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# EMBASSY/PERMANENT MISSION OF THE REPUBLIC OF NAMIBIA

**REPUBLIC OF NAMIBIA**

**Mandate of the Special Rapporteur on the right to adequate housing**

**Request for contributions: Designing and implementing effective human rights- based housing strategies**

1. **How are homeless and other stakeholders been included in the design and implementation of housing strategies?**

**Response:**

As a matter of policy and practice, the formulation of public policies and strategies is subjected to rigorous public and stakeholder’s consultations. This is what was done during the formulation and the ongoing review of existing policies, laws and programmes. The Mass Housing Development Programme (MHDP) blueprint is under review and the services of the Namibia University of Science and Technology has been enlisted to lead the review and solicit public or stakeholders inputs.

1. **How are the various needs and situations of different population growth, especially the most marginalised are considered, consulted on and incorporated in the strategies?**

**Response:**

This is achieved by ensuring an inclusive process in the design of programmes, product offerings and criteria use in selecting and determining eligibility for the completed houses, and by paying due regard to the different levels of affordability of the target community.

Among others:

* Housing initiatives such as build together programme (BTP), the social housing component of the mass housing development programme as well the financial support provided to the shack dwellers federation of Namibia (SDFN) are deliberately aimed at meeting the needs of the poor, ultra-low and low income groups. Preference is also given to first- time home owners.
* The needs of the middle to upper income groups are catered for through other government led or supported housing initiatives such as the generalized Home Owners ‘Scheme for Staff Members (HOSSM), the credit –linked housing component of the MHDP and, private investment and public private partnerships (PPPs) as well as with conventional mortgage financing by commercial banks.
1. **How the roles of multiple levels of government and other authorities are coordinated or incorporated?**

 **Response:**

Namibia has since independence devised and pursued, and continues to put in place and implement, policies, legal and regulatory framework and programmes aimed at addressing the multitude of needs of her citizens, including the availability and access to decent and affordable housing, serviced urban land and proper sanitation. Herewith are some of the sector specific policy, legal and regulatory instruments that have been adopted and provided the basis and direction for the various programmes and initiatives on housing and urban land delivery as well as improved sanitation:

1. Namibia housing Policy – The policy was adopted in 1991 and revised in 2009 it is premised on the following national goal “***to make resources available for the development of infrastructure and facilities so that every Namibian family will be given a fair opportunity to acquire land with water, energy and a waste disposal system, and to facilitate access to shelter in suitable locations at costs and standards which are affordable to the family on the one hand and to the nation on the other hand.”***
2. In keeping with the provisions of the 1991/2009 policy National Housing Development Act provides for the establishment of the housing revolving funds under the administration of the Regional Councils and Local Authorities.

The Harambee Prosperity Plan sets out clear goals, desired outcomes and measures to be taken to address housing, urban land delivery and sanitation in the country. The HPP has identified housing and urban land sanitation as some of the critical areas whose development needs to be accelerated. In order to facilitate land ownership and proper housing in informal settlements, the Government enacted the Flexible Land Tenure Act of 2012 (Act No. 4 of 2012) which enables informal urban settlement dwellers to secure tenure security in a simplified way. The Government took measures to reform the laws and procedures on land planning and development, some of which have been found to be outdate and cumbersome. The Government drafted the Urban and Regional Planning Bill which once enacted will replace and harmonize the outdated existing legislations on urban and regional land planning by among others introducing a single law combining the functions currently performed by the Namibia Planning Advisory Board and the township board.

In order to mitigate the high rural-urban migration which is largely as a result of the absence of basic services in rural areas in comparison to urban areas. The Government has devised and is implementing measures aimed at reducing or bridging the inequality gap between rural and urban areas in Namibia. The policy instrument adopted in this regard is the 2012 National Rural Development Policy and Strategy, whose focus is to improve living conditions of rural communities. At the centre of the policy is the creation of conditions to address poverty, food security, unemployment and underdevelopment of rural areas.

It is worth pointing that, the initiatives and interventions are not undertaken by Government alone but also other stakeholders such as the private sector and the community. The build together programme was launched and kicked off in 1992 and entails budgetary allocations to local authorities and regional councils to enable them to provide serviced land and home loans on concessional terms to the poor and low income individuals to build decent houses or expand their existing house structures. Some 30,400 housing units have been constructed under this programme since inception.

The Government, through the ministries of Urban and Rural Development and of Land Reform, and in partnership with UN Habitat and the Shack Dwellers Federation of Namibia are implementing various initiatives aimed at improving conditions of people who are residing in informal settlements especially in urban areas.

1. **What independent accountability mechanisms have been put in place?**

**Response:**

Government programmes on housing, urban land delivery and sanitation, like others are accounted for through periodic reviews and submissions of accountability reports to the Ministry of Finance (overall budget execution and impact), the National Planning Commission (Development/Capital Budget) and to the Presidency (Harambee Prosperity Plan). The submissions of accountability reports are a condition for the disbursements of funds by treasury to Offices/Ministries/Agencies (OMAs).

1. **What roles have been assigned to independent authorities such as a National human rights institutions or Ombudsperson?**

**Response:**

Independent authorities such as National human rights institutions or Ombudsperson as well as the Anti-corruption commission have unfettered access to and enquire into how programmes on housing, land delivery and sanitation are being implemented or benefits therefrom are being distributed. The Ministry of Urban and rural Development and sub-national governments have always welcome and cooperated with such institutions, and will continue to do so.

1. **How access to justice for claimants of the right to housing has been ensured in legislation?**

**Response:**

All citizens and people living in Namibia have the constitutional right to seek recourse with the independent judiciary if they feel their rights are being violated. As such, there is no need for such rights to be provided for again in sector specific laws or policies.at a micro-level, agreements of sale always provide for a clause of resolution of conflict or dispute amicably or through an independent conciliation process or court of law.

1. **What are the new initiatives or approaches that are being considered in plans for implementation of the new urban agenda?**

**Response:**

Namibia attended the habitat III (UN Conference on Housing and sustainable Urban Development) held in October 2016 in Quito, Ecuador, and ascribes to the outcome of the conference (the “New Urban Agenda”). The Agenda is premised on three transformative commitments, namely leaving no one behind and fighting against poverty, urban prosperity and opportunities for all: and ecological and resilient cities and human settlements.

The New Urban Agenda is premised on three pillars:

* Urban Rules and Regulations: This is a recognition that the outcomes in terms of quality of an urban settlement is dependent on the set of rules and regulations and its implementation;
* Urban Planning and Design : Establishing the adequate provision of common goods, including streets and open spaces, together with an efficient pattern of buildable plots; and
* Municipal Finance: For a good management and maintenance of the city, local fiscal systems should redistribute parts of the urban value generated.

 Following are some of the initiatives or approaches that are in place and being pursued in keeping with the New Urban Agenda:

* Existing legislations and regulations on local government, urban planning and development (amendment of the Local authorities Act, 1992 and the new Urban and Regional Planning Bill) are being re-enforced to ensure adequate controls to and enforcement of standards, quality of service and good governance.;
* Existing legislations on urban and regional planning as well as the new Urban and Regional Planning Bill already provide streets and open spaces and an efficient pattern of buildable plots are requirements in urban planning and design in the country;
* In line with the Agenda’s commitment of “leaving no one behind” and “urban prosperity and opportunities for all”, Namibia’s laws, policies and programmes on housing and urban development have an inclusively component to them. It is however important to point out that the realization of these commitments cannot be achieved through housing initiatives alone but through a combination of other policy initiatives such as those that create or enhance opportunities for employment and economic growth and development.