PARLIAMENT

REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY, 8TH PARLIAMENT

PARLIAMENTARY STANDING COMMITTEE ON URBAN AND RURAL DEVELOPMENT, AND LAND REFORM

REPORT ON THE STUDY VISIT TO THE PARLIAMENT OF KENYA ON DECENTRALISATION AND LAND REFORM

REPORT NO. 02 OF 2025

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EXECUTIVE SUMMARY

The Parliamentary Standing Committee on Urban and Rural Development and Land Reform (URDLR) undertook a study visit to the Parliament of Kenya from 01 to 07 November 2025. The purpose of the study visit was to learn how to conduct oversight on decentralisation and land reform. The Committee held roundtable discussions with different Committees of the National Assembly and the Senate of the Parliament of Kenya.

The new constitutional dispensation in Kenya has established a fully-fledged devolved governance system made up of 47 County Governments and the National Government. The Counties are empowered by the constitution to perform functions independently, provided they are in line with the national development policies. They have their own executive and legislative structures. The land reform programs are administered by the County Governments, the National Land Commission and the State Department for Lands and Physical Planning.

To ensure full implementation of the constitutional requirement for devolved powers, a Summit is held between the President and the County Governors to discuss matters of the counties and the national government. The Senate conducts oversight functions over the devolved functions through the Senate Committee on Devolution.

To expedite the process of decentralisation in Namibia, the committee's main recommendation is for the Office of the Prime Minister to be the custodian of decentralisation in the country.

COMMITTEE MANDATE

The Committee on Urban and Rural Development and Land Reform is mandated to exercise parliamentary oversight on behalf of the Assembly in pursuance of Article 63(2)(f) of the Constitution in respect of the Government Entities, such as the Ministry of Agriculture, Fisheries, Water and Land Reform and the Ministry of Urban and Rural Development. The Committee on Urban and Rural Development and Land Reform has the duty to

(a) Recommend the fair distribution of farming land and productive utilisation thereof in Namibia;

(b) Recommend the effective utilisation of urban land and the allocation of erven and housing to urban residents;

(c) review and advise the Assembly on matters related to the provision of housing and sanitation to needy Namibians;

(d) enquire into and monitor international protocols, conventions and agreements that may affect Namibia's housing and land development and where necessary make appropriate recommendations to the Assembly;

(e) review the annual reports of Government Entities for which the Committee is responsible and make recommendations to the Assembly on the improvement of their performance, accountability and transparency; and

(f) assess and review the implementation and administration of laws administered by any Government Entity for which the Committee is responsible or by means of which such Government Entity has been established, and make recommendations to the Assembly for the amendment of such laws.

COMMITTEE COMPOSITION

The delegation comprised the following seven (7) Members of the Committee:

1. Hon. Elifas Dingara (Chairperson), MP
2. Hon. Derek Klazen, MP
3. Hon. Abednego Hishoono, MP
4. Hon. Marlayn Mbakera, MP
5. Hon. Elder Filipe, MP
6. Hon. Otillie Haitota, MP
7. Hon. Eneas Emvula, MP

ACRONYMS

AHP - Affordable Housing Programme

CDF – Constituency Development Fund

LA – Local Authorities

MAFWLR – Ministry of Agriculture, Fisheries, Water and Land Reform

MP – Member of Parliament

MURD – Ministry of Urban and Rural Development

NA – National Assembly

OPM - Office of the Prime Minister

OMAs – Office, Ministries, and Agencies

RC – Regional Councils

URDLR – Urban and Rural Development and Land Reform

1. INTRODUCTION

The Parliamentary Standing Committee on Urban and Rural Development and Land Reform (URDLR) undertook a study visit to the Parliament of Kenya from 01 to 07 November 2025. The study visit focused on key areas within the committee's oversight mandate, namely decentralisation and land reform. The Decentralisation Enabling Act (Act 33 of 2000) was enacted to establish a legal framework for decentralisation in Namibia and to facilitate a smooth transition from centralised control of functions to the delegation and devolution of responsibilities to Regional Councils and Local Authorities. The aim was to empower these bodies to act as agents on behalf of, and in the name of, the Line Ministries, as well as to facilitate a full transfer of functions from the Line Ministries to the Regional Councils and Local Authorities. Additionally, it seeks to enable them to generate income from the tasks they perform.

The land reform governance structure includes the Agricultural (Commercial) Land Reform Act, 1995, and the Communal Land Reform Act, 2002, which regulate the land market and administration.

The Committee on URDLR is mandated to conduct parliamentary oversight on behalf of the Assembly on the activities and programmes, which include the Ministry of Urban and Rural Development (MURD), within which the function of decentralisation is vested; as well as the Ministry of Agriculture, Fisheries and Land Reform (MAFWLR), within which the land reform process is vested. The Committee on URDLR strives to accelerate the processes of decentralisation and land reform in Namibia.

2. OBJECTIVES OF THE STUDY VISIT

The Standing Committee on URDLR undertook a study visit to the Parliament of Kenya to learn best practices, to adapt them to local conditions, and identify strategic and operational issues that the committee must address to expedite the decentralisation and land reform processes in Namibia. The purpose of the study visit was to learn how to conduct oversight on decentralisation and land reform functions, laws, policies, and formal procedures, decentralised programs and projects, lines of responsibilities and reporting, monitoring and evaluation of service delivery, ensuring coherence and adherence to national policy goals, and verifying the use of public resources by Regional Councils (RC) and Local Authorities (LA). The committee needed to understand the processes of fostering democracy and transparency by involving citizens and stakeholders, and ensuring accountability through mechanisms that report on efficiency and expose waste, mismanagement, maladministration, or poor performance by RCs and LAs that emanate from the decentralisation and land distribution in Namibia.

3. METHODOLOGY

The Committee on URDLR held roundtable discussions with different Committees of the Parliament of Kenya, namely, the Senate Committee on Devolution, the National Assembly Departmental Committee on Agriculture and Livestock, the Committee on Blue Economy, Water and Irrigation, the Committee on Lands and the Committee on Housing, Urban Planning and Public Works. Additional reading materials were provided.

4. PURPOSE OF THE REPORT

This report is prepared in terms of Rule 229 of the Standing Rules, Orders and Internal Arrangements. The purpose of this report is to enlighten the National Assembly (NA) and the affected Offices, Ministries, Agencies (OMAs), RC and LAs of the committee's lessons from Kenya on how matters of decentralisation of government functions and land reform are administered. The NA is expected to adopt the report for the implementation of the recommendation in terms of Rule 67 of the Rules for Establishing, Functioning and Procedures of Parliamentary Standing Committees of the National Assembly of the Namibian Parliament.

5. DISCUSSIONS

5.1. Parliamentary Committee System in Kenya

The Parliament of Kenya is the bicameral legislature made up of the National Assembly (Lower House) and the Senate (Upper House). The Parliament of Kenya attained its autonomous and independent status through the establishment of the Parliamentary Service Commission.

The National Assembly of Kenya has two types of committees: The Departmental Committees, which are mirrored with government departments, and the Standing Committees, which are not aligned to government departments, such as the Committee on Public Accounts. In total, there are 43 Committees. These committees are mandated to conduct oversight over government departments and programs in the country. The committees also make recommendations for the appointment of Cabinet Secretaries (Ministers).

5.2. Devolution

Devolution in Kenya was implemented after the 2010 Constitution, which divided the country into 47 semi-autonomous County Governments. The new constitutional dispensation established a fully-fledged devolved governance system. There is a comprehensive devolved governance system made up of 47 County Governments and the National Government. The Constitution provides for all County Governments to have their own executive and legislative powers vested in the County Governments and County Assemblies. All counties are empowered by the constitution to elect Governors, who establish the county governments, and elect their representatives in the county assemblies, from the Wards within the counties.

The primary objectives are to give people more power over their local affairs, ensure equitable sharing of national resources. It is aimed at decentralising power and bringing government services closer to the people. The County governments are responsible for education, infrastructure maintenance, agriculture, health, transport and communication, infrastructure and development, planning, and trade. In agriculture, counties have powers over crops, irrigation, animal husbandry, livestock, county abattoirs, plant and animal disease control, and fisheries, etc.

To support and empower the County Governments, the Constitution directs that the National Government allocate a minimum of 15% of the total revenue collected annually to the Counties to enable them to perform their functions. In addition, the County Governments are empowered to raise local revenue from taxes, levies and service charges for the services they offer to the people in their counties.

5.3. Implementation of Decentralisation

To ensure full implementation of the constitutional requirement for devolved powers, there is a National and County Government Coordinating Summit (The Summit), which consists of the President and the 47 County Governors. This brings together the President and the 47 County Governors to discuss matters of national interest and matters affecting individual counties. The Summit is also vested with the duty of evaluating the performance of national or county governments and recommending appropriate action and receiving progress reports, and providing advice. The Summit meets twice a year to conduct its business and is required to submit reports to the National Assembly, the Senate, and County Assemblies. In addition, the Senate conducts oversight over the devolved functions through a Senate Committee on Devolution.

5.4. Land and Housing

The administration of land in Kenya consists of the National Land Commission and the State Department for Lands and Physical Planning. The National Land Commission manages public land on behalf of the national and county governments and maintains a register of all public land. The State Department for Lands and Physical Planning is responsible for national land policy, land use planning, land allocations, and land registration, whereas the County Governments are responsible for the administration of public land within their counties.

The Housing provision in Kenya is addressed through the Affordable Housing Programme (AHP) established by the government. The program is aimed at building houses and financing for different income levels. There is a 1.5% monthly Housing Levy on all employees and employers' contributions to fund the housing projects. The goal is to provide decent houses, create jobs, and stimulate economic growth.

6. FINDINGS

During the deliberations, this Standing Committee on URDLR has noted the following key findings regarding decentralisation, devolution, land reform and housing matters:

6.1. The Powers of Parliamentary Standing Committees

The parliamentary committees play a major role in the appointment of the Cabinet Secretaries or Ministers. They conduct interviews and vetting of the applicants and make recommendations to the President. The Committees are also responsible for tabling the budgets of the Departments or Ministries that fall under the portfolio. The committee are fully capacitated with legal drafters, researchers and clerks to provide services to the Members.

6.2. The Constitutional Significance of Devolution

The constitutional amendments in Kenya empowered the County Governments to execute functions at their levels with full autonomy and accountability. There are no municipal councils or mayors. The cities and towns are managed by County Governors, Deputy Governors, Executives and Service Boards. The Constitution is, therefore, a key to the mandate of sub-national governments to legislate and carry out executive functions with little or no reliance on the national government. Full decentralisation can only be achieved through the constitution.

The application standard of devolved functions is set by the national government. However, not all government functions are fully decentralised to sub-national governments. For example, the judiciary, defence, and international relations remain with the national government.

6.3. Improved Public Service Provision

The powers given to the County Governments are constitutional and are accompanied by structures that facilitate the execution of county affairs. Over these years, county governments have made significant investments in their areas of responsibility, such as health, education, agriculture, urban services, county planning, environmental management, etc. There is an improvement in structures for service delivery in these sectors as a result of the interventions of county governments. County governments have reliable sources of revenue to enable them to govern and deliver services effectively.

6.4. Inclusion and Diversity

The new constitutional dispensation ensures that no more than two-thirds of the members of the County Assemblies are of the same gender. Furthermore, the requirements for gender equity in appointive and elective positions address the historical marginalisation of women from governance and ensure equity in governance, representation, and decision-making. Communities at the local levels are empowered to participate in the development and governance of their affairs. Devolution is seen as a solution to discrimination, unequal access to services, and inequitable distribution of resources and fosters national unity.

6.5. Land Ownership and Housing

Land and housing are constitutional rights of every person. It is, however, difficult for the national government and county governments to fulfil this constitutional provision due to many challenges. To address the land and housing challenges, a special Housing Levy from all employers and employees is necessary to finance land servicing and the construction of houses. The Parliamentary Committee ensures that there is sufficient budget allocation for housing and land in the counties.

There is a limit to the amount of land an individual can own. Foreign ownership of land is constitutionally prohibited. Foreigners can only lease land for a specified period. There is a specified period of time for a foreigner to have stayed in Kenya before they can purchase land. In addition, if some foreigners own land in the country and continue to be absent for a prolonged time, the government may repossess the land and distribute it to the local people.

Land is administered by the National Land Commission. There are Traditional Authorities recognised by the government in Kenya to manage land affairs, and no customary land rights.

The existing traditional leaders have no authority over the distribution of land in their area. The responsibility of land distribution is vested in the County Governments.

6.6. Challenges

The process of devolution of powers to the County Governments faces challenges such as political disputes and power struggles. Some counties also face unique socio-economic and geographic vulnerabilities, making it difficult to carry out the powers devolved to them. There are also overlaps of responsibilities between county governments and the national government, delays in dispatching the money to the counties and delayed parliamentary scrutiny of audited reports of the counties.

7. CONCLUSIONS

The devolution of powers to grassroots levels is important to accelerate public service delivery, national cohesion, unity through diversity, and to bring government closer to the people. The study visits to the Parliament of Kenya provided the much-needed insight for the Members of the Standing Committee on URDLR to enable them to conduct an oversight function of the decentralisation and land reform process in Namibia.

8. RECOMMENDATIONS

Based on the findings and lessons learned, this Committee on URDLR recommends the following:

8.1. The Office of the Prime Minister (OPM) should take the custodianship of the decentralisation process from MURD. This is because it is challenging for MURD to exercise authority over its counterpart ministries to expedite the decentralisation of functions.

9. SIGNATURES

Hon. Clemencia Emma Coetzee
Chairperson

Hon. Werner Iita
Deputy Chairperson

Hon. Lilani Brinkman

Hon. Marlayn Mbakera

Hon. Derek Klazen

Hon. Elder Fillipe

Hon. Sirkka Ausiku

Hon. Vilho Ihemba

Hon. Isra Kanyemba

Hon. George Kambala

Hon. Eneas Emvula

Hon. Festus Thomas

Hon. Armas Amukoto

Date

Hon. Salomon April

Hon. Marius Sheya

Hon. Austin Samupwa

Hon. Fenni Nanyeni

Hon. John Likando

Hon. Royal /Ui/o/oo

Hon. Otillie Haitota

Hon. Job Amupanda

Hon. Rosa Mbinge-Tjeundo

Hon. Nico Somaeb

H. Christine

Hon. Christine Haindaka