



REPUBLIC OF NAMIBIA

MINISTRY OF JUSTICE

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RESPONSES ON THE QUESTIONNAIRE OF INFORMAL SETTLEMENTS AND HUMAN RIGHTS

- 1. Please provide statistical data on the numbers of people living in informal settlements, clarifying the definitions used and including disaggregated data by relevant characteristics (gender, disability, age, etc.) where available. Provide estimates of the number of households renting within informal settlements.**

The Namibia Inter- Censal Demographic Survey (NIDS) report of 2016 indicates that the Namibian population have increased from 2.113, 077 (903, 434 urban and 1,209, 643 rural) in 2011 to 2,324,388 (1,112, 868 urban and 1,211,520 rural) in 2016.¹ From the 589,787 (325,335 urban and 264,452 rural) households, improvised housing units (shacks) accounted for 26.6 %. These housing units or shacks were mostly common in urban areas accounting for 39.7 % of the households as oppose to 10.6 percent of households in rural areas. Amongst the regions with the highest number of informal settlements is Khomas Region (42.3%), which is home to the country's capital city

¹ National Statistics Agency (NSA), 2017. Namibia Inter-censal Demographic Survey (NIDS) 2016 Report.

Windhoek, and Erongo region (43.6%) as home to the county's main port and industrial town of Walvisbay, as well as the tourist town of Swakopmund. The Community Land Information Programme (CLIP) a profile of informal settlements in Namibia (2009)², indicates that 135 000 households with 540 000 people live in 235 informal settlements, with Khomas region being the highest with a population of 118,467 (25,428 households) living in informal settlements.

The updated profiles which was done by Namibia Housing Action Group (NHAG)/ and Shack Dwellers Federation of Namibia (SDFN) since 2016, demonstrated an increase of 20% of informal settlement households in Khomas region, specifically in the City of Windhoek. In addition, Namibia's urban areas now have some 140,000 informal houses, a number likely to double over the coming 7 to 8 years if this trend is not addressed urgently. The Namibian household income and expenditure Survey (NHIES) 2015/2016 Report, indicates that there is a slight higher number of male headed households (30.4%) that reside in impoverished housing units in urban areas, compared to 28.5 % of female headed households.

As regards to the household renting within the informal settlements, data is sparse. However, information from Namibia Housing Action Group and Shack Dwellers Federation of Namibia (NHAG/SDFN) as part of the community Land Information Programme (CLIP), indicates that households renting within informal settlements varies from settlement to settlement. From complete enumerations done in three (3) informal settlements areas during 2018, it shows that on average 30 % of households were renting within those areas.

2. Please provide information on access to water, sanitation, electricity and other services, including availability and costs. Also refer to any qualitative studies or documentation of the lived experiences of residents.

The Inter-censal Demographic survey (NIDS) of 2016 report shows that 92.9% households have access to safe drinking water (99.4% urban and 85% rural). It further indicates that, 34.7% (55.5% urban and 9.1 % rural) and 44.8% (66% urban and 18.7%

rural) households use electricity for cooking and lightning respectively. As regards to sanitation, 40.9% (63.2% urban and 13.4% rural) households have access to private/shared flush toilets. The Community Land Dwellers Federation of Namibia shows that water is accessible to most of the inhabitants of the informal settlements, mainly through communal taps.³ Similarly, the communal water points are a common feature in many of Windhoek's settlements, where water cards are often provided for free, and can be recharged at local offices of the City of Windhoek⁴. It is further indicated that twenty-five (25) litres of water cost 40 cents in 2017, and according to some local residents NAD 50 may pay for water for a home of 4 to 5 people each month; which roughly corresponds to 25 litres per household member per day. In addition, it was established that 43% of households in informal settlement areas have access to communal or individual toilets; and that although all the amenities are not available to inhabitants within the informal settlement areas, most of them could access schools, clinics and police stations within 5 to 10 kilometre distances.

3. Please provide information and data on environmental, health or security concerns and experiences, including violence against women, affecting residents in informal settlements. Please include disaggregated health statistics, including life expectancy, mortality and any data on injuries or fatalities of residents of informal settlements as compared to the general population.

Life expectancy for the general population of Namibia at birth is recorded to be 63.9 years in 2012 this is 61.2 years for males compared to 66.7 years for females.⁵ Furthermore, the Crude Death Rate (number of deaths that occurred in a given calendar year per 1000 people in the population) at national level was estimated to be 10.8 deaths per 1000.⁶ More deaths were reported in rural (12.2) compared to urban (9.2) areas, in the same report. Direct estimates of mortality show that the level of adult mortality is higher among men than women (7.3 deaths and 5.2 deaths per 1000

³ Informal settlement communities and Shack Dwellers Federation of Namibia (SDFN), 2009. Community Land Information Programme: Profile of Informal Settlements in Namibia

⁴ Weber et al. (2017)

⁵ Namibia Health Profile. Health Industry fact sheets, Healthcare. Namibia Data Portal, Namibia statistics Agency. Retrievable at <http://namibia.opendataforafrica.org/cvhewdg/namibia-health-profile>

⁶ NIDS Report, 2016

respectively).⁷ Although informal settlements disaggregated data is mostly not available, various documents indicate that most health hazards, such as: overcrowding, pollution, poor sanitation, unhealthy lifestyles as well as criminal activities, and safety risks specifically for women and girls are mostly prevalent in informal settlements in the country.

During December 2017, the Ministry of Health and Social Services (MHSS) declared an outbreak of Hepatitis E (HEV) in Windhoek. These cases reported, mainly from the informal Settlements areas. During engagement with the community, community leaders identified risk factors that may facilitate transmission in the community, which included open defecation (due to limited sanitation facilities), limited knowledge of the disease and lack of handwashing facilities.⁸As of February 2018 the total numbers of suspected and confirmed cases reported were 553 with 3 deaths.

In addition, informal settlements create or are associated with various environmental problems, most of which stem from inadequate services, infrastructure and planned physical structure⁹. Furthermore, these are the challenges that are of particular concern in Namibia:

- Removal of vegetation and degradation around informal settlements. In this regard large areas of natural woodland have been steadily cleared, mainly by residents in informal settlements who are too poor to use other fuels for cooking and heating;
- Open solid waste and pollution of water resources-local authorities' sometimes lack the resources or inclination to collect solid waste systematically and regularly. This problem may be severe in informal settlements where waste collection and removal of services are often absent, which could be a source of disease and pollution, especially when heavy rains wash away rubbish; and
- Flooding, specifically to areas prone to this calamity. Since space on higher ground above the reach of floods is limited and fully allocated to formal urban

⁷ The Namibia Demographic and Health Survey, 2013

⁸ Community engagement to find solutions to the ongoing Hepatitis E virus outbreak in Windhoek informal settlements. WHO Namibia. Accessed from <http://www.afro.who.int/news/community-engagement-find-solutions-ongoing-hepatitis-e-virus-outbreak-windhoek-informal>

⁹ Weber and Mendelsohn (2017)

uses, informal settlements have therefore expanded in drainage lines and other townlands that are periodically flooded.

4. What goals and timelines have been adopted to ensure that all informal settlements will be upgraded to meet the standard of adequate housing by 2030? Please provide information on plans, upgrading/settlement policies and whether these plans include human rights standards. Please explain how responsibilities have been allocated to different levels of government.

The government recognises the problem of informality especially in urban centres. It is for this reason the Government has employed and continues to devise measures to effectively address the issue of informal settlements, as well as access to proper housing and ownership of serviced land. The upgrading of informal settlements also features prominently in the 5th National Development Plan (NDP5) 2017/2018 to 2021/22, where targets for informal settlements to be upgraded within the NDP5 period are indicated, in order to realise the strategies as set out in the country's long-term vision 2030. The measures employed are at different levels and in different forms, such as:

- Reform of the legal system and introduction of new legal measures, though the Flexible Land Tenure Act, (Act 4 of 2012), which is aimed at easing the planning, servicing and ownership of land in informal settlements. Areas have been identified in this regard for the pilot project phase (2017/2018) to (2021/2022) to provide security of tenure to the inhabitants of those areas;
- Promulgation of Urban and Regional Planning Act,(Act 5 of 2018), which streamlines and decentralises certain decision-making processes away from the centre to the local government level with a view to speed up the approval and delivery of land;
- Continuing implementation of the Mass Housing Development Programme that includes informal settlement upgrading as an important component;
- Ongoing grant funding to community-based group saving housing organisations such as the Shack Dwellers Federation of Namibia, whose mandate is to enable members (that mainly resides in informal settlements) to acquire and service land and to build affordable houses;

- Implementation of phase II of the Participatory Slum Upgrading Programme (PSUP), an initiative aimed at improving conditions of people who are residing in informal settlements, with assistance from UN- Habitat and the European Commission. The outcome of this phase was an upgrading strategy as well as concept notes of the pilot Local Authorities, which was finalised during May 2018. The next phase will be the actual implementation of the identified viable projects;
- Learning from doing initiative by the Shack Dwellers Federation of Namibia and Namibia Housing Action Group, Namibia University of Science and Technology (NUST), Association of Local Authorities of Namibia (ALAN) and Namibian Association of Local Authority Officials (NALAO) as well as other stakeholders, working on practical doing and learning for community driven informal settlement upgrading processes. Aspects of curriculums facilitating the knowledge to students and local authority officials, research, practical implementations are addressed during implementation in some identified areas. The aim is to reach one town in each of the fourteen (14) regions in the country within three (3) years, with the necessary skills and know-how developed to enable full scale upgrading for 2030.

5. What are the primary reasons for people living in informal settlements ?(e.g. rapid urbanisation, gap between housing costs and income; loss of ancestral land; internal displacement; immigration; lack of titled land.) Please refer to relevant research or reports.

The increase in informal settlements and shacks specifically in urban areas can be attributed to a number of causal factors. These are:

- (a) Rural –urban migration as people migrate from rural areas and less developed urban areas in seek or in the hope of finding better social and economic opportunities (education, employment, etc.) in urban areas. Such influx put local authorities under severe strain and often renders them financially and technically unable to provide the requisite serviced land, housing, sanitation and other essential services;
- (b) Inability for majority of the needy low income earners to benefit from existing land and housing provision programmes due to the following :

- Lack of employment and thus an income due to constrained economic growth and limited job opportunities in the economy;
- Limited or lack of credit and financial institutions support for this(low) income group from commercial financial institutions due to its perceived high risk;
- The high cost of land planning and servicing as well as housing development and consequent high prices thereof often beyond the affordability of majority of the needy;
- Greed (multiple acquisitions) and speculative activities by some of those who are financially in a position to acquire and develop these immobile assets.

Other major reasons for most movements to towns are the pursuit for jobs and money. Other reasons include rural poverty, family issues and education, with many households having multiple reasons for migrating. Furthermore, the Namibia Housing Action Group and the Shack Dwellers Federation of Namibia through their profiles indicates the following reasons for people living in informal settlements:

- (a) Insufficient opportunities to secure land on which shelter can be improved and sustained by the home owners;
- (b) Lack of capacity, the current situation is the outcome of stakeholders dealing with urban development not being equipped to deal with rapid urbanisation;
- (c) Housing delivery, housing and land as commodities exclude the majority of the population, as low income groups cannot afford what is available. Those within the middle income range can also not obtain shelter as a result of shortages of land;
- (d) The formal land development with a low density model is still seen as the only solution to cater for solving the land and housing situations. This prevents upgrading in high density areas especially in Windhoek, as alternative land options are not available to relocate up to 75% of the informal settlers (experiences from Ehangano and Tweetheni in Okuryangava where up to 4 households occupy 300 square meter plots).

6. What laws are in place to protect and ensure the rights of residents of informal settlements, before, during and after any upgrading, if it takes place? Have these laws been effective? Please provides references to any court decisions.

Article 16 of the Namibian constitution ensures the right to property to all citizens. Similarly, Namibia is a party to various conventions that recognises the right to housing. Hence, by virtue of Article 144 of the Namibian Constitution, which accords the general rules of international law, the right to adequate housing is inevitably part of the Namibian law.

Furthermore, Namibia National Housing Policy (2009) encourages local authorities, through policies, to strive for in situ incremental upgrading with secure tenure. This is also addressed in the National Development Plans and vision 2030 aims, to have informal settlements upgraded. Moreover, as indicate above, the Flexible Land Tenure Act, (Act 4 of 2012) was formulated to give households in informal settlements access to security of tenure. Nevertheless, in general, households use political pressure to prevent evictions, but the lack of investing in improving their shelter and services demonstrate the general lack of security. Experience in Namibia is that in most cases households are relocated, rather than evicted.

7. Please provide, if applicable, information on international development assistance received for projects and programmes related to informal settlements. To what extent are these projects implemented within a human rights framework and linked to the achievement of 2030 agenda targets?

The Participatory Slum Upgrading Programme (under the auspices of the Ministry of Urban and Rural Development) as indicated under question 4 above was supported by UN- Habitat and the European Commission, within the framework of the Millennium Development Goals targets, which can also facilitate future support addressing the relevant SDGs. Equally, Deutsche Gesellschaft fur Internationale Zusammenarbeit (GIZ) is supporting the Flexible Land Tenure Project (FLTP) to ensure security of tenure with the Ministry of Land Reform addressing Sustainable Development Goal 11.

8. Please provide information about successful upgrading or resettlement projects or experiences that could provide good practices elsewhere. Please also share lessons learned from unsuccessful project or approaches.

The Freedom Square informal settlement upgrading in the Municipality of Gobabis served as a pilot for learning about participatory informal settlement upgrading in Namibia involving the community, non- State actors (community networks, NGO, university, private sectors) as well as State actors (Local council, Regional Authority and Central Government). One thousand (1000) households planned their settlements together, re-blocked voluntarily, and started to install services. This was enabled through a partnership approach which involved a broad spectrum of stakeholders.

Experiences where informal settlements upgrading are not progressing to improve housing, demonstrated the need for security of tenure. Constraints include standards and often the rigid implementation of erf sizes especially in the city of Windhoek, which is the capital city of Namibia. The collaboration between the stakeholders folded when the city was not able to provide secure tenure to the Greenwell Matongo C community, and the issue of service standards is still delaying the household's ability to upgrade their services and shelter.