

IMPROVING TENURE SECURITY THROUGH THE ESTABLISHMENT OF A DIGITAL LAND REGISTRY IN NAMIBIA



Namibia is a semi-arid and arid country situated between the Namib and the Kalahari Deserts in the south western part of Africa. It is among the least populated countries in the world, with a total land mass of 825,615 kms² and a population of 2.4 million. Its economy is dominated by agriculture, fishery, mining and tourism. While Namibia is an upper middle-income country endowed with considerable natural resources, including minerals (copper, uranium, zinc, gold, gemstones, etc.), fish and wildlife, distribution of resources is highly uneven.

Namibia is undergoing a rapid and major transition from being a rural-based society to one increasingly concentrated in urban areas; over 50 per cent of the population is urbanised. While much of the urban population growth is due to internal densification, this transition is most visible in rapid urban expansion, especially in informal settlements that accommodate poor families in shacks on the outskirts of towns. Namibia's urban areas now have about 230,000 informal structures, a number likely to double in the next 10 years, corresponding to an increase of around 2 million people, if this trend of unplanned informal settlement growth is not addressed urgently.

INTRODUCTION

In the years after Namibia became independent in 1990, urban areas experienced unprecedented growth which, in part, reflected the freedom of movement enshrined in the new constitution after years of restriction. The major factor behind the rapid rate of urbanization is rural-to-urban migration, mainly of young men and women in search of better social and economic opportunities. Urban areas have a larger job market, which drives rural-urban migration and deepens rural-urban disparities. Other factors that have led to migration include rural poverty, social issues and education, with many households having more than one motive to migrate. The growing urban population has proportionally increased urban informality, resulting in increased pressure on land. Houses erected in un-proclaimed settlements are not eligible for freehold title and as a result people do not have formal tenure security over the land on which they are built. This lack of tenure security in informal, unplanned settlements has increased the risk of evictions, increased cases of conflict due to the unregulated transfer of rights and has led to a lack of infrastructure, facilities and basic services.

The Government of Namibia has, over the years, initiated comprehensive land reform programmes to address some of the above challenges related to inequitable access to and ownership of land. Between 1991 - 1998, the Ministry of Lands and Resettlement was mandated to champion the land reform process to “manage, administer and ensure equitable access to Namibia’s land resources”. This culminated in the approval of the National Land Policy of 1998, which further lay the foundation for land ownership and reform in rural areas. It was also during this period that the Flexible Land Tenure System (FLTS) was conceived as an alternative land tenure system to cater for low-income groups in urban areas. The FLTS was developed parallel to, and interchangeable with the existing formal land administration system. It was designed to be practical, affordable, secure and upgradeable to meet societal needs.

The Flexible Land Tenure Act (FLTA) was passed in 2012 and corresponding regulations were issued in 2018. It introduced two new tenure types in addition to the existing freehold tenure:



Digital enumeration using GPS on tablets in Freedom Square, Gobabis, Namibia. ©GIZ

- *Starter title* - a form of land tenure which 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 title* - a form of land tenure which gives the holder the same rights over the piece of land in the blockerf that the owner of any freehold title of an erf would have, as well as the right to use any common property within the blockerf. However, the land has to remain part of the scheme on that blockerf.

UN-HABITAT AND GLTN CONTRIBUTION

UN-Habitat and the Global Land Tool Network (GLTN) have for a number of years supported aspects of the establishment of the FLTS in Namibia. The Flexible Land Tenure Regulations stipulate that the information in the starter and land hold title registers may also be recorded in a computer system, provided that the system reflects, and can readily retrieve this information. It is on this principle that UN-Habitat, with support from Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), is adapting the Social Tenure Domain Model (STDM) tool as the basis for a Computer-Based Flexible Land Tenure System (CB-FLTS). The overall goal is to establish a functional CB-FLTS that captures information

on land hold titles and generates digital copies of the corresponding certificates at the Lands Right Office located in the Ministry of Land Reforms (MLR). The operationalization of the CB-FLTS will support the piloting of the FLTS where certificates of land hold title rights are expected to be issued to inhabitants of informal settlements in Windhoek, Oshakati and Gobabis. It is envisaged that a future iteration of the system will also include starter titles.

The project focuses on the establishment of the functionality of the CB-FLTS regarding the initial registration, issuance and archiving of land hold title rights for selected pilot schemes in the Land Rights Office (LRO), including related spatial and registration information. GLTN is supporting the implementation of the Flexible Land Tenure System specifically in the following areas:

- Support to the design of the CB-FLTS based on STDm;
- Training of registration officers in the use and maintenance of the CB-FLTS.



Supervision of enumeration using drone imagery in Freedom Square, Gobabis. ©GIZ

The project goals will be achieved through two main outcomes:

OUTCOME 1: Improved Management of Information on Land Hold Title

Under this component, the project is reviewing existing technical and functional designs, the potential linkages, and the ability for CB-FLTS to work with existing systems in the Ministry of Land Reform. The system designs will be revised to align them with the proposed components of the CB-FLTS. Developing and testing of the CB-FLTS using agile software development approaches will be another key function. The CB-FLTS will then be deployed in the Ministry of Land Reform's information technology infrastructure and potential performance bottlenecks will be checked using simulated and live data. Manuals for both the end-user and the system administration will be developed. The end-user manual will contain all essential information for the relevant ministry staff to make full use of the CB-FLTS. Similarly, the system administration manual will guide system administrators at the ministry in maintaining, tuning and troubleshooting the CB-FLTS. Consultation meetings with key project stakeholders and other actors in Namibia are being carried out and continue on a regular basis throughout the project.

OUTCOME 2: Strengthened Capacity of Partners to Operationalize the CB-FLTS

The capacity of individual staff members in the ministry is being assessed to determine the professional and technical expertise needed to sustain the implementation of the CB-FLTS. It includes an assessment of the human resources required in the short, medium and long term, and of the existing educational programmes offered by local educational institutions (including universities, colleges, polytechnics) in such fields as land administration and management, computer technology management, GIS and Earth observation, land information etc.

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In close collaboration with: Namibia's Ministry of Land Reform (MLR)

STATUS AND NEXT STEPS

The project commenced in November 2018 and has solicited interest and support from various stakeholders in the land sector. The key interventions are building on existing experiences and lessons previously learned by GLTN in Namibia, particularly in the Freedom Square upgrading project implemented by GLTN partner, Namibian Housing Action Group, such as partnership building, capacity development, tools implementation and improving land rights for people residing in informal settlements. The interventions are envisaged to facilitate dialogue and multi-stakeholder consultation on the FLTS in line with supporting the upgrading and development of low-income neighbourhoods, making it more efficient and less bureaucratic. Consequently, to ensure the smooth implementation of the project, the various interventions and expected outputs will be closely monitored and documented in coordination with the implementing partners.



For more information, please contact us:

United Nations Human Settlements Programme (UN-Habitat)
Urban Practices Branch, Land, Housing and Shelter Section
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 76 23120;
Fax: +254 20 762 4266
Website: www.unhabitat.org

Global Land Tool Network (GLTN) Secretariat
Facilitated by UN-Habitat
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 762 5199;
Fax: +254 20 762 4256
E-mail: unhabitat-gltn@un.org
Website: www.gltn.net