REPLY TO QUESTIONNAIRE ON RESPONSIBILITIES AND SUB-NATIONAL GOVERNMENTS WITH RESPECT TO THE RIGHT TO ADEQUATE HOUSING:

NAMIBIA

1. Distribution of responsibilities related to the right to adequate housing:

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| --- | --- | --- | --- | --- |
|  | National/Federal | Provincial/State | Municipal | Explanatory Notes |
| Housing Programme | ✔ | ✔ | ✔ | Government’s commitment to addressing the housing needs in all rural and urban areas of Namibia led to the formulation of the first National Housing Policy |
| Income Support | ✔ | ✔ | ✔ | The National Housing Development Act provides for the establishment of housing revolving funds by Regional Councils and Local Authorities. A National subsidy programme was established in line with a funding framework under the Ministry of Regional and Local Government, Housing and Rural Development.  |
| Tenancy and security of tenure legislation | ✔ | ✔ |  | The role of the Ministry of Lands and Resettlement is to ensure that a functional land tenure system exists, especially in rural areas. This ministry will also be instrumental in the implementation of a flexible land tenure system in urban areas. The role of the Regional Land Boards of allocating and managing land rights in rural areas is particularly important in the country’s effort to pursue a rural leasehold land tenure system.  |
| Infrastructure |  | ✔ | ✔ | The National Planning Commission is responsible to mobilize financial resources and technical support from development partners for housing and local infrastructure development.  |
| Prohibition of discrimination in housing  | ✔ | ✔ | ✔ | Besides the financial impact on the economy, housing also impacts on social, political and environmental fabrics of the Namibian society. The creation of sustainable communities throughout Namibia is a key development factor. Housing has the potential to play an important role as a means of reducing poverty in both urban and rural areas, hence the emphasis to extend housing to rural areas as integral part of the Government rural development efforts as well as to upgrade and formalize informal settlements.  |

2. What are the primary bases for the allocation of responsibilities among different levels of government? Please identify the appropriate provision(s) and provide a copy or link if possible?

☐ Constitutional

✓ National framework legislation or housing strategy

✓ Sub-national level legislation or housing strategy

✓ Inter-governmental agreement

☐ Other – Please explain

The following Policy and Regulatory Environment forms the basis for the allocation of responsibilities:

* The National Housing Policy (1991 and revised in July 2009)
* The National Housing Development Act of 2000
* The Local Authorities Act of 1992
* Regional Councils Act of 1992
* Vision 2013
* National Development Plans
* The National Poverty Reduction Action Plan
* Habitat Agenda, Instanbul Declaration and Unite Nation Declaration
* Millennium Development Goals

3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized?

* The role of the Government is to ensure that the housing development process is inclusive for all and that those households excluded from the market and conventional housing development mechanisms are given the opportunity to access land, housing and services as well as creating an enabling environment for a vibrant housing market. The National Housing Policy states that the role of Government is to facilitate and promote partnership between all relevant public and private parties concerned with delivery of land, shelter and human settlement development.
* Regional Development Plans, linked to the National Development Plans are produced by Regional Councils with the inputs of Local Authorities. Housing is integrated with other developmental sectors so as to act as catalyst for economic development and growth in all thirteen regions of Namibia towards realizing Namibia’s economic development goals.
* The Ministry of Regional and Local Government, Housing and Rural Development (MRLGHRD) facilitates the Decentralized Build Together Programme through Local Authorities and Regional Councils and the provision of housing credit to groups not catered for by the private sector and the National Housing Enterprise.
* The National Housing Enterprise (NHE), A State-Owned Enterprise, strives to promote ownership through project development and provides credit facilities in the form of housing loans to low-and middle-income households.
* The National Housing Advisory Committee in addition to its statutory role of advising the Minister on housing related matters, will be responsible for facilitating, in collaboration with the line ministry and the NHE, housing forums on an annual basis as well as national housing conferences as it deems fit.
* The National Habitat Committee is instrumental in facilitating the development of the National Plan of Action as well as other processes aimed at the implementation of Namibia’s housing strategy involving all key stakeholders in the housing sector.
* The Shack Dwellers Federation / Namibia Housing Action Group and other NGO’s as well as Private Sector plays an important role in implementation of Namibia’s housing strategy.

4. Where sub-national governments hold key responsibilities in relation to the right to adequate housing, please describe how programs and policies are coordinated nationally and what responsibilities remain with national level institutions.

Kindly refer to no.3 above.

5. Where housing and related programs are administered by sub-national level governments, by whom and how are these programs funded? Are conditions attached to the funding which seek to ensure the resources are spent in a way that protects the right to adequate housing? How is this monitored?

Development costs are associated with land, building materials, cost of capital, and professional services among others. Currently, available financing for housing purposes is considered both inefficient and inadequate. Government wishes to increase the amount of private sector financing being invested in middle and low-income housing, but in such a way that the housing market will not be distorted. The extremely low level of end user finance provisions to people in the income categories is cause for great concern. Given the limitation on State resources, the mobilization of private credit for housing purposes is a central aspect of government approach to housing. Government recognizes and accepts the responsibility to create and maintain a lawful environment in which contractual rights and obligations are respected and enforceable. Throughout Namibia, first world standards in terms of municipal services are applied nearly everywhere, irrespective of appropriateness or affordability.

The National Housing Development Act provides for the establishment of housing revolving funds by Regional Councils and Local Authorities, the establishment of housing revolving funds by Regional Councils and Local Authorities, and the establishment of Build Together Committees for Regional Councils, Local Authorities and resettlement areas.

Housing schemes established under the Local Authority Act must establish funds known as the Housing Fund. These funds are used for construction, acquisition or maintenance of any dwelling, the costs incurred in connection with the administration of any housing scheme and for any other purpose as approved by the Minister in writing. The National, Regional as well as Local Authority levels of government are all subject to auditing by the Auditor-General.

1. **Accountability of Sub-National Governments**

1. Are sub-national governments legally accountable to the right to adequate housing on the basis of any of the following?

☐ International human rights law

☐ Constitutional/National Bill of Rights

☐ National or sub-national legislation

☐ State level or municipal level Bills of Rights/Charters

☐ Inter-governmental agreements

☐ Conditional financing

None of the above. Sub-national government bodies in Namibia are not legally accountable for this right. There is no alone-standing right to housing. The national government remains accountable ultimately for the welfare of the People and such accountability is derived from the Namibian Constitution as contained under Chapter 11, Principles of State Policy in Article 95 – Promotion of the Welfare of the People.

2. N/A

3. Are sub-national governments involved in State reporting to international human rights monitoring mechanisms and in implementing recommendations?

Sub-national governments, e.g. Regional Councils and Local Authorities are aligned to the National Government and all reporting is done by the National Government in collaboration with the sub-national governments. The sub-national governments provide information and the MRLGHRD represent them on the Inter-Ministerial Committee on Human Rights. Recommendations are likewise transmitted to these levels of government for implementation at the appropriate or identified levels. The monitoring and accountability responsibility remains with the national government.

4. Apart from the legal and international accountability described above, what political or institutional accountability mechanisms are in place in your country through which sub-national governments are held accountable to standards or requirements linked to the implementation of the right to adequate housing?

The MRLGHRD in collaboration with the NHE and the Ministry of Works and Transport will develop a Housing Code for the country in order to strengthen the housing regulatory environment. The proposed National Housing Industry Regulatory Council as a basis for regulating the housing industry will use the code. The Housing Industry Regulatory Council shall serve as a regulatory body for the whole housing sector. Defective workmanship and other product defects have, in the past, compromised housing consumers and consequent losses by financial institutions. The functioning and performance of the housing sector in Namibia has not been effectively monitored and evaluated through regular assessment of progress towards the objective of providing adequate shelter for all. In terms of the Housing Strategy, the MRLGHRD in collaboration with role-players will develop and implement strategic plans and action plans to further the implementation of this strategy. Based on their action plans, role-players will submit annual progress reports to the MRLGHRD for discussion and record purpose. The MRLGHRD shall in return submit a combined progress report to the relevant Cabinet committee as part of the overall sector reporting system.

5. Please kindly identify what in your view may be the three most significant challenges in your country to effective accountability of sub-national governments to the right to adequate housing as guaranteed under international human rights law and identify key strategies or ideas for addressing these challenges.

1. The Namibian housing sector continues to be characterized primarily by limited financial support for the low-income groups as well as limited capacity to meet the demand for land and housing development.
2. Namibia has, in proportion to a population of about 2 million, ample land that can be made available for urban and rural habitation purpose. However, at the local and regional level, adequate technical, planning and financial capacity is limited. This constraint delays and hampers the delivery of serviced land and housing.
3. The town planning and proclamation processes in Namibia are outdated, cumbersome, and tend to inflate development costs, and thus, the prices of erven. An Urban and Regional Planning Bill is currently reviewed for submission to Parliament to enable government to address and redress this equity challenge and simplify and speed up development process with a view to reduce associated costs.