

Urban land reform in the context of housing as a fundamental human right

Snippets from PhD manuscript

The inquiry

To what extent are Nam's laws, policies, policy actions and budget decisions aligned to address the current housing outcomes? (OPERA Framework)

The premise

- ❑ Adequate housing is a fundamental human right (right to adequate housing, RAH)
- ❑ Guaranteed in inter'l & regional human rights treaties & domestic constitutions
- ❑ RAH doesn't mean free houses for everyone (in fact, no one expect that!!)
- ❑ RAH = more than four walls, a roof over one's head, or bricks and mortar
- ❑ Adequacy has a specific meaning & content
- ❑ Seven adequacy requirements =
 - i) security of tenure
 - ii) Habitability
 - iii) Availability of services & infrastructure
 - iv) Affordability
 - v) Accessible to everyone (non-discrimination)
 - vi) Adequate location
 - vii) Culturally acceptable

Present housing outcomes

- ❑ Housing situation is eye-watering
- ❑ Housing informality a stark reality
- ❑ All major urban centres
- ❑ Rife in Windhoek, Walvis & Swakop (survey area)
- ❑ Housing informality affront to human dignity
- ❑ Violates each and everyone of the adequacy requirements of RAH

Legislative & Policy response

- Housing not expressly recognised housing as a fundamental human right
- Avoidance of related obligations (GRN – primary duty bearer)
- Inhibiting (rights-holder)
- Housing more hailed as a commodity
- Several unintended consequences as a result (housing speculation, land banking, affordability problem, etc.)
- Policy bias towards homeownership (yet no housing financing policy & prog)
- Law & policy not framed in human rights language

Policy action

- Gov action doesn't depicts a urban housing crises
- Policy commitments not implemented
- E.g. Housing Industry Regulatory Council (HIRC), Housing Industry Regulatory Council (HIRC), etc. still to be established
- Issue of alternative building material non-issue (HRDC = white elephant)
- Flexible Land Tenure Act of 2012 still not implemented
- DBTP maladministrated & dysfunctional (does it still exist?)
- DBTP seen as adhoc by Las
- Informal settlement upgrading not on LAs radar
- Seen as task of SDFN's task
- Gov's housing programmes performance = dismissal
- Lack of coordination, non-consultative, non-existence of participation and accountability mechanisms
- Peoples' Housing Process (PHP) spearheaded by the SDFN = sterling!

Housing Budget

- Not aligned to housing needs
- MURD consistently underspent its housing budget (2005-2015 FYs)
- Social Housing budget not spent in most instances
- Informal Settlement Upgrading budget largely underspent
- Spending patterns of SDFN stark opposite (no underspending & every cent accounted for)
- Practice of making budgetary allocations to PHP/SDFN not anchored in law/policy
- Similarly, allocation not fixed in law/policy

General findings & Recs

- Laws, policies, policy actions and budget decisions not aligned
- Housing situation not treated with the urgency that it deserve
- Urban land issue not seen as part of the greater land question
- Urban land issue and housing inextricably linked
- Housing crises/deficit exacerbated by unavailability, unaffordability of urban land
- Part of the housing solution is a call for total paradigm shift (in law, policy & practice)
- Greater involvement & participation of the people in decision-making processes
- Dire need to close the accountability gap
- Educating & training both duty bearers & rights holders!!!

