plan

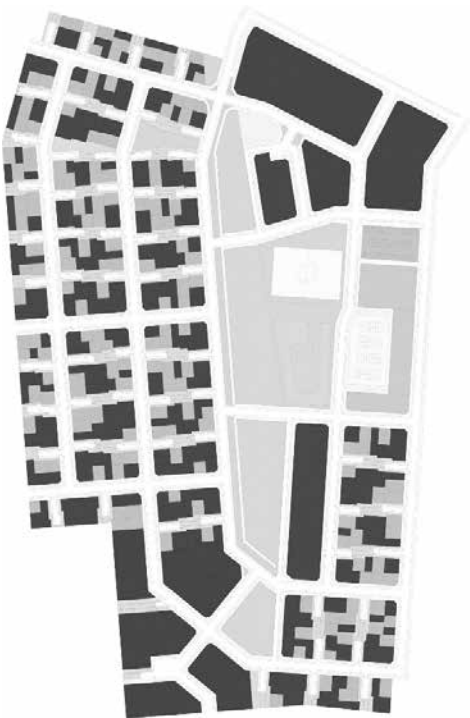


Figure 4: Inherited Layout

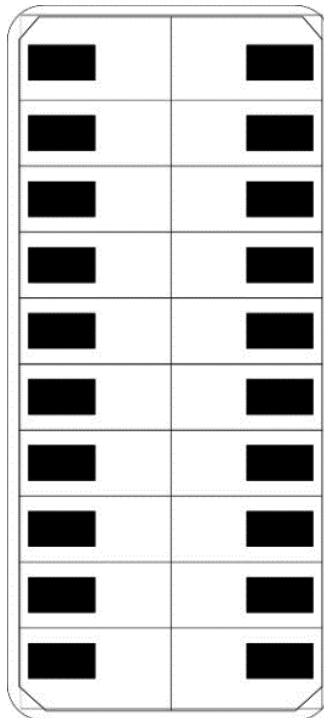


Figure 5: Typical Block Proposal



Figure 6: Typical Block future extensions

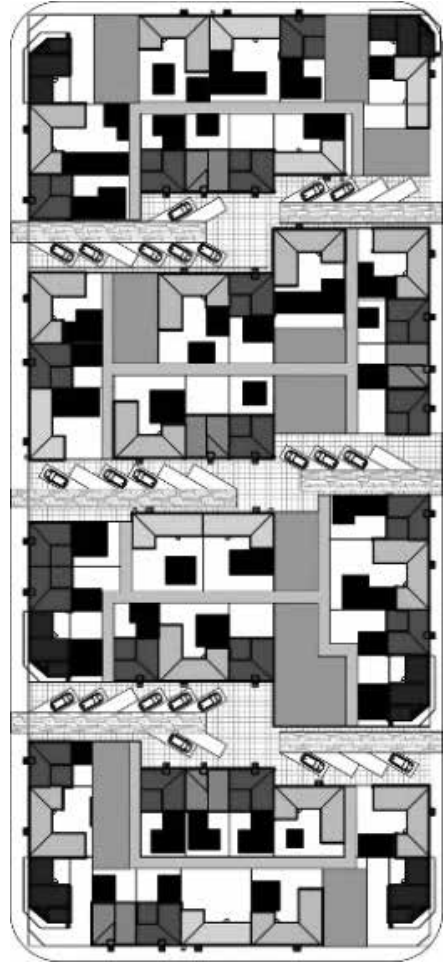


Figure 7: Typical Street Elevation



Figure 8: Typical Housing Units

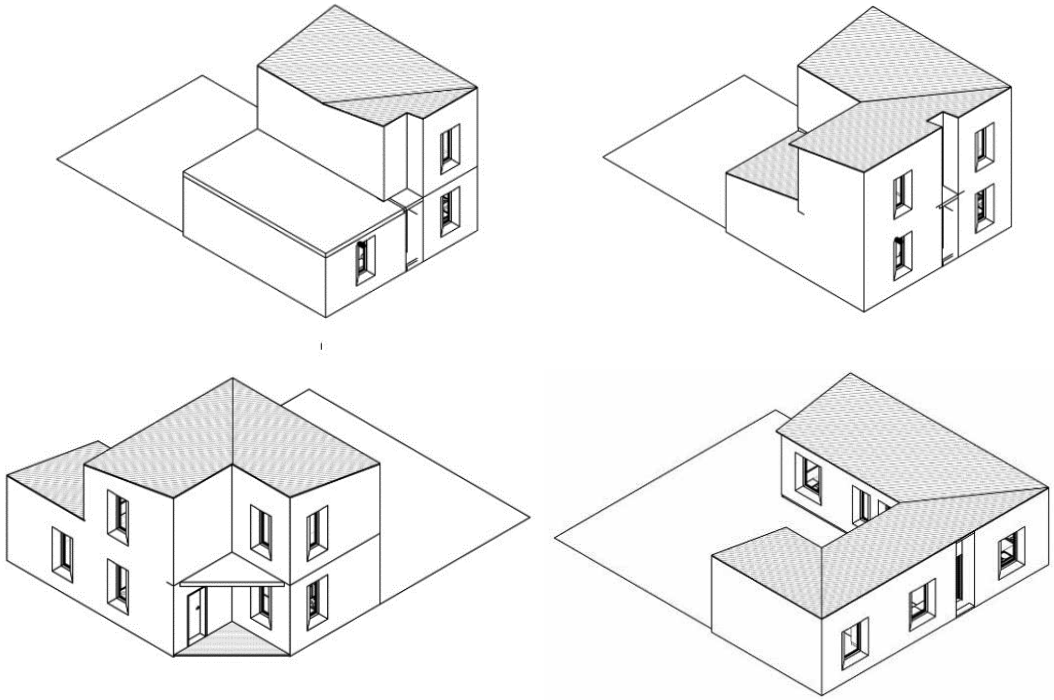


Figure 9: Perspective from one way street



Opinion Piece 1: Is Social Housing Possible?

Shaun Whittaker, Harry Boesak and Mitchell Van Wyk

According to the former deputy minister of urban and rural development, Derek Klazen, Namibia's housing backlog stands at 300,000 units currently. This is a huge number if it is considered that this mineral-rich country has a population of only two and a half million and has had 30 years of neo-colonialism. In other words, the housing crisis has only worsened during the past three decades under Swapo rule and the vast majority of Namibians do not live in decent housing. Therefore,

in housing the Swapo government has been a massive failure.

The former deputy minister also suggested that N\$76 billion would be required for land servicing and housing construction (The Namibian, 21 September 2020, pg. 9). This is undoubtedly a significant sum of money but it should be placed in context. Firstly, the Namibian government functions on neoliberal assumptions, i.e., that the building



Photo: Guillermo Delgado

material would have to be purchased at current prices from the private sector and that the profit motive would have to be respected. It also assumes that housing is not a social right and that the commercial banks and the self-styled (capitalist) developers should be responsible for housing. No wonder the housing crisis only became worse over the years! For the past 30 years, the Namibian government managed to build only 35 000 houses, which is a tremendous disgrace!

The neoliberal model has meant that the super-rich do not pay taxes and therefore the Namibian government – who agreed to this predatory framework at political independence – was compelled to shift costs onto ordinary citizens. This meant that land, water, electricity and so forth became extremely expensive. In addition, the supposed private sector – driven by greed and therefore unproductive – became central to the supply of housing. The financial sector and the construction and building material companies became increasingly fabulously wealthy, while pushing most of the population further and further into debt and poverty. Land servicing – which was never an issue with the social democratic model that prevailed during the horrendous years of colonialism – suddenly became a supposedly complicated and expensive issue. This is just part of the neoliberal smokescreen.

Moreover, the estimate of the housing backlog does not include the large number of housing units in the country left empty and abandoned because of inflated pricing and large numbers of people steadily leaving the country owing to the financial crisis of the past few years. If this was considered, the backlog would be greatly reduced.

The political elite undoubtedly had skewed priorities in building a palace-like state house, too many government buildings and unnecessary roads. The government has also maintained a huge and secret military budget during thirty years of peace – a military budget that would easily have covered the costs for a mass housing project. Other noteworthy options to provide social housing could have been a wealth tax or money from the government pension fund. But this was not to be due to the vanity and avarice of a political elite that is a burden to the country.

This shows that the former deputy minister was simply being disingenuous when he reasoned that one of the main causes of the housing crisis is that people lack the financial means to acquire housing. To not explain the context of the organic social crisis – which generated tremendous unemployment and slave-like wages – is to be dishonest and to not take political responsibility for the misery created by the Namibian state – which is ultimately merely an instrument of capital. And then Klazen

even has the audacity to state that the government should pursue smart partnerships with the private sector. In other words, the massive failure will continue but the government will still follow the same profit-driven framework which is dominated by an uncaring political and economic elite in Namibia. The former deputy minister is clearly mistaken in thinking that the so-called private sector has the solution to the housing crisis when it is precisely the financialisation and commodification of this sector that gave rise to the catastrophe.

Similarly, to refer to inadequate budget allocations is an understatement as this political elite is responsible for the budget and are certainly not helpless victims in the budgetary process. It was a conscious decision of the *political elite* to focus on state building and to put the needs of the Namibian people last. They are clearly incapable of nation building, which in the final analysis includes ensuring social equality at all levels.

If anything, the callousness of the political elite towards the nation is obvious. For example, how on earth can we focus on upgrading informal settlements instead of constructing proper housing? To add insult to injury, the government aims to upgrade a mere 10 informal settlements with the 2020/21 budget, although there are 113 informal settlements throughout the country.

Likewise, the government intends to construct only 5 000 houses in that budget, but usually this figure does not even reach its low-level goals. There are an estimated 228 000 shacks in the country, which excludes those Namibians living in backyards and overcrowded housing units. More than 94 percent of the Namibian people live in inadequate housing. What a terrible shame! It would undoubtedly be a considerable task to move all informal settlements to well-located places, but the government owns enough land for housing and a five-year plan could achieve this. It was mainly the political will that was lacking from the neo-colonial elite from the start. And the decongestion of informal settlements is clearly not a solution as the target ought to be to get rid of all such settlements and to provide decent housing to our people. Furthermore, if rent control and unoccupied housing units or buildings are considered, the nation would certainly need much less newly constructed housing. So, for the left wing, there is huge potential to mobilise the working people around housing.

After mass mobilisation by the trade union movement in Uruguay in the 1960s, that country eventually passed progressive legislation around social housing. There is much to learn for the Namibian left wing from that country. The Law of Housing of Uruguay is based on the theory of human dignity, and recognises housing as a social right.

Social housing units there were never part of the real estate market that was driven by the 'private' sector. If anything, the involvement of collectives was legally recognised by the progressive legislation, as well as the right of working people to collective property ownership. Principles of mutual aid and democratic management were similarly accepted. The motto of the Uruguayan housing cooperatives movement was: no more houses without people, no more people without houses.

Following the example of Uruguay, Brazil set up a National Housing Bank to make financing housing for lower income people possible. The Institute for Applied Economic Research (2016) in Brazil recommended five features that should be overcome in informal settlements: no access to drinking water, no basic sanitation, overcrowded or insufficient housing space, non-durable housing structures and unsafe security of tenure for occupants. However, in Namibia a sixth feature is crucial, i.e., energy inefficiency.

It is high time for the Namibian nation to move beyond the neo-liberal framework that commodifies the social rights of people. It is indeed crucial to affirm housing as a social right and to counter the destructive activities in this essential sphere. The profit motive should simply be removed from social rights. On a practical level, it is vital – instead of profit-driven developers – to

rather set up grassroots-based housing collectives throughout the country which could drive the construction of such mass housing projects. It goes without saying that such housing collectives ought to be democratically managed and should be independent from political parties. Housing units constructed by these co-ops would remain the joint properties of the grassroots organisations and would be able to be transferred to the descendants of the owners as long as they also become members of the collectives.

What is required is an ambitious housing construction project that could provide jobs and training opportunities for the enormous number of unemployed in Namibia. It could present the nation with a real opportunity to train quality artisans, but also to form collectives that could be an example in other crucial areas such as food and clothing production. This could be combined with a solar energy project that should assist with the creation of energy efficient housing units that would remain cool in the scorching Namibian heat. It would generally also be necessary to construct decent houses with reasonable living space for every person. Housing units, such as those set up in Walvis Bay during the Housingrot of the Pohamba administration, with only one outside door or no inside toilet, are simply undignified and unacceptable.

Similarly, the country has sufficient underground water to supply every household in the nation with water, and water cooperatives could make this a reality. We should resist any attempt to privatise our underground aquifers.? Indeed, let us also form collectives for sanitation and clean neighbourhoods, and every other important area of

life. The best option is to mobilise the working people from below so that they themselves take responsibility for all their needs. We should be our own liberators. The self-reliance of the working people should make them realise that, in the end, social housing would only be truly possible in a post-capitalist Namibia.

Opinion Piece 2: **The Namibian Housing Conundrum: Ambiguities and Contradictions**

Toivo Ndjebela

A large proportion of the urban population in developing countries lives in informal settlements due largely to rapid population growth and widespread poverty. In Namibia, this reality was accelerated by the abolition of the contract labour system, which previously prevented movement to urban centres unless the migrant had secured a job in such cities in advance.

The rapid urbanisation process, exacerbated in part by the attainment of independence in 1990, has led many Namibians to shift from rural to an urban areas in search of a better life that independence itself promised to usher in. This trend caught both legislation and institutions off-guard.



Photo: Guillermo Delgado

The new and largely small Namibian economy was characterised by unstable jobs and low wages, which robbed many economic immigrants ability to afford formal housing. Informal settlements are more the norm than the exception in many cities of developing countries (Baross, 1990), with the majority of the inhabitants living in informal areas.

The increasing population in informal areas necessitated changes in policy to deal with these settlements. In dealing with the spiralling growth of informal settlements, nations embarked on two major alternatives. Some countries sought formal alternatives through subsidised social housing and, later, site-and-service projects. Other nations accepted informal settlements as part of the housing solution, instead of considering it a problem (Payne, 2002). Payne observed two important aspects: legality (securing of land and housing tenure) and physical consolidation (dwelling and infrastructure development).

Accepting Informal Housing as Inevitable Reality

While in many countries' physical upgrading in informal settlement has been practised through the installation of infrastructure, it is sometimes argued (Werlin, 1999) that without land titles physical improvement would not be sustainable. In Namibia, for example, the demolition of illegal structures in

informal areas is a regular occurrence, meaning therefore that putting up such structures, or improving the existing ones, could be a waste of resources since they could later be bulldozed down by municipal authorities.

In the 2017 court case of Likuwa vs the Municipal Council of the City of Windhoek (High Court of Namibia, 2017), the City of Windhoek, which ordered its municipal police to demolish illegally-erected shacks belonging to 16 residents of Otjomuise area of Windhoek, the municipality argued that by law it was unable to allow squatters to set up homes without its approval.

The municipality pointed to the Local Authorities Act of 1992, which mandates it to manage land situated within its area of jurisdiction and to deliver basic services for the benefit of the inhabitants within its jurisdiction. The Council is, as such, the owner of the land on which shacks were erected illegally.

Also, lack of land tenure in informal settlements makes it difficult to access mortgages to invest in improving such dwellings. Without State approval to own urban land, people in informal settlements do not own land titles, which are a widely accepted tool throughout the world to secure collateral for loans.

In Peru, for example, the growth of informal settlements in Lima and other cities in the country picked up significantly in the 1940s. This was a result of the increase in rural-urban migration, especially in Lima where the city population grew from 600 000 people in the 1940s to 7 million in the early 2000s (Payne, 2002). This influx overwhelmed government to the extent that authorities could no longer prevent migrants moving to cities.

From Lima to Windhoek

Subsequently, authorities started to get involved in the provision of services and tenure to such settlements – in part to gain political support. The Peruvians, in accepting informal settlements as an inevitable reality, promulgated Law 13517 (Payne, 2002), which stated that informal areas should be legally integrated into formal methods of urban development.

The law gave individual property titles and the right to improve existing informal structures, amongst others. Based on World Bank population estimates and urban ratios from the United Nations World Urbanization Prospects, Namibia's urban population stood at 46% in 2016, with an urban growth rate of 4.6% per annum (growth rate of rural population: 0.6 percent).

The major factor influencing the urbanisation in Namibia is rural-to-urban migration, mainly by young

people in search of better social and economic opportunities. However, many such new arrivals join others in setting up new informal structures in cities, without the benefit of land tenure rights.

Those living in informal settlements have, to some extent, access to land but not security of tenure because many of them live on invaded municipal land and can therefore not use the land on which they live to raise capital. The then mayor of Windhoek Muesee Kazapua (The Patriot, 2016) remarked that the situation could be improved if government operationalised the Flexible Land Tenure Act, which is not yet operational pending a pilot project to test its effectiveness.

The Act was formulated to guarantee security of tenure to those living in informal settlements. The 2016 estimates indicate that 116 000 of the 325 858 Windhoek residents lived in informal settlements. Residents living in informal settlements across Windhoek were expected to increase to 148 000 by 2020 (The Patriot, 2016). The migration report by the Namibian Ministry of Home Affairs indicated that by 2030, 60% of the country's population will live in urban areas (New Era, 2015).

It is sometimes argued that all households are contributors to the city economy, whether formally employed or not. Payne (2002) argues that the

wealth of any city is built from every single house and residence - be it a villa employing dozens, a cluster house, a multi-storey flat, a humble structure of mud, cardboard or plastic sheets with perhaps a corrugated iron roof - all of which form a continuum in the placement of people in the urban context, and thus all forms of housing have the potential to be economically active.

After all, cities may only provide services to residents if their revenue collection regime covers all households in the city - whether formal or informal - so that municipalities may continue providing basic amenities to all communities within their municipal boundaries, including those that may have erected their shacks without municipal approval.

Conclusion

The common denominators of informal settlements are poverty and social exclusion. These gave rise to the rest of the challenges in these areas. Policies aimed at alleviating poverty in these dwellings must be designed specifically to accommodate these realities and address them decisively.

Answers to the Namibian housing question lie in a policy shift. The current set of laws has not answered the country's challenges - hence the need to approach matters differently. The Flexible Land Tenure Act, if

implemented to the letter and within the spirit of its establishment, could be a game-changer for Namibia. This is particularly so if it is applied with an admission that informal settlements are here to stay and that they simply need to have an infusion of dignity through provision of basic amenities and tenure rights.

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#ShutItAllDownNamibia: Young Namibians are Hitting the Streets against Gender-Based Violence and Colonial Legacies

Heike Becker

Six months after Namibia celebrated the thirtieth anniversary of her independence from South Africa in March 2020, the country is on fire. Hundreds of Namibian activists, students, working youth, and artists have taken to the streets of Windhoek and other towns. The protests started on 7 October 2020 after the body of a young woman was found murdered in the port city of Walvis Bay. Twenty-

two-year old Shannon Wasserfall had been missing since April of 2020.

A New Generation of Youth Activists

This young generation, triggered by the scourges of femicide and gender-based violence, is tired of living in a violent society. One of their major rallying cries has been #OnsIsMoeg (Afrikaans for “We



Photo: Hildegard Titus

are tired”), along with, significantly, #ShutItAllDownNamibia. The hashtag expresses their aim of disrupting business-as-usual in a situation of crisis. Protesters have been marching on various ministries and demanding the resignation of Namibia's Minister of Gender Equality, Poverty Eradication and Social Welfare, Doreen Sioka.

Activists against sexual and gender-based violence (SGBV) forwarded a petition to parliament, demanding political action to address femicide, rape, and sexual abuse. In response, Prime Minister Saara Kuugongelwa-Amadhila issued a statement saying that the protesters' petition would receive “priority” and that the government was “in full agreement” that the high incidence of sexual and gender-based violence “cannot be allowed to continue”. Young activists and established gender equality advocacy groups such as Sister Namibia have pointed out, however, that the government promulgated two national plans of action against SGBV before, in 2016 and 2018, little of which has been implemented.

“The system has failed us” read one of the hard-hitting placards a young woman held up at one of the ongoing protests in Windhoek. Drawing on Cardi B's recent hit single, “WAP”, young protesters taunted the police force with radical hip-hop moves inspired by the song. During one of the early marches on Saturday, 10 October

2020 protesters were forced to scatter in central Windhoek after security forces threw tear gas and shot rubber bullets at them. Twenty-six activists were detained, although charges against them were later dropped. One of the arrested protesters said that the dropped charges were a bittersweet moment for the movement, as the activists did not have the opportunity to expose the police's abuse of power. This incident caused much concern. Minister of Home Affairs, Frans Kapofi, eventually apologised for the police brutality during a meeting on 23 October with youth activists to discuss issues of gender-based violence (<https://www.namibian.com.na/95911/read/Kapofi-apologises-for-police-brutality-at-protests>).

The recent protests are the latest in a series of actions, as young Namibians have taken to the streets in growing numbers over the past few months. In early June 2020, following the murder of George Floyd in the United States, protests under the Black Lives Matter banner were also organised in Windhoek. At the time, Namibia's BLM activists focused on a statue near the Windhoek municipality building of German colonial officer Curt von François, deemed the “founder” of Windhoek in colonial historiography. They demanded the removal of the statue with a widely circulated petition under the hashtag #CurtMustGo.

Alongside this local activism against colonial iconography, the Namibian BLM protesters addressed other pressing demands concerning structural racism and social inequality. They called for an end to police brutality during the Covid-19 lockdown, in full force in June 2020, which had hit impoverished urban areas hard. Speakers also insisted that the long-standing issues of gender-based violence had to be addressed, not least because they had been exacerbated during the hard lockdown.

A few weeks later, in mid-July, protesters took to the streets again. This time they demanded the legalisation of abortion and expansion of women's reproductive health rights. The pro-choice action was organised by a newly-formed alliance known as Voices for Choices and Rights Coalition (VCRC), which had by then already collected 60,000 signatures (a significant number given that Namibia's population is only 2.5 million) calling for the right to safe abortion and abolishing the country's Abortion and Sterilisation Act of 1975, a legal legacy of South African colonisation.

The series of connected protests against coloniality and structural violence have galvanised growing numbers of young Namibians to reclaim the streets, marching and dancing and unleashing incredible creative energy with their performances. Social media users from across the African continent

have posted on Twitter and Instagram in solidarity, linking the Namibian protests to political actions happening elsewhere on the continent, from Nigeria in the West to Zimbabwe in Southern Africa.

This is no longer just a protest about sexual and gender-based violence. Thirty years after the end of apartheid colonialism, a new generation of young Namibians are again speaking up. Challenging the vestiges of coloniality in the country, they follow in the footsteps of an earlier generation of activists who made enormous contributions to the political (although socially incomplete) liberation of Namibia in the 1980s. In the light of the new generation of Namibian activists forcefully asking penetrating questions and engaging in collective action over the past few years, culminating in the 2020 protests, the history of the popular urban revolt of the 1980s has become particularly significant once again.

The Vibrant Past: Anti-Discrimination Protests in the 1980s

In the 1980s, social and political developments in Windhoek and other towns of central and southern Namibia critically challenged the colonial politics. From 1983 onwards, residents protested against the price of electricity and formed street committees in several towns. A popular revolt against poor living conditions and the oppression

under apartheid colonialism was staged by residents' associations, and movements of workers, students, and women, and was also reflected in an emerging alternative press. In 1987, 29 community-based organisations were listed, ranging from residents' associations to women's, church, education, and health groups.

These social movements took up people's day-to-day concerns under conditions of worsening poverty after the (partial) abolition of influx control laws led to accelerated urbanisation, and an economic recession had set in towards the end of the 1970s. The crisis hit urban Namibia at about the same time that the South African regime began to use its colony as a "testing ground" for limited reform. In the late 1970s, South Africa lifted certain apartheid restrictions – which it had not yet dared to do in the South African heartland. In a particularly significant move, in 1979 the legal requirement for separate residential areas ended with the promulgation of the Abolishment of Racial Discrimination (Urban Residential Areas and Public Amenities) Act 3 of 1979.

The political and legal reforms introduced in the late 1970s also played a role in the rise of new movements and forms of protest. Social occasions, which had been greatly restricted following the forced removal of Black Windhoekers to the apartheid townships 20 years earlier,

were gradually revitalised. Nightclubs and football tournaments provided increasing opportunities, especially for young urbanites, to meet across the fissions of race and ethnicity. The urban population, which crossed ethnic and racial boundaries, remained small but became increasingly significant for an emerging new layer of activists who, in the mid-1980s, founded social movements and community-based organisations (CBOs). This cosmopolitan nationalism became a key driving force of the anti-apartheid decolonisation struggle in urban Namibia, providing many of the leading activists with key ideas and practical experience?

A particularly suggestive dynamic behind the rise of the new movements was the emergence and life experience of a growing Namibian intelligentsia with increasing educational opportunities in the country and at South African universities. This happened at precisely the moment when South Africa erupted in vibrant protests of youth and particularly students. During the well-known uprisings of 1976 and again during the widespread popular revolt of the mid- and late 1980s, students from the apartheid state's colony also took part in South African campus protests and some young Namibians became intensely involved in township protests. In student reading groups, these young Namibian revolutionaries were influenced by the writings of



Photo: Hildegard Titus

Frantz Fanon and Steve Biko, Lenin and Gramsci, Samir Amin and Paolo Freire.

The transnational entanglements of southern African social movement politics were remarkable. The nascent Namibian intelligentsia studying in South Africa returned to Namibia and brought back ideas and practices of student politics and new forms of anti-apartheid activism that arose after the 1976 Soweto revolt, along with “alternative” styles of South African oppositional politics. The boundary-crossing desires of the young anti-apartheid activists broke down the barriers which prevented people from creating networks among Namibians of different social and cultural backgrounds.

The revolutionary activism of youth and students became ever more pronounced in the 1980s. Thousands of Namibian high school students throughout the country, joined later in the year by those attending the Academy of Tertiary Education (the predecessor of the University of Namibia, UNAM) in Windhoek, mobilised for a massive school boycott in May 1988 to demand the withdrawal of army bases near schools. The Namibia National Students’ Organisation (NANSO), founded in June 1984, became a leading force, spearheading many rallies and marches in the final few years of South African rule over Namibia. Several youth leaders were arrested and imprisoned for their activism.

The late photographer John Liebenberg's amazing images of the vibrant anti-occupation protests illustrate the tremendous significance of the student struggles. Sometimes they were related directly to student issues: for instance, students publicly challenged the rector of the so-called "Academy" over his academic credentials, asking: "Are you *Koevoet* or *Academicus*?", highlighting the institution's collaboration with the apartheid regime. Other student activism was more overtly tied to broader politics, such as the massive public rallies in Katutura on Cassinga Day and May Day 1988, which were led by NANSO activists.

Young women also played leading roles in community activism along with student and worker struggles, forming a vibrant autonomous women's organisation known as Namibian Women's Voice (NWX). The NWV set out to address not only women's practical interests (such as earning an income or securing childcare), but also their strategic gender interests and the project of national liberation. They insisted that their main target group, "grassroots women" in urban locations and rural areas, were oppressed because they were black, poor women caught in a web of racist-colonial domination, exploitation, and sexist subordination.

Silence after Independence

Although Namibian civil society proved not to be very robust in the years following independence in 1990, the community activism of the late 1980s helped significantly in undermining South African rule over the country. Its absence in the historiography of Namibia's decolonisation struggles is thus a major blindspot – but it is not the only one. Postcolonial Namibian narratives of nationalism are peppered with silences. In the twenty-first century, the narrative of the Namibian anti-colonial struggle has begun to open up, albeit tentatively, to more inclusive perspectives. Thus far, these have largely been restricted to growing consideration of the early anti-colonial resistance in southern and central Namibia. This has recently gained momentum in the context of ongoing, contested negotiations around Germany's colonial genocide in Namibia (1904–08), and has been driven forward by the Namibian apology and reparations movements and their supporters in German decolonisation movements.

Regarding the period of nationalist struggle between the 1960s and 1980s, however, little has changed regarding the postcolonial narrative. Public remembrances, the country's ritualised political calendar and monumentalisation continue to celebrate the armed struggle from exile as the foundation of national liberation.

This adheres, generally, to a narrative of the exile-based political and military nationalism of SWAPO winning independence through the barrel of a gun. The role played by the civilian population during the liberation war has been, at best, contingent in the hegemonic discourse.

The silences surrounding the urban, community-based activism during the final decade before Namibian independence reach even deeper. To some extent, this relates to what has become known as persistent tension between the “external” and “internal” wings of the organised nationalist movement, known then as the South West Africa People’s Organisation (SWAPO), those who had mobilised from exile, and others who kept up the struggle at home. The erasure of Namibia’s urban struggles of the 1980s is largely due to the history of strained relations between SWAPO and the community organisations, which the politically organised liberation movement considered as being too independent.

The community activism of the late 1980s had helped to undermine South African rule over Namibia. However, Namibian civil society largely faltered in the years after independence. To a certain extent this was caused by the history of tensions between SWAPO and the community organisations. Co-option further weakened civil

society organisations when a number of leading activists were recruited into senior positions in the civil service after independence. That said, there were certainly positive aspects in the recruitment of former activists into the new state. In a number of instances, activists-turned-civil servants paved the way for progressive developments. For example, by the 1990s postcolonial Namibia could certainly be counted as a relative success story in terms of gender equality.

Nevertheless, the limits to liberation were evident. Particularly during the Nujoma presidency (1990–2005) the postcolonial state regularly denounced suspected “hidden agendas” of certain civil society initiatives, revealing a trend? move? towards authoritarianism and a deep-seated social and cultural conservatism. The Namibian Women’s Manifesto, for instance, an attempt in 1999 to bring together a coalition to push for increased representation of women in the political sphere, was denounced as deflecting from gender equality because some of the manifesto’s proponents were known for their advocacy against discrimination on the grounds of sexual orientation.

Bridging Namibia’s Past and Future

The current protests are certainly different from those held by the youthful social movements of the late apartheid colonial period. The local and global

worlds of the twenty-first century have seen profound change, which issue an invitation as well as a challenge to Namibia's young social movements. There can be no doubt, however, that civil society's post-independence lull has made way for a new vibrancy among young people, a desire for liberation and full decolonisation in recent years, of which the current protests are the best expression.

Since the mid-2010s, the popular politics of young movements such as the Landless People's Movement (LPM) and Affirmative Repositioning (AR) have been engaging Namibia at the crossroads, where the country has found itself after the end of the immediate postcolonial era under the country's first president, Sam Nujoma. One fascinating development is Namibia's exciting scene of young artists in the performing as well as the visual arts, who take up pressing concerns in their works and come together in events such as the 2019 Owela Festival ([https://www.](https://www.owelafestival.com)

[owelafestival.com](https://www.owelafestival.com)). Young activists and activist-researchers have also become engaged in long-standing grassroots political groups such as the Namibia Housing Action Group (NHAG) and the Shack Dwellers Federation of Namibia (SDFN).

The impressive array of ongoing political and artistic activist initiatives and protests are part of essential conversations about the entanglements of Namibian past, present, and future. These challenges cut both ways: the history of the earlier anti-colonial struggles of young people must be told again, including those of the community uprisings of the 1980s. Revisionist narratives of liberation contribute to a better understanding of the channels through which young Namibians make their voices heard 30 years after independence. At the same time, the youth of today deserve to be listened to, in order to grasp how they imagine postcolonial Namibia as their "project".

Critical Visualities & Spatialities: Protest, Performance, Publicness and Praxis

Nashilongweshipwe Mushaandja

This incomplete and process-based photo essay is an exhibition of selected photographs representing recent protest performances in Windhoek and Luderitz. I make use of Performative Writing as a method of embodying the work that these protests do, which is to mobilise dialogic action¹ and movement formation². The performativity of these photographs points towards alternative notions of Publicness, critical visualities and spatial processes, particularly in Namibian urban centres. This essay posits that this protest action and their photographic remnants mobilise Praxis³ that is required for decolonial futures.



Photo: Nghidimondjila Hashikutuva

#ShutItAllDown (2020) protesters in front of the office of the Minister of Gender Equality, Poverty Eradication and Social Welfare.

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- 1 "The object of a dialogical-libertarian action is not to 'dislodge' the oppressed from a mythological reality to 'bind' them to another reality. On the contrary, the object of dialogical action is to make it possible for the oppressed, by perceiving their attachment to opt to transform an unjust reality." "In order for the oppressed to unite they must first cut the umbilical cord of magic and myth which binds them to the world of oppression; the unity which links them to each other must be of a different nature." Freire, P. (1972). *Pedagogy of the Oppressed*. Harmondsworth: Penguin.
 - 2 Movement as in social movements that leans towards decoloniality as well as radical learning and culture.
 - 3 Praxis as in "reflection and action directed at the structures to be transformed." (Freire, 1972). This also includes theory as an embodied practice, beyond sustained reading and writing.



Photo: Vivian INou-/Gawaseb

#ShutItAllDown protesters (2020) in Windhoek Central Business District.

Our Praxis as protesters at *#ShutItAllDownNamibia* was embodied through disruptive politics of public life. In the photo on the next page, we are occupying the CBD intersection of John Meinert Street and Independence Avenue. This radical practice of occupying and interrupting intersections in the CBD and several other significant sites in the city such as Parliament, Ministry of Justice, Central Police Station has been central to the movement's strategy. As portrayed in the photographs, the *#ShutItAllDown* series of protests were organised by predominantly young women who

have overtly expressed the collective fear, anxiety, and exhaustion of living in an unsafe country. One of the protest posters in the photographs reads “*Ons Is Fokken Moeg*” (*#OnsIsMoeg*)⁴ is a signature slogan in the *#ShutItAllDown* movement which we often chant during our protest performances. Another poster addresses the normalisation of trauma in post-apartheid Namibia, highlighting the unfinished business of collective healing of the nation.

The poster reads, “*Jou Poes Doreen*” is a gesture of radical rudeness directed at the Minister of Ministry of Gender Equality, Poverty Eradication and Social Welfare Doreen Sioka for her insensitive and ignorant views around Sexual and Reproductive Health Rights (SRHR). We first saw this poster during the *#LegalizeAbortion* protests that took place in Windhoek in July 2020. This poster calling out Sioka's anti-abortion and conservative politics must also be read as a poetic gesture for us to grasp its nuances. While it is literal, it is also loaded with all kinds of metaphoric and symbolic meaning as it is part of a contested politics of the female body. It is a radical queer feminist gesture that disrupts the politics of politeness as a way of amplifying feminist voices against femicide and the Sexual and Gender-based Violence (SGBV) in Namibia. This form of radical rudeness is an ancient tradition which many feminists often turn to in the fight

4 Afrikaans for We are Tired.

the crisis of gendered and sexualised violence⁵.

The photograph on the previous page depicts a mobile #ShutItAllDown protest action that happened surrounding Independence Avenue, one of the longest streets in the city, named after Namibia's political independence, gained in March 1990. The building structures are standing tall and dominant, resembling the bureaucratised violence and delayed justice. These buildings include the Independence Memorial Museum, Christuskirche, High Court of Namibia, Magistrate Court, First National Bank, Ministry of Gender, Ministry of Justice, Parliament, Central Police Station, to name a few. Most of these buildings are part of the city's colonial heritage and some of them are new constructions of Namibian nationalism and capitalism. Hence, the constructions and preservation of these buildings can be problematised on the basis that they are protected and valued more than the female, queer and youth lives. Another significant symbol to observe in the photograph above is the Kudu Statue, a bronze sculpture unveiled in 1960 by the apartheid city of Windhoek. It commemorates a time when the Namibian kudu population was struck by a disease that almost made them extinct. This colonial monument

is one of the many landmarks that continue to define the landscape of Windhoek. Again, we could read this colonial landmark as representing the historic value placed on wildlife while rendering black and female bodies as disposable. These are the urban spatial contradictions that mark contemporary Namibian politics of the public sphere.

The following selection of photographs curates a visuality of recent protest action in Windhoek and Lüderitz representing a wide range of activist work by women and young people calling for social justice in the Namibian context. Both Windhoek and



Photo: Martha Mukaiwa.

#ShutItAllDown protesters at the Namibian Parliament.

5 Tamale, S. 2015. Nudity, Protest and the Law in Uganda. Accessed on 20th July 2020 from http://www.agi.uct.ac.za/sites/default/files/image_tool/images/429/feminist_africa_journals/archive/22/fa22_inaugural_lecture.pdf



Photo: Vivian !Nou-/Gawaseb

#ShutItAllDown protesters (2020) At the Ministry of Gender entrance.

Lüderitz are historically colonial urban centres, whose heritage continues to be visibly present in their respective landscapes. This connection between place, history and violence is essential in unpacking Namibia's crisis of femicide and Sexual and Gender Based Violence (SGBV).

'Vuli'gate Doreen Vuli'gate'

Open the gate Doreen, Open the gate
We chanted and danced at the gates of
the gender building
We demanded to see the Minister of
Gender Affairs
To face and address us
To hand her resignation letter
Under the scorching Namibian sun
In this city with deficit of trees and
shadows

We burnt from the sun while demanding for justice

Behind us is a blank billboard facing the gender building
Why isn't it being used for any anti-femicide work?

Why are there more billboards advertising alcohol and political parties in this city?

June 16th

During a global Covid-19 pandemic
We took to the streets to stand in solidarity

Against police brutality, violence, racism and Afrophobia in Namibia
We remember those who lost their lives



Photo: James Jamu, The Namibian Newspaper

Activists from the Young Feminists Movement of Namibia Activists en route to the #SilentProtest.

#JusticeforFriedaNdatipo
#JusticeforBenisiusKalola
#JusticeforDavidTuhafeni
#JusticeforJohnnyDoeseb
#JusticeforOdilioMotanane
#JusticeforFambauoneTalentBlack
#JusticeforHlalisaniZhou

The #SilentProtest highlighted the intersectional struggle

People who witnessed the protest often asked,
'Why are you guys focusing on so many issues?'

Keywords: Intersectional Struggle and Solidarity

Our struggles do not exist in isolation
Colonial events such as the Hornkranz

Massacre of 1893...

Have everything to do with Namibian military brutality

Colonial and the apartheid projects were also deeply gendered

And here we are...

Fighting ghosts of our past as our Fathers of Nation

Inherited and preserved these imperial systems

To continue upholding white supremacy in the new dispensation

Hence, here we are fighting the past with decolonial futures

Singing, #BlackLivesMatter in the here and now

Proudly demanding spatial, gender, economic and epistemic justice in our lifetime

Check the levels, check the power!
Contemporary Black youth speaking
truth to power
With iconographies of colonialists
towering over them
Calling out all colonial remnants in
the public space
Calling in decolonial love
Calling in Fallist traditions
From #GallowsMustFall in Hen-
ties Bay to 'No Justice, No Peace' in
Lüderitz

The photos by Ndeenda Shivute and Robin Tyson portray the continued #ShutItAllDown solidarity and protest action in urban centres such Lüderitz and Swakopmund. This contemporary photography constitutes a visual expression of how ideas and consciousness is circulated across various places. In the case of the social movements exhibited and discussed in this essay, the role of social media such as Twitter was significant in the mobilisation of protest action. For



Photo: Martin Amushendje

Activists reading the petition at the June 16th #SilentProtest in front of the Curt von Francois statue at the City of Windhoek premises.

example, the “Ons is Moeg slogan is continuously used in many of these visuals. It is a notable #ShutItAllDown text that is often heard and seen



Photo: Ndeenda Shivute

#ShutItAllDown protesters in Lüderitz, October 2020.

in protests and their audio-visual presentation. It is used as a chant, a social media hashtag and text on signage. It is this performative power that makes it a borderless idea to speak back to the crisis of SGBV and femicide. I think the exhaustion expressed in “Ons Is Moeg” should be unpacked along the lines of historic trauma and Namibia’s legacies of violence.

Edwards-Jauch (2016) provides a structural analysis of systemic violence and hegemonic hypermasculinity in Namibia. She identifies a major gap in local knowledge production on SGBV which has everything to do with the heritage of violence in the Namibian society.

“The relationship between male physical violence and structural

violence is largely ignored and most of the research on gender-based violence in Namibia is descriptive and lacks historicity. Just the same, Namibia’s violent history of colonialism has left its mark on society. The colonial history and traditional forms of African patriarchy converge to justify women’s subordination, gender inequality and different dimensions of violence against women.” (Edwards-Jauch, 2016: 56).

It is these legacies of violence that the new youth protests are responding to. The collective and shared fatigue expressed in “Ons Is Moeg” is a result of the intergenerational trauma normalised in cultural violence. On the other hand, spatial violence is part



Photo: Robin Tyson

#ShutItAllDown protest action in Swakopmund, October 2020.



Photo: Robin Tyson

#ShutItAllDown protest action in Swakopmund, October 2020.

and parcel of this larger cultural and structural violence. The three urban centres in which these protests were performed have sustained their geo-historic traditions of spatial violence which serve to displace, dispossess, and segregate. This connection between place and violence is another gap that is hardly studied when we try to understand SGBV in the Namibian society. The photographs in this collection visualise radical imaginaries of these urban spaces as a response to this complex heritage of violence.

Swakopmund, Lüderitz and Windhoek are three urban centres that have historically administered colonial violence and land dispossession. This historic violence is embedded in the spatial, embodied and institutional archives of the post-colony and

hence the cultural crisis of SGBV and femicide. These new protest visuals of these urban centres represent a critical reflexive turn in the discourses of gender, race, sexuality and spatiality. The Pro-choice and Reproductive Justice March that took place in Windhoek during July 2020 is one of these protest actions that is heightening in current dispensation. The photographs below portray predominantly young black women leading this protest, calling for the decriminalisation and legalisation of abortion. Although this protest highlighted the rights related to bodily autonomy and freedom of choice for women, the visuals below show how these issues intersect with class and race struggles. These recent protests demonstrate a consistent focus on the interconnectedness of these struggles and the need to create responsive



Photos: Merja Ilekka

Pro-choice and Reproductive Justice March, July 2020.

interventions that take all these links into consideration.

All of these recent protests highlight the politics of bodies

Bodies on the margins

Oppressed bodies in relation to space and time

These protest performances mobilize movement formation

They theorize transgression and radical public education

As embodied in a protest theatre and public performance artwork by JuliArt in her performance *I AM HUMAN* at *Operation Odalate Naiteke* (2020).

Performed at corner of John Meinert and Robert Mugabe Avenues

At a corner between the National

Theatre of Namibia and National Art

Gallery of Namibia

Confronting these post-apartheid institutions of culture...

... Their histories of systemic violence

Their objectification and exploitation of the black artist body

Their restrictions imposed by their imperial architectures

JuliArt's queer feminist artistic practice is often excluded from these black boxes and white cubes

Hence, *I AM HUMAN*, like all protests exhibited in this essay must be read as engaged praxis that invites us to think critically about the how the body, place and time mobilise critical inquiry that is grounded social justice for all people of the world.



Photo: Vilho Nuumbala

JuliArt performing a protest performance work, I AM HUMAN, January 2020.

Afterthought - Nexus between Land and Housing

Helen Vale

This first issue of NJSJ has housing as its focus of discussion. However, since land and housing are inextricably linked (you cannot have a house without land to put it on), it is necessary to give some key facts about the Final Report of the Commission of Inquiry into Claims of Ancestral Land Rights which was released into the public domain on April 21, 2021 and is a 780-page document, now available on the website of the Office of the Prime Minister (<https://opm.gov.na>).

Background to the Establishment of this Commission

Namibia was subjected to colonial rule from 1884 to 1990. This long legacy bequeathed to an independent Namibia many challenges, of which the skewed land distribution that was in favour of a white minority population, has dominated the post-independence public and policy discourse on land.

Namibia is about 82 million hectares in size and there are three main forms of land ownership - freehold commercial land, non-freehold communal land and state land. At independence in 1990 44% of the total land area was made up

of freehold agricultural (commercial) land which was predominately owned by about 4,200 whites who made up less than 0.26% of the total population, while 40% consisted of non-freehold commercial land that was mostly occupied by the 92% of the population, mainly black Namibians. The remaining 16% constituted state land (government commercial farms, national parks, forests, mining areas, research stations and townlands).

It is against this background that the Namibian Government had convened two historic national land conferences in 1991 and 2018 with the aim of finding solutions to the land question and on 15 March 2019 Dr H.G. Geingob, President of the Republic of Namibia, established a Commission of Inquiry into Claims of Ancestral Land Rights and Restitution (above three paragraphs are extracted from the Executive Summary to the Report of this Commission of Inquiry).

Composition of the Commission and some Findings

The Commission consisted of High Court Judge Shafimuna Ueitele as

Chairperson and 15 experienced Commissioners and they visited 121 constituencies over 8 weeks, receiving both written submissions and oral testimonies. 8,351 people appeared before the Commission. When handing over the Commission's Report to the President in 24 July 2020, Judge Ueitele stressed that:

'We wish to echo the voices of the many deponents who have informed us that addressing the land question systematically to achieve the intended objectives and results is very urgent and that it is a matter of social justice, restoration of human dignity and maintenance of peace and stability in Namibia.'

<https://www.youtube.com/watch?v=CCwIDuZsJB0>

The Report is divided into 8 chapters: Chapter 1 sets out the background, terms of reference and principles adopted; Chapter 2 looks at the multi-pronged methodological approach used; Chapters 3 and 4 contains summaries of commissioned historical and legal studies; Chapter 5 gives an overview of Namibia's socio-developmental, economic, agro-ecological and land data; Chapter 6 has exemplars of the many written and oral testimonies; Chapter 7 reviews matters regarded as urgent, while Chapter 8 consists of discussion, findings and recommendations. Whilst the focus mainly was on agricultural land and

land in the rural areas, urban land was mentioned occasionally.

One important general finding in the report is that:

'All land in the country, it appears, is committed such that, based on current legislation and data on land use patterns, there is little (if any) unallocated alternative land in communal, commercial and urban areas for allocation/resettling landless people as well as those to be repatriated from the diaspora. Alternative land may only become available through land use re-allocation' (8.4.4.1 (c))

One matter that was listed under matters requiring urgent intervention in chapter 7 was that of the need for urban land rights for the displaced and landless. The precarious situation of urban dwellers who had been dumped and left to fend of themselves was highlighted, whether they were coming from land dispossessed communities or those evicted from commercial farms. Such people urgently need access to urban land and tenure security.

My Conclusion

It is ironic that Namibia is marketed as the land of vast open spaces, yet its people are scrambling for dwellings of their own that they can call home.

In many cases, land has been deliberately alienated from its historical

or political context and developed as an economic asset. The discourse around land is based on its identification with possession and ownership on the one hand and the need for a sense of belonging and safety on the other (adapted from words by Elize van Huyssteen, temporary curator, in her overview of the recent art exhibition *Landscapes* which ran from 20 May 2020 to 31 January 2021, at the National Gallery of Namibia).

It is vital to remember that many Namibian cultures view land as sacred and it is linked closely to the concepts of home, security and belonging; hence the universal wish for one's own home and adequate housing (the latter being a right acknowledged by the Universal Declaration of Human Rights, 1945). In Namibia, as in most countries, there exists a dire need for decent housing and a place to call home.



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