# URBAN LAND GRABBING AND ITS IMPACT TO SUSTAINABLE URBAN DEVELOPMENT: A REFLECTION FROM OSHITAYI AREA, ONDANGWA (NAMIBIA)

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April 2016

URBAN LAND GRABBING AND ITS IMPLICATIONS TO SUSTAINABLE URBAN DEVELOPMENT

A REFLECTION FROM OSHITAYI AREA, ONDANGWA (NAMIBIA)

by

Simon Shinguto

Mini-dissertation submitted in partial fulfilment of the requirements

in respect of the degree

Master of Urban and Regional Planning

in the

Department of Urban and Regional Planning

Faculty of Natural and Agricultural Sciences

at the

University of the Free State

Study Leader: Mr. Thomas Stewart

April 2016

DECLARATION

I, Simon Shinguto, declare that the coursework master's degree mini-dissertation that I herewith submit for the master's degree qualification *Master of Urban and Regional Planning* at the University of the Free State is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.

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....
Simon Shinguto
Student no. 2012074635

....
Date

DEDICATION

This mini-dissertation is dedicated to the late Mpho Ngauyake, a former close friend and academic associate who passed away in a horrific car accident on 6 June 2015. He was a motivational class mate and a long serving friend since our undergraduate education. We started this postgraduate degree and we travelled together every second month from Windhoek to Bloemfontein to attend classes since January 2013.

We went through thin and bold as we ascended together and obtained our BScHons degree in Spatial Planning in 2014. It was only six months left before we completed our dream Master's degree in Urban and Regional Planning when my former friend fell victim to an unfortunate event leaving my heart broken, as I knew without him I will not have achieved what I have achieved so far while we were together.

I, therefore, recognise our endless academic intellectual conversations, his jokes and motivational characters during our academic time together.

Rest in Peace my dear brother and friend.

ACKNOWLEDGEMENTS

The Lord is my shepherd. He leads me to success and lie down in green pastures. He leads me beside the still water. He leads me in the path of righteousness for his name's sake. Yeah, though I walk through the valley of difficulties, I will fear no evil, for you are with me, your rod and your staff they comfort me.

Psalm 23, Verse 2-5

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LIST OF ABBREVIATIONS AND ACRONYMS

CLB	Communal Land Boards
CSIR	Council for Scientific and Industrial Research
DDR	Directorate of Deeds Registry
DSM	Directorate of Survey and Mapping
FAO	Food and Agriculture Organisation
GPS	Global Positioning System
MLR	Ministry of Land Reform
MURD	Ministry of Urban and Rural Development
NAMPAB	Namibia Planning Advisory Board
NSW	New South Wales
OTC	Ondangwa Town Council
SADF	South African Defence Force
SDF	Spatial Development Framework
SWAPO	South West Africa People's Organisation
TPS	Town Planning Schemes
UN	United Nations

ABSTRACT

Land grabbing is not new as this concept can be traced back through centuries of human history all over the world. Throughout the world, land either in rural or in urban areas, was subjected to some form of grabbing. The main focus for this mini-dissertation was to seek answers as to (1) why people (i.e. commercial and residential users) gradually choose to grab strategic unplanned land within the townlands of Ondangwa, particularly in the Oshitayi area; and (2) the implications of land grabbing to sustainable urban development. The objectives were to determine the reasons for land grabbing and what possible impacts (both positive and negative) this land grabbing can have on the sustainability of urban development. This mini-dissertation was theoretical and relied mostly on qualitative data collected using semi-structured in-depth interviews, document reviews and participant observations. A sample size of 27 respondents was used to provide data for this mini-dissertation. Fifteen respondents were randomly sampled from a group of 1 268 land grabbers consisting of 1 054 commercial users and 214 residential users occupying land illegally in the Oshitayi area. Another 12 respondents were purposely sampled from a group of 25 target population (i.e. six officials working for the Ondangwa Town Council as well as six private professional town planners with experience and knowledge of the situation in the Oshitayi area). Even though there is a globally accepted notion that land grabbing taking place in many cities is fuelled by urban poverty, there are new reasons found for land grabbing taking place in the Oshitayi area. The emerging picture of this type of land grabbing is different from the usual accepted norm of pro-poor land grabbing whereby the poor people who are unable to afford serviced land in urban areas are believed to grab any available undeveloped urban land for shelter. This type of land grabbing was found to be more "opportunistic" in nature which is observed not to have been founded on the ground of seeking shelter. This means that the actors involved in this type of land grabbing knew what they want with the land they are occupying and they are merely not the "urban poor". It was evident from the findings that the reasons attributed to this type of land grabbing includes investment opportunities being pursued by local entrepreneurs, the cumbersome and bureaucratic legislative framework that is governing land delivery, opportunistic compensations, poor institutional coordination and lack of public awareness/participation in municipal agendas. Sporadic land grabbing was found to have positive implications for the economic and social aspect of sustainability, whilst negative implications are eminent for spatial and environmental aspects of sustainability with respect to urban development.

Research Keywords: land grabbing, sustainability, urban development

Chapter 1
RESEARCH BACKGROUND AND RATIONALE

1.1 INTRODUCTION

Mankind use land in many ways, as a place to build homes on, to grow crops and to pasture animals as a source for food, as a source of raw materials and mineral wealth, as well as for numerous other activities, just to mention a few. Land is one of the most important factors of production and the way land is used is driven by the interplay of economic and social factors especially in urban areas. As a norm, land in urban areas is usually planned and serviced before it is put to use or availed by public authorities for development. However, with increasing rapid urbanisation, especially in most African cities, the demand for planned and serviced land surpasses the supply in many cities. Kombe (2005:114) has noted that planned land has become increasingly scarce in many cities globally. This scarcity of land as explained by Kironde (2006:461) is hugely fuelled by public authorities' bureaucratic procedures which result into unnecessarily long periods before planned and serviced land is availed for development.

Mattingly (2009:37) revealed that urban land is in great demand because various actors want it for various purposes raging from public facilities to commercial investments. Thus, the scarcity of land is hugely fuelled by the increasing competition of exclusive uses.

At times when the demand for planned land increases and the supply is not adequate to meet that demand, people often opt to seize any land they see suitable for their intended purpose without even seeking proper consents from the legal owners of the land they occupy. It is revealed by Kironde (2006:462) that it is much easier to get land in unplanned areas within the city's boundaries, but converting it to legal tenure is virtually impossible. These actions of obtaining land without the consent or approval of the rightful owner result into what is generally referred to as "land grabbing".

Land grabbing is not new as this concept can be traced back through centuries of human history all over the world. As illustrated by Alao (2006:6), we can encompass many episodes and innumerable examples, including pre-colonial land seizures associated with territorial wars. Throughout the world the land – either in rural or urban areas – was subjected to some form of grabbing. In many regions of the global South, particularly in Africa, land was first grabbed by pre-colonial rulers during territorial wars with each other, then by colonial governments and increasingly by foreign or domestic corporations. During the time of

colonialisation, the local populations were dislocated and their land taken away/grabbed by the colonial masters. Margulis, et al., (2013:2) argued that land grabbing has historical precedent in the era of imperialism. Generally, land grabbing can either take place in rural areas, for example where land grabbers might be interested to grab and have control over available land for various purposes mainly interlinked to agricultural, pastoral production, whilst in urban areas land grabbing might be linked to people interested to get access to available land for uses related to urban development such as housing or urban economic investments. For the purpose of this mini-dissertation, the concentration is to examine reasons behind opportunistic land grabbing taking place in the Oshitayi area in Ondangwa in Namibia.

1.2   BACKGROUND AND RATIONALE

Globally, there is an accepted notion that land grabbing taking place in many urban areas result from eminent urban poverty whereby the urban poor are seeking shelter (i.e. land for housing). Payne (2000:5) addressed these issues in literature dealing with informal settlements, such as upgrading, urbanisation, urban poverty, urban economy, urban livelihoods and/or land tenure in urban areas. In most cases he contextualised that the root cause of land grabbing in urban areas is mainly urban poverty. Here the poor people in many cities of developing countries are said to occupy, without authorisation, any land they find available (whether planned or not) because they are unable to afford formal housing.

Even though it is a globally accepted notion that numerous land grabs taking place in many cities is fuelled by urban poverty, there is relatively a new emerging concept of land grabbing taking place in the Oshitayi area in Ondangwa, Namibia. The emerging picture of this type of land grabbing is different from the usual accepted norm of pro-poor land grabbing whereby the poor people who are unable to afford serviced land in urban areas are believed to grab any available undeveloped urban land for shelter.

This type of land grabbing is more "opportunistic" in nature, which is observed not have founded on the ground of seeking shelter. This means that the actors involved in this type of land grabbing is not the people normally referred to us the "urban poor".

To explain the background of opportunistic land grabbing taking place at Oshitayi in Ondangwa, it is vital that we use a selected quote that comes from an article titled "No Title" in *The Economist* of 28 March 2011, as stated below.

> *They are not as poor as we think. People in poor countries have assets – lots of them.*
> *But because they rarely have formal title, they cannot use these assets as collateral to*

raise cash. In many developing countries, the informal economy is bigger than the formal one. In a typical African country, barely one person in ten lives in a formal house, and only one worker in ten holds a formal job.

The total value of the fixed property held but not legally owned by the poor of the third world is staggering. While leaders of poor countries beg the rich world for aid and prostrate themselves before potential foreign investors, they fail to realise that there is a much larger potential source of funds at home. There are trillions of dollars, all ready to be put to use if only the mystery of how assets are transformed into capital can be unraveled.

Secure title makes assets fungible. In a country with good property laws (such as Namibia), almost anyone can use a house of a piece of land as collateral to raise a loan. Secure title can contribute to create a better living. The alternative is to stay poor...

Opportunistic urban land grabbing is a term that most spatial planners find repulsive, while to the land grabbers it could be an eye-opener to the future of the land that they might be getting access to and occupy within the townlands boundaries. To put this in perspective, grabbing of undeveloped land in urban areas is illusive to a spatial planner because this might have serious consequences to sustainable urban development even though land grabbers find it beneficial.

The main target of opportunistic urban land grabbers is built on the foundation of getting access to undeveloped strategic urban land. The methods land grabbers use to get access to land are illegitimate and are normally contradictory to the existing formal systems of land delivery as stipulated in legislations governing urban land. Opportunistic urban land grabbers usually seek and get access to those strategic undeveloped land for the future purpose which may be translated into venturing on strategic land either for economic or social status gain.

The rationale for this mini-dissertation is the fact that even though there are studies carried out globally on issues surrounding land grabbing in urban areas, their conclusion mainly focused on the issues of poverty as the main cause influencing people to occupy land without formal approval from the legal owners.

Therefore, this mini-dissertation is seeking answers as to why people (i.e. commercial and residential users) gradually choose to grab strategic unplanned land within the townlands of Ondangwa, particularly at Oshitayi. The objectives are to contribute to the academic debate whether reasons for land grabbing can only be attributed to urban poverty or there are other enormous reasons why people may grab land in urban areas and what possible impacts (both positive and negative) this land grabbing can have to the sustainability of urban development.

1.3 PROBLEM STATEMENT

In Namibia, towns in the former homelands (i.e.Ovamboland in Northern Namibia) were proclaimed on land that was previously communal land and administered by the village headmen under the auspices of traditional authorities. Upon proclamation in 1990 when Namibia attained independence, the communal land falling within the proclaimed boundaries of a town, became part of the townlands and it was transferred and registered under the name of the municipality concerned as in line with the provision of the Local Authorities Act, Act 23 of 1992.

As a norm, before the proclamation of any town in northern Namibia, the communal land falls under the administration of the traditional authorities, but upon proclamation the communal land becomes part of urban land and vest into the name of the town councils concerned. That means that the administration of traditional authorities ceases to allocate land that falls within the proclaimed boundaries of a town.

Despite this transition of land ownership from communal land to urban land, it has become evident that most towns in northern Namibia has become a subject of land grabbing where people take possession of undeveloped land that is not yet planned within the townlands boundaries for their own purposes, without approval from town councils. This recent land grabbing, by both commercial and residential land users, has raised a few eyebrows and caused more confusion as people, including commercial investors, are settling here informally without the approval of the town councils concerned. This type of land grabbing is exactly the one taking place at Oshitayi in Ondangwa. As from the year 2013, Ondangwa has been experiencing a rapid grabbing of municipal land around the airport area called Oshitayi. This rapid grabbing of municipal land has caused an alarming concern for the Municipal Council of Ondangwa because people grabbing land are putting up developments which are totally in contradiction with the Spatial Development Framework (SDF) intentions for this area. To an urban planner this might have serious consequences to sustainable urban development. According to this SDF, the Oshitayi area is earmarked for light and heavy industrial development due to its adequate transport network as the area is well-located close to the transport network links such as the B1 national road and the railway that connect the town to the Oshikango border into the neighbouring Angola.

The categories of land grabbers vary as some people are still grabbing land at Oshitayi are using the land for different purposes raging from commercial/business uses as well as for housing development. It is not clear why people choose to invade the land at this area and what land use implications this invasion has to sustainable urban development in general. It

is also fascinating to investigate what will happen to this area in terms of spatial planning and urban development. This means one needs to understand what land use implications this invasion of land has to the existing SDF intentions, as well as on the future spatial planning for this area.

This situation can be attributed to the emerging trend happening in Ondangwa whereby people (including commercial investors) are grabbing undeveloped strategic urban land in the Oshitayi area for the reasons the researcher is eager to investigate in this mini-dissertation. This trend of land grabbing is taking place especially in the Oshitayi area. It is not clear why people choose to grab strategic unplanned land around this area (i.e. what their interests are and what strain can this trend put on urban development and spatial planning especially at the stage/level of layout design). While this trend might be an opportunity to land grabbers to satisfy their demands, to the urban planner, land grabbing of this nature visualise serious concerns to spatial planning and might illustrate jeopardy to sustainable urban development. It is not clear why people choose to invade the land at this area and what implications this land invasion has to sustainable urban development in general. It is also fascinating to investigate what will happen to this area in terms of spatial planning and urban development.

Even though there is literature about land grabbing in general, there is not so much academic papers published about the opportunistic grabbing of undeveloped land in urban areas. Betzema (2013:2) and Cotula et al, (2009:15) emphasised that global land grabbing is not only getting more important every day in the world of politics as witnessed in the media reports but he indicated that little academic attentions is put to this issue. Margulis et al, (2013: 2) argued that its mostly in media reports where the world is learning about increasing acquisitions of land by multinational corporations especially in developing countries. Borras et al, (2011:215) indicated that even thought there is a major threat to the livelihoods of the poor when their land is being taken way by multinational corporations through deceiving methods, there is silence from the academic community to investigate and publish issues of land grabbing. Cotula et al, (2009; 16) put emphasis on the fact that there is hardly any empirical evidence about international land grabbing deals and their negative and positive impacts. To put this in realm of the objectives of this mini-dissertation, it is clear that the reasons driving people into land grabbing schema especially in cities of developing countries is poorly documented in the academic fraternity. The impacts of land grabbing to sustainable urban development is not explored through systematically research and remain still unknown. Borras et al, (2011:211) support the objectives of this mini-dissertation as he opined that researching on global land grabbing is *"to provide a platform and network to*

generate solid evidence through detailed, field-based research" that will contribute and complement knowledge in the academic community.

1.4 RESEARCH QUESTIONS

It is not clear why people gradually choose to grab the municipal land around Oshitayi (i.e. what their interests are) and what impact this trend has to sustainable urban development. Therefore, this study seeks to answer the following main research question:

MAIN RESEARCH QUESTION

> *What are the reasons of land invasions of municipal land by commercial and residential users around the Oshitayi area and implications of these circumstances to the sustainability of urban development?*

SECONDARY RESEARCH QUESTIONS

The secondary questions emanating from the main research question are:

1. *What are the factors that drive people to invade strategic undeveloped land around the Oshitayi area?*

2. *What are the impacts of spontaneous land invasions to sustainable urban development?*

1.5 RESEARCH OBJECTIVES

The aims and objectives of this mini-dissertation are aligned with secondary research questions and the purpose is to have a focused research inquiry. The objectives are framed as follows:

1. *To investigate what drives people to grab undeveloped strategic municipal land in the Oshitayi area in Ondangwa.*

2. *To determine the implications (i.e. both positive and negative) of land grabbing to sustainable urban development.*

3. *To make spatial planning proposals in relation to the research findings of this study of this study.*

1.6 DEFINITION OF KEYWORDS

This section defines the main research keywords specifically to this mini-dissertation. It is important to have a clear and definite understanding on how these concepts refer to one another within the context of this mini-dissertation.

OPPORTUNISTIC

The term "opportunistic" is derived from the word "opportunity" which literally means a set of circumstances that makes it possible for someone to do something beneficial to oneself. According to the Merriam-Webster Dictionary (2015: online) opportunistic may mean the "*actions of taking advantage of opportunities as they arise*". These actions sometimes are taken with little regard to set principles or any consequences that may arise, but the motive is barely to explore opportunities that will likely yield future benefits. Opportunists are people who see a chance to gain some advantage from a situation, often at the expense of ethics or morals (American Heritage Free Dictionary:, 2011: online). This means that an opportunist may seize every opportunity to improve things for himself regardless of contravening any set rules or standards. The motive behind any opportunist is to take immediate advantage of any circumstance of possible benefit. Opportunists expect the set principles or rules not to disallow their actions. The Urban Dictionary (2015: online) defines "opportunistic" as the action of seeking opportunities with the intent to maximise possible benefits from any circumstances that is pursued. This research keyword is important for this mini-dissertation as it will be used throughout this mini-dissertation in order to give meaningful interpretation of the research findings on the reasons for land grabbing.

LAND GRABBING

The act of seizing of land by anyone, either by an individual, company, state, or organisation, especially when the conduct is illegal, underhanded, or unfair (The Dictionary, 2015: online). To understand the term "land grabbing", important phrases such as land ownership and occupancy is taken into consideration and in any circumstance where land occupancy has occurred without the approval or consent of the legitimate owner who holds legal ownership, this circumstance is termed "land grabbing / land invasion". Through this mini-dissertation these two phrases – land grabbing or land invasion – are used interchangeably, but they are referring to the same act or conduct of land occupancy which has taken place barely without any approval of the municipality concerned.

TOWNLANDS

The term "townlands" means *"all land situated within the area of jurisdiction of a local authority"* (i.e. municipality and or town council), *"but shall not include an approved township"* (Namibia. The Township and Division of Land Ordinance, 1963:4). Townlands may also mean *"the land within a local authority area situated outside the boundaries of any approved township which has been set aside for the mutual benefit of the residents in its area, and for purposes of the extension of such township or the establishment of other approved*

townships" (Namibia, The Local Authority Act, 1992:8). This term is important for this research as it enables the reader to understand the fact that all land falling within the jurisdictions of a local authority area belongs to the municipality unless that land is legally sold by the municipality concerned and transferred to the name of the purchaser as per the *provisos* of the Local Authority Act, Act 23 of 1992, and the Deed Registry Act, Act 47 of 1937, of Namibia. Therefore, any piece of land within townlands boundary of any local authority area that is occupied without the consent of such authority is correct to say that that piece of land is grabbed. Therefore, this keyword will yield our discussion of land grabbing through this mini-dissertation.

IMPLICATION

An impact/implication is a term used to measure tangible and intangible after-event effects, consequences or implications (Business Dictionary, 2015: online). The actions of one event may influence upon another which may result into implications or consequences that can be termed an impact. This keyword is important for this mini-dissertation as the purpose in this mini-dissection is to ascertain the influence to sustainable urban development as a result of land grabbing.

SUSTAINABLE

This phrase is characterised by the notion of sustainability and is defined by Landlearn New South Wales (NSW) (2015: online) as an ability or capacity of something to be maintained or to sustain itself. That basically means that a current/momentum activity is said to be sustainable, if it is able to continue forever without jeopardising the potential for people in the future to meet their needs. In the context of this research, this term will be used in conjunction with urban development. The purpose is to frame a meaningful phrase of sustainable urban development.

URBAN DEVELOPMENT

Urban development is defined as *"the social, cultural, economic and physical development of cities, as well as the underlying causes of these processes"* (University of Oslo, 2011: online). According to the University of Oslo (2011: online) urban development should be guided by a sustainable planning and management vision that promotes interconnected urban functions. Thus, for purposes of this mini-dissertation sustainable urban development is discussed in the context of the four pillars of sustainable development, which include economic issues, social issues, spatial issues, as well as environmental issues. These issues are discussed in the context of land grabbing in urban areas

1.7   STATUS QUO OF STUDY AREA

1.7.1   Ondangwa town

The town of Ondangwa (as indicated with a dotted circle in Figure 1.1 below) is considered one of the oldest towns in northern Namibia, having been a base town for the Finnish Missionaries in the nineteen century, and during the South African rule Ondangwa was a significant location for the South African Defense Force (SADF) army base and some of the fiercest fighting between the South West Africa People's Organization (SWAPO) plan fighters and the SADF took place in Ondangwa during the Namibian liberation struggle for independence in the late 1980s.
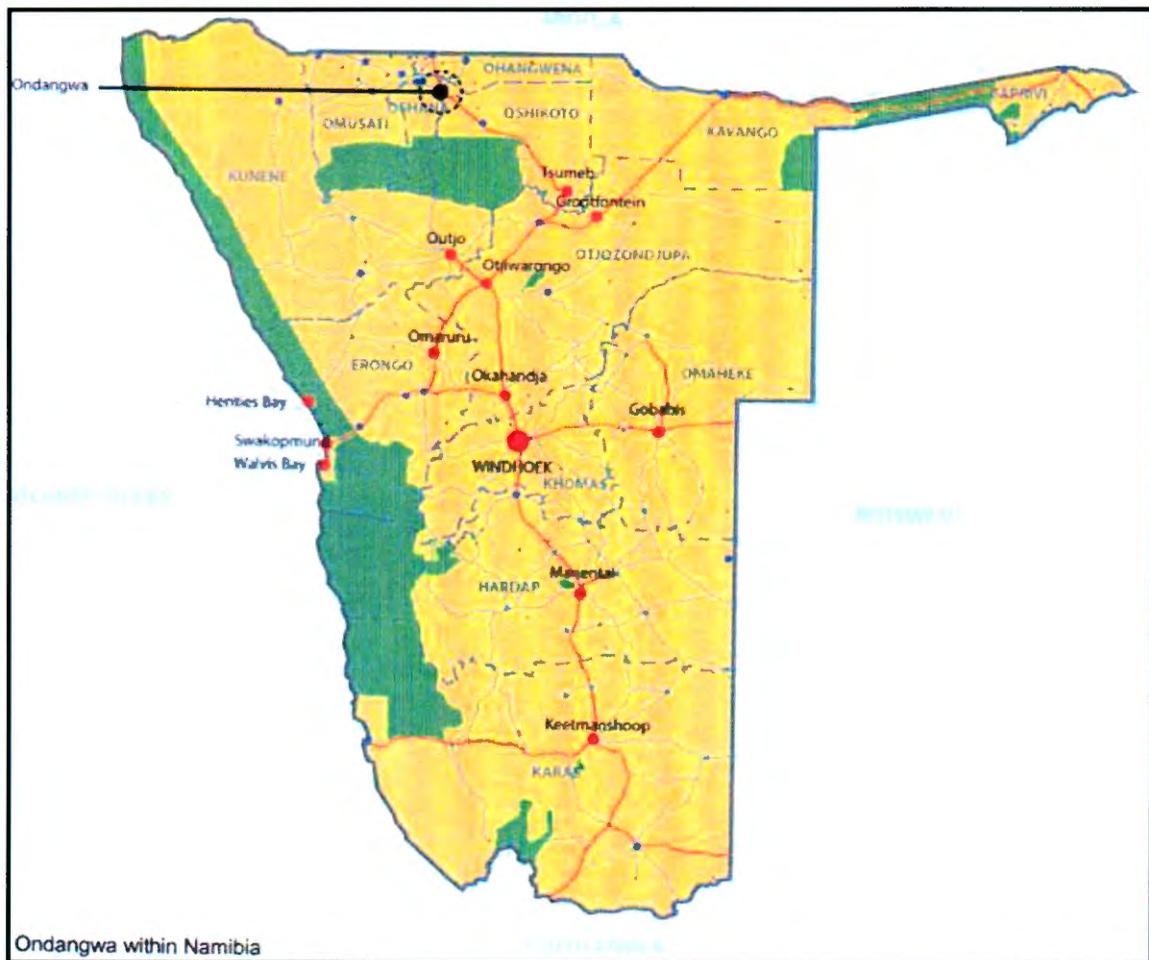
Source: Stubenrauch Planning Consultants (2012:17)

Figure 1.1: Location of Ondangwa within Namibia

Ondangwa town is the district capital of Ondangwa electoral constituency and is situated in the Oshana region in northern Namibia, bordering the Oshikoto region to the east (see Figure 1.2 below).

The town of Ondangwa is strategically located at the focal point of many economic activities in the region. The B1 national road from Windhoek passes through Ondangwa town to Angola in the north. Other notable road links include the B10 to Rundu on the east and C41 to Ongwediva and Oshakati as well as other towns in the Omusati region to the west (see Figure 1.2 below). Ondangwa has a railway link from Windhoek that passes through the town to Oshikango (a town located at the Namibia–Angola border, just 60 km from Ondangwa). Ondangwa is the only town in northern Namibia which has a modernised airport which has been recently upgraded to an international standard.
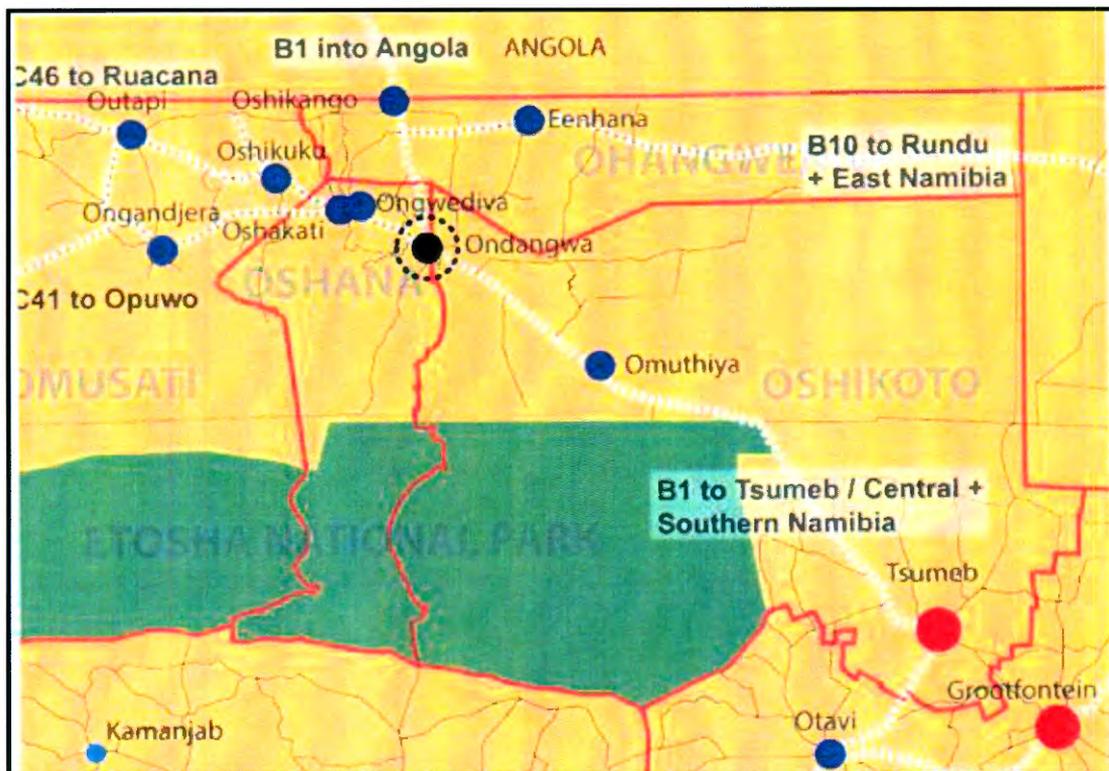
Source: Stubenrauch Planning Consultants (2012:25)

Figure 1.2: Location of Ondangwa within the Oshana region

Between 2001 and 2011 the population of Ondangwa grew from 10 900 in 2001 to 22 822 in 2011 (National Planning Commission, 2011:55). This means that the population of Ondangwa has more than doubled in 10 years. If calculated in terms of annual growth rate, the town grew at a rate of 7.7% per annum. This is indeed a very high rate of growth and the Ondangwa Town Council (OTC) needed to plan for this increasing urbanisation in 10 years' time.

The OTC is not only catering for the inhabitants living in Ondangwa, but the town also caters for people commuting from nearby villages surrounding Ondangwa who comes daily for shopping and to obtain other vital services.

The town's economic sector is still growing compared to Oshakati and Ongwediva within the Oshana region. However, there is good potential for businesses in Ondangwa due to its competitive strategic location compared to other towns within the region. Almost half of the town's economically active population is employed in the agricultural sector were crops and livestock products are produced (Namibia Planning Commission, 2010:45). In addition, the industry sector of Ondangwa is underdeveloped despite the good location of the town with good roads, air and railway links and the close proximity of the town to the neighbouring Angola.

Ondangwa with its growing population, together with the favorable characteristics by many commercial investors, have led to an increased demand for urban land which assumingly resulted into some people starting dubious land deals to put their interests to use.

1.7.2   Ondangwa townlands

According to the office of the Surveyor's General, the Ondangwa townlands measuring about 5 323,1756 ha and numbered No. 882, was subdivided from the state land which was previously communal land (see Figure 1.3 below). The townlands were then surveyed and approved via Diagram No. A567/95 in April 1991. The townlands of Ondangwa was proclaimed in 1992 and the transfer of Ondangwa Townlands No. 882 to OTC, was done in May 1997.
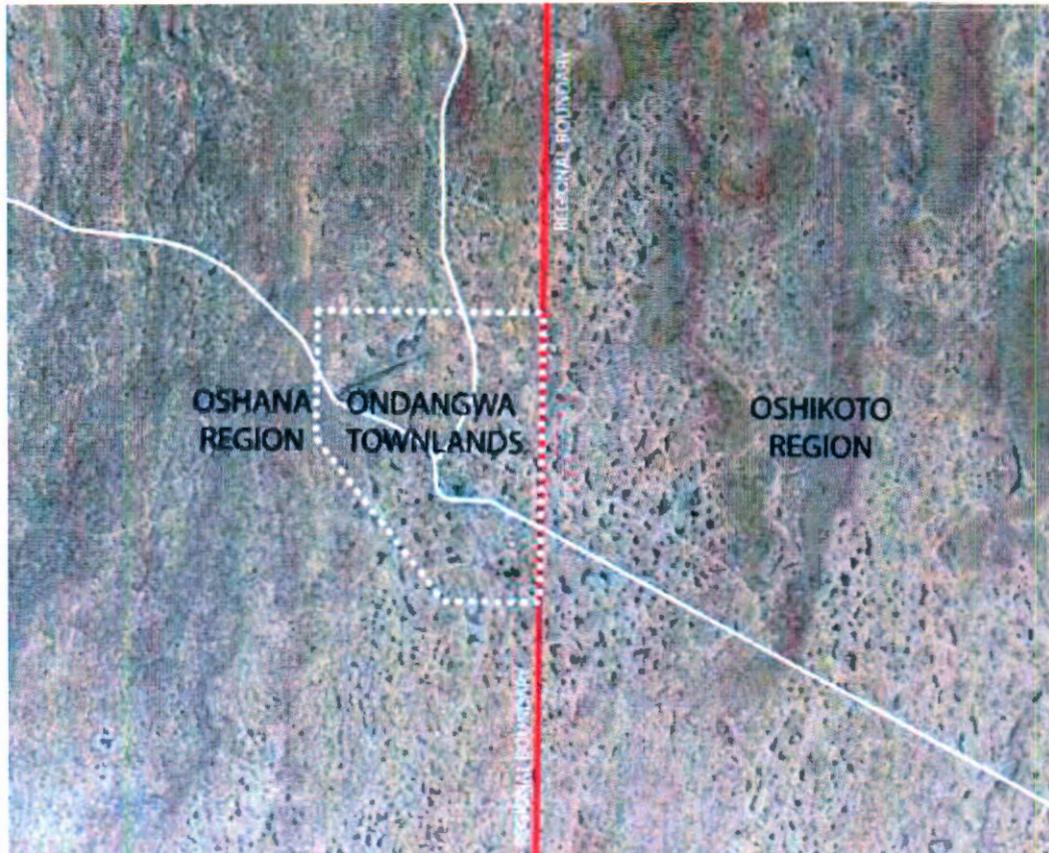
Figure 1.3: Ondangwa Townlands No. 882

In Figure 1.3 the Ondangwa Townlands boundaries are indicated with white dotted lines, with the red line indicating the regional boundary between the Oshikoto and Oshana regions.

The town of Ondangwa, like many other towns situated in northern Namibia, is proclaimed on communal land where various systems of traditional leadership still exist. Before proclamation of any town in northern Namibia, the communal land falls under the administration of the traditional authorities, but upon proclamation the communal land becomes part of urban land and vests into the name of the town councils concerned. Since then the town of Ondangwa has grown from a relatively small town with an economy based on the military nature of the town prior to independence, to a large urban area that is growing at a fast pace and which has transformed itself into a modern town with more than 30 approved township extensions. These 30 approved extensions exclude other areas of the remainder of the townlands that are still to be properly planned or formalised into approved townships.

Following the proclamation of Ondangwa as a town in 1992, the OTC carried out mass public campaigns in 1997 to educate the people that the land that falls within the townlands boundary is now urban land and it belongs to the town council and that no one, either individuals or headmen, should sell or allocate land that they previously occupied through the customary tenure. However, those that occupy this land through customary tenure are recognised by the government and they will be fairly compensated when they are affected by urban development. The government then passed a Policy on Compensation Guideline in 2008.

1.7.3   Oshitayi area (i.e. the study area)

Oshitayi is a peri-urban area located within the Ondangwa townlands boundary and this area is located in the north-eastern corner of the Ondangwa Townlands No. 882.The Oshitayi areas is bordered by the B1 national road and the railway to the west and then by the C46 national road to the south (refer to Figure 1.4).

Apart from being situated next to the major road transport network (B1 and C46), the Oshitayi area also benefits from a railway connection that passes through Ondangwa to the Oshikango border into the neighbouring Angola. The railway link holds the economic potential for development of service industries and distribution centres in Ondangwa, particularly in this area because it will effectively reduce the need to transport bulky and perishable goods to and from Ondangwa via the B1 road which currently is experiencing high traffic volumes.
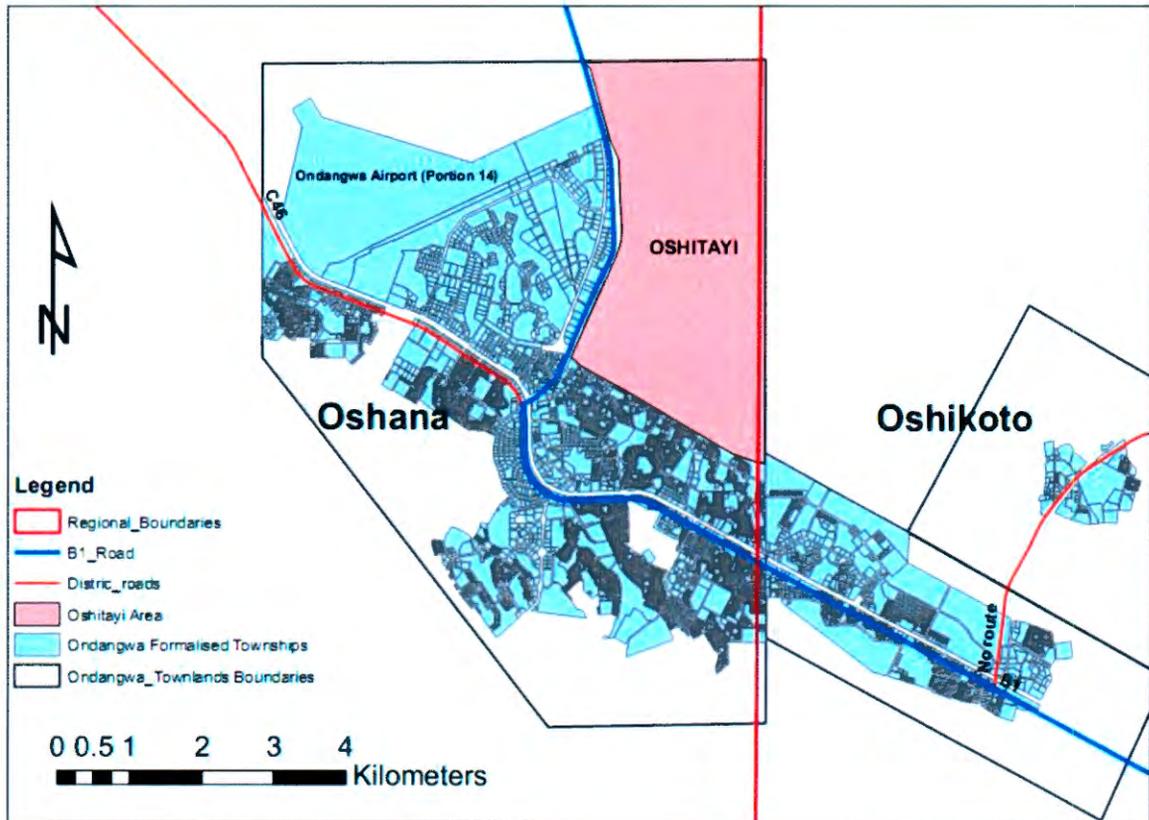
Figure 1.4: Location of Oshitayi within the townlands of Ondangwa

The SDF, which was prepared in 2012, has identified the Oshitayi area as suitable for industrial development because of its proximity to the transport networks and it is for this reason that this area was earmarked for light and heavy industrial development. The main road (B1) and the railway to the Oshikango border into Angola which is just about 55 km from Ondangwa, runs through this area and a large volume of traffic moves through this area which makes it a prime area for investors. Oshitayi is currently targeted by land grabbers of various categories ranging from commercial investors to residential users.

1.8 STRUCTURE OF MINI-DISSERTATION

This mini-dissertation is prepared in a structure of six chapters as summarised in Figure 1.5 below.

CHAPTER 1: RESEARCH BACKGROUND AND RATIONALE

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1.2. Background and rationale
1.3. Problem statement
1.4. Research questions
1.5. Research objectives
1.6. Definition of keywords
1.7. Status quo of study area
1.8. Conclusion

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2.5. Factors influencing urban land grabbing
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5.6. Conclusion

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1. Introduction
6.2. Testing the findings by triangulation
6.3. Answering the research question
6.4. The research conclusion
6.5. Recommendations

Figure 1.5: Structure of mini-dissertation

1.9   CONCLUSION

This chapter provided an overview for this mini-dissertation. The orientation began with the background and rationale behind the opportunistic land grabbing taking place at Oshitayi area in Ondangwa. This chapter also discussed the problems that inspired this research. The main research question, secondary research questions and research objectives were clearly outlined to guide this mini-dissertation to focus on the point of inquiry. The status quo of the study area is also discussed in this chapter.

Chapter 2
Literature Review

2.1 Introduction

This chapter will revisit recent general theories on urban land grabbing and sustainable urban development. In the first part of this chapter the definitions of urban land grabbing and sustainable urban development will be discussed in general. The two research concepts (i.e. land grabbing and sustainable urban development) are important throughout this mini-dissertation. These concepts will be referring to each other to make this paper meaningful. Therefore, it was important to explain their meaning and correlation. The second part of this chapter discusses factors that are enabling urban land grabbing with a focus on observations from cities. Finally, this chapter describes the implications of urban land grabbing to sustainable urban development.

2.2 Land Ownership

The acquisition of land shall always be subjected to the established norms of land tenure arrangements as in accordance with the legislations governing land in that specific country. Land tenure is defined as the relationship, whether legally or customarily among people, as individuals or groups, with respect to land (Food and Agriculture Organisation (FAO), 2002:11). This definition is validated by Payne (1996:3) who defined land tenure as the manner by which land is held or owned, or the set of relationships among people concerning the use of land. Therefore, land tenure can be viewed as an institution of rules invented by societies to regulate behaviours which define how legal rights to land are to be allocated within societies.

According to the FAO (2002:14) there are two major categories of land tenure that are recognised by governments of many countries, including tenure that is found in Namibia. These forms of tenure are statutory and customary tenure. Statutory land tenure represents a tenure that is written down and operates under the process of the law. Payne (2000:3) refers to such tenure as absolute tenure, because within this framework rights to property are registered, recognised by the law and persons holding rights to land within this framework has full tenure security. It is very common in the western world and has found its way into the developing world through colonisation. To put this in perspective, this type of tenure is largely an imported concept in developing countries such as Namibia and is generally concentrated in urban areas, where it was designed to serve the interests of

colonial settlers; in Namibia, only in proclaimed towns and commercial farming areas where this type of tenure exists. This means that this type of tenure only applies to urban and commercial farming areas where every piece of land is accurately surveyed and the ownership to the land is registered in the Deeds Registry.

On the other hand, customary land tenure is a legal tenure system based on customary law and traditions of land holding specific to different countries (FAO, 2002:12). It prevails in many parts of the world, but it is often not written down; it may be consistent with oral norms. Within the context of the customary land tenure system as argued by Payne (2000:4), this form of tenure is legal and in most cases, the ownership of this land vest in the state and allocation and use is determined by the leaders of the community, normally traditional authorities such as headmen of villages. Please refer to (Appendix 6: land ownership in Northern Namibia).

While there are known norms of land tenure and ownership all over the world, at times land is subjected to some form of illegal acquisitions. If someone opted to seize any land without obtaining consent from the legal owner, these types of land acquisition is generally what we call "land grabbing". This is because land is obtained outside the scope of land tenure arrangements that are in place.

2.3   LAND GRABBING

Land grabbing is not new in literature, as this concept can be traced back through centuries of human history all over the world. As illustrated by Alao (2006:6), we can encompass many episodes and innumerable examples, including pre-colonial land seizures associated with territorial wars. Throughout the world the land, either in rural or urban areas, was subjected to some form of grabbing. In many regions of the global South, particularly in Africa, land was first grabbed by pre-colonial rulers during territorial wars with each other, then by colonial governments and increasingly by foreign or domestic corporations (Franco et al., 2012:10). During the time of colonialism, the local populations were dislocated and their land taken away – or "grabbed" – by the colonial masters.

A clear definition of land grabbing is hardly available. Many synonyms have been used in literature to refer to this concept. These names include land invasions, land seizure, illegal land acquisition and illegal access to land. While a clear definition for land grabbing is still elusive, some scholars have made efforts to define this concept at their own disposal.

Land grabbing is defined by Kachika (2009:15) as a phenomenon or the act of taking possession or controlling a large scale portion of land for own use, but without obtaining the

consent of the legal owner. The size of land acquired is usually disproportionate in size in comparison to the average land holding within a given setting. Another angle of the meaning to land grabbing is provided by Nde Fru (2009:4) who understands land grabbing as the contentious issue of acquiring land without getting permission from the person who have legitimate tenure on that piece of land.

Land grabbing in itself is a controversial issue and recoups illicit behaviours involved in land transactions. This understanding is supported by Franco et al. (2012:8) through his definition of land grabbing as an illegitimate act involving the confiscation of land without the consent of the owner and then ultimately capturing the power to control that portion of land and its other associated resources in order to enjoy the benefits of its use.

Another view from Betzema (2013:5) indicates that land grabbing is the actions and procedures in relation to land acquisition, ownership, occupation, use or any other dealing in land which involves private and public stakeholders. Betzema (2013:4) also believes that land grabbing is commonly described as the irregular allocation or sale of public land to individuals, but without the consent of original owners.

Even though there is no universally accepted definition of what constitutes land grabbing, the above definitions emphasised that the concept of land grabbing is often associated with the intent to get access and control of land without permission from legal owners. The authors cited above, contextualised that the term "land grabbing" exemplifies the behaviours of illegal acts. Therefore, to pinpoint the core meaning of land grabbing, it will be correct to say that getting access to land without the legal owner's consent directly lies with illicit behaviours in land transactions which normally is contrary to legislations governing land in that specific setting.

2.4   SUSTAINABILITY AND URBAN DEVELOPMENT

According to Du Pisani (2006:84), the concept "sustainable development" has its origin from the word "sustainability", which in German is often called Nachhaltigkeit, and literally means "lastingness". In general, the term sustainable development is observed as *development that lasts,*" according to interpretations provided by the World Bank (1992:14). This interpretation if put in perspective, sustainable development would mean the development that is able to satisfy the demands of the present population without creating the environment that would deprive the future generation from attain their demands. The Brundtland Report (cited in Castro, 2004:196) also concurred with this interpretation as they

defined sustainable development as *"development that meets the needs of the present without compromising the ability of future generations to meet theirs"*.

Today, sustainable development is a broad concept that can be understood in many contexts raging from environmental, economic, social, spatial and even technological. This concept has becomes so broad that it is now very difficult to narrow down. Millington and Williams (2004:99) argued that sustainable development is a notorious and elusive concept to pin down due to conflicting views from different participants within the field of the built environment.

Urban development is defined as the social, cultural, economic and physical development of cities, as well as the underlying causes of these processes (University of Oslo, 2011: online). According to the University of Oslo (2011: online) urban development should be guided by a sustainable planning and management vision that promotes interconnected urban functions.

The terms "urban sustainability" is defined by Shen et al, (cited in Rasoolimanesh, et al., 2011:153) as the proper use of resources, the protection of the natural environment, the least possible use of non-renewable resources, and the economic growth or a community's self-confidence, individual welfare, and the satisfaction of basic human needs within the scope of a city development and growth.

According to (Križnik, 2013:397) sustainable urban development is recognised as a viable alternative to neoliberal competitive urban policy in terms of balanced economic growth, with social and environmental costs and responsibilities shared equally by different social groups. Sustainable urban development is commonly addressed in terms of the three pillars of development concerns, which maintains that the sustainable long-term economic growth of cities should be balanced with environmental protection and social equity (Mayer & Knox, 2006:324). Sustainable urban development therefore has an economic, environmental and social dimension. However, balancing economy, environment and society at the same time requires negotiation between public and private stakeholders regarding their interests.

To bring sustainable development in the realm of urban development, one must understand that sustainable development lies between the three pillars of human needs as indicated in Figure 2.1 below. All these needs (i.e. social, economic and environmental) illustrated in this figure are all beneficial to human survival.
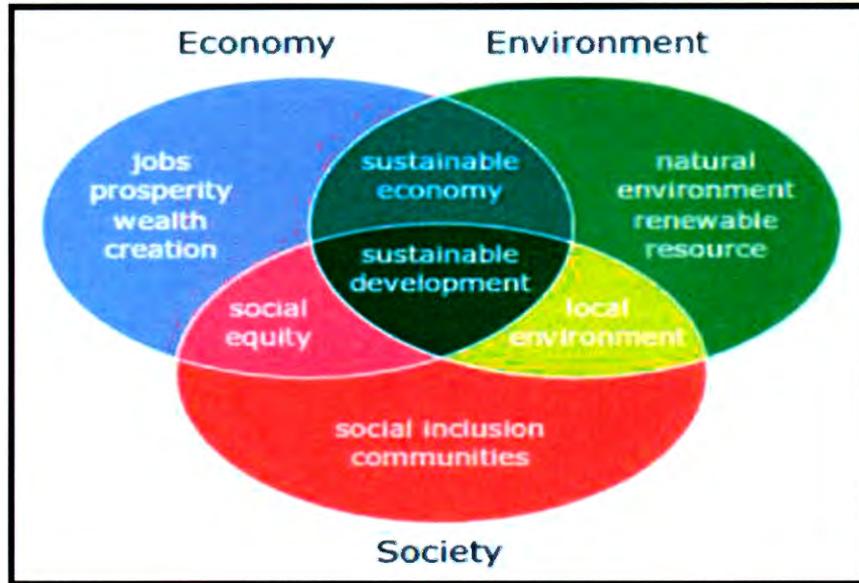
Figure 2.1: The Sustainable Development Matrix

Spatial planning decisions have a bigger influence on people's lives in cities, either economically, socially or environmentally. If wrong spatial planning decisions are made today, this would have major implications for human survival in future.

Wilkinson (2011:150) discussed the link between social, economic and ecological resilience as a complex adaptive system that is facing irreducible uncertainty due to conflicting interest in development. This is supported by Agyeman, Bullard a nd Evans (2002:80) who argued that economic, social and environmental goals in terms of sustainability are intimately linked and mutually interdependent and a city can be regarded as sustainable only if there are some forms of acceptable societal, economic and environmental benefits to the populations in the city. Economic development is normally concerned with the production and creation of wealth for certain communities with the aim to improve economic growth of the area (Salmon Valley Business and Innovation Centre, 2013: online). This brings changes that are beneficial to society, for example creating job opportunities and supporting or growing incomes and the tax base. May et al., (cited in Black, et al., 2002:188) discovered and listed a number of sustainability indicators to urban development in the city such as economic efficiency, liveable streets and neighbourhoods, protection of the environment, social inclusion and equity. He further explained that these sustainability indicators will only be present in city, if the development taking place does not endanger the opportunities of future generations to reach at least the same welfare level as those living now. These sustainability indicators correspond to those listed by Millington and Williams (2004:100) in Figure 2.1.

According to the World Summit for Social Develoment (1995: online) held in Copenhagen, social development is about putting people at the centre of development. Sandercock (2000:203) says that he dreamed of a sustainable city where those who do not have the bread are not excluded from the development agenda. This statement implies social justice in relation to urban development. Social justice should be viewed as a sub-factor in the broader concept of social equity. This is also noted by Pearsall and Pierce (2010:577) in their argument that social justice is an important factor in the long term and multidimensional sustainability efforts. This implies that cities do not just have to do with economic activities, or building streets and architecture, they are also places of struggle for social justice (Sandercock, 2003:319). Cities are viewed as sustainable from a social perspective only if social issues such as equity, public participation, diversity and informality are considered in spatial planning.

Development taking place in urban areas need to take place on urban spaces that are planned and designated for a particular land use if we are to promote sustainable development in urban areas. From an environmental point of view Barton (2009:116) postulates that health and land use planning are historically linked, because the living conditions in cities were inhumane during the nineteenth century and this has necessitated modern planning to separate incompatible land uses from each other through zoning polices.

2.5 FACTORS INFLUENCING URBAN LAND GRABBING

When land within the townlands boundary of a municipal council is occupied without the approval of such municipality council, this can be termed "land grabbing" or" land invasion". There could be a number of enabling factors that influence people to occupy urban land illegally. This section deals with these factors.

2.5.1 Pressure of urbanisation

Urbanisation has been a reason for problems experienced in cities. This perception is not isolated from the fact that illegal occupation of city land is usually blamed on the pressure of urbanisation. It is noted by Kironde (2006:461) when he emphasised that the rate of urbanisation is high in African cities, but public authorities such as municipalities have generally failed to provide this rapidly urbanising population with the necessary services and infrastructure, including planned land. He examined that municipal land was much easier to get in unplanned areas within the municipal boundaries, but converting it to legality (legal tenure) was virtually impossible. So one will really see that the pressure of urbanisation can be alluded to the magnitudes of land invasions without proper procedures in many cities.

Long ago most people lived in rural areas and only few people lived in urban areas (Njoh, 2003:167). However, today the bigger proportion of the world's population is living in urban areas. This is called urbanisation. The term "urbanisation" refers to the process whereby the concentration of people and their economic activities are taking place in urban centres such as cities and towns. There are many reasons attributed to the causes of urbanisation. Urbanisation usually results from the rapid population growth in urban areas (Cohen, 2006:63). World urban population is said to have been growing at an alarming rate today, especially in developing countries. It is expected that most of the world's populations will be living in cities over the next decades (Cohen, 2006:63). By the year 2050, urban population is projected to grow beyond three billion (Buhaug & Urdal, 2013:1). This projection is scary, because if almost half of the world population will be living in cities, can spatial planning keep up with the pace at which cities are growing?

In the developed world, for example in America and Europe, rising levels of urbanisation were the results of growing economies. This indicates that there is a relationship between the level of urbanisation and economic growth. This is also supported by Brückner (2012:26) when he argued that urban economics is found at the juncture of urban economic development and the rate of urbanisation. In the developing world, however, this is not the case because developing countries are characterised by high level of urbanisation, but with lower levels of *per capita* income, thus these countries are over-urbanised. This usually takes place in Africa because the rising level of urban population is high beyond the resources available in African cities.

The question of whether spatial planning will able to keep up with the pace at which cities are growing became relevant in this context because over-urbanisation, however, has implications to spatial planning due to the fact that planning for urban infrastructure that support economic activities to provide employment, or business opportunities for companies, can no longer be able to support the number of people flocking into cities to take advantage of economic opportunities in cities.

Rural–urban migration is a central issue to urbanisation and is seen as the main cause of the problem of urbanisation (Parnell & Walawege, 2011:12). This is also supported by Njoh (2003:168) by arguing that the resulting economic development in urban areas will result in a dependency of the rural areas on urban areas as people living in rural areas will be "pulled" by the positive aspects in the urban areas. The effects of urbanisation as argued by Njoh (2003:168) include both positive effects such as modernisation of people's lives, and negative aspect such as formation of informal settlements and grabbing of strategic land in cities. Local economic development can be seen as a result of urbanisation (Njoh,

2003:168). This is because city authorities will invest in economic activities to support the populations. However, this will again result in many negative aspects such that people start settling on unplanned land in cities and other social and economic dilemmas.

According to Mulligan (2013:113) urbanisation generates both fickle and bumpy demographic landscapes. Thus, these implications are challenges to spatial planning as the primary profession concerned with planning the spaces in cities for human activities to take place by balancing both demanding humans' needs with that of the environment.

Some of the notable challenges of urbanisation to urban and regional planning include the challenges to plan for space to accommodate the influx of people coming to urban areas to find employment and other economic activities taking place in urban areas. This situation can be linked directly to the failure of spatial planning to keep pace with urbanisation, thereby forcing people in urban areas to operate outside the scope of the law to find alternative methods to attain their immediate needs.

It is also a well-known fact that urban poverty caused by rapid urbanisation processes in many cities of the developing world, has resulted in the development of informal settlements. Unstable employment and low wages in towns mean that many are unable to afford formal housing (Payne, 2002a:45). The United Nations (UN) Habitat (2008: online) put emphasis on the fact that the urban poor in cities of the developing world usually resolute to land invasions and illegal subdivisions which then result into unregulated settlements with high densities and lacking the proper street systems and minimum public facilities and spaces.

Lamba (2005:40) explained that where land have been occupied or settled upon without the permission of the owner is merely land grabbing, which the majority of the urban poor resolute to occupy. He further argued that illegal occupation of land in cities in most cases is linked to informal settlements where unauthorised land developments have occurred (for example, change of land use that breach zoning plans, building extensions without building permits, subdivisions without regard to services and infrastructure plans).

According to Payne (2002a:5) the root cause of grabbing available undeveloped land by the urban poor in many cities of developing countries is due to urban poverty, because many are unable to afford formal housing. However, opportunistic urban land grabbing which is the core focus of this study is a relatively new emerging concept and to bring this concept in realm, it is interesting to mention that opportunistic land grabbing in urban areas is not aimed or founded on the ground of seeking shelter.

2.5.2 Lack of public participation in planning

The term "public participation" implies a concept of citizenship. This means that involving and properly consulting people regarding a certain decision and considering their inputs in coming up with a final solution is regarded as participation.

Public participation in the context of urban and regional planning is, therefore, about how people/community interacts with the government or municipalities regarding plan proposals concerned with urban or rural development. Healey (2003:104) used the term "collaborative planning" to describe the process by which participants arrive at an agreement on action that expresses their mutual interests. Thus, collaborative planning means the existence of several stakeholders/actors that are involved in plan-making. With this type of planning, there is no single actor that makes a planning decision or policy on its own without proper consultation of other interested actors. Therefore, collaborative planning always produces a collective effort in plan proposals.

Old-style planning approaches tended to adopt a desk-based blueprint approach, producing plans which concentrated on land use management relied mostly on too ambiguous land use regulations such as structure plans and town planning schemes for implementation and these plans were unrelated to people's needs or concerns. According to Klosterman (1978:38) old-fashioned planning approaches require that planners have to convince the public to accept and act on their final plan.

At most, these plans were produced by urban planners without any inputs from the people who supposed to benefit from these same plans and generally these plans had little influence on improving people's lives. However, in recent years, new approaches to urban and regional planning has emerged and adopted (Fainstein, 2000:53).

Among this is the realisation of the importance of public participation in the planning process. It was realised that it is important to involve all the important actors in urban development in order to secure their inputs, which in turn will likely produce plans that reflect people's needs. The term "participation" implies a concept of citizenship. This means that involving and properly consulting people regarding a certain decision and consider their inputs in coming up with a final solution, is regarded as participation.

Participation in the context of urban and regional planning is, therefore, about how people/community interacts with the government or municipalities regarding plan proposals concerned with urban development. The term "collaborative planning" is described by Healey (2003:122) as the process by which participants arrive at an agreement on action

that expresses their mutual interests. Thus, collaborative planning means the existence of several stakeholders/actors that are in involved in plan-making. With this type of planning, there is no single actor who can make a planning decision or policy on its own without proper consultations of other interested actors. Therefore, collaborative planning always produces a collective effort in plan proposals. There is an increasing need for an urban and regional planning practice to be participatory and recognise the importance of involving traditional authorities to participate in planning.

"Citizen participation is citizen power" (Arnstein, 1969:217). We all know that proper public consultation regarding any decision to be made, will give the public the power to provide significant information to be used in plan formulation; this in turn creates a good environment where recognition of social diversity and inclusiveness of all people, and particular attention is given to the needs of women and marginalised minorities and groups. This means that a decision that entails the majority views and inputs will likely be more successful than the ones made by two or three people with similar interests.

Thus, I think public participation is really very useful in the decisions regarding urban development because community inputs in a certain project should be respected and should be viewed as an agreement between the municipality and community. This will effortlessly bring a situation where the community will be happy with what the municipality is doing. The failure of many municipalities to provide sustainable urban plans that will then improve the lives of growing number of people living in the areas they are responsible, is due to unsatisfactory public consultations.

Many people demand for greater public participation where the community will even form partnerships with municipalities regarding spatial planning that directly affects their lives. Participation is good because it will always create patterns of development that every person in the area concerned accept as their own creation and therefore bring support in development and minimise criticism of plans or any form of illegal actions that is not in conformity to the law (for example, invasion of municipal land).

Nevertheless, in some places, sometimes even when there have been genuine efforts to move towards participation planning, in which all views from different groups are given equal weight, there is always conflict regarding the reaching of consensus. This is because agreements do not come easily when there are many views towards a certain issue. There are always conflicting priorities and interests from different people in any city. This mainly happens because the power of different groups is always unequal.

2.5.3 Rigid and cumbersome government regulations

Land is one of the most regulated markets on planet earth (McLaughlin, 2012:50). Criticisms of planning laws and regulations are believed by some scholars as the reasons that lay foundations for urban dwellers to take different routes when these laws are not addressing their social and economic needs. According to Harvey (2006:292), until today many developing countries are still heavily dependent on the western form of planning regulations which coordinate land ownership and control. Payne (2002b:222) emphasised that it is common that policies and legislations governing land use management in cities of developing countries may be too stringent especially for the urban poor to comply with what these laws intent to constitute.

This statement is validated by Healey (2003:104) who argued that even if planning legislations bring benefits of its own, it is also clear that the interaction of planning interventions produce distributive social injustices, especially in cases where the intended outcome of legalisations is not serving the immediate needs of society. In such instances it is proven that people tend to use different courses of action to seek social justice. It should be noted that even though the regulations of land use activities in cities bring an orderly pattern of development, it also at the same time bring the cons of its own (Healey, 2003:105). It is for these reasons that this dissertation, through systematic examination of stakeholders perceptions, will unveil whether it is correct to blame spatial planning policies on the emerging of land grabbing in urban areas. Some of the cited planning legislations that are criticised for forcing urban dwellers to invade undeveloped municipal land are zoning regulations / land use schemes and spatial structure plans.

2.6 IMPLICATIONS OF LAND GRABBING TO SUSTAINABLE URBAN DEVELOPMENT

Land grabbing in urban areas will likely to create neglected spatial pattern that would not promote sustainable urban growth. Hence, it is difficult to address issues of sustainable urban development without coordinated spatial planning in place.

Un-habitat, (2011:online) define spatial planning as a tool for integrating urban development functions and gives guidance towards that desired future spatial state. Spatial planning provides an analysis of the spatial problems and suggests strategies and programs to address urban development space challenges. Spatial Planning play an important role in promoting a "sense of place" in an effort to carte urban environments (Behrens & Watson 1996:10). It is further explained that spatial planning advocates that there should be

adherence to the spatial requirements in the effort to ensure the development of a continuous urban fabric with appropriate relationships between building and spaces. All spaces including roads and public spaces should have sufficient definition. This is based on the creation of spatial efficiency that promotes sustainable urban development. Sustainable urban development requires urban design prior to development taking place.

Urban design refers to the process of deciding what to do and how to do it. Urban design as described by Madanipour, (2006:178) is an integrative design element addressing the overlapping concerns of city planning, landscape architecture, civil engineering (now often called environmental engineering) and architecture. It is concerned with the design of specific products: new towns, new suburbs, new precincts of cities and suburbs, urban renewal, and urban squares and streets

Effective urban design is very important because it takes into account diverse perspectives and impacts, allowing decision-makers to identify and implement the most effective ways to achieve goals. The urban design principles are intended to give guidance and set out principles of how they can be implemented. They are also designed for potential improvement of urban spaces. In principle, urban design is concerned mostly with the physical, spatial arrangements of infrastructures and spaces to achieve maximum efficiency and orderly development (Madanipour,1997:380).

Development taking place in urban areas need to take place on urban spaces that are planned and designated for a particular land use if we are to promote sustainable development in urban areas. Therefore, this is important to this mini-dissertation in a sense that when we marry it to the concept of urban land grabbing there might be concerns interlinked to *ad hoc* developments which might be contrary to the existing urban development strategies like the SDF. Circumstances of this nature shall be linked to negative impacts of land grabbing to sustainable urban development because informal development resulting from this type of activities could be disastrous.

Urban planning is not a new phenomenon, it existed over centuries. Planning was introduced to regulate human settlements. This view is based on the perspective that planning aims to control urban growth through regulated land uses, and orderly, aesthetic developments. At times actions of urban planning is viewed by some people as an intrusion into society's right in the free market, but urban planning is necessary to shape orderly development patterns that would not exist without planning. These patterns are so broad that they can be found across all spheres of society such as economic, social, environmental and housing. This clearly illustrates that unregulated and unplanned city growth will result in problems not

limited to inadequate transportation, poor sanitation which will result in diseases, or weird development patterns.

Spatial planning of cities and towns happened even before the industrial revolution and is dated back as far as around 1800 BC. Around this period planning emerged because of reactions to problems experienced in urban areas due to health risks which arouse during the time of industrial cities. Planning was thought as means to control health risks in urban areas which arose from the industrial cities. During the period of industrial cities factory workers lived in apartments and residences close to factories and industries where they work. In order to shape urban development and maintain order, safety, and keep orderly development that also looks at aesthetics, several planning approaches and philosophies emerged.

During the Industrial Revolution, industrial cities were built in most European countries, especially in Britain around 1900. These cities were built close to coalfields to minimise the cost of transporting coal from the fields to factories. These cities were just built to maximise economic benefits for the manufacturers, while at the same time ignoring the social welfare of the employees and the environment. According to Hall (2002:23), at the end of the nineteenth century the industrial cities had triggered many problems relating to social and environmental disorders that then triggered the need to plan and reverse the negative patterns of unsustainable urban development.

From an urban planning perspective, sustainable development cannot be achieved by only considering or being biased on one pillar of development. In urban areas, industrial spaces are premises normally reserved for the uses of either heavy or light industrial activities. These spaces in urban areas are located at sites that are separated from the residential component of the town as to avoid direct health hazards to the inhabitants of the town.

Barton (2009:116) postulates that health and land use planning are historically linked because the living conditions in cities were inhumane during the nineteenth century and this has necessitated modern planning to separate incompatible land uses from each other through zoning polices. That is why grabbing land in industrial zones might have serious concerns for sustainable urban development. Therefore, it is important to examine the potential land use implications to sustainable urban development as a result of randomly grabbing land in spaces earmarked for industrial development

It is argued by Pearsall and Pierce (2010:570) that in order to work towards more successful urban sustainability plans, it is important to understand the nominal priorities and goals of cities regarding their sustainability initiatives. This argument is important because in as much

as all priorities are identified, urban planners will be able to formulate best alternatives that can be explored in order to efficiently integrate social, economic and environmental goals of city planning.

Some early philosophers in the field of spatial planning observed that spatial planning practices are merely needed to create patterns that would never exist without planning. This view is correct and I would argue that planning is a necessity to society even today, and it will be in future. This necessity is proven in theories. A study by Fainstein and Fainstein (1971:264) argued that city planning cannot be separated from society because planning is mean to benefit society. This is also further supported by Sandercock, (2004:320) who argued that planning operates under the political culture to uplift the livelihood of society because the planning process takes place in the vacuum of political values. It is clear these views make sense because spatial planning decisions that were aimed at reforming cities around early 1900 as to correct and redress problems that occurred in the industrial cities were political actions. Spatial planners who made decisions to build industrial cities at the time were concerned with economic perceptions merely to maximise economic benefits from industrialisation. These are types of capitalist decisions that impacted spatial planning approaches at the time. Some of these arguments again were defended by Fainstein and Fainstein (1971:265) when argued that conventional/traditional planning approaches were absolutely bias and intended to benefit those that are interested and ignore the bigger picture of the urban environment especially interests of the workers working in these industries.

I tend to agree with these authors because urban planning decisions made at the time of industrial cities were heavily impacted by a skewed culture of capitalism and ignorance of social dimension of the city population. To give a clue on these developments Guttenberg (2009:288) explored how spatial planning approaches shifted after the industrial revolution. He studied the different spatial planning approaches and explored their relationship to major world events and how this evolved over time. His arguments were also supported by theories on spatial planning approaches authored by Hall (2002) in his book *Cities of Tomorrow*. Klosterman (1978:37) argued that early approaches in urban planning were those that focused mainly on physical design standards, zoning and land use control and early spatial planners were not interested to focus their plans on social issues like livelihood of the society.

These views are true reflections of consequences bemoaned by; industrial cities (early 1900) Hall, (1994:46), garden cities (1914 -1918) (Hall, 2002:19), city beautiful (1929–1939) (Hall, 2002:20), randburn (1939 –1950) (Taylor, 2009:64), utopia and urban sprawl (1960–1980) (Hall, 1994:19), anti-urban sprawl (1990–2002) (Muller,1992:127) and finally modernism approaches focusing on new urbanism smart growth (2008-present). These spatial planning ideologies and approaches has changed over time as major world events have trigged implications that necessitated the shift in these planning approaches in an effort to achieve urban sustainability.

The question of whether sustainable urban development is possible in the context of land grabbing is very interesting. Reasons for grabbing city land without approval from municipalities is believed to be triggered by the aspects of economic and social needs of society who are living in cities. However, these are only a matter of social and economic pillars of sustainability that is being pursued. Environmental goals as an equally important pillar of sustainability are being ignored. Now the question of whether all three goals of development (as shown on the Figure 2.1 below) can be achieved at the same time, is a matter of infinite debate. This question is simply asking if it is really possible to, for example plan and build cities that provide for the needs of the populations in terms of social, economic and environmental needs simultaneously. What makes this question complex is the nature of how to conjoin these three aspects without compromising the goals of each and then achieve sustainable urban development.
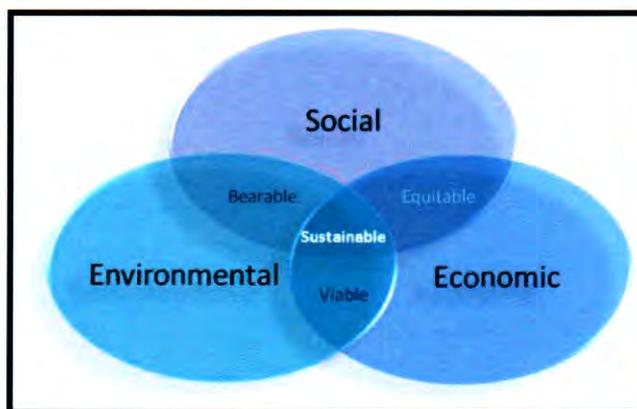
Source: Thwinking (2016: online)

Figure 2.1: Three pillars of sustainable development

Despite the complexity to conjoin the three pillars of development to achieve sustainability, we would argue that it is mutually possible to attain sustainable development encompassing the three pillars by carefully examining and considering all social needs. One can able to find

viable social and economic opportunities and put them to use without implicating the urban environment to function properly. These three pillars of development can be attained all together. For example, if economic resources such as land distribution in cities are shared fairly equally among all citizens of the city, economic development is sustainable. If all the citizens of the city are given equal opportunities in terms of social diversity, social justice, and there is no social discrimination in terms of power to participate in the planning process, social development is sustainable. If there are properly crafted mechanisms to protect the environment, development will be environmentally sustainable. Then, what we will have at the end is *sustainable cities*.

2.7 RESEARCH GAPS

Even though land grabbing in urban areas is not relatively new in literature, there is relatively a new emerging concept of land grabbing taking place in Ondangwa in Namibia. The emerging picture is that this type of land grabbing is different from the usual norm of pro-poor land grabbing whereby the poor people who are unable to afford serviced land in urban areas are believed to grab any available undeveloped urban land for shelter. This can mostly be found in literature dealing with the upgrading of informal settlements, urbanisation, urban poverty, urban economy, urban livelihoods and/or land tenure in urban areas. Many authors conclude that the root cause of grabbing available undeveloped land by the urban poor in many cities of developing countries is due to poverty accelerated by pressure of negative urbanisation. These views were based on these factors because many of this research were targeting to investigate housing problems in cities. However, opportunistic urban land grabbing which is the core focus of this mini-dissertation is a relatively new emerging concept and to bring this concept in realm, it is interesting to mention that opportunistic land grabbing in urban areas is not aimed or founded on the ground of seeking shelter. Those conclusions were generalised perspectives and their conclusions did not satisfy the research question posed in this mini-dissertation.

Opportunistic urban land grabbing is a term that most urban planners find repulsive, while to the land grabbers it could be an eye-opener to the future of the land that they might be getting access to and occupy within the townlands boundaries. To put this in perspective, grabbing of undeveloped land in urban areas is illusive to an urban planner because land grabbers target strategic undeveloped urban land and the identity of these land grabbers does not appear to be the class of society which is vulnerable to urban poverty.

2.8   CONCLUSION

Even though research papers presented in this chapter have discussed land grabbing and factors enabling land grabbing, as well as theories on sustainable urban development and tackling it from different aspects, it is still clear from the literature that land grabbing is not only a local challenge for the Oshitayi area where it is taking place, but this concept is an academic challenge as well because a lot have to be written about this subject.

Currently, there is no enough work done in Namibia on this specific matter as the studies reviewed did not take place in Namibia and the aims of those that took place globally were to analyse land grabbing from a generalised perspective. Their conclusions did not satisfy the research question posed in this mini-dissertation. Thus, there is a research gap in the field of spatial planning that this mini-dissertation intends to fill. It is important to identify the reasons behind opportunistic land grabbing, as well as to what implications these circumstances can contribute to sustainable urban development.

Chapter 3
POLICIES AND LEGISLATIVE FRAMEWORK

3.1 INTRODUCTION

The reasons and impacts of land grabbing to urban development will never be understood in isolation without understanding the legislative framework and institutional arrangements relating to land management and spatial planning for Namibia. This chapter will examine and provide an overview on the legislative framework and institutions that govern land delivery as well as spatial planning in Namibia. The legislations to be discussed include the following: The Constitution of Namibia (1990), particularly attention will be paid to article 16, 102 and 111 which has dealt with some fundamental rights to land and land administration. The acts of parliament that will be discussed include the Local Authorities Act (1992), traditional authorities Act (1995), Communal Land Reform Act (2002), Townships and Division of Land Ordinance (1963), Town Planning Ordinance (1954), and the new Urban and Regional Planning Bill (2015). Polices that are relevant to this study and that will be discussed include the Compensation Policy of Communal Land (2008), Spatial Development Framework and Town Planning Schemes. Lastly, this chapter will discuss the institutions that administer land which include central government ministries, local governments that include local municipalities, traditional authorities and communal land boards. The legislations and institutions which administer urban land were considered for discussion in this chapter as their impacts have a fundamental contribution to urban land management and urban development.

3.2 THE LEGISLATIVE FRAMEWORK FOR NAMIBIA

Namibia is the youngest country to attain independence in Southern Africa; however, some of its legislations and policies that is regulating land administration in the country today were formulated back as far as the 1930s during the colonial time before the country attained independence in 1990. These legislations were formulated to coordinate and control human activities in settlements, towns and regions. Some of these old legislations are still in existence even after the 25 years of Namibia's existence as a sovereign state. At independence in 1990, Namibia also passed a considerable number of legal instruments that have amended some of the old legislations in effort to address the current situation of the people. Such laws include, among others, the supreme law of the country (the Constitution), policies, as well as acts of parliament.

3.2.1 The Namibian Constitution (1990)

The Namibian Constitution is the supreme law of the country and for the purpose of this mini-dissertation, only the articles that have a direct influence on land ownership will be discussed. The articles of the Namibian Constitution that are of great importance for the country's land use planning are article 16, 102 and 111.

Article 16 – Property Rights (land)

This article of the Constitution has two subjections that deal with the fundamental rights to property. Article 16(1) provides that "all persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees, provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian Citizens" (Namibia, Constitution of the Republic of Namibia, 1990:13). On the other hand, Article 16(2) stipulates that "the state or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation", in accordance with the requirements and procedures to be determined by an Act of Parliament (Namibia, Constitution of the Republic of Namibia, 1990:13).

In summary, Article 16(1) and (2) of the Namibian Constitution provide the cornerstone of the proprietary rights and compensation pertaining to deprivation of rights attached to land. The Cabinet of the Namibian Government has formulated a policy for compensation of occupiers of land belonging to local authorities in instances where a local authority seeks to relocate the occupant. For want of brevity, it would suffice to state that the Cabinet Policy is envisaged to compensate persons that are relocated that had acquired occupational rights prior to the proclamation of the town. Those that acquire the land rights after the proclamation of the town is therefore not recognised by the compensation policy.

Article 102 and 111 – Structures of Regional and Local Government

According to article 102(1), as is further accentuated by article 111(1), the state envisages that there shall be regional and local government in Namibia for purposes of regional and local governance. These regional and local units shall consist of such regional and local authorities as may be determined and defined by an act of parliament (Namibia, Constitution of the Republic of Namibia, 1990:48).

3.2.2 The acts of parliament

This section discusses the acts of parliament that have an influence on land management and spatial planning in Namibia. These pieces of legislation will be discussed for purposes of identifying its impact on the situation of land grabbing happening in the Oshitayi area in Ondangwa.

The Local Authorities Act, Act 23 of 1992

The Local Authorities Act, Act 23 of 1992, provides for the determination of local authorities and the establishment of local authority councils. This act defines the duties and functions of the local authorities which, amongst others, include the powers granted in terms of section 3(3) and section 31(t) and so forth. This Act came into force on 31 August 1992 in terms of Government Notice 118/1992, published in Government Gazette 472. The Local Authorities Act replaces the Municipal Ordinance 13 of 1963.

Section 3(3)(a) of the Local Authorities Act, Act 23 of 1992, specifically deal with ownership of municipal land and provides that "if the area of any township or village management area established or purporting to have been established by or under any law on the establishment of townships or village management boards on communal land is, in terms of subsection (1), declared to be, or, in terms of subsection (5), deemed to have been declared to be, a municipality, town or village, the assets used in relation to such township or village management area and all rights, liabilities and obligations connected with such assets shall vest in the municipal council, town council or village council of such municipality, town or village"(Republic of Namibia, The Local Authorties Act, 1992:9).

Section 3(3)(b) of the said Act further provide the powers to the Registra of Deeds to register ownership rights of the land wthin the jurisdictions of a municaplity, The Act states that "the Registrar of Deeds shall, in the case of any asset referred to in paragraph (a) consisting of immovable property which vests by virtue of the provisions of that subsection in a municipal council, town council village council, upon production to him or her of the deed of any such immovable property, endorse such deed to the effect that the immovable property therein vests in that municipal council, Town council or village council and shall make the necessary entries in his or her registers". Thereupon that deed shall serve and avail for all purposes as proof of the title of that municipal council, town councilor village council (Republic of Namibia, The Local Authorties Act, 1992:10).

Lastly, what is relevant to land ownership in this Act is Section 3(3)(c) which stipulates that no transfer duty, stamp duty or any other fee or charge shall be payable in respect of any endorsement or entry referred to in paragraph (b).

In terms of Section 3(3)(a) of the Local Authorities Act cited above, it is manifestly plain that ownership of all land falling with the proclaimed boundaries of Ondangwa town, including the Oshitayi area where land is subjected to occupation being investigated in this study, vests in OTC, as further accentuated by provisions of Section 3(3)(b) and Section 3(3)(c) of the said Act. It accordingly follows that people who obtained parcel of land in Oshitayi holds no legal ownership rights over the aforesaid erven/parcel of land.

This Act has clearly defined that ownership of land falling within a proclaimed local authority area vests in the name of that council and if any land is taken without the approval of such council then it manifestly plain that the land in question is grabbed.

The Communal Land Reform Act, Act 5 of 2002

Allocation and management of communal land in Namibia is under the administration and control of traditional authorities as per the provisions made under the Communal Land Reform Act of 2002. That basically means prior to proclamation of towns the land is under the auspices of traditional authorities who administer it on behalf of the state as per the provisions made under the Communal Reform Act of 2002.

That means that Communal Land Reform Act made provisions that allocation of customary land rights for residential and substance farming purposes shall be made by traditional authorities, This Act also sets forth the allocation of right in respect of communal land; establishment of structures for communal land management; and for the powers of traditional authorities and the boards with regard to communal land and for any other related matters (Republic of Namibia, The Communal Land Reform Act, 2002). This document did not only define the meaning of "communal land", but also spells out the bundle of rights under this tenure system. Furthermore, it also provides for grazing land, survey of communal land (Article 40), leasehold and its registration (Article 30–36), and for compensation for improvements (Article 39) (Republic of Namibia, The Communal Land Reform Act, 2002).

The Town Planning Ordinance, Ordinance 18 of 1954

The Town Planning Ordinance (Ordinance 18 of 1954) made provision for the preparation and carrying out of town planning schemes. This Ordinance also established a statutory body known as the Namibia Planning Advisory Board (NAMPAB) which advises the Minister of Urban and Rural Development on planning policy issues.

Being a policy advisory body, this board is mandated to regulate the preparation and approval of town planning schemes for local authority councils in the country (i.e. municipalities, town councils and village councils. This ordinance will be repealed if the Urban and Regional Planning Bill which was introduced in 2012 is promulgated as an act. The Bill also dealt with preparation and approval of land use schemes for regulating land in urban areas (South West Africa, Town Planning Ordinance No. 18, 1954).

The Township and Division of Land Ordinance, Ordinance 11 of 1963

This Ordinance provides for the establishment of the township boards, the establishment of townships, the subdivision of land townlands and agricultural land smaller than 25 ha. It also provides for the proclamation and deproclamation of towns, the closing of streets, conditions of establishments of towns, surveying of townships and registration of land in the Deed office (South West Africa, Township and Division of Land Ordinance, 1963).

New Urban and Regional Planning Bill

The Ministry of Urban and Rural Development (MURD) has drafted an Urban and Regional Planning Bill to replace the two existing Planning Ordinances. The ordinances under review have two parallel institutions, namely the Townships Board and the NAMPAB)in the establishment and management of land necessary for urban development. The commitment of members of the Namibia Planning Advisory Board is also questionable. Many meetings of NAMPAB have to be called off due to the lack of a quorum in a way delaying development. Hence, the new Bill will integrate the Townships Board and NAMPAB into a single piece of legislation for effective spatial planning purposes.

That means that the bill will replace the Namibia Planning Advisory Board and the Townships Board with one Urban and Regional Planning Board. The objectives of this board will be to coordinate, evaluate and supervise structure planning, zoning schemes, policy planning and standards, subdivision and consolidation of land, establishment of new towns and other planning matters.

3.2.3 Land related policies

Town Planning Schemes

In Namibia, urban land uses are managed by what is known as Town Planning Schemes (TPS). Each municipality has its own, unique TPS. Therefore, before any development may be commenced on an erf, it will be important to determine whether the proposed land use is in accordance with the TPS or not.

Normally a TPS consists of two parts:

- A document with various sections dealing with matters such as definitions, use zones and land uses. In this document the control measures applicable to a certain zoning are set out.

- A spatial plan which covers the whole of the area to which the TPS is applicable and on which the zoning of each erf is indicated by way of colour or hatching.

Each zoning is restricted to which land uses an erf may primarily be used, what may be developed on the erf only with the special permission of the municipality, what may not be established under a specific zoning (without rezoning) and what other development controls such as building lines, floor area ratio, density, etc. are applicable to a specific erf. The TPS are prepared in accordance with the provisions made in the Town Planning Ordinance, 18 of 1954.

Spatial Development Frameworks

An SDF, also commonly known as a Structure Plan, is one of those guide plans that guide urban development. In simple terms, an SDF is a guide tool which is less regulatory and control oriented and more flexible and future oriented than a TPS. Unlike the TPS which control development, the purpose of an SDF is to provide guidelines for future development which will be of value to the town development and growth in a long run, for example in 10 to 15 years. An SDF will establish a framework for consistent and rational decision because it embodies Council policies and indicates the desired direction of development as defined by these policies. An SDF will address major challenges for urban growth and strive for sustainable urban development.

To be effective, an SDF shall be complied in a participatory process whereby all stakeholders, including the general public, are properly consulted to give their inputs toward the final spatial imitative that will direct growth the town in the long run. Currently there is no adopted policy for preparation of an SDF in Namibia; however, the new Urban and Regional Planning Bill intends to make provisions related to the regulation of national, regional and local SDF. The OTC has prepared and adopted an SDF in 2012 (refer to Appendix 1).

The Compensation Policy for Communal Land (2008)

Currently there is no act of parliament for assessing the amount of compensation payable to an individual deprived of his/her right to own property in communal areas, or the right to utilise communal land allocated to him/her by a traditional leader or traditional authority. Therefore, on 1 April 2008 the Cabinet approved the policy to explain situations that may

give rise to compensation in instances where land is taken for township expansion or other public sector development projects.

The policy gives direction on how compensation shall be determined in instances where communal land is taken by any competent authority. The policy also facilitates the affected landowners to choose a compensation option they consider to be fair from the two options provided in Part B and C, respectively (Republic of Namibia, The Compensation Policy Guidelines on Communal Land, 2008). This policy is applicable in cases where an occupant of land within a proclaimed local authority boundary has been occupying the affected land in accordance with the customary laws of the area.

3.3 THE INSTITUTIONAL FRAMEWORK FOR NAMIBIA

As was seen earlier, planning land use is not confined to the ambit and competence of a single sector. Different public, private and community institutions have a stake in land and how it is eventually used. The following bodies all have roles to play in the ways that land uses are identified, prioritised, allocated and practiced in Namibia. Urban settlements in Namibia were only developed during the colonial era. The process of establishing villages and towns was not uniform in the country. Formal urban centres developed first in the central and southern parts of the country. This was directly linked to the pattern of colonisation and land dispossession. In the northern communal areas formal urban areas did not develop until the 1960s.

After independence, towns in the former homelands (i.e. northern Namibia) were proclaimed under the Local Authorities Act, 1992. In terms of the Act, the entire townlands area was registered in the name of a local authority. The land was intended to be subdivided, serviced and sold to the public to be held under freehold title as per the Deeds Registries Act, Act 47 of 1937, leasehold, or Sectional Title. Currently, the local authorities (which include municipalities, town councils, and village councils) are responsible for the administration of urban land.

3.3.1 Central government institutions

The following ministries has mandate to deal with land management matter from a central government level:

Ministry of Land Reform

The Ministry of Lands Reform (MLR) was established at independence in 1990 for the planning and administration of lands. There are two important directorates responsible for land urban land administration falling under this Ministry. These include the Directorate of Survey and Mapping (DSM) and the Directorate of Deed Registry (DDR), each with its own jurisdictions of administration. The DSM is providing professional services and advice to the government, parastatals, private companies and the general public on all land surveying and mapping matters. Its role is defined in the Land Survey Act, Act 33 of 1993. The DSM's tasks include examination and approval of cadastral survey records, diagrams and general plans.

On the other hand, the DDR renders professional services and advice to line ministries, parastatals, local authorities, legal practitioners and the general public on all matters relating to the registration of immovable properties. The deeds registry functions are outlined in the Deeds Registries Act, Act 47 of 1937, and the Registration of Deeds in Rehoboth, Act 93 of 1976.

Ministry of Urban and Rural Development

The main functions of the Ministry of Urban and Rural Development (MURD) includes the coordination and management of regional and local government; rendering town and regional planning services to regional and local government (in accordance with the Local Authorities Act of 1992) and dealing with specific matters concerning towns and villages in terms of the Town Planning Ordinance and the Township and Division of Land Ordinance of 1963. In summary, the MURD is responsible for the administration of urban land which includes the controlling of township development and standard of land in proclaimed towns and settlements areas.

3.3.2 The local government institutions

The following authorities has mandate to deal with land management matter at local government level.

The local authorities

Local Authorities are established in accordance with the provisions of the Local Authorities Act, Act 23 of 1992. The primary responsibilities of local authorities are to undertake investigations, to provide development guidance and control and to prepare future physical plans and designs. They are also responsible for the general management of urban land under its jurisdiction. Local authority councils act as the first screen for any planning procedures taking place within its area of jurisdiction. In Namibia, local authorities are classified into some level of hierarchy according to some determining factors such as population size, economic activities, etc. There are three categories of local authorities, namely municipalities, town councils and villages councils.

Traditional *authorities and Communal Land Boards*

The relevant traditional authorities and the Communal Land Boards (CLB) have control over the allocation and use of the communal land as per the provisions made in the Communal Land Reform Act, Act 5 of 2002. In essence, the communal farmers are allocated either leasehold and or customary rights by these two institutions. Therefore, the communal land boards and traditional authorities has only the right to administer the land for the benefit of the rural community until that right ceases or is extinguished by the death of the user.

3.4 FINDINGS FROM DOCUMENT REVIEWS: THE LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

In reviewing the legislative frameworks and institutional arrangement for Namibia, there are a number of key issues that relate to land grabbing. This analysis reveals that the legislative and institutionalisation factor is playing a big role to land grabbing taking place in many urban areas in Namibia. In Chapter 2 of this mini-dissertation, I have taken note of arguments presented by Mattingly (2009:38) when he undoubtedly indicated that the demands for urban land can force major changes to the livelihoods of many people either for better or for worse. This might force people to operate outside the scope of the law, especially if the law is not adequately addressing the socio-economic needs of the people. The major key issues emanating from the analysis of this chapter relate to the following:

3.4.1 Rigid and cumbersome legislative framework

The current set-up of the land legislative framework can in summary be characterised in the format of outdated fragmented pieces of legislations which are no longer appropriate to the current population demand for land in urban areas.

Namibia suffers from out-dated legislations and regulations, which are not able to cope with new dynamics of urbanisation and private sector development. The administration of urban land in Namibia is regulated by a variety of acts, some of which date back to as far as 1937, and some of which are yet to be approved by Cabinet. This variety of acts makes it difficult to evaluate the performance of land administration as a whole, and the appropriateness of coercive instruments with regards to urban land tenure in particular. The analysis of this mini-dissertation concludes that the degree of regulation and regularisation is perhaps not so much a solution for urban land tenure problems, but more of a problem in itself.

Land in northern Namibia (especially in the four north-central regions) in urban areas and settlements are scarce due to the legislation failures. This can be contributed to the fact that townlands are occupied by customary landholders and the slow processes of land formalisation for delivery. Many local businesses already occupy land and their concern mainly deals with recognition of their rights and access to freehold titles. Towns in northern Namibia are poised to attract investment from both local and foreign investors, who complain that land is not available or difficult to secure.

The greatest bottlenecks relate to the non-availability of land (particularly in towns, villages and settlements in communal land areas) in the sense that potential land is not available for delivery (surveyed and serviced as per requirements of the Township Ordinance (Ordinance 11 of 1963) and the lengthy processes required to deliver land.

The time for town planning and township establishment takes between 10 to 12 months, procedures in NAMPAB and the township board between 12 to 14 months, surveying between 12 to 18 months and procedures in the Surveyor General office between 12 to 14 months. Legal processes for land registration and proclamation take between 6 to 8 months. As the different processes cannot run parallel, the whole process to prepare land for delivery to buyers takes several years to complete. Situations of this nature can lead to people with no portions but to acquire land in whatever options available, including the invasion of unplanned land belonging to municipalities.

Supply of land in urban areas can simply not keep up with growing demands. Some of the reason for this dilemma is the fact that the processes of land registration and proclamation, layout designs and township development, coupled with a serious lack of registered town planners and land surveyors and constraints in delegating functions to local authorities are slow and cumbersome. Townlands in newly proclaimed urban areas on communal land are occupied by subsistence farmers who are reluctant to give up their land in return of compensation. This is because the Compensation Policy of 2008 seems to offer un-sustainable compensations. The issues result in the fact that the land markets get distorted as people are resorting to land grabbing. In addition, relocations of communal landholders put pressure on land grabbing as people opt to operate outside the scope of the Compensation Policy of 2008.

The issue of land use in accordance with the TPS or SDF is closely been linked to land grabbing in relation to poor spatial planning legislations. Some small businesses existed in local authority areas before proclamation. Land was held either under customary law or Permission to Occupy (PTO). The formalisation process as per the standards set in Planning Ordinances subdivided areas for different land use purposes. However, in many areas TPS and SDF may not take the former mixed land use into account and landholders find themselves in, for instance, planned industrial areas. In addition, this has to result in relocations as they would have to move their business to meet re-zoning requirements. This situation may aid communities to illegally acquire land elsewhere once they are moved from their original areas.

3.4.2 Poor coordination between institutions

The transition of communal land to urban land is said to be troublesome. According to Mattingly (2009:38) it is possible that the incorporation of previously rural households into the urban fabric without hardened policy response to urbanisation, especially on the livelihood arrangements of these households, can render these households into an even poorer state than before ultimately forcing them to operate outside the scope of the law, especially the laws affecting their land ownership. Communal land is a (mostly rural) territory in possession of a community, rather than an individual ownership.

This means that communal land is a common property vested in the name of the state and administered by tribal leaders. Allocation and management of communal land in Namibia is under the administration and control of traditional authorities as per the provisions made under the Communal Land Reform Act of 2002, whilst urban land is under the auspices of local municipalities as per the provisions made under the Local Authorities Act of 1992. That

means that the Communal Land Reform Act made provisions that allocation of customary land rights for residential and subsistence farming purposes shall be made by traditional authorities, whilst the Local Authorities Act made provision that local municipalities are only responsible for spatial planning in urban areas.

The implication is that due to the fact that our towns are sprawling towards communal/farmland areas, traditional authorities and the community in communal areas fear that their communal land is being subdued into urban space, and once this is done there would be no room for traditional land use practices such as livestock farming or cultivation. This is based on the fact that in order to make land available in local authorities (i.e. municipal areas) the authorities have to create extensions in townlands and/or expand the outer boundaries of urban areas into communal land. This requires the cooperation of traditional authorities and the preparedness of communal landholders to make land available. After initial problems of working out compensations for landholders who had to be moved, local authorities would like to formalise these areas and grant formal rights to residents on the land. Such moves are hampered, however, by inappropriate legislation.

In 2008, new compensation guidelines have been approved by Cabinet, giving landholders a choice of options. The purpose of these options is to allow a communal landholder whose land is incorporated into a townlands jurisdiction or has been acquired for other public sector development purposes, to either (1) own two residential erven in the proclaimed town; or (2) subject to availability, be given alternative land of similar size as the one which has been taken away from them in order to continue with their farming activities, and in cases where no land of similar size is available, the landholder shall be provided with reasonable land. In addition, the landholder is compensated monetarily for fields, unutilised land, improvements and structures and fruit trees.

The compensation policy argues that the practice is in line with all constitutional and jurisdictive provisions. However, it is not mentioned that the Prescription Act of 1969 allows an individual to obtain ownership rights to land that he or she has openly possessed for an uninterrupted period of 30 years. Even after the review of the policy, communal landholders are still reluctant to make land available. In some instances, they are advised by traditional leaders who are residing on townlands, but lost jurisdiction over land after local authorities and settlements had been proclaimed. This has led to major conflicts between traditional authorities and local authorities.

Some landholders have become property wise after learning the real value of land, once it was sold to developers by local authorities and have adopted the illegal practice to enter into

property deals directly with the investors. Whilst this practice has made some land available, it cannot be developed due to the illegality of ownership with major disputes between business people, traditional and local authorities and ministries. However, the practice demonstrates that land could become available faster if landholders were given the right to the town and formalise their land rights for commercial purposes. In response to the non-availability of land, wealthy business people (both local and foreign) have resorted to extra-legal practices, which include purchasing of land from customary and Permission to Occupy (PTO) landholders; payment of market-related prices for land from communal landholders; clearing, surveying and servicing of land at own cost and foregoing land registration and security of tenure.

These practices have created tension between traditional and local authorities, the business community and local authorities and local authorities and the Ministry of Urban and Rural Development. These practices of illegally acquiring land are land grabbing emanating from poor conditions as a result of cumbersome institutional arrangements.

3.5 CONCLUSION

This chapter examined and provided an overview on the Namibian land policies and institutions that govern land delivery as well as spatial planning. The institutions and legislations which administer urban land were discussed by outlining their mandate and their impact to urban land management and urban development. The analysis in this chapter reveals two major important findings/key issues emanating from the review of legislative framework and institutional arrangement. These two key issues are linked to the context of land grabbing taking place in urban areas. The first key issue identified was the legislative factor – the laws regulating land delivery are too cumbersome causing a lengthy land delivery process, which in turn lead to scarcity of serviced land in local authorities' areas. The second issue identified was the issue of institutional arrangements within the scope of urban land administration. Urban land is administered by more than one institution, each with its mandate emanating from its legal power and because these institutions are not harmonising their mandates together there has been some conflicting tensions that can lead to land grabbing.

Chapter 4
RESEARCH METHODOLOGY

4.1 INTRODUCTION

This chapter covers the research design and the methodology which were employed in this mini-dissertation. The chapter outlines in detail how the research process for this study was conducted. This process includes the research methodology used, the research population, the sampling process used to select respondents from the research population and the research instruments used to collect the data. This chapter also presents the process used to analyse the data as well as outlining the process of monitoring the validity and reliability of the data during and after data collection in order to minimise bias and eliminate errors. Study limitations, as well as ethical considerations, are presented in this chapter. In summary this chapter describes the whole process how research was conducted.

4.2 NATURE OF THE RESEARCH

According to Hoyle, Harris and Judd (2002:17) a research methodology is a body of systematic practices and procedures used by researchers to institute inquiries in a specific manner. The aim of this mini-dissertation was to seek answers as to why people gradually choose to grab strategic unplanned land within the Ondangwa townlands, particularly in the Oshitayi area. The objective was to answer the main research question which seeks to determine whether reasons for this land grabbing can be attributed the failure of spatial planning to keep pace with the immediate needs of society living in urban areas and what possibilities of impacts this land grabbing can have to the sustainability of urban development.

Therefore, in gathering this information, a qualitative research design was selected as the most appropriate research methodology for this research because qualitative research is a form of exploratory research involving strategies for testing respondent's perceptions, opinions and suggestions about a certain subject under investigation (Patton, 1990:145).

The qualitative approach is described by Berg (2006:5) as "a systematic subjective approach used to describe life experiences and situations to give them meaning". According to Berg (2006:15) a common feature of qualitative research is that they aim to create in-depth understanding from data as the analysis proceeds. This is true because the depth meaning

from data cannot be done without the researcher undertaking the research methods that will allow depth enquires. This is only applicable using qualitative research methodology.

In qualitative research methodology, respondents provide their thoughts, views and feelings that are not easily projected to the whole population as in the case of a quantitative research methodology (Patton & Cochran, 2002:78). This basically means that qualitative methodology does not generalise research conclusions as in the case of quantitative methodology, but rather seeks depth answers that will be meaningfully motivated with opinion facts from the research participants/respondents.

The main research question for this study requires depth enquires and for the researcher to find answers to this research question a qualitative method will be entirely helpful. This research is by nature qualitative because qualitative research is more concerned with the "why" than just the "what" and is therefore the most appropriate for this study. This study is mainly based on respondent's perceptions and opinions (i.e. land grabbers and municipal officials). The "why data" are words or expressions from different research participants. This type of data that cannot be statically measured and that is the reason why this study omits the use of quantitative methods in which the primary research objectives is to derive numerical or quantifiable data which is measured statistically (Berg, 2006:21). According to Preece (1994:117), in qualitative research responses can be easily compared across a range of respondents to arrive at the conclusion of the study and thereby answering the research questions.

The advantages of a qualitative research approach as argued by Welch and Panelli (2003:26) are that the researcher will gain a better understanding of the underlying reasons and provide insight into the setting of a problem being investigated. This will help the researcher to actually generate ideas and uncover prevalent trends and opinions about the subject under investigation. The selection of the qualitative research method is appropriate for this study as the researcher was able to capture the opinions of land grabbers as well as municipal officials. This method helps because the respondents interpreted and make sense of their experiences and their reasons for being involved in this land grabbing. On the other hand, the researcher was able to quickly grasp the understanding of these elements from the land grabber's judgements.

4.3 RESEARCH DESIGN

Thus, a research design is a road map that outlines what type of data must be collected, when it shall be collected, what instruments must be used to collect data, and from whom these shall be collected. In other words, this is like a step-by-step approach as to what must be done for the research to answer what the enquiry intends to answer. This study relied on the opinions from land grabbers observed to have obtained land in the Oshitayi area without the consent from the OTC and officials which include municipal officials, politicians and professional urban planners. Therefore, this section describes the research design process which includes the research population, the sampling process, data collection instruments and data analysis.

4.3.1 Target population

If you can obtain research data on every member of a population in the areas you are investigating, you do not need to take samples. In some cases, sampling is not possible because you need the actual total number of the population for the intended purpose, for example in demography a census is required to determine the number of people living in a certain area. Here you do not need to make a sample and the whole population will be considered. The research population (also called the target population) is defined by Kelsey, Thompson and Evans (1986:46) as the total group of persons, variables or set of items (elements) on which the study is to be done. Another definition provided by Stuart and Wayne) (1996:366) reveals that a population is any group that is the subject of interest for a research study.

These two definitions correlate and a research population can be defined as any set of persons/subjects having common observable characteristics and forming membership of a subject under investigation. Thus, the research population for a study must be all the elements that meet the criteria for inclusion in a study. To ensure this membership, eligibility criteria must be established. For this mini-dissertation, the respondents meeting the criteria for participation in this research were:

- All people who obtained land illegally (i.e. without the consent from the Ondangwa municipality) in the Oshitayi area.
- All officials employed by the Ondangwa Municipality, including professional urban planners in private practice and politicians serving in the Council of the Ondangwa Municipality, with knowledge of land grabbing taking place in the Oshitayi area.

This study was conducted in Ondangwa, particularly using Oshitayi as the study area because this is where land grabbing is taking place. The total number of land grabbers observed to have gained access to land in this area are believed to be in the region of 1 268 in total. This gives a population size of land grabbers as the target population for this study. There were also a team of 25 municipal officials and politicians and private urban planners who were expected to have knowledge of the area and the land grabbing being investigated. Therefore, these two groups (i.e. officials and land grabbers) formally were expected to have met the criteria to provide information to this study. This brings a total of 1 293 possible respondents (i.e. research population) for this study (see Table 4.1).

TABLE 4.1: THE TARGET POPULATION

Description of research population	Number of possible members
Land grabbers	1 268
Officials	25
Total target population	**1 293**

It was necessary to divide the target population for the study into two important participants/respondents. The first target population is the group of participants who form part as members of the community affected by the subject/phenomenon being investigated (i.e.1 268 land grabbers in this area). The second target population was the group of participants who possess in-depth knowledge on the subject/phenomenon being investigated (i.e.25 planners/municipal officials/politicians).

4.3.2 The sampling process

Sometimes the research population is too large, making a complete enumeration of all the values in the population impossible. In such cases, a small, but carefully chosen sample can be used to represent the population. The sample from the population must be carefully selected using appropriate sampling techniques which actually reflect the characteristics of the population from which it is drawn (Grazian & Raulin, 1997:325). Grazian and Raulin) (1997:326) further explain sampling as a process of selecting a portion of the population to represent the entire population. This is done because it is not possible to interview the whole population in research. It is vital that a small sample is selected from the target population using a properly designed sampling methodology.

4.3.3 Selected sample size

A sample as defined by Pagano and Gauvreau (2000:45) is a subset of a population usually chosen in such a way that it can be taken to represent the population with respect to some characteristics. Therefore, the sample represents a subset of manageable size. Samples are collected and statistics are calculated or meaning is extracted from the samples so that one can make inferences or extrapolations from the sample to the population. Samples are necessary when the study area or a target population is too large to study it as a whole.

It is important to note the arguments presented by Sproull (1988:112) that there are no guidelines in determining sample size in qualitative research. This is because the sample size in qualitative research is believed not to have any vital effect on the quality of the responses because qualitative research methods aim for depth and not for even sample representation for the population as in the case for quantitative research. Thus, for the purpose of this study a sample size for the entire total population of possible respondents from the entire group of 1 293 (land grabbers and the officials) was determined as follows;

<p align="center">TABLE 4.2: THE SAMPLE SIZE</p>

Category of research population	Sample size	Category of respondent
Land grabbers (i.e. 1 268 in total)	15	10 commercial users and 5 residential users
Municipal officials (i.e. 25 in total)	12	6 private town planners and 6 municipal officials
Total sample size	**27**	

The basis used for determining the sample size for this mini-dissertation was founded on the basis of guideline theories used in qualitative research methods. This mini-dissertation is qualitative in nature due to the fact the primary and secondary data to inform this research is theoretically qualitative. We learned in theory that there is no exact way or a standard formula for determining a sample size in qualitative research as in quantitative research where a standard formula maybe required.

According to Morse (2000:3) a sample size in qualitative research depends on a consideration of a number of factors including: "the quality of data to be collected, the scope of the study, the nature of the topic, the amount of useful information to be obtained from each participant, the number of interviews per participant and the qualitative method and study design used".Thus, Qualitative sample size may best be determined by the time allotted to the researcher, resources available to the researcher, and study objectives (Patton, 1990:332).

In determining the 27 sample size for this mini-dissertation, I took note of the facts as presented by Sandelowski (1995:179) that a sample size may not be too small to support claims of having achieved either informational redundancy or theoretical saturation, or too large to permit the deep, case-oriented analysis that is the main focus of qualitative inquiry. Thus, cautionary considerations were observed to make a good judgmental as to how many participants shall be interviewed to yield a depth understanding of the subject matter under this investigation. Sandelowski (1995:179) emphasised that determining adequate sample size in qualitative research is ultimately a matter of judgment and experience in evaluating the quality of the information collected against the uses to which it will be put, the particular research method and purposeful sampling strategy employed, and the research product intended.

The question of what number is deemed sufficient to be a sample size in qualitative research is a matter of informed judgemental aspects as indicated above. Qualitative analyses typically require a smaller sample size as opposed to cases in quantitative analyses. Qualitative sample sizes should just be sufficient enough to enable the researcher to obtain depth feedback for most or all perceptions. Obtaining most or all of the perceptions will lead to the attainment of saturation. According to Patton, (1990:334) saturation occurs when adding more participants to the study does not result in additional perspectives or information.

Glaser and Strauss (1967:390) recommend the concept of saturation for achieving an appropriate sample size in qualitative studies. Other guidelines recommended for assisting in determining the sufficient sample size in qualitative research methods include that of Morse (1994:440) who suggested that approximately 30-50 participants is adequate if interviews is to be used as a method to collect ground data, while Creswell (1998:345) suggests only 20-30 participants is adequate. Hence, in the absence of specific rules or standard formula of determining an appropriate sample size in qualitative research, this author relied on these theories to determine the 27 sample size for the study which was thought to be a sufficient size to help the researcher achieve a depth analysis of why land grabbing is taking place in Oshitayi and what implications it has on sustainable urban development. This sample size is within the frameworks proved by these scholarly authors. It is not too large and not too small for the intended purpose.

The total sample size was adopted due to limited budget of the researcher. This was determined as follows: a proportion of 15 respondents were drawn from the group of land grabbers. Due to the complex identity of land grabbers, 10 land grabbers were those using the land for commercial activities and 5 land grabbers were those using the land for residential activities (refer to Table 4.2 above.

Another 12 respondents were drawn from the officials' category because this group represented a small number of the target population. The researcher conducted detailed non-biased face-to-face semi-structured interviews with 27 respondents as outlined in the next section on sampling techniques. The sample size of 27 participants/respondents was a more manageable sample size and at the same time also provided the researcher with an adequate response rate for answering the research question.

4.3.4 Sampling technique

This research used purposive and random sampling techniques to collect information from the respondents as shown in the Table 4.3 below. Purposive sampling relies on researcher's use of good judgement to hand-pick those subjects that will satisfy the needs of the research (Hoyle et al., 2002:112).

For the first group (i.e. land grabbers) a random sampling technique was employed to select 15 respondents from a sample frame of 1 268 land grabbers in the area. In order to avoid biased answers, all 1 268 land grabbers in this area has an equal chance of being selected, and thus this study has used a random sampling technique for selecting 15 members/participants from the first target population which is formed by land grabbers who are occupying the land in the area. Random sampling techniques are chosen because every participant in this group has an equal chance of being selected. This group of participants assisted in answering the research questions on why people choose to illegally occupy land in this area and use it for land uses that are not in line with the SDF intensions for the area. Grazian and Raulin (1997:40) explained that the use of random sampling is the purest form of probability sampling whereby each member of the population has an equal chance of being selected randomly, thereby making the information collected from the population unbiased.

For the second group, about 12 professional planners/municipal officials will be selected using purposive sampling and interviewed. Purposive sampling relies on the researcher's use of good judgement to hand-pick those subjects that will satisfy the needs of the research (Hoyle et al., 2002). The use of purposive sampling for selecting 12 participants from the second target population was necessary because this group of participants have in-depth

knowledge on land issues, land use, urban development, and spatial planning. This group of participants will help to answer the research questions on the land use implications this sporadic grabbing of municipal land has on the future spatial planning for the Oshitayi area, as well as on lessons that planners shall learn from this area in order to reshape their future spatial planning in anticipation to balance planning goals with the long- and short-term needs of society. According to Patton and Cochran (2002:117), if the researcher knows the research participants expected to provide answer to the research question, then it is important that the researcher use a purposive sampling technique, because using this method, the validity and reliability of the data will be controlled as participants were deliberately chosen to participate in the study based on their ability to provide the necessary answers relevant to the question posed.

The use of purposive sampling in this research was necessary because this research required a group of participants with the ability to give reasons as to why they opt to grab land in this area. It was necessary for these land grabbers to show their experiences and motivate their reasons for taking part in this land issue. It was also necessary to interview municipal officials who were expected to have in-depth knowledge on land grabbing, land use management, urban development, and spatial planning.

The following two groups of respondents were selected purposively to participate in this study: land grabbers and officials (see Table 4.2).

TABLE 4.3: SAMPLING STRATEGY

Category of Respondents	Reasons for selection
Land grabbers	Land grabbers at Oshitayi area were expected to provide necessary data as to why they are grabbing land in this area. The rationale for choosing this approach was that the researcher was seeking knowledge about the factors that influence people to grab unplanned land particularly in the Oshitayi area, which the participants in this category would provide by virtue of their experiences. One can simply select these participants using random sampling techniques because these participants vary in categories as well, for example those that grab land for residential purposes, those that grab land for business opportunities, those that claim that the land is theirs by virtue of customary ownership.
Officials	These professionals include municipal employees, professional town and regional planners in private practice and politicians. These participants were selected because they have expertise and knowledge in urban planning, land use management, land grabbing and urban development. Thus, it was necessary to purposely identify them for questioning because their opinions and expertise would be very significant to this study.

4.4 DATA COLLECTION PROCESS

This section outlines how the data for this research was collected; the process and instruments used to collect data are explained in this section.

4.4.1 Data collection instruments

A data collection instruments include all necessary mechanisms employed to collect valid and reliable information from the research participants. These instruments need to be appropriate to enable the researcher to collect the correct data that will satisfy the research question. This study collected data through interviewing the respondents as well as through site observations conducted by the researcher since July 2015.

4.4.1.1 Pilot interviews

Holloway and Wheeler (2002:80) define piloting as a pre-exercise conducted to test the validity and reliability of the research exercise. Pilot studies normally orientate the researcher to understand the data and instruments used to collect data prior to the final data collection stages. The researcher thought it was important to carry out a pre-exercise in order to test the reliability and correctness of the questions in the interview guide or questionnaire prior to final interviews. This pilot study was very useful as it has provided the researcher with valuable opportunities, including the possibilities of testing whether the questions asked in the interview guide were relevant, as well as testing whether there were any anticipated problems during data collection so that modalities can be developed to overcome any problem identified.

The researcher conducted the pilot exercise in July 2015 with four participants who fit the selection criteria as described in previous sections. Two of this four participants were land grabbers and the other two were municipal officials. The pilot interviews were conducted at the places of the participants and done at different time slots but on the same day. During the interview process the researcher used the interview guide with open ended questions. The researcher asked questions and clarified questions where respondents needed clarity. The researcher took notes of responses on separate sheets per each question posed. These pilot interviews aided the researcher's skills to conduct successful interviews, as well as lend the researcher to see the correctness of the questions in the interview guide. Through this piloting, the researcher had the opportunity to identify which shortcomings were in the interview questions and this led to a few questions being changed as the researcher got new directions of what the respondents think about the subject being investigated.

4.4.1.2　Final interviews

Using the amended interview guide as per the guidelines obtained during the pilot study, a total of about 27 interviews were conducted in August 2015 as per the sample size for the two groups of possible respondents. Fifteen interviews were conducted with the first category of participants (i.e. land grabbers). This group of participants formed part of the members of the community affected by the subject/phenomenon being investigated (i.e. land grabbing in this area). The average duration per interview was in the region of 20 to 30 minutes. It took the researcher about 1 500 minutes or 25 hours to finish off all 15 interviews with land grabbers which was completed in 18 days.

Twelve interviews were done with the second target population in the group of participants who possess in-depth knowledge on the subject/phenomenon being investigated (i.e. planners/municipal officials). The average duration per interview was in the region of 30 to 60 minutes. It took the researcher about 900 minutes or 15 hours to finish off all 12 interviews with officials which was completed in five days.

The data for this research was collected using face-to-face semi-structured interviews. An interview is a direct face-to-face attempt that is aimed at obtaining reliable and valid measures in the form of verbal expressions from one or more respondents (Berg, 2006:101). It is a conversation in which the roles of the interviewer and the respondent change continually (Hoyle et al., 2002:447).

For this research, face-to-face semi-structured interviews were chosen as the best instruments for collecting data because these types of interviews allow the interviewer to clarify questions to respondents, as well as the respondents will be allowed to express themselves credibly without limitations or jargons. The researcher has designed two open-ended interview guides that were used to conduct interviews.

The first open-ended interview guide with 16 questions (excluding demographic information) was primarily designed for the land grabbers (see Appendix 2). The second open-ended interview guide with about seven questions was primarily designed for the municipal officials (see Appendix 3). All interviews conducted were administered by the researcher; this was to allow open-ended questions to be clarified and for the respondents to respond to these questions openly by narrating perceptions, suggestions and explore more using follow-up questions.

This method was motivated by the fact that this research required the researcher to solicit as much information as possible from land grabbers as well as from officials to tell more about why land grabbing is taking place at Oshitayi and the impacts it has on urban development.

4.4.1.3   Interviews techniques and the roles of the researcher

The interviews for this study were one-to-one interviews, whereby the researcher visited each respondent and interviewed them individually. This was to avoid problems and distractions normally experienced in focus group interviews (Holloway & Wheeler, 2002:118). One-to-one interviews were appropriate for this study because it was easy for the researcher to take notes and follow the discussion properly.

The researcher was the main facilitating instrument in this study because he was responsible for organising the interview questions, interview schedules, the durations of the interviews, chairing the interviews, giving directions and allowing flexibility for the respondents to answers the questions posed.

Prior to the start of each interview session, the researcher had the opportunity to introduce himself to the participant to establish a relationship. Each participant was informed about the purpose of the study and explanation on the ethical consideration. (The ethical issues are explained in more detail in section 4.5.8.)

During each interview session the researcher respectfully asked the participants not use their mobile phone for the duration of the interview just to avoid disruption. At the end of each interview, the researcher recapped on the responses of the participants and asked the respondents whether they agreed with the responses noted before he thanked him/her. These rules were meant to allow the smooth proceeding of the interviews and add value to the correctness of the data collected.

4.4.1.4   Process of recording interview data

During the interview sessions the researcher posed questions in chronological order as they appeared in the interview guide (see Appendix 2 and 3). Then the respondent is given a chance to respond while the researcher was taking notes on a separate sheet. This means that the researcher was responsible for summarising the respondent's answers. The process of note talking is recognised by Holloway and Wheeler (2002:237) as a significant activity because the researcher will summarise the important points from the research participant fast and less costly. Data recorded by way of notes will be easy to organise and less costly

to transcribe and can be made ready for analysis quickly in comparison to other methods, for example tape recordings.

At the end of each interview, both the respondent and the researcher reviewed the summary of the answers and confirmed the correctness thereof. The notes which were recorded by hand were then typed into the computer immediately the next day after the interview and saved in Microsoft Word format for analysis at a later stage.

4.4.1.5   Researcher's observations

The observation methods were also chosen as a supplementary data collection method to the interviews as it was thought of providing answers to the research question which was not possible to obtain from interviews. According to Kelsey et al. (1986:227) observations are useful when the researcher wants to understand or explain everyday behaviour or examinen the effect of something on eveyday behaviour. One component of the research question for this study was to determine the impacts/effects that land grabbing will pose to the sustainability of urban development. To answer this question, the researcher needs to examine the characteristics of land grabbers in the area through observations. This type of information includes the spatial distribution of land grabbing within the area and land use activities practiced by land grabbers within the Oshitayi area.

The researcher has conducted the observation to determine the type of land use activities being practiced by land invaders in the area and do a mapping analysis/land uses survey. A hand held Global Positioning System (GPS) receiver was used to capture the location of the developments in the area so as to spatially visualise the distribution of land grabbing in the entire area. From this pattern of distribution, the researcher was able to derive an analysis and interpretation using visual aids such as maps to communicate the spatial implications this land grabbing has to the sustainability of the Oshitayi area and Ondangwa in particular.

Around 4–20 February 2015, the researcher visited and observed land use activities practiced by land grabbers within the Oshitayi area. The researcher has observed the following:

- Categories and identity of land grabbers.
- Distribution of land use activities taking place in the area.
- The conditions and physical looks of developments that are built in the area.

4.4.1.6 Process of recording observations data

From 4–10 February 2015, the researcher drove around the area (not talking to anyone), taking pictures and capturing the location and coordinates with the GPS to make a map that was used for analysing the distribution and categories of land grabbing in the area. From 11–20 June 2015, the researcher undertook a land use survey to capture different land use activities taking place (Refer to Appendix 4 and 5).

4.5 DATA ANALYSIS TECHNIQUES

This section presents how the data collected for this research was analysed. According to Berg (2006:53), the process of organising pieces of data collected from more than one research participant in order to extract meaning is termed "data analysis". Qualitative data is mostly text, video, visuals, field notes or audio recording data making analysing a lengthy and costly process that requires active and interactive processes (Grazian & Raulin, 1997:338). In other words, data analysis is the process of making sense out of your data. The data analysis process for this study commenced immediately after conducting the first interview in August 2015. The techniques used for analysing data in this study were as follows:

4.5.1 Data management

Immediately after the completion of all interviews conducted on the same day, the researcher checked all field notes for completeness. This was done by reading through notes to make sure they are eligible and complete. All field notes were assigned dates of interviews and labelled correctly just to make sure that they are in sequence. Thereafter, the hand recorded text summaries were typed into a computer using Microsoft Word format. Duplicate copies of the filed notes were made and kept in a safe place to ensure backup in case anything went wrong.

4.5.2 Comprehending

After the data management stage was completed for all field notes per each interview or per observation comment, the researcher then started reading and skimming through text files converted into the computer. The reason was for the researcher to learn about what is going on with the data. The researcher reputedly read and memorised the text files for several hours until that comprehension is attained.

4.5.3 Synthesising

At this stage, the researcher compared responses from different participants per question, then grasped similar responses per question across different text files and started sorting those pieces of ideas. Here general statements and relating similar responses to certain classes of participants were made, but without necessary classifying data into a thematic cluster.

4.5.4 Classifying and coding

This was the most important but yet difficulty stage of data analysis. At this stage, the researcher broke down general statements into different categories. All general statements of similar meaning were grouped into a cluster/category created to fit the criteria meaning of those statements. Then the data were coded to construct meaning out of it. After coding, a thematic meaning was assigned to the data to construct meaningful arguments to support/confirm or answer the research questions. Then the pattern and relationships across different clusters were created to enable comparison of interpretive statements. Lastly, the meanings of the data were clear and the research findings were framed.

4.5.5 Interpreting data

Microsoft Word and Excel were used to organise visual illustrations of the findings. The researcher chose to use this interpretive approach because visuals usually covey a better message than words. The use of tables, charts and figures to explain will yield the understanding of the reader better than words or text statements (Sproull, 1988:224).

4.5.6 Testing rigour/trustworthiness in data

Holloway and Wheeler (2002:251) define rigour as "the means by which researchers show integrity and competence in conducting systematic investigations". This section outlined the process used by the researcher to make sure the data collected have rigour, are reliable and valid. In order to test the trustworthiness or the true value of the research data for this study, the following fundamentals were employed:

4.5.7 Triangulation

According to Holloway and Wheeler (2002:448) triangulation refers to the use of multiple referents/sources to draw conclusions. The process involves combining and comparing evidence from different sources. The use of triangulation enables the researcher to validate the findings of the research. In this study, the researcher conducted a literature review (outlined in Chapter 2 of this document), collected data with interviews and observations,

analysed the policies and legislative frameworks (explained in Chapter 3 of this document). Thus, these referents/sources were constantly compared to build arguments that support the true validity and reliability of the research findings.

4.5.8   Ethical confirmations

Ethics is concerned with the proper conduct of the research process in any business enquiry. According to Wong (1999:19) ethical conducts in research concern the rights and responsibilities of both the researcher and the respondents. The following are some of the important ethical factors that the researcher for this study considered important when approaching the participants for the first time.

4.5.8.1   The right to full disclosure

Full disclosure means that all participants need to be informed about the general purpose of the study and benefits coming from the study (Hoyle et al., 2002:452). For this research, the researcher shared with participants the purpose of the study – which is basically to know why people grab land at Oshitayi area and what implications are there to sustainable urban development as a result of this land grabbing.

4.5.8.2   The freedom to participate

Prior to interview sessions, the researcher explained to each respondent that he/she has the freedom to participate, freedom not to participate or freedom to withdraw from participating at any stage of the interview session.

4.5.8.3   The right to privacy

Prior to interview sessions, the researcher assured all respondents have the right to privacy and the information they are providing would be treated with utmost confidentiality. It was explained that the information they provide will not be used against them and no real names will be used.

4.6   Limitations

This research study required a great deal of focus work. The reason behind this is to avoid lapsing into a dilemma and details of related topics that needed omission from this study. The purpose of this research study is to investigate the reasons for opportunistic land grabbing in urban areas and what implications this have to sustainable urban development. This research question is the central focus of this enquiry. Related land issues were not considered for investigation. For example, this research study did not investigate how land

grabbers obtained their land parcel (i.e. land sale transactions was not to be investigated in this research). This research only investigated why people was grabbing land in the Oshitayi area. Thus, this has defined boundary limitations around the study area. All types of land grabbing outside the Oshitayi area were not considered for investigation.

4.7 CONCLUSION

This chapter has presented the process followed by the researcher to accomplish the research question. This chapter explained in detail how and why qualitative research was chosen as the appropriate methodology for this study. The chapter has further explained the research design strategies which were employed to conduct data collection and analysis. The data collection process presented included the sampling process used and how the sample size was determined. The process of data analysis used is also explained in this chapter which includes the five steps followed to convert the collected data into meaningful information that answered the research question. The elements used to test rigour, ethical consideration and the limitations of the study were outlined in this chapter.

Chapter 5
RESEARCH FINDINGS

5.1 INTRODUCTION

This research used a qualitative research model to investigate urban land grabbing and its impact to sustainable urban development. The main purpose for collecting these data was to

- to investigate reasons for land grabbing in the Oshitayi area in Ondangwa; and
- to determine the impacts of land grabbing to sustainable urban development.

The methods how the data was collected and analysed in order to answer the study objectives stated above have already been discussed in Chapter 4. In this chapter the research findings are presented and discussed. The findings discussed in this chapter were used to base spatial planning proposals meant to re-shape future spatial planning policies to prevent land grabbing and establish the sustainability of urban development which will be presented in Chapter 6.

5.2 SAMPLE CHARACTERISTICS

As explained in Chapter 4, semi-structured interviews were used as the main data collection instrument for collecting data for this research. As explained in Chapter 4, this research had two categories of respondents, namely a sample of 15 land grabbers and 12 officials. In total this research had a sample size of 27 respondents.

5.2.1 Land grabbers

Land grabbers were the very important respondents to provide answers to the research question regarding the reasons for land grabbing in the Oshitayi area. These respondents were randomly sampled because they participated in land grabbing in the Oshitayi area and their opinions were very useful for this study.

5.2.2 Municipal officials

There were 12 officials purposely sampled from Ondangwa Municipality and professional town planners in private practice but with extensive knowledge and experience of the Oshitayi area. The respondents from the group of officials were interviewed mainly to answer a separate research question on the impacts of urban land grabbing to sustainable urban development. These respondents are professionals in the field of urban planning and their

opinions on the likely impacts of land grabbing to sustainable urban development were useful for this study.

5.3 FINDINGS FROM INTERVIEWS WITH LAND GRABBERS

### 5.3.1 Presentation and discussion of research findings

As explained in Chapter 1, the problem necessitating this investigation was because it was not clear as to why people gradually obtain and illegally develop the land in the Oshitayi area without the necessary approval from the municipality of Ondangwa. This section presents the results of this investigation. Table 5.1 indicates the summarised responses from the respondents (i.e. land grabbers) which were obtained through the use of semi-structured interviews with open-ended questions. These responses were grouped into themes during the coding process just to give meaning to why people opt to grab land in the Oshitayi area.

TABLE 5.1: SUMMARY OF INTERVIEW RESPONSES WITH LAND GRABBERS

Interview responses	Coded themes
A circumstance of non-collateralisation of existing land rights in communal and non-formalised urban areas is deceiving one welfare. There are emerging local economic opportunities/investments from the improved Ondangwa airport, i.e. business establishment in the proximity of the airport – investors saw opportunities to get cheap land for investment from customary land holders – opportunistic land grabbing. Emerging job opportunities from industrial/manufacturing located in adjacent townships. Economic justice for existing land rights (customary and leasehold) in converting to freehold land.	Economic/investment opportunities Number of respondents: 7/15
Anticipated compensation when relocating to pave ways for urban development. Customary land rights on townlands and relocation in local authorities and settlements and customary land rights in communal areas. To acquire a piece of land prior to layout planning/design in order to claim customary ownership for compensation prior to once affected by the new layout design. Unfair compensation – customary land holders sell their portion of their farm portions to investors at fat profits as compensation amount is lower. Compensation policy not financially sustainable to the livelihoods of farm owners affected by urban development	Opportunistic compensations for land Number of respondents: 5/15
Anticipated compensation when relocating to pave ways for urban development. Customary land rights on townlands and relocation in local authorities and settlements and customary land rights in communal areas. To acquire a piece of land prior to layout planning/design in order to claim customary ownership for compensation prior once affected by the new layout	Opportunistic compensations for land Number of respondents: 5/15

Interview responses	Coded themes
design. Unfair compensation – customary land holders sell their portion of their farm portions to investors at fat profits as compensation amount is lower. Compensation policy not financially sustainable to the livelihoods of farm owners affected by urban development	
Land cumbersome procedure: – land scarcity in local authority areas due to lengthy and cumbersome land delivery and registration processes. Legislations factors – old laws, no longer appropriate to the current population demand, cumbersome, delaying development, current laws not suiting their immediate needs.	Cumbersome land delivery process Number of respondents: 2/15
Unaware of the zoning/land use intentions for the Oshitayi area - lead to failure of public participation during planning/public not consulted properly in 2012 to give their inputs on the location of the industry area in the preparation of the SDF. This respondent thinks that this area is suitable for housing and other light commercial businesses rather than industry.	Lack of awareness on planning issues Number of respondents: 1/15

This chapter took a closer look at the concerns expressed by respondents as summarised in themes in Table 5.1 above and puts them into the context of reasons that persuaded people to participate in land grabbing at Oshitayi area. The findings indicated in Figure 5.1 show how different reasons for land grabbing are summarised in themes and presented in graphic format.

Reasons for land grabbing in categorised themes

	Lack of public awareness on planning issues (7%)	Cumbersome land delivery process (13%)	Opportunistic compensation for land (33%)	Economic factors/investment opportunities (47%)
☐Series1	1	2	5	7
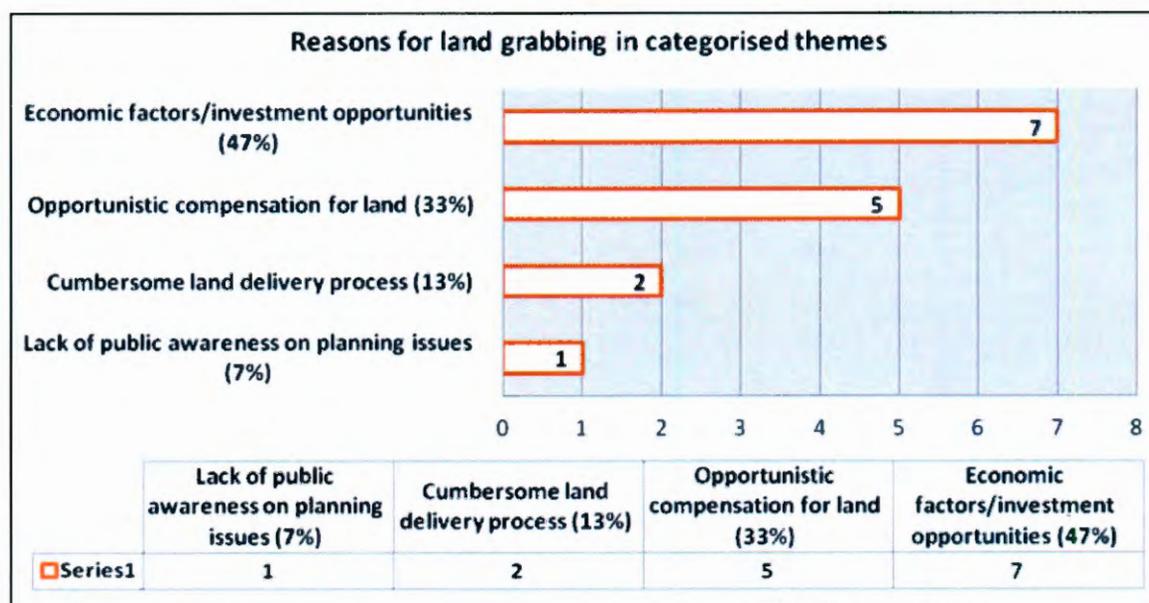
Figure 5.1: Reasons for land grabbing

Figure 5.1 summarises the findings on why the land grabbers were interested to obtain illegal land parcels in this area. A bigger proportion (47% or 7/15) of the respondents

indicated that they are interested in this area because of the emerging business or investments opportunities in the area. Thirty-three percent (5/15) of respondents indicated that they have obtained parcel of land in the area because of customary land ownership claims that are linked to future opportunistic compensation when affected by development. Thirteen percent (2/15) indicated that they are frustrated by the cumbersome and bureaucratic process of obtaining land through legal means. Seven percent (1/15) of the respondents claimed not to be aware if the Oshitayi area is within the townlands boundary of Ondangwa and if the area is earmarked for industrial development in the Ondangwa municipal area. This dynamic of reasoning is interesting and also tallying with Figure 5.1 above which illustrated the complex land grabbers identified in the area.

5.3.2   Reasons for land grabbing

The four statements as graphically presented in Figure 5.1 above is now further discussed in preview of the details as to why these themes were coming up through the interview sessions. These themes are broad reasons as to why land grabbing is taking place, particularly in the Oshitayi area in Ondangwa. The discussion had considered each of the themes presented in Figure 5.1. The reasons for expanding the discussion on each of the themes presented is just to shows how the questions that the respondents have answered were posed and the responses give us an indication of how the respondents think this was the reason for land grabbing.

5.3.2.1   Economic investment opportunities

During the interviews respondents were informed that the Oshitayi area was earmarked for industrial development in the SDF of Ondangwa, and were then asked their opinions as to whether this area was correctly reserved for this purpose. They were also asked to indicate their opinions on the land use activities they are practicing in this area. This was basically to establish what their thinking were on the suitability of the area in relation to what the municipality planned the area for and what they are currently using the land for.

Despite the fact that the SDF, which was prepared in 2012, has identified the Oshitayi area as suitable for industrial development (see Appendix 1). According to Stubenrauch Planning Consultant (2012:28), the industrial reservation was made because Oshitayi has good proximity to the transport networks and this was the main reasons why this area was earmarked for industrial development.

It is worth to notice that the majority (87%) of respondents as shown in Figure 5.1 above and as further enthused by Figure 5.2 below, think that the area has more potential for commercial activities rather than heavy industrial development.

Land grabbing due to commercial investments opportunities

	Suitable for mixed commercial activities (87%)	Suitable only for industrial activities (13%)
☐Series1	13	2
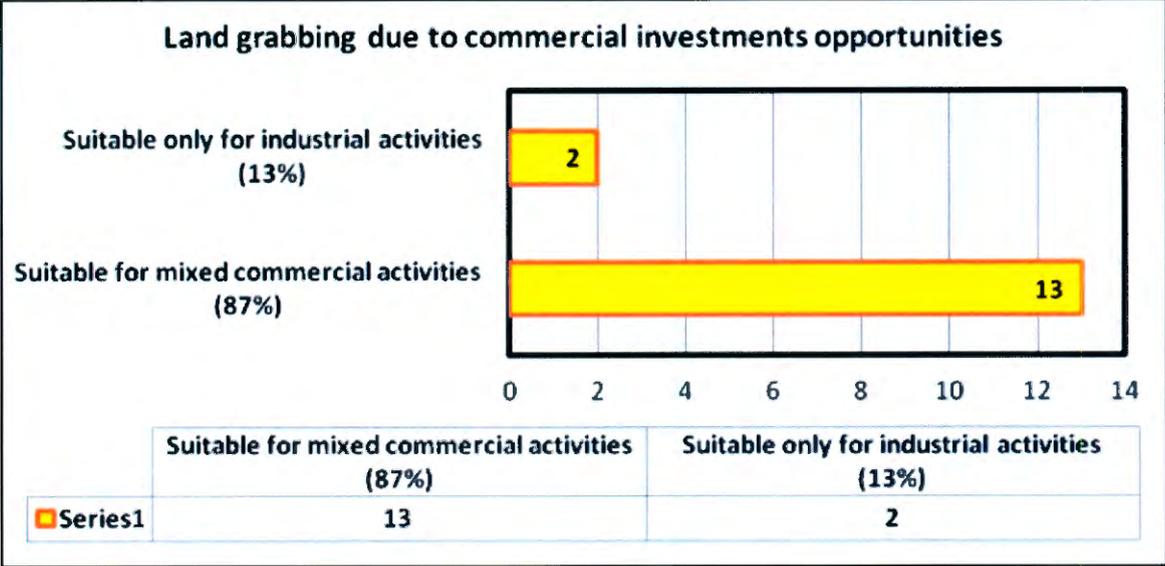
Figure 5.2: Economic reasons for land gabbing

Some of the reasons indicated under this theme include emerging of local business opportunities from the modernisation of the Ondangwa airport. Apart from its adequate transport network such as the B1 and C41 national roads and the railway, Oshitayi is in close proximity to the Ondangwa regional airport to the western side (see Appendix 5 for a map of transport links to the Oshitayi area).

This airport is currently being modernised with the runway being upgraded, as well as the construction of new terminal buildings. According to Stubenrauch Planning Consultant (2012:27), the Ondangwa airport is classified as Class B Aerodrome providing passenger flights to and from Windhoek. The airport is strategically located as refuelling hub for cargo planes. The Ondangwa airport is ideal as refuelling stop for most flights into Angola and other northern African countries. It is also understood that this airport will become an important logistical centre and services like cargo warehousing facilities and container depots will be offered. Basically, this airport is important to Ondangwa and Oshitayi in terms of the distributions of goods to and from Ondangwa town. Due to its strategic location, these commercial investors think that the airport might become a much more important international airport, especially after its modernisation.

Commercial land grabbers think that there are emerging local economic opportunities/ investments from the improved Ondangwa airport, i.e. business establishment in the

proximity of the airport. This means that commercial investors saw economic opportunities in this area and it was relatively cheaper to get land from the people that holds communal land rights in the area or from the headman for future investment.

This clearly shows there is opportunistic land grabbing because commercial investors knew that the land belongs to the municipality, but had future economic intentions to acquire strategic land in the area from customary land holders by promising them future job opportunities instead of acquiring those land rights from the municipality. Some respondents (87%, see Figure 5.2) indicated that they knew the area is reserved for industrial development as indicated in the municipal plans, but they still think that municipal plans are rigid blueprints that were formulated with little inputs from the public. This forced them to indicate to the municipality that this area is more suitable for intensive light commercial activities other than industrial due to its location/geographical advantage.

Other respondents (13%, see Figure 5.2) indicated that they knew the area is reserved for industrial development as indicated in the municipal plans and they think that this reservation is correct. However, reasons cited for coming into the area is that they are motivated by the fact that this area will develop into an industrial hub, so obtaining site or parcel of land here will give them economic opportunities of re-selling their parcel of land they grabbed at high prices to future industrial investors. This trend can be explained form a perspective of land speculation which is contributing to the problem of land grabbing because people with commercial interests want to obtain land parcels at no cost and resell the same land parcel to interested investors for large profits.

5.3.2.2 Opportunistic compensation for land

A third of the respondents (5/15) as illustrated in Figure 5.1, which presented the main thematic reasons for land grabbing as cited above, is now further explained in more detail as presented in Figure 5.3 below. Many reasons gathered during interviews were related to customary land rights / ownerships. The opinions of some land grabbers are that they have occupied the land in the Oshitayi area based on customary norms and standards. These reasons are as illustrated by the analysis as shown in Figure 5.3 below.
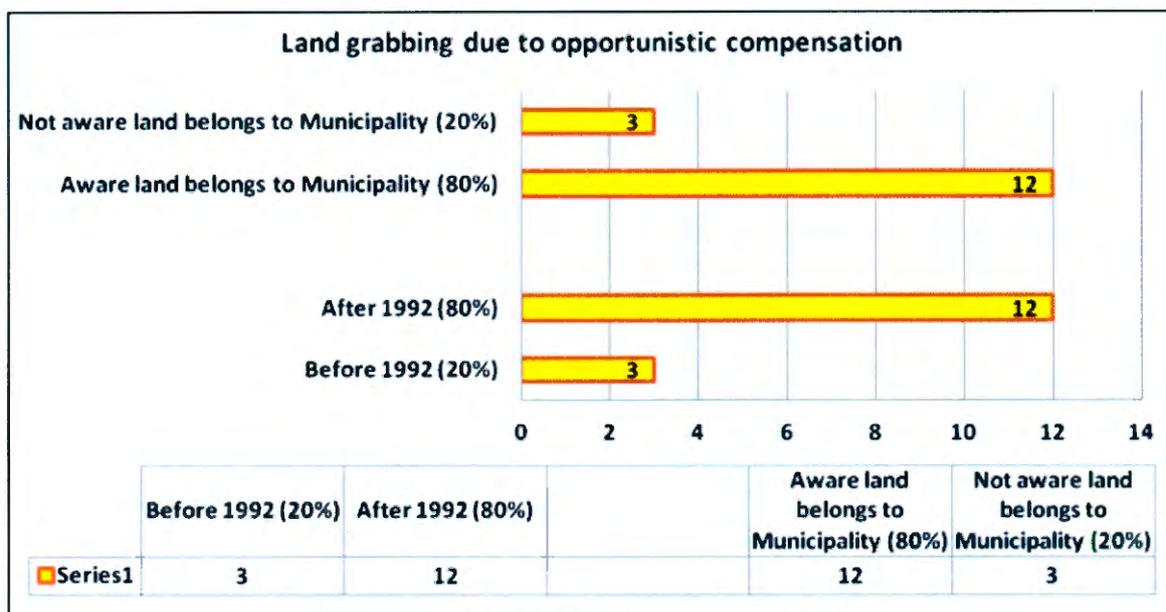
Figure 5.3: Opportunistic compensation as reason for land grabbing

During the interviews respondents were asked to indicate when they came to settle in the Oshitayi area and also to indicate whether they were aware that Ondangwa was proclaimed as a town in 1992. This question was posed based on the fact that customary land rights ceased to exist upon the proclamation of an area into the townlands. Respondents were also asked to provide their opinions whether they knew if the Oshitayi area where they are grabbing land, is within the boundary of Ondangwa townlands and that the land legally belongs to the Ondangwa Municipality. Many land grabbers (80% as shown in Figure 5.3 above) knew exactly what they are doing and used the options available to them (i.e. anticipated future compensation) to get their hands on land they knew will become more valuable in future.

Ondangwa was proclaimed as a town in 1992 and the Oshitayi area also falls within the boundary of Ondangwa town by 1992. As shown in Figure 5.3 above, the majority of land grabbers (80% or 12/15) settled in the Oshitayi area after the town was proclaimed in 1992, and only 20% (3/15) of respondents were living in the area before the year 1992. This finding translates into the fact that the majority of them (80% or 12/15) as shown in Figure 5.3 above, were also aware of the proclamation of Ondangwa as town in 1992. This also would mean those that are aware the land belongs to the municipality (80% in Figure 5.3) are the same people (80% in Figure 5.3) that came to settle in the area after 1992 (i.e. the year of proclamation).

On the other hand, Figure 5.3 illustrates only 20% of respondents who claim they were in the area before 1992 and also not knowing if Ondangwa town was proclaimed as town in 1992.

The 20% response rate in Figure 5.3 claims that they did not know if the land in the Oshitayi area do no longer belong to the traditional authority who are claimed to have allocated them rights before 1992, even though some of the sites being claimed to be occupied before 1992 were in fact obtained around the year 2013. These are some of the calculated thinking for obtaining land in the area.

The analysis in Figure 5.3 reads in conjunction with the response rate of 33% as shown in Figure 5.1 that the reasons behind land grabbing is motivated by claims of customary land ownership, while in fact there is no legitimate customary ownership. Hence, this is a purely opportunistic future compensation for land. That means that 33% of respondents as shown in Figure 5.1 anticipate to be compensated for the land they illegally obtained when relocating to pave ways for development in future.

To put this into perspective, land grabbers anticipate acquiring a piece of land prior to layout planning/design in order to claim customary ownership for compensation purposes once affected by the new layout design. The Compensation Policy adopted by Government in April 2008, which is dealing with compensation for land affected by urban development as discussed in Chapter 3, also placed a negative burden to urban land management because unfair compensation offers emanating from the poor provision of the policy to compensate affected people fairly so that the relocated people remain in the economic position where they were before affected by urban development. This policy failure at the greater extend influences people to grab municipal land in anticipation to sell them if the municipality is not offering them market related compensation packages. The Compensation Policy also sensitised communities about the value of urban land. Customary land holders sell their portion of their farms land to investors for fat profits as the compensation amount they anticipate to be paid by the municipality once they are affected by development is much lower to what they will generate once they start selling off portions of their customary land parcels. Some of the respondents cited the Compensation Policy as not financially sustainable to the livelihoods of customary farm owners once affected by urban development.

Another interesting finding from the analysis of the theme "opportunistic compensation for land" as shown in Figure 5.1, indicated that 33% of land grabbers are up for opportunistic future compensations. It was necessary to bring in perspective of these claims, a question of perceived land tenure security and possibilities of eviction.

During the interviews respondents were asked to indicate on a scale of 1 to 4, How likely do they think they might be evicted / forcefully removed from the land they illegally obtained by

the municipality once the intended development is ready for implementations? They were also asked to provide reasons to motivate their scale of choice. These findings are presented in Table 5.2.

TABLE 5.2: QUESTION ON PERCEIVED TENURE SECURITY AND POSSIBILITY OF EVICTIONS

Scale	Descriptions	
1	Not likely to be evicted by municipality	
2	Less likely to be evicted by municipality	
3	Likely to be evicted by municipality	
4	More likely to be evicted by municipality	

The findings from this question are presented in Figure 5.4 below.
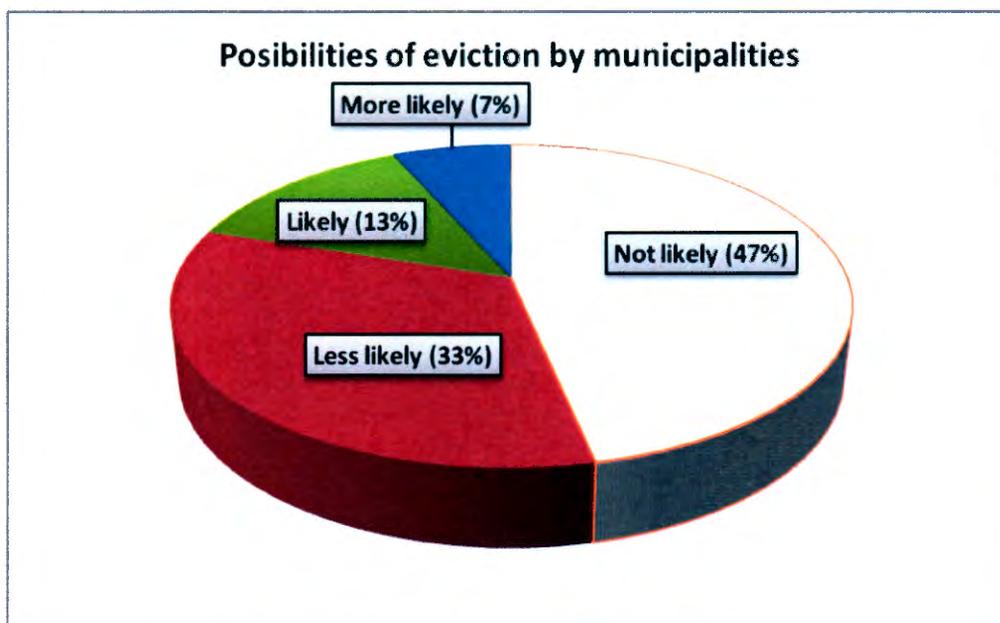
Figure 5.4: Possibility of eviction by the municipality

As can be noticed in Figure 5.4, a combination of 80% respondents think that they either are not likely to be evicted by the municipality (47%) or they are less likely to be evicted by the municipality (33%). The reasons cited is the fact that since they consider that the land they are currently occupying whether or not it now belongs to the municipality of Ondangwa as per the provisions of the Local Authorities Act, Act 23 of 1992, the same land previously belonged to their ancestor fathers and grandfathers, so they have the constitutional rights to occupy this land and the municipality shall pay them fair compensation when they are affected by urban development. One a few combinations of 20%, view the perceived tenure security as risky because they said they purchased their parcels of land from the people who

claimed to have been settled in the area and the municipality has recognised them. Their fears are that there is no legal proof that the people who sold a parcel of land really have legitimate claims for land ownership if the municipality would opt to evict them.

It is, however, evident that these anticipated claims (combination of 80% views of respondents in Figure 5.4 above) might not be possible because for one to institute a legitimate claim to be compensated for land affected by urban development they must produce prudent proof of customary land ownership which, among others, are letters of reference that was issued by the municipality in 1997 to every household affected by the proclamation of the boundary of Ondangwa town in 1992 (see Appendix 6: Letter of reference to Customary land rights holders affected by Town Proclamation).

In principle, the town of Ondangwa, like many other towns situated in northern Namibia, is proclaimed on communal land where various systems of traditional leadership still exist. Before proclamation of any town in northern Namibia, the communal land falls under the administration of the traditional authorities, but upon proclamation the communal land becomes part of urban land and vests into the name of the town councils concerned.

This translates into the fact that upon proclamation, jurisdiction over the townlands goes from the traditional authority to the town council. However, this is often not respected as traditional leaders and customary land holders continue to allocate land within the townlands boundary without the consent or knowledge of the local authority.

The town of Ondangwa is also situated on land previously occupied by communal farmers, and following its proclamation, the Town Council of Ondangwa carried out mass public campaigns in 1997 to educate the people that the land that falls within the townlands boundary is now urban land and it belongs to the Town Council and that no one – either individuals or headmen – shall sell or allocate land that they previously occupied through the customary tenure. However, those that occupied this land thought customary tenure is recognised by the municipality and they will be fairly compensated when they are affected by urban development. The government then passed a Policy on Compensation Guideline in 2008. All households that were present during 1992 were issued with letters of reference and new households which were developed after 1992 were not issued with a letter.

5.3.2.3   Cumbersome land delivery process

Figure 5.1 above indicated that about 13% (2/15) of the respondents are frustrated by the formal process of obtaining land which they claim is characterised by cumbersome and

bureaucratic processes. This finding is now further explained in more detail in Figure 5.5 below.
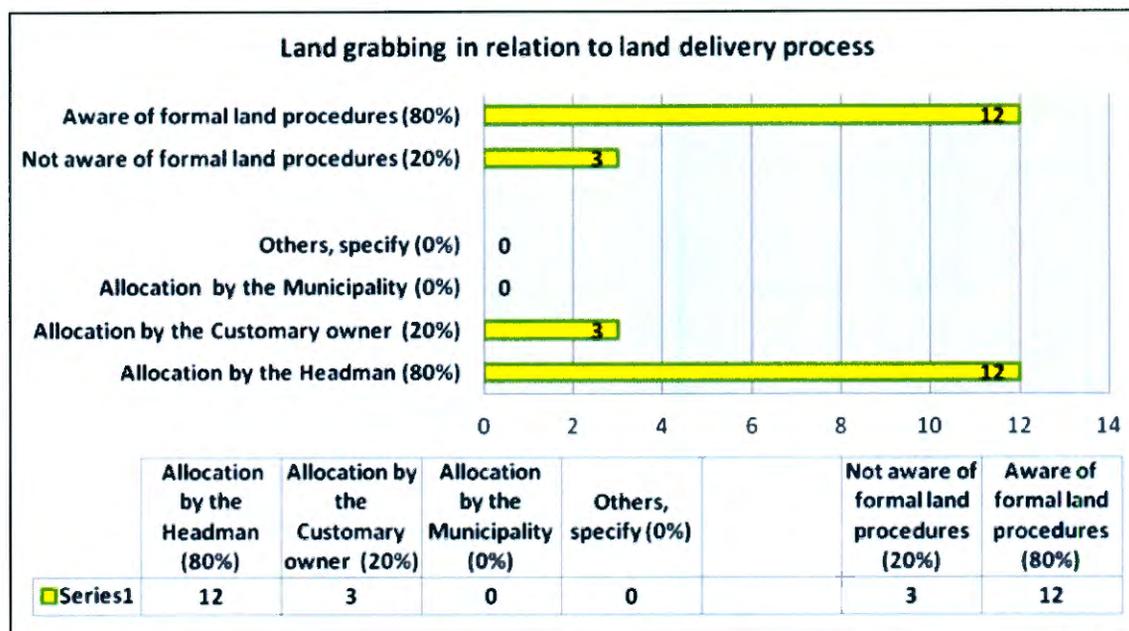
Figure 5.5: Land delivery as reason for land grabbing

During the interviews, respondents were asked how they obtained the site/land where they intend to build and whether they were aware about the formal procedures they needed to follow to obtain access to land that is within the boundary of a proclaimed town. The responses as indicated in Figure 5.5 above were very interesting to note that land grabbers criticise the formal legal process for one to obtain a serviced urban land.

In Figure 5.5 above it can be noticed that 80% (12/15) of respondents indicated that they are aware of the formal process to be followed to obtain the land that is within the proclaimed boundary of a town in Namibia. However, a cross analysis on the same figure indicates that (80% or 12/15) of the respondents are the same people that ignored the legal process and obtained land through improper channels such as approaching the headmen or holders of customary land rights to be allocated land within the townlands boundaries. The reasons cited by 80% of respondents include critics on the formal procedure for land delivery. Respondents' claims that the legislations governing formal land delivery are outdated laws which are no longer appropriate to the current population demand. The pieces of legislations cited include the Township and Division Land Ordinance of 1963 and the Local Authorities Act of 1992 (these laws were discussed in Chapter 3 of this study).

It is also argued that these pieces of legislations are cumbersome and are delaying development. The respondents claim that the country needs new laws which suit their immediate needs. The analysis of the qualitative responses on this theme also revealed that people do grab land because they are frustrated because of the current legislative framework that governs land delivery in the country.

The respondents claimed that they waited for too long to obtain land through the legal means. The current legal process of land delivery is reported to finalise only after 18 or 20 months. This is because of too many cumbersome processes that need to be followed before land can be availed. This process is believed to create scarcity of serviced urban land and hence there is not enough planned and serviced land. People claimed they have applied for land to the municipalities for the past five years and nothing is coming forward. This provides an excuse for all parties to allow this practice of land grabbing to happen and this makes it difficult for the local authority to enforce illegal settlement or land grabbing. To bring this argument into perspective, land grabbing is answerable by the respondents on the fact that the legal process of land delivery is failing to make land available to the needy. Figure 5.6 below shows the formal process for land delivery process as per the current legislative framework.
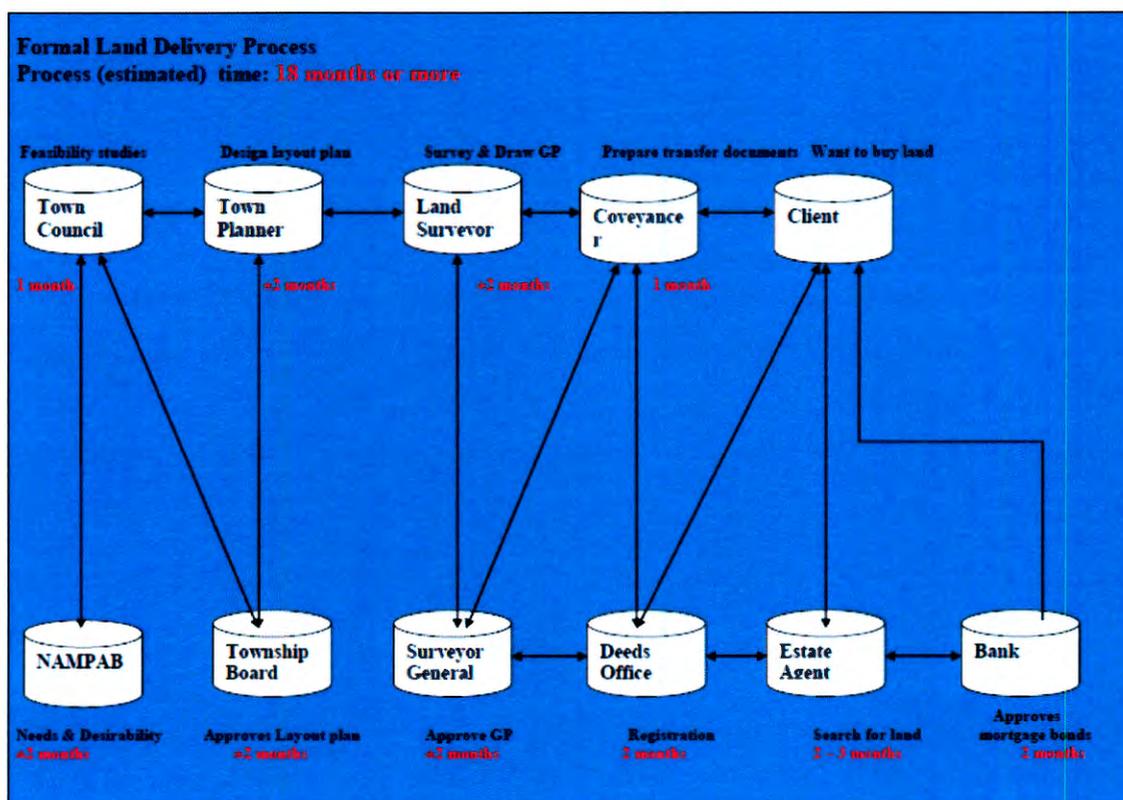

Figure 5.6: The legal process of land delivery process

The process begins with the developer who is in most cases the municipality who is usually the owner of the land where a township is to be established. The developer must appoint the town planner to prepare the application for Needs and Desirability which needs to be approved by NAMPAB before the Layout Plan is forwarded to the Township Board for approval. Immediately after the Township Board approval it shall be advertised for public comments before a land surveyor is appointed to survey the township in accordance with the approved layout design and draw up the General Plan which shall also be submitted before the Surveyor's General for approval. After the approval of the General Plan, then conveyancer (i.e. a legal attorney) shall be appointed to apply to the Registrar of Deeds for the opening of the township register, and thereafter the township will be proclaimed before the design of the engineering services can begin and thereafter the sale of erven.

In a nutshell, even though the legal procedures for formal land delivery provide the much secured type of tenure, this process is criticised to be too slow and delaying urban development. According to the claims of respondents it takes between 18 to 20 months for the process to complete. The duration, however, depends on the number of erven being dealt with, the number of human resources at the municipality office, Deeds Office, Surveyor General Office as well as the meetings of the Township Board and NAMPAB.

The claims of respondents when analysed into the context of the current legislative framework regulating formal land delivery makes a lot of sense. There are approximately 10 major steps to be followed before land is ready for allocation and sale. It has been assumed that it takes about 18 months or more from approval to proclamation of a township and sales of erven. This finding could mean the lengthy process of land delivery through formal process created the short supply of serviced urban land in many towns in Namibia. Hence, the increasing demand for urban land by far outweighs the supply of erven. This is proven by this finding as a possible cause of land grabbing. People have started to realise the value of urban land, but the land is not fully available as the cumbersome process still needs to be done before the land can be sold.

Township development and spatial planning is currently governed by outdated legislation?, i.e. the Town Planning Ordinance of 1954 and the Township and Division of Land Ordinance of 1963. The argument is that whilst these laws may have worked for urban development before independence in 1990, these laws are now unable to meet the demands for surveyed plots in urban areas because the situation has now changed since 1990 with increasing urban migration.

5.3.2.4 Public awareness on planning issues

During the interviews respondents were asked to indicate whether they were aware that the Oshitayi area was reserved for industrial development in the SDF of Ondagwa and to provide their opinions on the industrial land use reservation in the SDF. The main reason for this question was mainly to establish whether the Municipality of Ondangwa is effective on public participation on spatial planning issues and whether public participation has an influence on land grabbing. The findings are presented in Figure 5.7 below.

Public Awareness on planning issues

	Public awareness on planning issues (93%)	Lack of public awareness on planning issues (7%)
☐ Series1	14	1
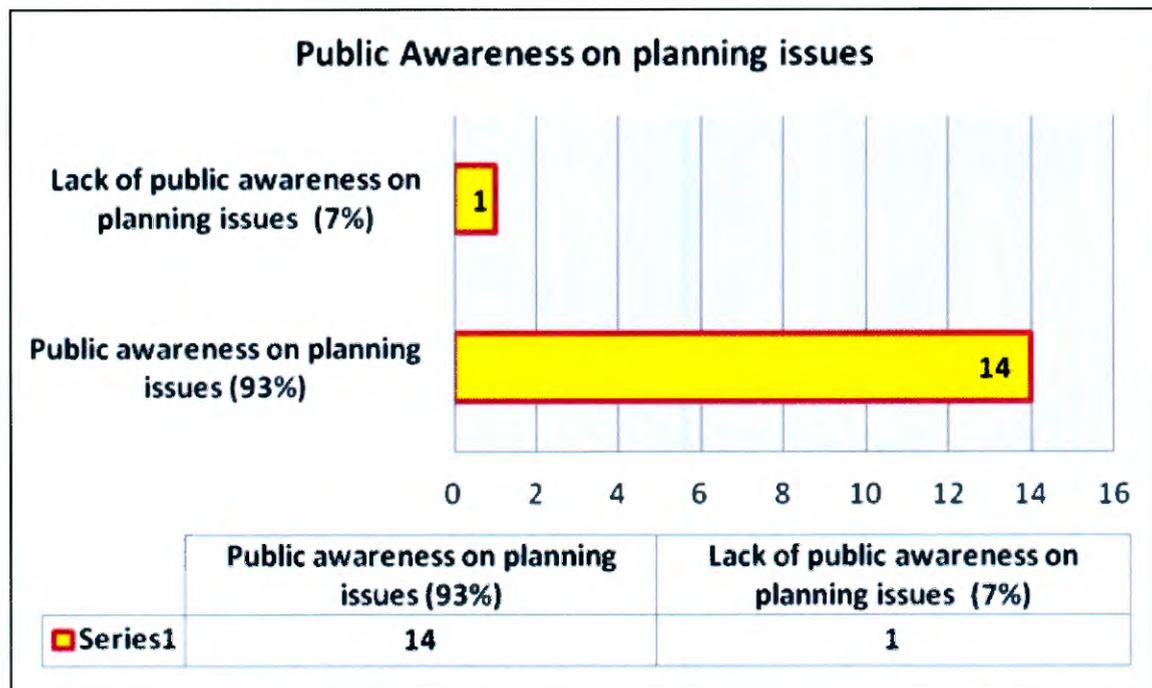
Figure 5.7: Public awareness on planning issues

Figure 5.7 above indicates that 93% (14/15 respondents) are of the opinion that they are aware of spatial planning of the OTC. This is a larger number of residents that know that the Oshitayi area is reserved for industrial development as indicated in the SDF.

This finding could mean that public awareness on spatial planning issues was not seen as a major reason attributed to land grabbing as it is only 7% of the respondents (as shown of Figure 5.7) that acknowledge and bemoan that they have little knowledge about municipal plans and land rights in urban areas. One respondent out 15 said that *"they are learning the hard way to know anything about municipality plans"*. This is apparently attributed to the alleged poor relationship between the public community and the municipality. This 7% as indicated in Figure 5.7 alleged that members of the public are sometimes reluctant to consult

municipal officials and ask for advice because of fear of "rough treatment" and even "victimisation". Thus, they sometimes find them into doing things that are centrally to municipal plans. This finding even though represented by only one person, could mean a lot. If this finding is discussed into the context of land grabbing it will mean that some people might be involved into land grabbing because of poor/lack of awareness on planning issues.

5.3.3   Findings from interviews with officials

This section presents the results of how land grabbing likely to impact the sustainability of urban development. The responses from the respondents (i.e. officials) which were obtained through the use of semi-structured interviews with open-ended questions were grouped into themes during the coding process just to give meaning of how the land grabbing was likely to impact on the sustainable development of the Oshitayi area and the whole of Ondangwa town. The themes used to group responses, were the four pillars that define sustainable development, namely social, economic, spatial and environmental.

The findings are grouped into the above-mentioned themes and responses in each theme classified into either a positive impact or negative impact to the broad sustainability of urban development. This translates into the fact that positive impacts are regarded as those factors that are good and promote the objectives for each of the four pillars of the sustainable urban development. The negative factors shall, for this purpose, be regarded as those factors that are likely to defeat the purpose or objectives of each of the four pillars of sustainable development.

During the interviews, officials were asked to indicate any possible negative or positive impacts that are likely to emerge when people (land grabbers) randomly obtain sites within the townlands areas and sporadically putting up development on land without any direction from the town council and they were asked to elaborate in detail on their responses. The reason was to understand sustainable development in the context of land grabbing and how it is likely to be affected by urban development emanating from land grabbing. The findings from this question are presented and discussed in the subsequent sections.

5.3.3.1   Impact of land grabbing to economic sustainability

The urban space must be able to offer to all citizens of the city viable economic opportunities and choices. The question of whether there are any positive or negative effects emanating from land grabbing in this theme is present in Figure 5.8 below.

Impact to Economic Sustainability

	Positive impacts (83%)	Negative impacts (17%)
■Series1	10	2
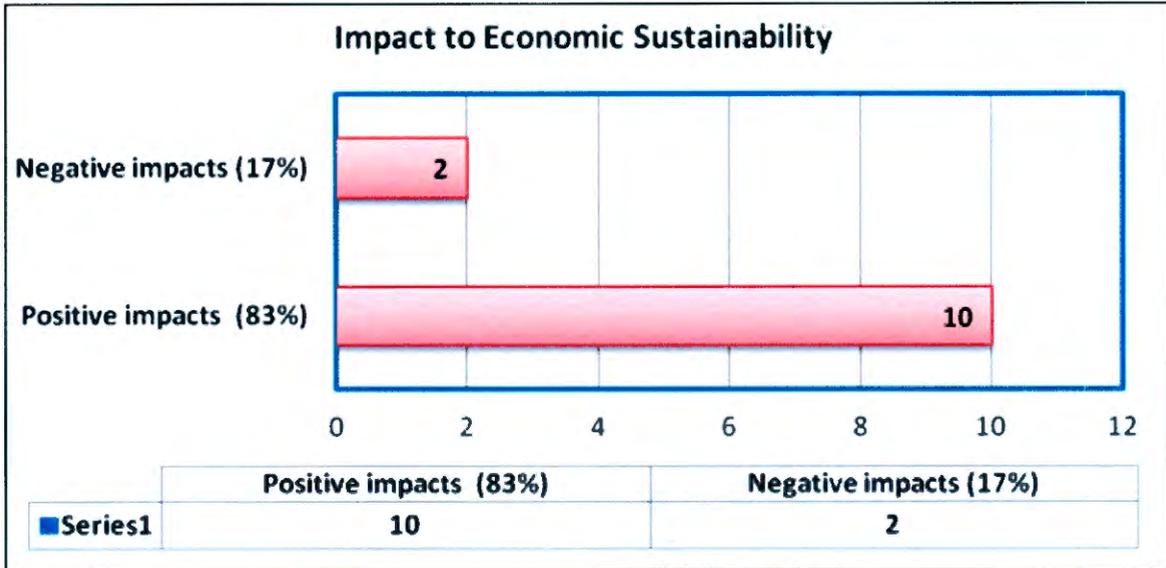
Figure 5.8: Implications for economic sustainability

Figure 5.8 above shows the opinions of 12 officials that were interviewed. About 83% of officials in Figure 5.8 are of opinion that land grabbing as viewed from an economic perspective is not bad in itself as it will be able to positively impact on the city's terms of economic development. It was indicated that access to land will likely improve local economic development of the urban space as local business people see economic advantage or value addition to their land right. People are invading the land as they think the area is much more relevant and viable for their business opportunities and investments. This is not only creating local employment in the town, it is also booming the economy of the city. When the area is formalised and the land grabbers have been recorded in municipal books and the value of their development recorded, rates and taxes or lease can be charged and this will increase the revenue of the municipality and boost the town economy.

Respondents claimed that in order to address economic opportunities in urban areas, zoned business areas shall be located along the main collector roads. This is because sites located close to main roads, offer people an economic opportunity, because by looking at its spatial location it looks reasonably good enough to accommodate shopping complexes that can be quite strategically located at major arterial roads where a number of people can access this site. This is good to people who would like to engage into business activities. These claims are supported by Behrens and Watson (1996:12) who argued that the urban space should offer economic opportunities to people who are interested. This has then been confirmed by the Council for Scientific and Industrial Research (CSIR) (2000:2), when noted that the

capability of settlements to generate economic opportunities is not only determined by numbers of people, it is also affected by how settlements are designed and made.

However, 17% of the officials interviewed stressed that negative impacts likely to emanate from people grabbing municipal land include unnecessary payments of compensation. This will likely happen because when the local authority wants to plan and develop the area, they must pay compensation to land grabbers as their structures might be affected by the layout design. Land grabbers who settled illegally and outnumbered the traditional land owners must now also be compensated and in the process, public funds are being wasted. The funds wasted through compensation can further limit development as the municipality will not be able to fund other crucial projects like the servicing of land. Without land grabbers, the annual budget for compensation will be far less and it will be much easier and cheaper to develop new areas.

5.3.3.2 Impact of land grabbing to spatial sustainability

The urban space must be able to offer to all citizens of the city equitable social needs. The question of whether there are any positive or negative effects emanating from land grabbing in this theme is presented in Figure 5.9 below.
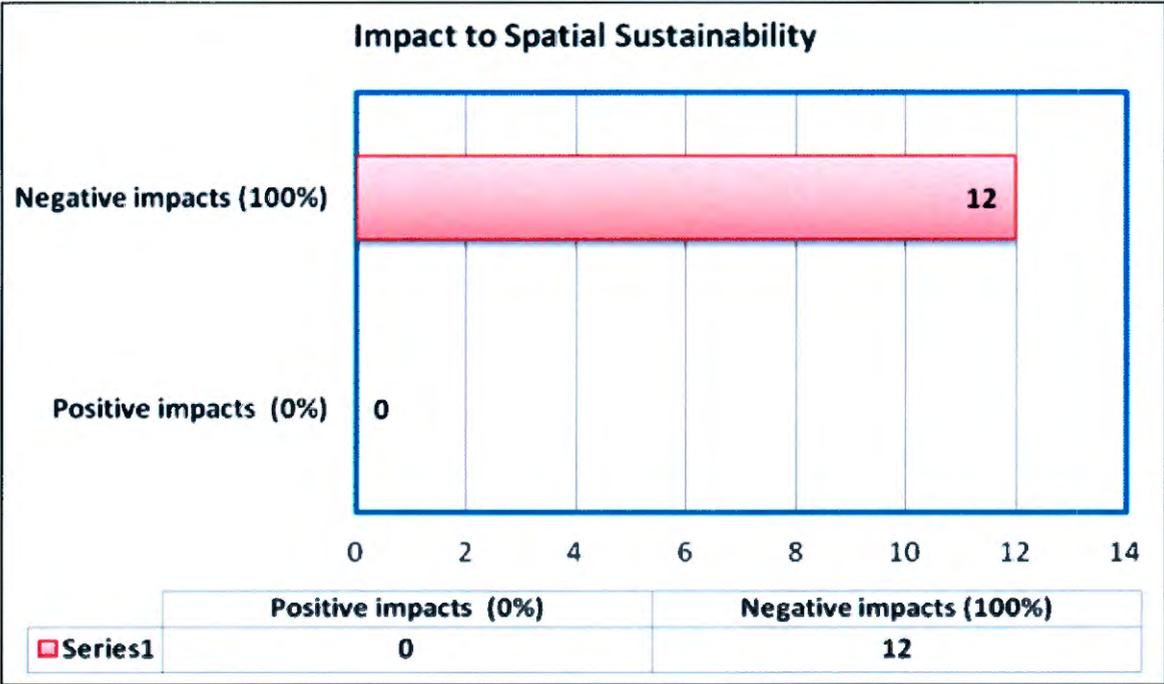
Figure 5.9: Implications for spatial sustainability

Figure 5.9 indicates that all officials (100%) are of the opinion that all spatial impacts emanating from land grabbing are likely to be negative. This finding could mean that it is not sustainable enough if people are occupying the land before it is spatially planned. Reasons cited include the fact that people are violating the zoning intentions of the SDF. The area is zoned industrial as per SDF spatial objectives, but the land uses practiced by land grabbers in the area tend to vary from commercial to residential and mixed uses. This has defeated the purpose of the SDF reservations/objectives.

Thus, there is a possible need for redefining the SDF intentions to accommodate these immediate needs of the land invaders. This could mean there are possible spatial complications to find suitable locations for the industrial area in Ondangwa which has viable links to the railways and the truck road as in the case of the current location for Oshitayi. This would mean that land grabbing is likely to spoil urban land space as there will be no efficient spatial arrangement due to *ad hoc* development which were not spatially planned. It is also claimed that once such settlement takes place, it is difficult to plan and accommodate existing structures in a good layout that will address the six normative concerns as elaborated in Behrens and Watson (1996:10). According to Behrens and Watson (1996:13), for a layout to achieve the six normative concerns relating to access, scale, place making, opportunity, choice and efficiency, these concerns should always be considered during the layout design stage. However, this is difficult to achieve in areas where land is already occupied before layout design.

5.3.3.3   Impact of land grabbing to social sustainability

The urban space must be able to offer to all citizen of the city equitable social needs. The question of whether there are any positive or negative effects emanating from land grabbing in this theme is presented in Figure 5.10 below.

According to Figure 5.10, 67% of respondents see positive impacts that can emanate from land grabbing, while 33% of respondents see negative impacts that can be seen as social disorders as result of land grabbing. The positive impacts include the fact that land grabbing is able to meet the demands for land in urban areas, thus increasing tenure security when the area is formalised and people's rights to land are legally recognised. Negative social impacts could means forced eviction to malignant relocations. This could lead to social disorders in the city as the social pillar of sustainability is in abandoned.

Impacts to Social Sustainablity

	Positive impacts (67%)	Negative impacts (33%)
⬜Series1	8	4
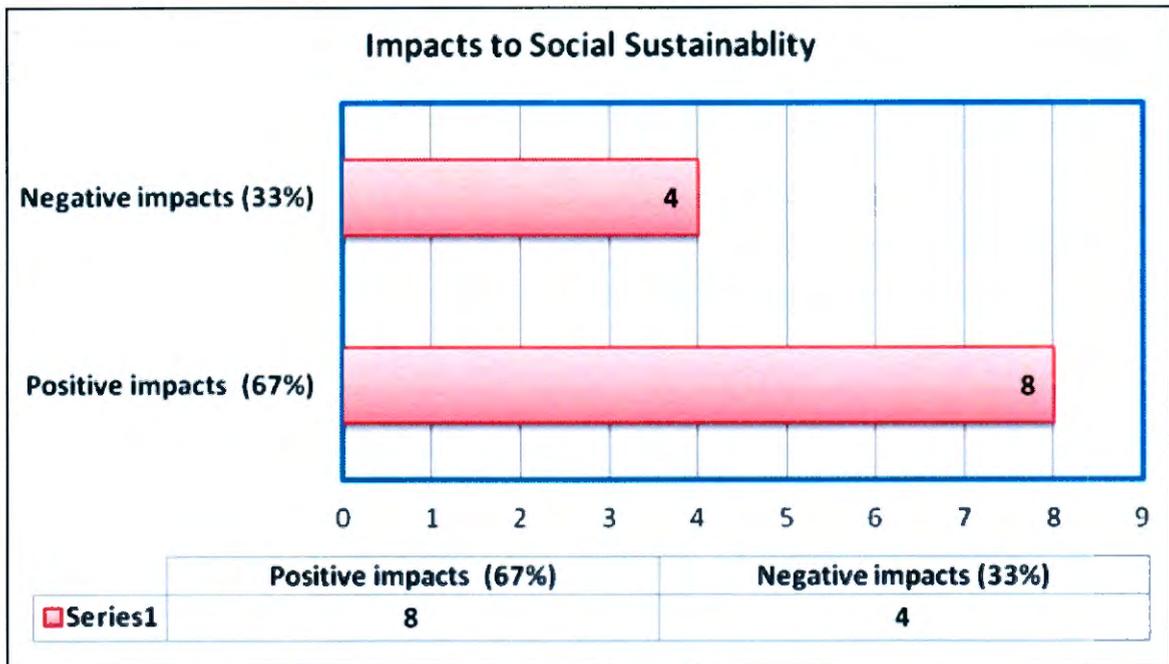
Figure 5.10: Implications for social sustainability

5.3.3.4 Impact of land grabbing to environmental sustainability

The urban space must be able to offer to all citizen of the city bearable environmental protection and amenities free of pollution. The question of whether there are any positive or negative effects emanating from land grabbing in this theme is presented in Figure 5.11 below.

Impacts to Environmental Sustainablity

	Positive impacts (0%)	Negative impacts (100%)
⬜Series1	0	12
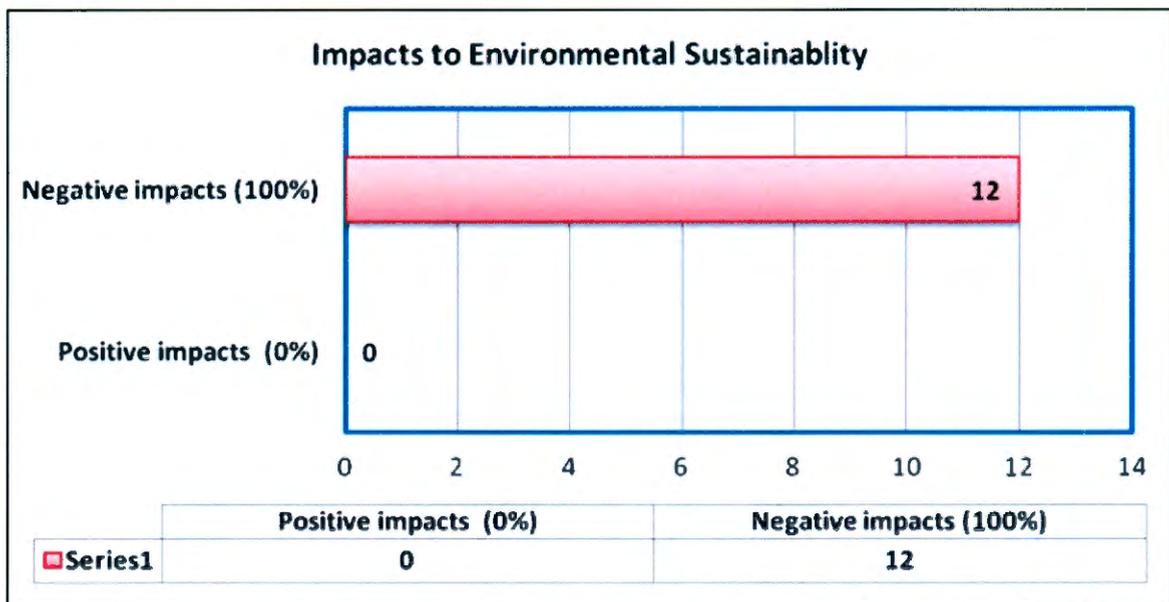
Figure 5.11: Impacts to environmental sustainability

According to Figure 5.11 all officials (100%) are on the opinion that all emanating from land grabbing are likely to be negative. Illegal land invasions and subdivisions produced these types of unregulated settlements with high densities and lacking the proper street systems and minimum public facilities and spaces. If a situation of this nature is not corrected immediately, it can lead to people residing in areas of increased density without utility services, especially proper sanitation, and this leads to dangerous health conditions and environmental pollution. This could mean the environmental sustainability of the urban development could also be compromised as unhealthy urban space will discourage economic investments and bring serious depression on the city economy.

5.3.4 Findings from researcher's observations

As it was explained in Chapter 4 of this document, the observation method was chosen as a supplementary data collection method to the interviews as it was necessary to collect data to which it was not possible to obtain other methods adopted in this mini-dissertation (i.e interviews and document review). Around 4–20 February 2015, the researcher visited and observed land use activities practiced by land grabbers within the Oshitayi area. The researcher's observations are presented below.

5.3.4.1 Distribution of land use activities taking place in the area

The location of structures was captured with a hand-held GPS receiver and the land uses were determined during a land use survey exercise. It was determined that out of the total 1 268 land grabbing cases recorded, 1 054 cases are related to land uses associated with commercial activities, while only 214 cases were related to land uses related to housing types of activities.

As shown in Figure 5.12 the pattern of distribution is shrewd as the commercial activities are spatially distinguishable from the residential cases as if the development was spatially planned. Commercial land grabbers seem to have opportunistic interest along the major arterial roads (i.e. B1 truck road). This circumstance of commercial land distribution is well-supported by Behrens and Watson (1996:12) who argued that in order to address economic opportunities one have to plan erven zoned businesses along the main collector roads. This is because the spatial location of these erven can offer urban investors an economic opportunity. These inferences were drawn looking at its spatial area in relation to customer access business centres that can be quite strategically located at major arterial roads where a number of people have no difficulty to access.
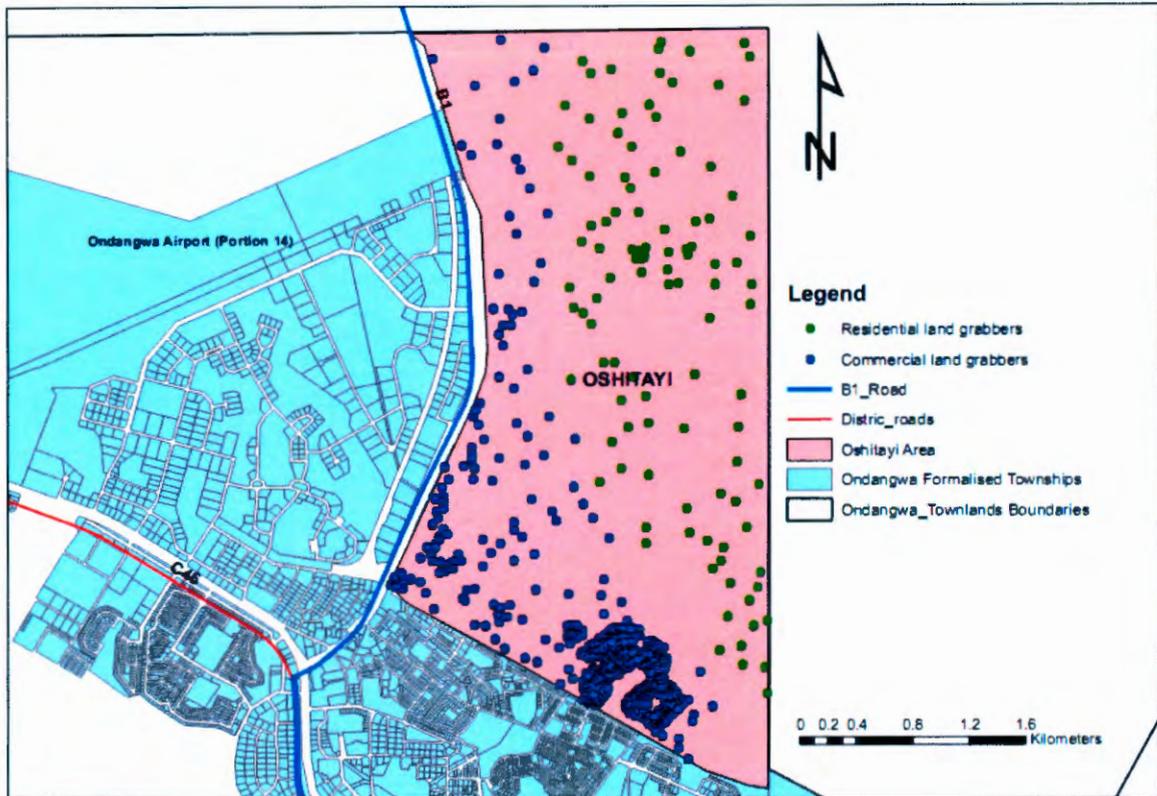
Figure 5.12: Distribution of land grabbing in Oshitayi area

This is good to people who would like to engage into business activities. Behrens and Watson (1996:12) further argued that layout plans should offer economic opportunities to people who are interested. This has then been confirmed by the CSIR (2000:2) who noted that the capability of settlements to generate economic opportunities is not only determined by numbers of people, it is also affected by how settlements are designed and made.

5.3.4.2 Categories and identity of land grabbers in the area

In order to understand the reasons why people are illegally occupying land in this area, it was important for the researcher to observe who the people that are engaged into this activity are. It was surprisingly evident that it is not the poor people who are invading land in this area as usually believed in literature. Here, commercial and formal residential developments were observed taking place in the area (Figure 5.13 and Figure 5.14). Commercial structures (i.e. warehouses, shops, accommodation facilities) are built on plots obtained illegally in the Oshitayi area without the consent of the Ondangwa Municipality.

Figure 5.13: Commercial depot on plot of land obtained illegally in the Oshitayi area

Figure 5.14: Commercial warehouse under construction on a plot of land obtained illegally in the Oshitayi area

Formal residential structures (i.e. brick houses, flats, etc.) are built on plots obtained illegally in the Oshitayi area without the consent of the Ondangwa municipality (see Figure 5.15).
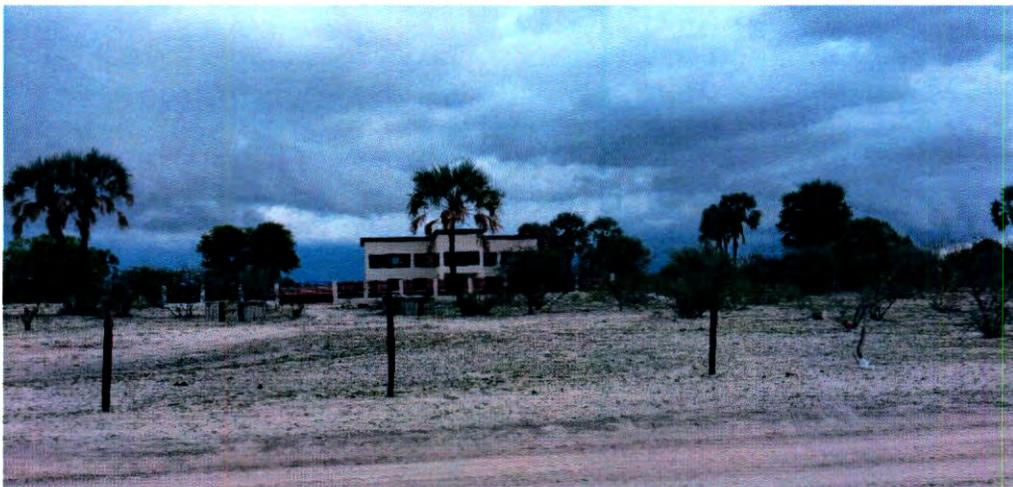
Figure 5.15: Formal brick houses built on a plot of land obtained illegally in the Oshitayi area

Opportunities for land grabbing in this area is continuing as the people are demarcating vacant plots and some are building despite the municipality efforts to stop these activities (Figure 5.16 and Figure 5.17).

Figure 5.16: A formal brick house under construction on a plot of land obtained illegally in the Oshitayi area
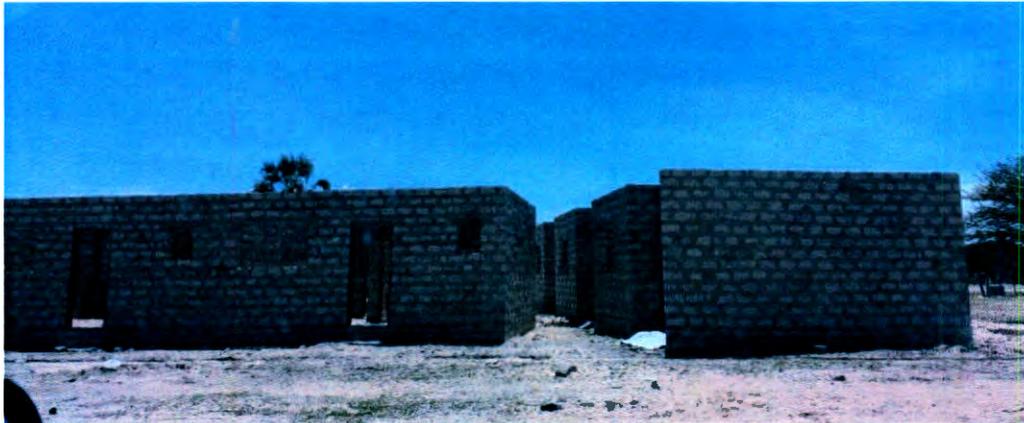
Figure 5.17: Flats under construction on a plot of land obtained illegally in the Oshitayi area

5.3.4.3   The physical image of developments that are built in the area

Observations made regarding the conditions and physical looks of the structures that are developed in this area revealed that cases of land grabbing taking place in this area are not "pro-poor" as usually perceived, but is merely "opportunistic". These inferences can be drawn from the look of buildings developed on plots obtained illegally. Land grabbers in this area have developed properties of value that can be associated with middle and rich classes of society. Many buildings in this area are not shacks as in the case of informal settlements where grabbers usually erect shacks for purposes of housing (see Figure 5.18).
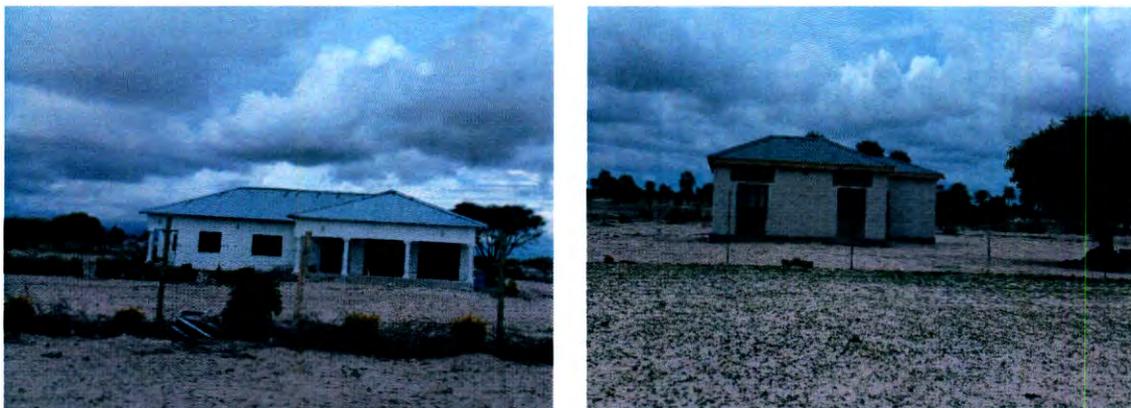
Figure 5.18: High value brick houses under construction on plots obtained illegally in the Oshitayi area

The main inferences finding from the observations made is the nature of land grabbing happening in the Oshitayi area is "opportunistic". This means that land grabbers taking land in this area know what they are doing. Opportunistic urban land grabbing might be a term that most urban planners or policy-makers find repugnant or irresponsible, while to the general public it could be an eye-opener to the future of the land that they might be occupying within the townlands boundaries.

To put this in perspective, the main target of opportunistic urban land grabbers is built on the foundation of getting access to strategic urban land. Opportunistic urban land grabbers operate outside the laws because the laws are not addressing their needs; hence, they find it more strategic to use quicker shortcuts to meet their demands timely.

5.4 CONCLUSION

This chapter presented and discussed the respondents' responses as research findings from the interviews that were conducted with two different groups of respondents. The research findings were that land grabbing is perceived to have emanated from the following reasons: people see economic/investment opportunities in the Oshitayi area (47%); some people realise the future value of the land in urban areas and aims for anticipated compensations (33%); others think that obtaining land through illegal means is a better option than waiting in vain for the cumbersome legal/formal land delivery process which is too bureaucratic (13%); and only few (7%) who view that lack of public knowledge about municipal business influences their decisions to do illegal activities, including land invasions. Observation findings of the land grabbing situations in the Oshitayi area indicate that the majority of land uses are commercial in nature (83% or 1 054 cases out of total of 1 268), but with 17% for residential use (214 cases out of a total of 1 268). The findings on the implication of land grabbing to sustainable urban development were collated into themes of sustainable development, i.e. economic (83% of positive impacts and 17% of negative impacts); spatial and environmental (100% negative impacts and no positive impacts); and social (67% of positive impacts and 33% of negative impacts). These could mean that land grabbing is not a bad thing in all aspects as there are possibly positive implications that can be accrued from these circumstances, especially when it is viewed from the perspective of economic and social aspect of sustainability of urban development.

Chapter 6
CONCLUSION AND RECOMMENDATIONS

6.1 INTRODUCTION

Chapter 5 has dealt with the discussions of the research findings from interviews, responses and observations. In this chapter, a summary of findings from empirical reviews as discussed in Chapter 2, as well as a summary of findings from the documents review done in Chapter 3, are triangulated with the findings of Chapter 5 (i.e. interviews and observations findings) so as to establish validity and reliability of the data and see if they satisfy the research question of this mini-dissertation. Then the research conclusion and recommendations are presented in the later sections of this chapter.

6.2 TESTING THE FINDINGS BY TRIANGULATION

As already explained in Chapter 4, Holloway and Wheeler (2002:448) explained triangulation as the use of multiple referents/sources to draw conclusions. The process involves combining and comparing evidence from different sources. The use of triangulation enables the researcher to validate the findings of the research. In this study, the researcher conducted a literature review (outlined in Chapter 2 of this document), collected data with interviews and observations, document reviews that analysed the policies and legislative frameworks (explained in Chapter 3 of this document) (refer to Figure 6.1 below). Thus, these referents/sources were constantly compared to build arguments that support the true validity and reliability of the research findings.
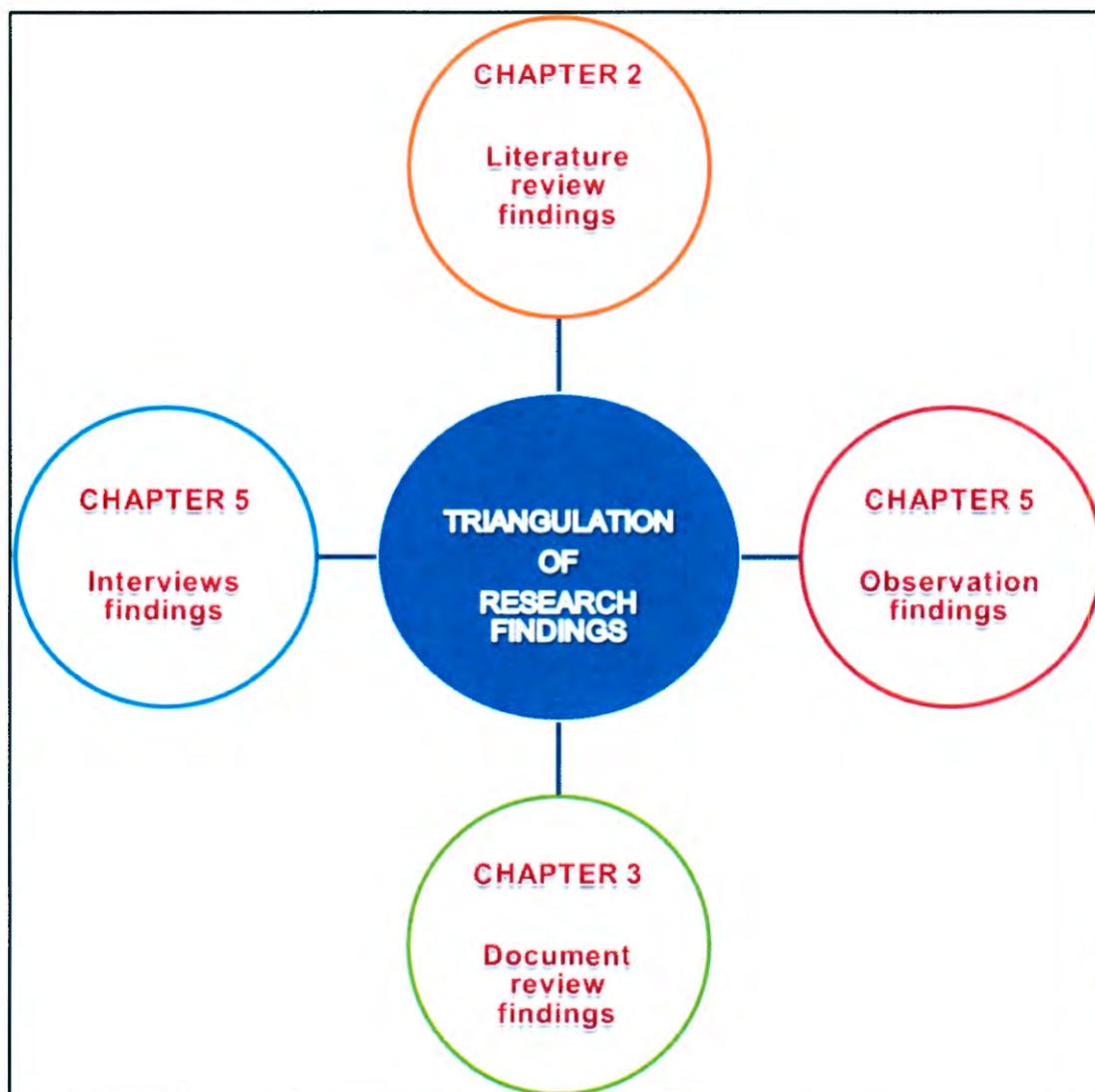
Figure 6.1: Triangulation of the research findings

6.3 ANSWERING THE RESEARCH QUESTION

The research question for this mini-dissertation was framed as follows:

> *What are the reasons of land invasions of municipal land by commercial and residential users around the Oshitayi area and implications of these circumstances to the sustainability of urban development?*

This question is two-fold because it has to address the two secondary questions emanating from the main research question, namely:

- *What are the factors that drive people to invade strategic undeveloped land around the Oshitayi area?*

- *What are the implications of spontaneous land invasions to sustainable urban development?*

The literature reviews done in Chapter 2 revealed the following:

- On factors enabling urban land grabbing:
    - Pressure of urbanisation.
    - Lack of public awareness on planning issues.
    - Rigid and cumbersome government regulations.

- On the implications of land grabbing to sustainable urban development:
    - Positive social and economic implications are possible.
    - Negative spatial and environmental implications are eminent.

The document reviews done in Chapter 3 revealed the following:

- Cumbersome legislative framework for land delivery.
- Poor coordination between institutions dealing with land delivery.

The interview responses in Chapter 5 revealed the following:

- On factors enabling urban land grabbing:
    - Economic/investment opportunities in urban areas.
    - Opportunistic compensation for land when affected by urban development.
    - Cumbersome land delivery process.
    - Lack of public awareness on planning issues.

- On the implications of land grabbing to sustainable urban development:
    - In terms of social and economic sustainability, positive implications surpass negatives implications.
    - In terms of spatial and environmental sustainability, there is no positive implications and negatives implications are 100% eminent.

The observations analysis in Chapter 5 revealed the following:

- The distribution pattern of land use activities taking place in the area shows astonishing characters of intent (i.e. opportunistic).
- The categories and identity of land grabbers in the area shows no character of pro-poor land grabbing.
- The physical looks of developments that are built in the area show a clear distinction that these actions are premeditated.

Marrying together findings from the four sources – literature findings in Chapter 2, document reviews discussed in Chapter 3, findings from interviews and observations as presented in Chapter 5 – it was discovered that there is a high degree of correlations of answers between these four sources and the validity of these findings is satisfactory to answer the research question of this mini-dissertation.

6.4 RESEARCH CONCLUSION

The main focus for this mini-dissertation was to seek answers as to (1) why people (i.e. commercial and residential users) gradually choose to grab strategic unplanned land within the townlands of Ondangwa, particularly in the Oshitayi area; and (2) what are the implications of land grabbing to sustainable urban development of this area. The objectives were to determine the reasons for opportunistic land grabbing and what possible impacts (i.e. both positive and negative) this land grabbing can have on the sustainability of urban development.

This mini-dissertation was theoretical and relied mostly on qualitative data collected using semi-structured in-depth interviews, documents review and participant observations. The author of this mini-dissertation has interviewed 27 respondents. 15 respondents/participants were purposely sampled from a group of land grabbers occupying land in the Oshitayi area, while 12 respondents were purposely sampled from a group of officials working for the Ondangwa Town Council, as well as private professional town planners with experience and knowledge of the situation happening in the Oshitayi area.

Even though urban land grabbing is not new and it is a globally accepted notion that many land grabbing taking place in many cities is fuelled by reasons related to urban poverty, this research has found that there is relatively a new emerging reason for land grabbing taking place in the Oshitayi area in Ondangwa in Namibia. The emerging picture of this type of land grabbing is different from the usually accepted norm of pro-poor land grabbing whereby the poor people who are unable to afford serviced land in urban areas are believed to grab any available undeveloped urban land for shelter.

This type of land grabbing is more of "opportunistic" in nature which is observed not having founded on the ground of seeking shelter. This means that the actors involved in this type of land grabbing is not the people normally referred to us the "urban poor".

It is interesting to mention that opportunistic land grabbing in urban areas was found not to be grounded on the ground of seeking shelter. It was found that many spatial planners might find opportunistic urban land grabbing repulsive, while to the land grabbers this could be an

eye-opener to the future of the land that they might be getting access to and occupy within the townlands boundaries.

To put this in perspective, this study found that opportunistic urban land grabbers usually seek and get access to those strategic undeveloped land for the future purpose which may be translated into venturing on strategic land either for economic or social status gain. This means reasons for land grabbing are visualised in the context of "opportunistic land grabbing", either for economic opportunities emerging from the strategic location of the Oshitayi area, or as a means to target future opportunistic land compensation (i.e. to acquire sites prior to spatial planning in certain strategic areas so that one can institute customary land claims in order to receive compensations when their acquired sites are affected by urban development). The author concludes on the first part of the research question as follows:

> *Urban land grabbing is fuelled by opportunistic reasons and the routine of land invasions is embarked upon by various commercial and residential users who realised the fate of spatial planning policies and the need to operate outside the scope of these laws to obtain undeveloped strategic municipal land in specific areas within the townlands boundary of cities without the consent/approval of the municipality and using this land for uses that meet their economic and social interest, despite in variations to land use intentions as outlined in the spatial development framework of the municipality.*

Urban spaces are places of intense activities and densely grouped facilities ranging from urban functions such as commercial, manufacturing, residential, infrastructure, transportation, places of human interaction such as public parks and plazas or recreational facilities. These are the activities that characterised the spatial arrangement of an urban space. Thus, the spatial arrangement of these activities and the process underlying these is what is termed "urban development". Thus, urban development involves a set of agreed interventions and actions which are carried out in partnership between public and private stakeholders in the process of planning, developing and managing urban settlements.

There are many diverse views about sustainable development. Some view sustainable development from a social, economic or environmental perspective. Sustainable development has become a subject of debate in the field of town and regional planning. This debate is oriented around whether it is really possible to build sustainable cities. The challenges facing urban planners today around this issue is whether social, economic, spatial and environmental goals of development are mutually exclusive or are they possible?

For the purpose of this mini-dissertation, the definition of sustainable urban development was considered within the scope of pillars of sustainable development. This mini-dissertation investigated whether the social (e.g. equity), economic (e.g. creation of wealth) and environmental (e.g. ecosystem integrity) goals are simultaneously attainable in Ondangwa, particularly in the Oshitayi area, if land grabbing and development outside the scope of the formal planning system continued at the present pace without interventions.

The findings on the implications of land grabbing to sustainable urban development were collated into themes of sustainable development i.e. economic (83% of positive impacts and 17% of negative impacts); spatial and environmental (100% negative impacts); and social (67% of positive impacts and 33% of negative impacts). These could mean that land grabbing is not a bad thing in all aspects as there are possible positive implications that can be accrued from these circumstances, especially when it is viewed from the perspective of economic and social aspects of sustainability of urban development.

Negative spatial and environmental implications found were relating to development taking place on urban spaces that is not properly planned and designated for a particular land use. It was discovered that urban land grabbing might cause concerns interlinked to *ad hoc* developments which might be contrary to the existing urban development strategies like the SDF.

Positive implications resulting from opportunistic land grabbing were linked mostly to economic and social aspects of sustainability. If economic resources in cities are shared fairly equally among all citizens of the city, economic development is sustainable. If all the citizens of the city are given equal opportunities in terms of social diversity, social justice, and there is no social discrimination in terms of power to participate in the planning process, social development is sustainable. If there are properly crafted mechanisms to protect the environment, development will be environmentally sustainable. Then, what we will have at the end is *sustainable cities*.

Therefore, the author concluded on the second part of the research question that the implications of land grabbing to sustainable urban development are as follow:

> In terms of social and economic sustainability, positive implications surpass negative implications, while in terms of spatial and environmental sustainability, there are no positive implications, and negative implications are 100% eminent. *Thus, the process of city development shall recognise the need to mutually attain social, economic, spatial and environmental present needs of the inhabitants in*

the city without necessarily compromising the ability for future generations in the city to mutually achieve their own needs as well.

6.5 RECOMMENDATIONS

The following recommendations are made in response to the issues found to influence the people to grab land within the townlands boundaries without the approval from the municipalities. In summary, these issues are: investment opportunities being pursued by local entrepreneurs, cumbersome and bureaucratic legislative framework governing land delivery, opportunistic compensations, poor institutional coordination and lack of public awareness/participation in municipal agendas. Opportunistic land grabbing will not stop unless tangible public authorities' response is made.

RECOMMENDATION NO 1:
POLICY REFORM TO SUPPORT LOCAL ENTREPRENEURSHIP IN URBAN AREAS AND ACCELERATE LEGAL ACCESS TO LAND FOR BUSINESS PURPOSES

Namibia suffers from out-dated legislation and regulations, which are not able to cope with new dynamics of urbanisation and private sector development. The time for town planning and township establishment takes between 10 to 12 months; procedures in NAMPAB and the Township Board between 12 to 14 months; surveying between 12 to 18 months and procedures in the Surveyor General office between 12 to 14 months. Legal processes for land registration and proclamation take between 6 to 8 months. As these different processes cannot run parallel, the whole process of land delivery is rigid and cumbersome to prepare land for delivery to buyers, takes several years. These circumstances had forced wealthy business people (both local and foreign) to land grabbing practices, which include purchase of land from customary landholders and forgoing processes of formal land delivery and security of tenure in response to the non-availability of planned and serviced land for business purposes.

Thus, in response to this challenge, there is a need to vigorously promote and support the legislative and policy reform to ease land delivery. It is also recommended that in order to speed up the land delivery process in local authorities there is a need to investigate opportunities of delivering un-surveyed land in urban areas to willing investors through Public Private Partnership, whereby the private developers and municipalities jointly plan and service land. For this to work there is a need to amend the Local Authorities Act, Act 23 of 1992, to make provision for this type of agreements.

RECOMMENDATION NO 2:
EXPLORE INNOVATIVE OPTIONS TO INTEGRATE CUSTOMARY LAND OWNERSHIP INTO THE FREE-HOLD OWNERSHIP TO AVOID RELOCATION AND PAYMENT OF COMPENSATION

In order to make planned and serviced land available in urban areas the municipality will have to create extensions in townlands and/or expand the outer boundaries of urban areas into communal land (See Appendix 7: land ownership in Northern Namibia) This requires the cooperation of traditional authorities and the preparedness of communal landholders to make land available. After initial problems of working out compensations for landholders who had to be moved, local authorities would like to formalise these areas and grant formal rights to residents on the land. Such moves are hampered, however, by inappropriate legislations such as the Compensation Policy Guideline on Communal Land for communal land affected by urban development. This makes the majority of people to target for opportunistic future compensation for land once affected by urban development and further accelerate land grabbing.

Some landholders have become property wise after learning the "real" value of land, once it was sold to developers by local authorities and have adopted the illegal practice to enter into property deals directly with the investor. Whilst this practice has made some land available, it cannot be encouraged due to the illegality of land ownership.

Thus, in order to avoid relocation and payment compensation it is vital for the local authorities to provide preferential conversion of existing customary land rights in urban areas into freehold titles. This can be done through pro-active preparation of layout plans of the area forming part of the remainder of townlands. The existing homesteads must be accommodated in these layout plans to avoid relocation, and then assisting these customary landholders to survey their land at their own cost for collateralisation purposes. Once this is done, the municipality can set the leasehold fees or rates and taxes fees according to location, size and zoning in order to collect revenue. The municipalities can also adopt progressive titling and innovative surveying options by providing ownership options for townlands residents and integrate them into the urban land market, thereby allowing practices to sell land directly to investors.

RECOMMENDATION NO 3:
NEED FOR INSTITUTIONAL COORDINATION AND INTEGRATION TO ENHANCE LAND ADMINISTRATION AND SPATIAL PLANNING

This mini-dissertation found that land grabbing in townlands is happening because the stakeholders such as local authorities (i.e. municipalities), traditional authorities, communal land boards, and the general public are not coordinating. This study has found that most

land grabbing has erupted over who have the rights to allocate land, especially in peri-urban areas, due to the fact that there is confusion among the public as to whether the land in peri-urban areas is under the jurisdiction of traditional authorities or the municipalities. Thus, outsiders have been able to take advantage of this vacuum. It is thus recommended that coordination between institutions administering land and spatial planning in urban areas is important; as their cooperation will enhance land administration and spatial planning, especially in areas where their functions may overlap, such as in peri-urban areas.

RECOMMENDATION NO 4:
NEED TO ORGANISE PUBLIC AWARENESS AND INFORMATION SHARING TO CREATE A FRIENDLY URBAN SOCIAL COHESION

This mini-dissertation has found that few local business people (particularly small entrepreneurs) who are doing business in local authority areas have little knowledge about land registration and land rights. This astride is due to poor relationships between the business community and the local authorities and public officials who are reluctant to take actions to advise the community on land issues and planning systems. Thus, it is recommended that the public and the local authorities shall share important information. If, for example, the municipalities promote public–private dialogues to discuss if there are other alternatives such as providing serviced plots to the needy, one can more easily enforce a ban on land grabbing or illegal settlement through private-public partnerships.

RECOMMENDATION NO 5:
PROACTIVE SPATIAL PLANNING AND FLEXIBLE PLANNING INITIATIVES THAT ADAPT TO THE MARKET-LED SYSTEM

There is a need to plan Oshitayi area and the focus of the layout plan shall be to accommodate all existing structures that are already developed in the area (see Appendix 7: Spatial planning proposal for Oshitayi area). The layout shall be informed by the land uses survey conducted in the area and the zoning system of the formalised area shall adapt to the already land use activities taking place to allow the market to continue function.

6.6 FURTHER RESEARCH

The followings recommendation is made in respect of expanding this research:

- It is recommended that a further research be done on land grabbing to examine alternatives policy issues that can be developed for municipalities to contain land grabbing in their areas. Issues such as opportunities and challenges in closing the land grabbing problem may be explored by identifying gaps and opportunities in existing legislations and strategic planning. The research can further examine theories of urban design, development planning, socio-economic needs of urban population and land use management and integrating them into the realm context of land grabbing with efforts to formulate well informed spatial policies that will discontinue future land grabs in developing cities. This research can further employ an in-depth spatial analysis that will guide how the spatial policies recommended will discourage land grabbing while at the same time promote the sustainability of developing cities.

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2.8. What do you think shall be done to rectify this situation from a planning perspective?

_____

_____

_____

_____

2.9. What planning measures shall be taken by the town council to avoid this kind of situations from happening in future?

_____

_____

_____

_____

2.10. Do you have anything else to contribute relating to the discussion?

_____

_____

_____

_____

APPENDIX 1

SPATIAL DEVELOPMENT FRAMEWORK FOR ONDANGWA TOWN COUNCIL

ONDANGWA STRUCTURE PLAN 2012-2042
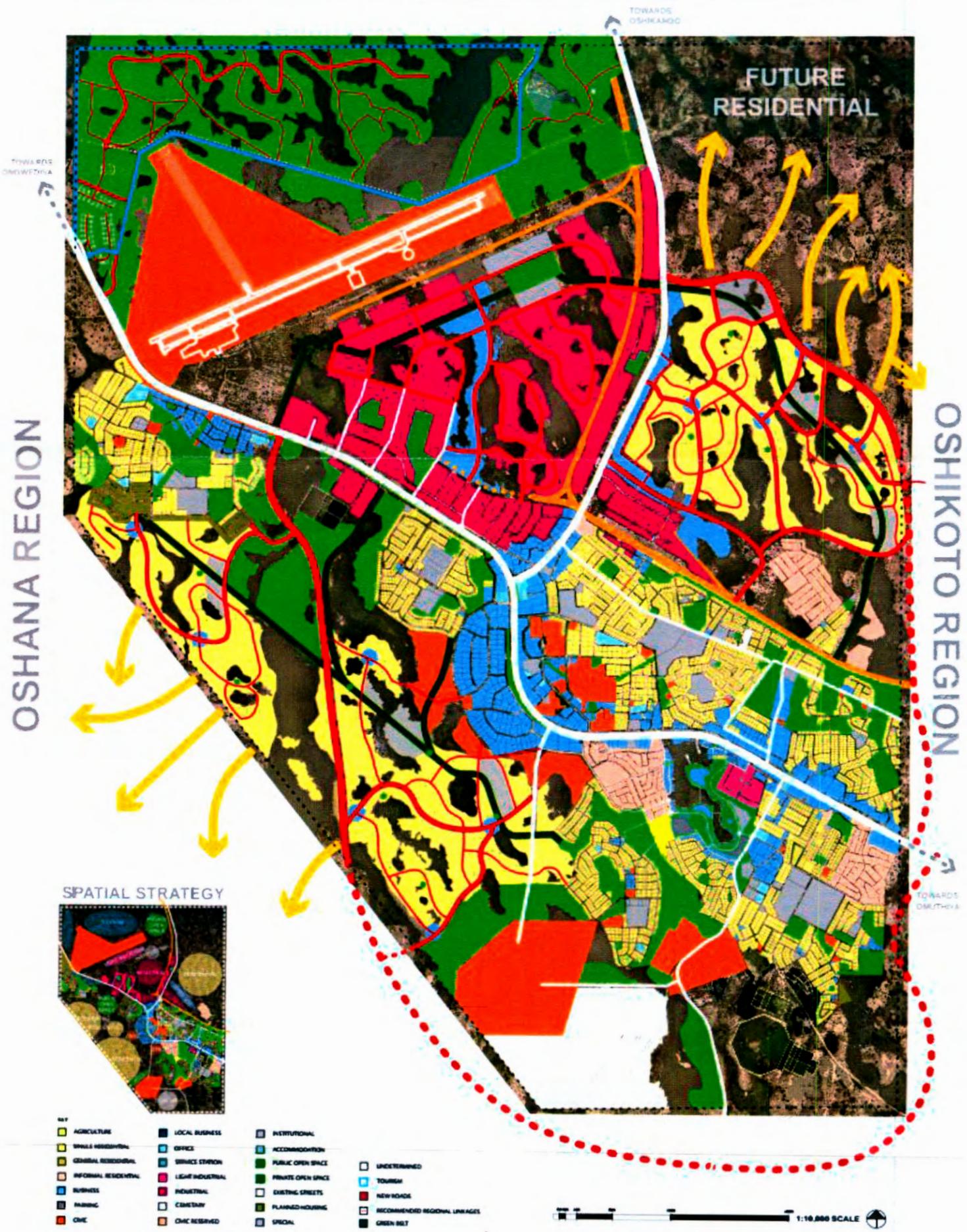
APPENDIX 2

INTERVIEW GUIDE FOR LAND GRABBERS

This interview guide was self-administered by the researcher. The searcher recorded the answers/responses from the participants.

Date of interview: _____/_____/_____(DD/MM/YYYY)

1. RESPONDENT PROFILE INFORMATION

1.1. Code Name:

1.2. Gender:

1.3. Age Group:

1.4. Education level:

1.5. Employment status:

2. LAND OCCUPATION IN OSHITAYI AREA

2.1. When did you come to settle in Oshitayi area?

01. Before 1992	
02. After 1992	

2.2. How did you obtain this portion of land where you built?

_____
_____
_____
_____

2.3. Are you aware that Ondangwa was proclaimed as a town in 1992 and Oshitayi area is now within the boundary of Ondangwa townlands? Please provide reasons your answers

_____
_____
_____
_____
_____

2.4. Are you aware that this piece of land is legally belong to the municipality of Ondangwa in terms of the Local Authorities Act of 1992?

_____
_____
_____
_____
_____
_____

2.5. Why did you decided to come and settle in this area?

_____
_____
_____
_____

2.6. Are you aware about the formal procedures one shall follow to obtain access to land that is within the boundary of a proclaimed town?

01. Aware	
02. Not Aware	

2.7. If yes, why do you choose to ignore this procedure and obtain land using other means?

_____
_____
_____
_____
_____

2.8. On a scale of 1-4; how likely do you think you might be evicted/ forcefully removed from this land by the municipality?

01. Not likely	
02. Less likely	
03. Likely	
04. More likely	

2.9.   Can you explain the reasons for your choice in question 2.8 above?

_____
_____
_____
_____

2.10.   What are you using this land for?

_____
_____
_____
_____
_____

2.10. Are you aware that this area is reserved for industrial development by the town council in future?

01. Aware	
02. Not Aware	

2.11.   Do you think the land use activities you are practicing here are suitable for this area?

01. Suitable	
02. Not suitable	

If yes please elaborate why?

_____
_____
_____
_____

2.12.   Do you think this area is correctly reserved for industrial development?

01. Yes	
02. No	
03. Not sure	

2.13.   Can you explain the reasons for your choice in question 2.12 above?

_____

_____

_____

_____

2.14.   Are you aware that this piece of land is not yet surveyed and there are no municipal services?

01. Yes	
02. No	

2.15.   If yes why did you choose to obtain access to land that is lacking the services as indicated on question 2.14?

_____

_____

_____

_____

2.16.   Do you have any suggestions on what the town council shall do with this situation?

_____

_____

_____

_____

APPENDIX 3

INTERVIEW GUIDE FOR MUNICIPAL OFFICERS

This interview guide was self-administered by the researcher. The searcher recorded the answers/responses from the participants.

Date of interview: _____/_____/_____ (DD/MM/YYYY)

1. RESPONDENT PROFILE INFORMATION

1.1. Code Name:

1.2. Employer:

1.3. Position:

1.4. Department:

1.5. Education:

2. Land Grabbing and its implications for sustainable urban development

2.1. Are you aware about land grabs or illegal occupation of land that are happening in Oshitayi area?

_____
_____
_____
_____

2.2. What did you think led people to grab and illegally occupy land in this area?

_____
_____
_____
_____

2.3. What are your views on the land use activities being practiced by these land grabbers in this area?

_____
_____
_____
_____

2.4. This area is reserved for industrial development by the town council in the existing SDF; do you think this area is correctly reserved for this purpose when reviewing it from the perspective of this emerging situation?

_____

_____

_____

_____

2.5. What are your views on the correlation between urban land grabbing and sustainable urban development?

_____

_____

_____

_____

2.6. In your opinions, do you think there are any **positive implications** to sustainable urban development (either social, economic, spatial, or environmental) that might emerge when people (land grabbers) illegally obtains sites within the townlands areas and sporadically putting up development on land without any direction from the town council? Please elaborate.

_____

_____

_____

_____

2.7. In your opinions, do you think there are any **negative implications** to sustainable urban development (either social, economic, spatial, or environmental) that might emerge when people (land grabbers) illegally obtains sites within the townlands areas and sporadically putting up development on land without any direction from the town council? Please elaborate.

_____

_____

_____

_____

Ondangwa Airport (Portion 14)

B1

OSHITAYI

C46

N

Legend
- ● Residential land grabbers
- ● Commercial land grabbers
- —— B1_Road
- —— Distric_roads
- Oshitayi Area
- Ondangwa Formalised Townships
- Ondangwa_Townlands Boundaries

0   0.2 0.4   0.8   1.2   1.6
                                    Kilometers

APPENDIX 5
LAND USE SURVEY OF DEVELOPMENT IN THE OSHITAYI AREA

Survey No.	Land Use	Type of structures Temp.	Type of structures Perm.
1	Gen. Res. (Flats)		C. Perm.
2	Mixed use (Flats. and bus. (workshop))		Perm.
3	L. Ind. (bricks)		C. Perm.
4	Mixed use (cucashop, sale meet and carwash)		C. Perm.
5	Bus.		S. Perm.
6	Bus.		S. Perm.
7	Bus.		S. Perm.
8	Bus.		Perm.
9	Bus.		C. Perm.
10	Mixed use (res. and bus		C. Perm.
11	Bus.		S. Perm.
12	Bus.		Perm.
13	Bus. (sale cars)		S. Perm.
14	Res.		C. Perm.
15	Gen. Res. (flats)		C. Perm.
16	Bus.		Perm.
17	Bus.		C. Perm.
18	Bus.		Perm.
19	Bus.		Perm.
20	Bus.		Perm.
21	Bus.		Perm.
22	Bus.		Perm.
23	Bus.		Perm.
24	Bus.		Perm.
25	Bus.		Perm.
26	Bus.		Perm.
27	Res. and F.		H. Perm.
28	Res. and F.		C. Temp
29	Res. and F.		H. Perm.
30	Res. and F.		C. Temp
31	Bus.		H. Perm.
32	Bus.		H. Perm.
33	Bus.		H. Perm.
34	Bus.		S. Perm.

35	Bus.		S. Perm.
36	Bus.		S. Perm.
37	Res.		S. Perm.
38	Res. and F.		S. Perm.
39	Res.		S. Perm.
40	Res.		S. Perm.
41	Res. and F.		H. Perm.
42	Res. and F.		C. Perm.
43	Res. and F.		C. Perm.
44	Res. and F.		H. Perm.
45	Res. and F.		C. Perm.
46	Res.		C. Perm.
47	Res. and F.		H. Perm.
48	Res. and F.		H. Temp
49	Res. and F.		C. Perm.
50	Res. and F.		S. Perm.
51	Res.		S. Perm.
52	Res.		S. Perm.
53	Res.		C. Perm.
54	Bus. (cucashop)		C. Perm.
55	Res.		S. Perm.
56	Res. and F.		C. Perm.
57	Mixed use (Res. Flats and bus.		C. Perm.
58	Res. and F.		C. Perm.
59	Res. and F.		C. Perm.
60	Res. and F.		C. Perm.
61	Bus. ((cucashop)		C. Perm.
62	Res.		C. Perm.
63	Bus. (B&B)		C. Perm.
64	Res.		C. Perm.
65	Res.		S. Perm.
66	Res.		S. Perm.
67	Mixed use (Res. Flats and bus.		C. Perm
68	Res.		C. Perm.
69	Res. and F.		C. Perm.
70	Res. (Gen. R. Fats)		C. Perm.
71	Res. and F.		C. Perm.
72	Res. and F.		C. Perm.
73	Mixed Use		C. Perm.
74	Res.		S. Perm.
75	Res.		S. Perm.
76	Res.		S. Perm.
77	Res.		S. Perm.
78	Res.		S. Perm.
79	Res.		S. Perm.

80	Res.		S. Perm.
81	Res.		S. Perm.
82	Res.		S. Perm.
83	Res.		S. Perm.
84	Res.		S. Perm.
85	Res.		S. Perm.
86	Res.		S. Perm.
87	Res.		S. Perm.
88	Res.		S. Perm.
89	Res.		S. Perm.
90	Res.		S. Perm.
91	Res.		S. Perm.
92	Res.		S. Perm.
93	Res.		S. Perm.

KEY	DESCRIPTION	SUB-DISCRIPTION
S. Perm.	Single Permanent	
H. Perm.	Homestead Permanent	
Res.	Residential	
Gen. Res.	General Residential	Flats
Mixed Use		Flats, shabeen, offices or Res.
L. Ind.	Light Industrial	Scrap yard, car sales and Brick making
Bus.	Business	cucashop/shabeen
F.	Farming	
C.	Cluster of structures	
H.	Homestead	
C. Temp	Cluster Temporary	
S. Temp.	Single Temporary	
C.Perm	Cluster Permanent	
Res. and F.	Residential and Farming	

Legend

— B1 Main Road

— C46 District Road

▉ Proposed Spatial Layout for Oshitayi Area

☐ Streets

▉ Ondangwa Formalised Townships

☐ Ondangwa_Townlands Boundary

OSHITAYI

0   340   680   1,360   2,040   2,720   Meters
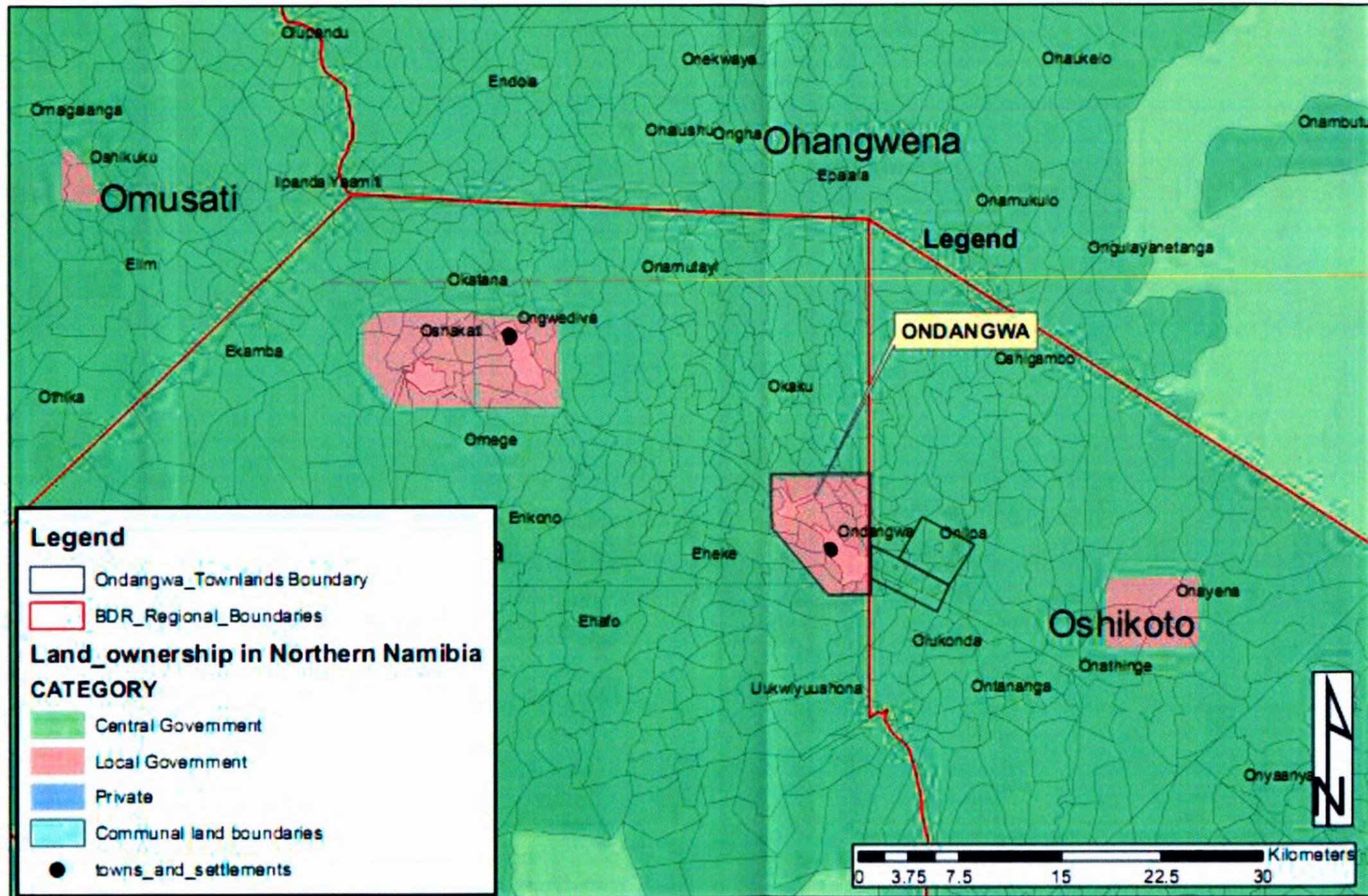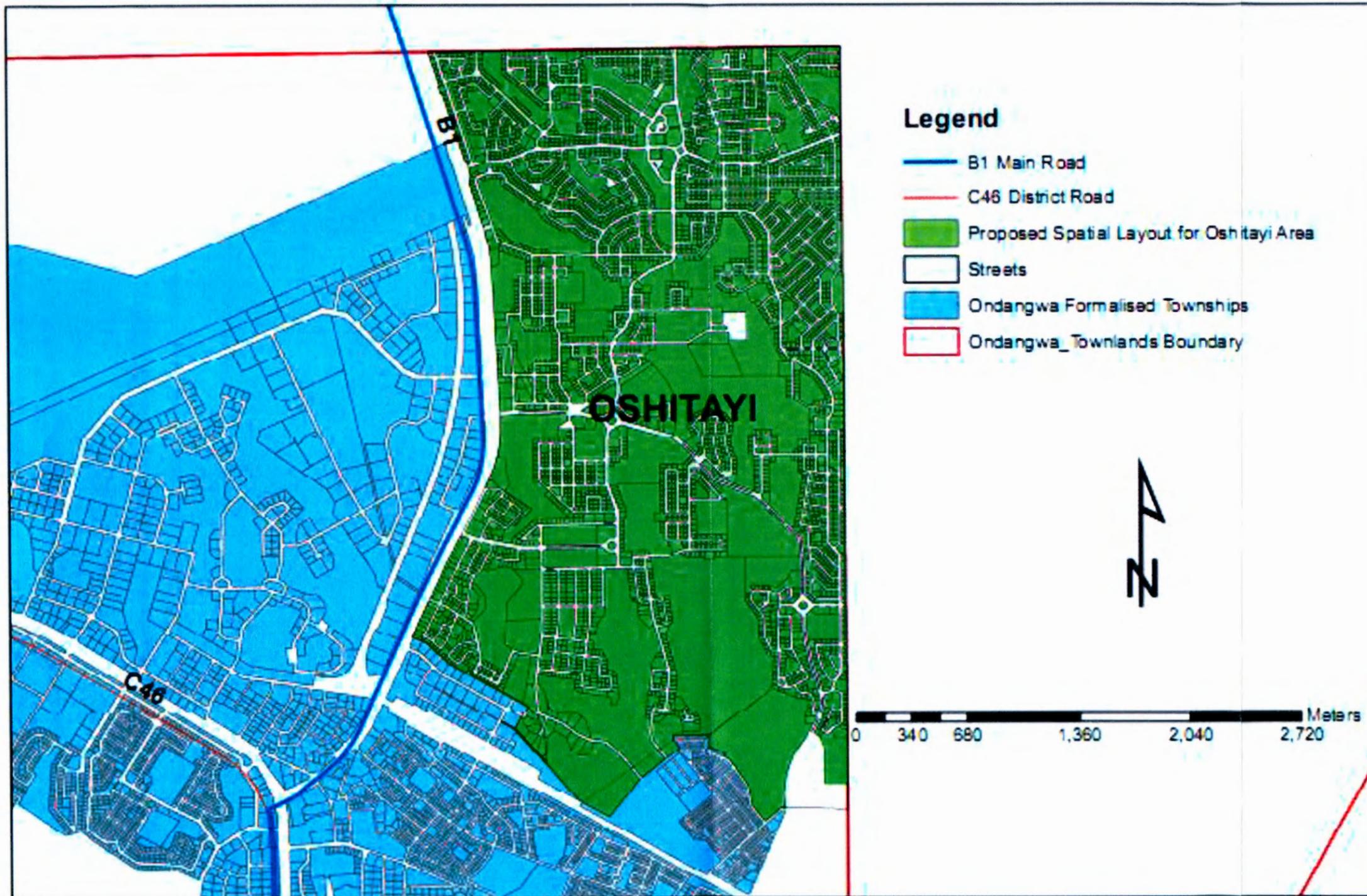
APPENDIX 8

LETTER OF REFERENCE TO CUSTOMARY LAND RIGHTS HOLDERS AFFECTED BY TOWN PROCLAMATION

LETTER INFORMATION TO ALL OCCUPANTS OF PORTIONS OF LAND WITHIN THE BOUNDARIES OF THE PROCLAIMED TOWNLANDS OF ONDANGWA.

Dear Sir/ Madam

ILLEGAL ALIENATION OF PORTIONS OF TOWNLANDS.

1. You are hereby informed that His excellency the President of the Republic of Namibia has under Proclamation No. of 1992, established the boundaries of the Farm Ondangwa Town and Townlands No. 882 as indicated on diagram No. A 64/91.

2. It is acknowledge that you may have certain vested rights in the land allocated to you by traditional authority, however, it must be clearly understood that, whatever the conditions of tenure may be, the land occupied by yourself or any portion thereof may under no circumstances be sold or disposed of in any way other than to surrender it to the Town Council of Ondangwa through negotiations and / or on acceptance of compensation as may be mutually agreed upon.

3. Any contravention of the afore- said prohibition on the sale of unregistered land within the boundaries of the proclaimed townlands my lead to legal action being instituted against such offender, for which reason your co- operation in avoiding such transgression will be highly appreciate.

Yours faithfully

Funneka Shigwedha
TOWN CLERK

ACKNOWLEDGEMENT OF RECEIPT.

I Gabriel Paulus hereby declare that on 13.12.2010 I have received a copy of this letter of information and that I fully understand the contents thereof.

1.0. 77030400453

He took over the properties of his late uncle Jacob Shikongo who passed away

see attached documents for confirmation

Signature

Postal Address: Ondangwa no: