

CONSOLIDATING DEMOCRATIC GOVERNANCE
IN SOUTHERN AFRICA:
NAMIBIA

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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.



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PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme 'Consolidating Democratic Governance in the SADC Region', has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinion-makers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to other relevant research and policy advocacy institutions in the SADC region and beyond; and
- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.

The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double-edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on one hand; and on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule.

The study is predicated upon thematic areas organised into four broad clusters as follows:

Cluster I: Representation and accountability

- The executive branch
- The legislative branch
- The judiciary
- The public service
- The security establishment
- Parastatals (public enterprises)
- Local government and decentralisation
- Traditional institutions of governance

- Gender equality in public institutions
- Leadership and governance
- Political parties
- Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

Cluster II: Citizen participation

- Civil society organisations
- Non-governmental organisation legislation
- Human rights culture (social and economic rights and political rights)
- Political participation
- Voting behaviour
- Political culture
- Political representation
- Elections
- Election administration
- Electoral system
- Election management body
- Gender and political participation

Cluster III: Local governance

- Nature of decentralisation
- History of local government
- Relations between central and local government authorities
- Local governance legislation
- Local governance institutions
- Local government elections
- Local government capacity (finance, human resources, infrastructure)
- Gender issues in local governance

Cluster IV: Economic management and corporate governance

- Development strategy

- Economic policy (macroeconomic framework)
- Social policy (social welfare strategies)
- Poverty reduction strategies
- Corruption and anti-corruption strategies
- HIV/Aids epidemic
- Budgeting
- External resource flows
- Public-private linkages
- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

On behalf of EISA, I would like to extend our profound gratitude to the Swedish International Development Cooperation Agency (SIDA) in Harare, Zimbabwe as well as to the Embassy of Denmark in Pretoria, South Africa for their generous financial support, without which this programme would not have been successful. I am hugely indebted to Professor Susan Booysen of the University of the Witwatersrand, South Africa for reviewing all the manuscripts and providing useful feedback for improvement of the research reports.

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Dr Khabele Matlosa
Regional Programme Coordinator and Series Editor
November 2007

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LIST OF ACRONYMS

APRM	African Peer Review Mechanism
AU	African Union
CBO	Community-based organisation
CBS	Central Bureau of Statistics
CMA	Common Monetary Area
CoD	Congress of Democrats
CPA	Commonwealth Parliamentary Association
CSO	Civil society organisation
DCN	Democratic Coalition of Namibia
DRC	Democratic Republic of the Congo
DTA	Democratic Turnhalle Alliance
ECN	Electoral Commission of Namibia
EEC	Employment Equity Commission
FCN	Federal Convention of Namibia
FPTP	First-past-the-post
GDP	Gross domestic product
GFCF	Gross fixed capital formation
HPI	Human Poverty Indicator
IMF	International Monetary Fund
IPPR	Institute for Public Policy Research
LAC	Legal Assistance Centre
MAG	Monitor Action Group
MP	Member of parliament
NBC	Namibian Broadcasting Corporation
NDP	National Development Plan
Nepad	New Partnership for Africa's Development
NEPRU	Namibian Economic Policy Research Unit
NGO	Non-governmental organisation
NHIES	Namibia Household, Income and Expenditure Survey
NHES	Namibia Household Expenditure Survey
NID	Namibian Institute for Democracy
NPC	National Planning Commission
NUDO	National Unity Democratic Organisation
NUNW	National Union of Namibian Workers
PLAN	People's Liberation Army of Namibia
PR	Proportional representation
RP	Republican Party

SACU	Southern African Customs Union
SADC	Southern African Development Community
Swapo	South West African People's Organisation
UDF	United Democratic Front
UDFN	United Democratic Party of Namibia
UN	United Nations
UNDP	United Nations Development Programme
UNITA	National Union for the Total Independence of Namibia
UNTAG	United Nations Transition Assistance Group
US	United States
VAT	Value added tax

EXECUTIVE SUMMARY

This research report on Namibia was prepared on behalf of EISA in terms of EISA's project entitled 'Consolidating Democratic Governance in the SADC Region'. The report focuses on four main areas, namely: representation and accountability; citizen participation and governance; local governance; and economic management and governance.

The study uses three instruments to assess local governance and democracy in Namibia. The first is desk research, which uses mainly secondary data for assessment. The second is a field survey conducted with various experts in the above cited areas. The first two instruments have been complemented with a supplementary document that provides a list of concepts and definitions on governance. The survey and documentary research solicited information on representation and accountability, citizenship participation, local governance, and economic management and corporate governance.

The study argues that democracy in Namibia is underpinned by liberal precepts. Liberal democracy, with its preoccupation with individual liberties is, however, insufficient in a developing context such as that of Namibia. Sustaining democracy in Namibia depends on building durable democratic dispensations that promote collective interests over individual preferences. The developmental project of the Namibian state continues to be undermined by, among others:

- the high prevalence of HIV and the multiple impacts of AIDS;
- increasing household food insecurity and deepening income poverty and disparities; and
- weakening capacities for governance and for the delivery of social services.

The report finds further that the country has managed to design institutions with procedures and practices that are socially rooted in the task of constructing a national democratic system. Namibia has also succeeded in promoting a peaceful democracy and political stability within the framework of constitutionally guaranteed rights, democratic principles, national reconciliation and affirmative action.

In Namibia, local authorities are still relatively young institutions and should be given time to develop into fully fledged representative structures and to become entrenched. It will also take time for regional councils to become entrenched as representative institutions. The main objectives of a decentralisation policy are to ensure economic, cultural and socio-economic development, to provide people at the grassroots level with opportunities to participate in their own decision-making, and to extend democracy to them as a right. Most regional councils in Namibia currently function as an extension of the central government. No funds have been transferred from the centre to the regional councils other than for operating expenditure. On the other hand, there has been a transfer of funds to local authorities in the form of subsidies. Local authorities also continue to receive central government guarantees and loans. Various line ministries are currently drafting their action plans for functions to be decentralised.

There is a growing awareness in Namibia of the critical need for increased economic growth. During the past 10 years, the economy has been growing at an average annual rate of less than 4%. The economy needs to grow by an average of at least 7% if the many current social problems and inequalities are to be addressed. The latest national accounts of the Central Bureau of Statistics have adopted some new criteria and an extended coverage of agriculture, mining and manufacturing. These accounts show that the Namibian economy grew by 6.7% in 2002, 5.9% in 2004 and 4.2% in 2005.

The study furthermore notes that a number of challenges are adversely affecting the country's democratic processes, economic performance and government. A weak opposition has contributed significantly to the move towards one-party dominance. The weakness of civil society remains a huge obstacle to democratic consolidation. This weakness must be understood in the context of the realignment of social and political forces in the country. The field survey revealed that local government authorities are in a better position to achieve community development.

There are, however, also challenges to the performance of regional councils and local authorities. In the first place, these authorities are unable to deal with development at the local level because of a lack of skills and political will. In addition, many of them do not raise their own

financial resources. Most of these authorities rely mainly on the transfer of funds from the central government. This makes them less effective in implementing projects that the community needs. Another problem faced by both regional councils and local authorities is the slow implementation of the decentralisation policy. This equally presents an enormous challenge to the central government.

Despite the country's respectable economic performance, challenges still remain. The economy does not create enough jobs to employ a large proportion of the population actively seeking work, and this results in a high unemployment rate. Furthermore, although the composition of the economy has changed considerably over the past 15 years, the primary sector still continues to play a prominent role in terms of export earnings, employment and government revenue. This suggests that the Namibian economy remains vulnerable to fluctuations in the world commodity markets. In this regard, it should be noted that some commodity prices have declined appreciably over the past two decades.

The report then responds to the challenges referred to and makes a number of recommendations for improving the country's democratic processes and economic management and for ensuring the participation of local communities in the decision-making process. One of the main recommendations is that consideration should be given to an alternative to the present system of proportional representation (PR). This would make the elected political office-bearers directly accountable to their constituencies or electorates instead of these positions being filled by a few influential individuals within the hierarchies of the political parties.

The second main recommendation is that the judiciary, although autonomous, needs to be overhauled in order to make it more effective in handling its backlog of cases when sufficient funds are committed.

Another recommendation is that the central government should force the various ministries to prepare their implementation plans and to identify functions that should be decentralised. These activities also require political commitment and resource allocation from the central government. The decentralisation process should be transparent, with clearly defined competencies for different jurisdictions. The central government should decide which roles it wants to retain and to finance

directly, and which it wants to decentralise. In the latter cases, the central government should abstain from detailed regulation. The report also recommends that relations between the different tiers of government should be improved as one way of reducing the level of corruption.

In order to promote economic activities and ensure faster economic growth, Namibia should participate more meaningfully in the regional integration process. Southern African Development Community (SADC) integration remains vital for Namibia's infrastructure development programmes. This process will lead to a reduction in trade transaction costs in the region and will also facilitate exports. In particular, Namibian producers and exporters will benefit from the advantages created by preferential access to the whole SADC market.

1

INTRODUCTION AND BACKGROUND

Namibia's independence in 1990 was accompanied by much fanfare. The great expectations for the new nation that would set an example to other new democracies were further enhanced by the country's liberal and democratic constitution. Since 1990, Namibia has made significant strides in adhering to the constitutional provisions, which required the acceptance of the socio-economic structures in existence by constitutionally endorsing the status quo in terms of ownership and property rights. Despite these onerous provisions, the country has been relatively successful in using its economic infrastructure for the betterment of the Namibian society. On the political front, however, an equally successful transition to democracy is still awaited. Despite the country's ostensibly open and democratic environment, Namibia's biggest challenges may be the weakness of the opposition and the absence of a viable civil society. Challenges to democratic consolidation are, indeed, real and numerous.

This introductory chapter summarises various issues relevant to the theme of democratic governance in the Namibian context. These include the economic structure, the dynamics of the political transition to independence, political developments since independence in 1990, and the international role and obligations of the Namibian state and how these impact on governance issues at the domestic level.

THE ECONOMY

At independence Namibia inherited numerous economic challenges, which still have a tremendous impact on various aspects of economic and political governance in the country. As an example, the economy continues to be characterised by a dualistic production structure whose streams comprise traditional subsistence and high-technology industry (especially mining). Agriculture, fishing and mining constitute the mainstay of the economy, although their respective contributions have decreased substantially since independence.

As a result, one of the major challenges is the diversification of an economy that is dominated by the production and export of primary commodities,

particularly mineral exports. The country's small domestic market means that rapid growth and large-scale industrialisation will not be achievable without a strong export performance.

In addition, while Namibia's per capita income of US\$2,000 in 2004 was among the highest in sub-Saharan Africa, its skewed income distribution – its Gini coefficient of 0.60 is one the highest in the world¹ – means that 28% of those surveyed in the 2006 Namibia Household, Income and Expenditure Survey (NHIES) were living below the internationally accepted poverty datum line of one United States (US) dollar a day at the dollar's 1993 purchasing power parity (PPP) equivalent.² Using another measure of poverty, Namibia classifies a household as 'relatively poor' if it spends more than 60% of its income on food, and as 'extremely poor' if it spends more than 80% of its income on food. On this basis, the 2006 NHIES found that 42% of households in rural areas were relatively poor and 7% of households in urban areas were extremely poor. Furthermore, Namibia is still living with a legacy characterised by acute imbalances in all aspects of physical and social infrastructure and by a private sector that is too lethargic to promote development.

These challenges compel the Namibian government to transform the country's structurally weak economy into one that facilitates a faster rate of economic growth. The Namibian constitution seeks to secure economic growth, prosperity and human dignity for all Namibians. Article 98 of the constitution calls for a mixed economy based on the following forms of ownership of the means of production: public; private; joint public-private; cooperative; co-ownership and small-scale family.

The government continues to play a leading role in economic activity through various public enterprises, including the postal services (NamPost), telecommunications (Telecom Namibia), development banking (Namibia Development Corporation), electricity (NamPower), water supply (NamWater), transport (TransNamib) and various agricultural commodity marketing boards.

In other words, the business activities of the state extend well beyond the provision of public goods and include creating and maintaining an appropriate legal framework, putting in place institutions and structures, and maintaining stable macroeconomic conditions. The state's long

economic tentacles, however, present a major challenge for Namibia in terms of sticking to its pronounced commitments to the principle of fiscal prudence as a prerequisite for the attainment of an overall state of macroeconomic stability and sustainable economic development. The challenge is how to maintain a reasonable trade-off between these objectives on the one hand, while on the other hand responding proactively to the glaring complex mixture of socio-economic inequalities and a continuing high incidence of unemployment and poverty.

The government has instituted a programme for consulting and partnering with all relevant stakeholders. A number of associations have already accepted the hand of partnership. One example is the Namibia National Trade Forum, which was officially inaugurated in October 2005 by the Minister of Trade and Industry. This provides a joint platform for the private sector, labour, civil society and government to interact and deliberate on what needs to be done to accelerate and diversify economic growth through the harmonisation of expectations between the different stakeholders.

POLITICAL TRANSITION

Namibia endured one of the longest struggles for liberation, in which countless lives were lost, before the United Nations (UN) Security Council transitional plan (Resolution 435 of 1978) was implemented. This paved the way for a peaceful political transition. Several thousand UN personnel serving in the United Nations Transition Assistance Group (UNTAG) supervised the withdrawal of South African troops and the disarmament and demobilisation of People's Liberation Army of Namibia (PLAN) fighters. The UN also supervised the repatriation of Namibian exiles, the registration of voters and the electoral campaign, as well as playing a pivotal role in the aftermath of independence by conducting an independent election and supervising the eventual transition to independence. The implementation of Resolution 435 was facilitated by several rounds of direct negotiations hosted by the UN between superpowers representing both sides of the ideological divide as well as Namibia's immediate neighbours.

Although Namibians were excluded from most of this process and remained largely in the background, they were eventually admitted and both the Namibian people and their government succeeded in forging a

lasting peace after the departure of the international UN peacekeepers. Among the factors that contributed to this achievement was the election of a constituent assembly. This major event:

- ensured that Namibia's political transition to democracy came about through a valid electoral process;
- facilitated the adoption of a widely admired democratic constitution;
- made national reconciliation a key principle of the new state's political outlook;
- allayed fears of marginalisation; and
- created propitious conditions for an inclusive democratic order.³

Although Namibia's processes of political transition were generally considered to have been successful, they have been vehemently castigated by some academics. Critics charge that these processes drove a wedge between political transformation and social change and facilitated the forging of ties between the economic and political elites.⁴ For instance, Kössler and Melber point out that the policy of national reconciliation

laid and continues to lay the main onus of forgiveness and concessions on the shoulders of the black majority, while the – mainly white – privileged groups still retain most of their former economic and social spoils, being joined by those graduating to the echelons of state power from the ranks of the liberation movement.⁵

However, despite a number of glaring social contradictions, the country has achieved relative success in promoting a peaceful democracy and political stability within the framework of constitutionally guaranteed rights and democratic principles. As a result, Namibia has been able to foster widely respected democratic political processes that are characterised by repeated multiparty elections, good governance, generally free media and respect for the constitution and the rule of law.

MAJOR POLITICAL DEVELOPMENTS SINCE INDEPENDENCE

The need for a political system based on checks and balances is considered to be one of the prerequisites for a flourishing and legitimate political order and for the consolidation of democracy. However, the post-independence electoral trends have demonstrated that the opposition

parties in Namibia have failed to present a serious challenge to the political domination of the ruling South West African People's Organisation (Swapo) Party. As a result, the institutionalisation of a viable multiparty political system in Namibia is being threatened by the move towards one-party dominance.

Therefore, although it was noted by Lodge that the move towards one-party domination in Namibia is exacerbated by the fact that 'successive governments in Namibia enjoy broad public support which has been regularly registered in well-organised electoral mandates',⁶ the move towards one-party dominance and the consolidation of such dominance undermines electoral competition, which is a key component of democracy and has a significant impact on parliamentary politics. The implication is that opposition parties are unable to perform the essential task of assisting in the formulation of public opinion. This has implications for the consolidation of democracy in Namibia.

Another related concern expressed by some of the expert informants in this study was an increasing tendency towards political centralism in the Namibian political leadership. A specific consequence of this was the concentration of power in the executive at the expense of the other organs of the state. The respondents noted various threats to the consolidation and entrenchment of constitutional democracy in Namibia. Some of these were:

- a fusion of party and state;
- a delegitimisation of the opposition; and
- the growth among those in power of a 'culture of entitlement' to state resources and even to resources not owned by the state.

These are all characteristics of a less open political culture.

NAMIBIA IN THE INTERNATIONAL CONTEXT

Since independence, Namibia has been an active member of various global, continental and regional organisations. Examples:

- Namibia was elected as one of Africa's representatives on the United Nations Security Council.
- Namibia's foreign affairs minister presided over the United Nations General Assembly's millennium session.

- Namibia joined the World Bank Group and the International Monetary Fund (IMF) in 1990.

Closer to home, Namibia has made a considerable contribution to the deliberations on a reconstituted African Union (AU) and has played an active role in three regional economic groupings, namely the Common Monetary Area (CMA), the Southern African Customs Union (SACU) and the Southern African Development Community (SADC).

These memberships reflect the importance that the country's foreign policy attaches to multilateralism as a useful framework for international political and economic cooperation. One of the precepts that underpin Namibia's foreign and international relations is the reinforcement of established ties with other African countries. An example of this was its membership of the newly created AU at the dawn of the new century. Namibia's National Assembly unanimously ratified this accession, with both the ruling party and the opposition supporting the empowering legislation. The opposition – the parliamentary coalition between the Democratic Turnhalle Alliance (DTA) and the United Democratic Front (UDF) – has, however, expressed concern that the AU, like its predecessor the Organisation of African Unity, could be used as a tool by those who come to power undemocratically.⁷ The Namibian government also ratified the politically significant Peace and Security Council in 2004.⁸

The New Partnership for Africa's Development (Nepad) was initially also well received by Namibia. However, President Nujoma's reference in May 2002 to the ownership of Nepad and his address in July 2002 to Swapo elders – in which he claimed that Nepad's demands for good governance and democracy were attempts by the former colonisers to maintain control over the continent⁹ – reflected a later distrust. President Nujoma went on to charge Britain and US in particular with being the main proponents of the principles underpinning the Nepad political doctrine. Other members of the Swapo Party and parliament echoed the president's position on Nepad. Similar sentiments were expressed by Namibia as regards the African Peer Review Mechanism (APRM).¹⁰

Namibia's reluctance to accede to the APRM was first made public by former Prime Minister Theo Ben Gurirab, who in April 2003 equated the APRM with neo-colonialism. Members of the ruling party shared these

sentiments. However, in an opinion piece in *The Namibian* of 25 April 2003, Henning Melber noted that Namibia's opposition to the APRM was a contradiction of both its and Nepal's constitutions, both of whose core values were democracy and human rights. In defence of the Namibian government's position, however, former foreign affairs deputy minister Dr Kaire Mbuende said that the opposition to the APRM was based on the fact that the APRM was not part of the original Nepal agreement.¹¹

Namibia has played a significant role in SADC since it became a full member of that body, signing the SADC Protocol on Politics, Defence and Security in 2004. What has, however, elicited significant political debate in post-independent Namibia was its involvement in the war in the Democratic Republic of the Congo (DRC) in 1998. Opposition politicians and the independent media led the criticism of the government's involvement in the DRC war. The political implications of Namibia's involvement in both the DRC and Angola illustrate the influence that the executive has had since independence over the legislative branch of the government.

Namibia continues to contribute to the implementation of the new SACU agreement and it played a significant role in setting up of the SACU secretariat in Windhoek in 2004. The SACU revenue sharing formula in accordance with the new agreement took effect in 2004.¹² This formula aims to share the SACU common revenue pool among its member states using three criteria, namely customs, excise and a development component. The implementation of this formula is one of the core aspects of the new SACU agreement and marks a significant departure from the original 1969 SACU agreement.

On the regional monetary and financial cooperation front, Namibia has continued to participate in forums such as the Committee of Central Bank Governors in SADC, the CMA and the Association of African Central Banks. These forums deal with issues relating to the development of well-managed financial institutions and markets, cooperation regarding international and regional financial issues, and the harmonisation of monetary and foreign exchange policies. The monetary policy in the context of the CMA has worked well for Namibia, as reflected in a relatively low inflation rate and high business confidence. It has furthermore assisted in avoiding exchange rate fluctuations between

Namibia and its main trading partner, South Africa, and has reduced the unfavourable effects of exchange rate volatility on trade and investment.

As well as the CMA, Namibia is actively involved in other initiatives aimed at extending monetary cooperation at both SADC and wider African levels. In the SADC region, monetary cooperation is spearheaded by the Committee of Central Bank Governors. This committee was established specifically to facilitate regional cooperation in the area of central banking and related issues. In this regard, the committee continues to undertake initiatives aimed at enhancing monetary cooperation in the region, especially in the area of macroeconomic convergence, exchange controls, information technology, bank supervision and anti-money laundering.

In addition, the Namibian parliament is a member of regional, continental and international parliamentary bodies such the SADC Parliamentary Forum, the AU Pan-African Parliament, the Commonwealth Parliamentary Association (CPA) and the International Parliamentary Union. Namibia has played a significant role in the CPA's policy-formulation activities, while the speaker of the country's National Assembly was a former chairman of this body.

OUTLINE OF THE REPORT

The report presents an analysis of the findings of the country study for Namibia on democracy, governance and development undertaken under the auspices of a Southern African regional research project entitled 'Consolidating Democratic Governance in the SADC Region'. The objective of the project was to investigate the state of democracy and governance in the SADC region, posing the key question of whether or not the region is firmly set on the road to democratic consolidation.

After a review of the research methodology presented in Chapter 2, the thrust of the analysis is introduced in Chapter 3 through a comprehensive survey of literature on the conceptual and contextual aspects of the study. This is followed in Chapter 4 by deliberations on the findings on various issues relating to political representation and accountability, as well as reflections on formal aspects of political democracy – such as the devolution of state powers, mechanisms for checks and balances, free and fair elections and multiple parties.

As the quality, consolidation and sustainability of democratic governance cannot be measured only by the formal aspects of political democracy, Chapter 5 reflects on the avenues for the direct engagement of citizens in the governance of their affairs as an essential ingredient of political legitimacy and the consolidation of democracy. Particular attention is paid to the vibrancy of associational life, including the strength of civil society. Chapter 6 describes the extent of local government institutions that enhance public accessibility to offices, officials and services at grassroots level, while Chapter 7 looks at various aspects relating to the economic climate and to economic and corporate governance. Chapter 8 offers a summary of key findings and their cumulative implications for democratic prospects in Namibia, both at present in the future, as well as a brief set of recommendations.

2

METHODOLOGY

This country study for Namibia on democracy, governance and development is undertaken under the auspices of a Southern African regional research project: 'Consolidating Democratic Governance in the SADC Region'. The project is under the technical and administrative guidance of EISA. The overall objective of the project was to undertake an investigation into the state of democracy and governance in the SADC region, posing the key question of whether or not the region is firmly set on the road to democratic consolidation. The study was the responsibility of a country coordinator accountable to EISA for the whole research project (administrative and technical). This coordinator led a four-member research team.

The research team was required to undertake a country study using research instruments designed by EISA. The research team was required to solicit information on:

- representation and accountability;
- citizen participation;
- local governance; and
- economic management and corporate governance.

DESK RESEARCH AND LITERATURE SURVEY

This was one of the key instruments that aided and guided the research team. Various secondary sources were consulted, including written publications, laws and policies around the key focal points of the project. Libraries and different websites of government institutions, ministries and non-governmental organisations (NGOs) were visited for a range of published material, official documents including the national constitution, other legislation and newspaper reports.

EXPERT OPINION SURVEY AND FIELD SURVEY

The research guidelines for this report were used to help establish the criteria for the selection of an expert panel and a broader field survey. The guidelines also outlined the basis for questionnaires and for capturing and

analysing the opinions of the members of these two elite groups. The quantitative and qualitative information from these surveys was integrated with other information in order to produce this consolidated report on the Namibia country study.

FURTHER RESEARCH

It will also be of great interest for further research to be undertaken on the governance of both local and regional authorities, in order to establish the effectiveness of the implementation of the decentralisation policy now being rolled out by the Namibian government.

3

LITERATURE REVIEW

Relying on secondary sources, this chapter reviews the literature on democracy, development, political transition, political consolidation and regime type.

DEMOCRACY

The chapter proposes that the notion of a liberal democracy is inadequate in explaining the challenges faced by the Namibian government. The ostensible contention is that political freedoms gained – such as free elections, a respect for human rights and equality before the law – are intrinsic elements crucial for endowing the political regime in Namibia with the indispensable quality of political legitimacy. However, for democracy to become truly consolidated in the country, this intrinsic element of democracy needs to be complemented by effective economic delivery by the government.

While the Namibian government has made significant strides in its development efforts – including expanding social services, distributing a considerable amount of land and providing an environment conducive to foreign direct investment – it faces tremendous developmental challenges. Among others, these challenges are HIV/Aids, a widening income gap and a further expansion of social services. The weakness of the opposition in Namibia continues to pose a challenge to consolidating democracy in that country. Solutions to these daunting tasks remain elusive.

The process of democratisation¹³ in Namibia and the efforts to consolidate a system of governance that is fully representative of the needs of the country's people are shaped by the nature and form of the state. These also provide some insight towards determining the prospects for democratic governance in the country. It is often argued that the edifice of Namibia's democracy is underpinned by liberal precepts.¹⁴ Ake maintains that:

liberal democracy is markedly different from democracy even though it has significant affinities to it, e. g. in the notion of government by the consent of the governed, formal political

equality, inalienable human rights including the right to political participation, accountability of power to the governed and the rule of law ... Liberal democracy focuses on the individual whose claims are ultimately placed above the collectivity.¹⁵

This conforms to a minimalist conception of democracy. In a developing country such as Namibia, however, building a durable democratic dispensation is contingent on promoting collective interests over individual preferences. Melber notes that what is needed to achieve this is 'the formulation and subsequent implementation of a rigorous strategy towards a coherent and cohesive social protection policy'.¹⁶ This means that what is required is a process of socio-economic transformation.

In the context of Namibia, the above suggests that the concept of democracy is politically and socially constructed. Implicitly, therefore, 'ordinary people' have their own understanding and interpretation of the concept of democracy. And since it is politically and socially constructed, the concept of democracy remains a contested one.

Schmitter and Karl conceptualise democracy as 'a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives'.¹⁷ This definition suggests that democracy as a process finds expression in electoral politics.

Bratton and Matters remind us that 'democracy ... is a system of rules and procedures by which leaders, groups and parties compete for power, and in which free and equal people elect representatives to make binding decisions'.¹⁸ State legitimacy therefore depends on the consent of the governed. Du Pisani contends that 'democracy as political practice requires an effective state and appropriate legal and political institutions to secure people's rights, safeguard their human security and allow them to elect their own governments and make their own laws'.¹⁹

The basis for the achievement of the above is constitutionally guaranteed in Namibia. Indeed, the provision of appropriate legal and political institutions in Namibia provides the edifice for the completion of the process of democratisation.

Although the above definitions differ in scope and content, they are all underpinned by a common thread: 'Democracy is a form of regime whose legitimacy derives from the principle of popular sovereignty: namely, that ordinary citizens are equally endowed with the right and ability to govern themselves.'²⁰ Democracy in Namibia is underpinned by the supremacy of the constitution, the commitment to the rule of law, the separation of powers and a comprehensive and enforceable bill of rights, which contains internationally recognised fundamental human rights and freedoms.²¹

The above illustrates that the concept and practice of democracy has a strong political component. What is lacking as yet is the realisation that attributing a positive meaning to democracy also requires an economic content. The support for democracy in the above position is, arguably, premised on an appreciation of political freedoms and equal rights that democracy embodies in Namibia. While these endow the Namibian government with a high degree of political legitimacy, sustaining the democracy is contingent on the government's ability to complement this with the provision of material benefits (the instrumental argument).

DEVELOPMENT

The relationship between democracy and development is a mutually reinforcing one, since sustaining democracy is contingent on sustainable human development. Thus, for democracy to be successful, it needs to address the vexing question of economic justice. Simply put, democracy as a developmental ideology needs to provide for people's basic needs such as access to food, housing, medical care and a clean environment. Ake argues that:

for African democracy to be relevant and sustainable it will have to be radically different from liberal democracy ... it will have to de-emphasise abstract political rights and stress concrete economic rights, because the demand for democracy in Africa draws much of its impetus from the prevailing economic conditions within. Ordinary Africans do not separate political democracy from economic democracy or for that matter from economic well-being.²²

This implies that 'democracy is depicted as a distributive socio-economic order, and among its substantive benefits are improved economic growth,

socio-economic equity and the provision of public services'.²³ In other words, the value of democracy is seen to be instrumental because it concerns itself with issues such as the alleviation of poverty and the improvement of living standards.

Van de Walle posits that 'strong economic performance facilitates peaceful movement toward greater democracy'.²⁴ Moreover, strong economic performance also increases regime legitimacy and contributes to political stability. This reinforces the argument that 'successful development depends on a political and institutional environment that aligns the political incentives facing governments with the requirements of economic growth and improved social welfare'.²⁵ A threat to sustainable human development, on the contrary, might occur – 'where government incentives are at odds with developmental imperatives, policymaking and implementation are vulnerable to economically damaging opportunism'.²⁶ Given the history of social needs deprivation that characterised colonial Namibia, the issue of meeting social needs was one of great urgency for the post-colonial state. The burden of Namibia's colonial past makes the alleviation of poverty and the improvement of living standards a daunting task.

Thus, at independence, the government was confronted with the twin tasks of promoting sustainable human development and effective economic delivery. To achieve the afore-mentioned meant that the state had to assume a particular developmental posture. Conceptually the function of a developmental state is not only one that can foster growth and development but also 'one whose ideological underpinnings are developmental and one that seriously attempts to deploy its administrative and political resources to the task of economic development'.²⁷ Lodge asserts that most of Southern Africa is characterised by hard, resilient and developmentally effective states.²⁸ His contention suggests that the edifice to foster sustainable human development – comprising both state and non-state actors – and the achievement of human dignity and basic material needs already exists.²⁹

In the aftermath of independence, the Namibian government extended social security legislation to allow for everyone to receive social security benefits. In addition it also resolved the job issue by retaining civil servants inherited from South Africa and absorbing those who were part of the

ethnic governments or in exile. Achieving the goal of sustainable human development in the formative years was made difficult by constitutional provisions and the policy of national reconciliation. The policy of national reconciliation was economically necessary because it prevented the flight of much needed skills and capital. It is estimated that R70 million left the country during the period 1989 to 1990. Economic reconciliation served two purposes: for those who owned property, it meant that they could keep their property; while for those who did not own property it meant that there needed to be a significant redistribution of wealth.³⁰

Moreover, constitutional provisions and the policy of national reconciliation have done much to preserve the status quo. The constitution of Namibia entrenched many of the privileges of the colonial administration. It meant job security for civil servants, who were at the time of independence and until fairly recently mainly officials from the former colonial administration. Constitutional provisions also protected land and property rights.³¹

On the other hand, the Namibian constitution recognises historical socio-economic ills resulting from a century of colonial rule and provides guidance on how to overcome these ills – by, for example, allowing for corrective measures to ensure better distribution of wealth, land and property.

The constitutionally prescribed policy of affirmative action states that nothing

shall prevent parliament from enacting legislation providing for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies and programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices.³²

Moreover, these constitutional provisions also recognise that women suffered ‘double’ discrimination under colonialism. To remedy this anomaly, Article 23(3) of the 1990 constitution notes that:

it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of that nation.

However, the institutional autonomy of the Namibian state was severely curtailed in the immediate post-independent period, which resulted in social reforms occurring in an incremental fashion. For example, land and property rights were never the subject of public debate, and were in fact resolved on the principle of 'willing buyer, willing seller'.

Notwithstanding the above constraints, the government did manage to deepen its social penetration by broadening a range of state benefits. Article 20(1) of the constitution, for instance, states that primary education shall be compulsory. The government's ability to meet the social needs of citizens by providing adequate education for its citizens is demonstrated by the funds committed to education.

A United Nations Development Programme (UNDP) reports states that:

Namibia is among the countries in the world that spend the highest share of GDP on public expenditure on education. Since independence, the education sector has consistently received the largest share of the total national budget, currently around 20%, relatively unchanged since 1990/91.³³

Investment in education increases the capacity of citizens to analyse issues critically, which in turn requires governance agencies to strengthen their capacity to function effectively.

While the Namibian government has tried to promote sustainable human development, the right to a decent standard of living remains unfulfilled. A UNDP country report for 2004 notes that: 'In 2003, one-third of the population was identified as in need of humanitarian food assistance and the most recent figures show that 40% of Namibians are living below the income poverty line.'³⁴ Moreover, threats to the twin objectives of deepening democracy and achieving sustainable human development in contemporary Namibia are:

- the high prevalence of HIV and the multiple impacts of AIDS;
- increasing household food insecurity and deepening income poverty and disparities; and
- weakening capacities for governance and for the delivery of social services.³⁵

The UNDP report notes that:

HIV/Aids is increasing the vulnerability of households and eroding institutional capacities and is Namibia's most pressing threat directly to the fulfilment of rights to life and health and indirectly to the status of all human rights in the nation.³⁶

The report cautions that HIV/Aids 'could emerge as a threat to Namibia's stability, particularly in the light of Aids-related worsening of poverty and the historically inequitable distribution of land'.³⁷

Moreover, ensuring that sustainable human development is achieved demands that 'efforts must be made to increase household income and agricultural productivity within the context of the Aids-weakened capacities of families, communities and institutions'.³⁸ This has implications for sustainable human development and could erode democratic gains.

POLITICAL TRANSITION

Namibia's period of political transition lasted from November 1989 to independence day, 21 March 1990. The move away from South African rule which marked the country's transition to democracy also led to the end of settler colonialism in the country.³⁹ It was the end of settler colonialism that made Namibia's transition to both independence and democracy unique. What made the transition period in Namibia different from neo-patrimonial regimes elsewhere in Africa was that:

settlers reproduced functioning democracies within their own microcosmic enclaves, with features like elections, leadership turnover, loyal opposition, independent courts, and some press freedoms, all reserved exclusively for whites. Thus at the same time that they permitted quite far-reaching measures of political competition, these regimes proscribed access to the political process by limiting participation.⁴⁰

What was therefore needed during the period of political transition was an expansion of the political field by allowing, in this instance, the majority the opportunity for political participation. It also meant that the election of a constituent assembly – a prime feature of the transition period – had to make allowance for the accommodation of minority groups. The policy of national reconciliation adopted by the Namibian government was aimed at allaying fears of marginalisation and creating propitious conditions for an inclusive democratic order.

Additionally, the decision to adopt a policy of national reconciliation was viewed as the basis for establishing a new Namibian nation. The policy of national reconciliation was furthermore necessary if the flight of much-needed skills and capital from the country was to be prevented. Politically, the policy of national reconciliation played an important role in overcoming the immediate political, racial and ethnic tensions of the colonial past. The policy of national reconciliation has been successful because of inter-ethnic accommodation. This policy has also assisted in forging ties between economic and political elites.⁴¹

As quoted earlier, Kössler and Melber argue that:

this laid and still lays the main onus of forgiveness and concessions on the shoulders of the black majority, while the – mainly white – privileged groups still retain most of their former economic and social spoils, being joined by those graduating to the echelons of state power from the ranks of the liberation movement. Political transformation on the one hand and social change on the other are thus clearly severed from each other.⁴²

Others have argued that the formation of these class alliances has helped the country to achieve a considerable degree of internal stability.⁴³ While it could reasonably be argued that internal stability is crucial for both the consolidation of democracy and the achievement of sustainable human development, it should not be at the expense of longer term socio-economic development.

From the above, it is clear that the immediate challenge that faced Namibia in 1990 was to achieve a peaceful transition to democracy. This meant that

it had to develop procedures and practices that could lead to a national democratic system. The country has succeeded in promoting a peaceful democracy and political stability within the framework of constitutionally guaranteed rights, democratic principles, national reconciliation and affirmative action. Wiseman argues that the above points

to a minimalist conception of democratic transition as a situation in which democratic constitutions were introduced, the formation of political parties was relatively unconstrained, media freedom existed to a significant level and elections were conducted in a manner which could plausibly be described as largely free and fair.⁴⁴

By and large, however, Namibia has achieved a widely respected democratic political process following decades of apartheid oppression and military occupation. Repeated multiparty elections, good governance, a generally free media and respect for the constitution and the rule of law characterise some 15 years of independence.

In many ways, Namibia epitomises a successful transition for African human and common security.⁴⁵ Following a protracted armed struggle for independence that involved several countries and extensive cross-border violence, negotiations took place in 1988 leading to a tripartite agreement allowing a peaceful transition to independence for one of Africa's last colonies. These negotiations directly involved the superpowers of the day, the immediate neighbouring countries that were part of the conflict and the UN. However, the Namibian parties to the conflict were not included at this stage. These latter players had been part of the negotiations a decade earlier and became the grand architects of their own destinies after UN-supervised elections under UN Security Council Resolution 435 took place in 1989.

Except for an initial spasm of violence in which People's Liberation Army of Namibia (PLAN) combatants were killed inside Namibia,⁴⁶ the transition proceeded remarkably smoothly. Several thousand UN personnel serving in UNTAG oversaw the withdrawal of South African troops, the disarmament and demobilisation of PLAN fighters, the repatriation of Namibian exiles, the registration of voters, the electoral campaign, the conduct of the election itself and the eventual transition to

independence. As a result of the election, Namibians through their elected representatives in the constituent assembly were able to construct a widely admired democratic constitution, adopt and pursue a policy of national reconciliation, merge the previously warring armies and create a stable democratic political system that, according to a variety of standard criteria, became one of Africa's leading models.

Namibia's political transition to democracy emerged through a process of valid electoral transition. It was therefore not compelled to confront the myriad of obstacles other countries in the region had encountered. Bratton and Van de Walle assert that 'a transition to democracy can be said to have occurred only when a regime has been installed on the basis of a competitive election, freely and fairly conducted within a matrix of civil liberties, with the result accepted by all parties'.⁴⁷

Another fact that distinguishes Namibia's political transition from that of the rest of Africa is the existence of a significant international component to its transition. The foundations for this carefully negotiated settlement were laid in 1982.⁴⁸ While apartheid South Africa actually tried to manage Namibia's transition, the UN and particularly the UN Security Council played the decisive role during the period before independence in March 1990. Bauer suggests that:

independence for Namibia was achieved only after decades of diplomatic struggle at the United Nations, where South Africa's illegal occupation of Namibia was repeatedly contested, and a decades-long armed struggle between Namibian and South African forces. Ultimately, Namibia's managed transition was the result of a carefully negotiated settlement.⁴⁹

POLITICAL CONSOLIDATION

Political support for a regime endows the regime with political legitimacy and also constitutes the essence of democratic consolidation. Such political support, which has a bearing on the regime's durability and sustainability, 'requires citizens who demand democracy'.⁵⁰

As a normative project, democratic consolidation requires effective political institutions that can provide such democracy.⁵¹

By and large, the prospects for democracy are influenced by the inherited institutional legacy and the mode of political transition. The argument here is that the consolidation of democracy requires that key political institutions, including political parties, the legislature and the judiciary, need to function effectively and to nurture a broad-based pluralism. Diamond asserts that democratic consolidation, and by extension political consolidation, requires first and foremost political institutionalisation. Political consolidation in this context refers to:

the process by which democracy becomes so broadly and profoundly legitimate among its citizens that it is very unlikely to break down. It involves behavioural and institutional changes that normalise democratic politics and narrow its uncertainty. This normalisation requires expansion of citizen access, development of democratic citizenship and culture, broadening of leadership recruitment and training, and other functions that civil society performs.⁵²

This implies that democracy is consolidated when leaders, groups and parties adhere to rules and procedures, and consider such rules and procedures to be legally binding.

The emergence of a democratic political culture is an essential component of democratic consolidation. Arguably, the success of democratic consolidation is contingent on a political culture that is supportive of democracy.⁵³ Simply put, the consolidation of democracy requires the total institutionalisation of democratic practices in the country where such democratic consolidation is taking place. This means that both citizens and leaders should be certain that no alternative form of regime exists, other than democracy.⁵⁴ The consolidation of democracy thus requires the creation of a supportive culture that fosters the acceptance of the rights of opposition, free speech and assembly, the rule of law, regular elections and turnover of office.

Following Thomson, we argue that the following remain obstacles to the consolidation of democracy, namely the:

- lack of a strong opposition;
- lack of a strong civil society;

- lack of a strong economy;
- unwillingness to separate the state from the ruling party;
- mobilisation of ethnicity;
- threat of the military; and
- entrenchment of a single regime.⁵⁵

In Namibia, a weak opposition has contributed significantly to the move towards one-party dominance. The weakness of civil society remains a huge obstacle to democratic consolidation. Melber points out that the weakness of civil society must be understood in the context of the realignment of social and political forces in the country.⁵⁶ He says:

Given the extreme scarcity of skilled and trained human resources, the government service started to drain off people who had gained some expertise in grassroots organisations and NGOs that had been critical towards the colonial government. This can be understood as a process of draining important sectors of civil society of their critical potential.⁵⁷

This contributes to the weakness of structures and organisations of civil society.

Political legitimacy in Namibia seems to be fairly entrenched in view of the fact that 'Namibians are more convinced about the gains under the current regime'.⁵⁸ The above perception suggests that there are as yet no emerging legitimacy crises for the Namibian state. The level of legitimate authority may in part explain why the constitution was changed in 1998 to allow Sam Nujoma to be president for a third term.⁵⁹ Normally, such legitimacy is based on the claim, rightly or wrongly, that liberation movements are the only authentic representatives of the people. Such logic and reasoning contribute to the suppression, as opposed to the liberation, of democracy.⁶⁰

Since the mid-1990s there has been growing concern about the increasingly evident centralist tendencies of the Namibian political leadership, specifically the concentration of power in the executive. For example, President Nujoma made political appointments, nominated a number of Swapo's National Assembly candidates and made periodic cabinet reshuffles. Namibia's involvement in the wars in Angola and the DRC in the late 1990s also violated Article 96 of the constitution. Regarding

Namibia's involvement in the two wars, Melber pointed out that 'neither cabinet nor parliament was consulted. The decision to go to war was taken with total disregard of any need for consultation with elected political office-bearers and society at large'.⁶¹

Further developments during the period 1994-1999 illustrate the power of the executive over other branches of government. President Nujoma's persistent criticism of the media, his gay-bashing and his rebuke of the international donor community were contraventions of human rights and press freedom. We can agree with Bauer that 'there is ample evidence that Namibia's much praised democratic constitution has been compromised in recent years'.⁶² Cumulatively, such arbitrary and diverse exercises of power probably pose a threat to the consolidation and entrenchment of constitutional democracy in Namibia. Curbing such arbitrary exercises of power will require the formation of a viable and strong opposition.

The lack of such a strong opposition – which would contribute significantly to the consolidation of democracy in Namibia – is arguably one of greatest challenges facing the country. Institutionalising a viable multiparty political system in Namibia is exacerbated by the move towards a one-party dominated state. Southall posits that:

a dominant party is a party which, by reason of its popular support and/or its control of state machinery, is able to reproduce itself in power by virtue of its winning successive elections ... Commonly associated with party dominance are other phenomena, notably the fusion of party and state, the denunciation of minorities that mobilise on issues vital to them, the delegitimisation of opposition and the growth of power-holders' 'culture of entitlement' to state resources, and even to resources not owned by the state.⁶³

Owing to the political intimidation that opposition political parties, specifically the Congress of Democrats (CoD), experienced during the 1999 election campaign, it could be argued that political tolerance is not yet consolidated in Namibia.⁶⁴

In relation to the above, Lodge points out that the move towards single-party dominance in Namibia is exacerbated by the fact that 'successive

governments in Namibia enjoy broad public support which has been regularly registered in well-organised electoral mandates'.⁶⁵ The hold on power by Swapo, which has increased since 1989, is illustrated in Table 1 (*next page*). Moreover, Good reminds us that:

Parliamentary checks on executives, as written into constitutions, have effectively been nullified by the predominance of ruling parties which operate in a hierarchical and disciplined fashion; PR [proportional representation] systems as implemented via closed party-list systems in Namibia and South Africa extinguish the accountability of representatives to their electors between elections; centralisation of power, including concentration of power of preferment, in the hands of the presidency, encourages autocracy (exhibited by various presidents' sense of their own indispensability); the weaknesses of opposition parties and their incapacity to provide viable alternatives.⁶⁶

Indeed, the election results shown in Table 1 make it clear that, even in combination, the opposition parties in Namibia never managed to obtain enough seats to seriously challenge the dominance of Swapo. This has allowed Swapo to entrench its political dominance by successively obtaining a higher proportion of the national vote.⁶⁷ Strengthening democracy and democratic consolidation in Namibia will occur only if the capabilities of the opposition are significantly strengthened. To achieve electoral survival requires that opposition parties must ensure that they have broad-based support from a significant segment of the population.⁶⁸

A comment on Table 1 is that there has been a large fluctuation in the numbers of voters going to the polls in the country's four general elections to date. In the inaugural election of 1989 the figure was some 675,000. Fewer than 500,000 voted in 1994 and just more than 500,000 voted in 1999. In 2004 the number increased steeply to more than 800,000.

The opposition in Namibia faces a major challenge if it is to form an alternative to the current regime. First, opposition parties in Namibia have great difficulty in mobilising sufficient strength and resources to survive. This is because the ruling party controls the resources of the state. Second, with the exception of the CoD, most of the opposition labours under the

Table 1: Number of seats in parliament won by Namibian parties, 1989-2004

	1989	1994	1999	2004
South West African People's Organisation (Swapo) Party	41	53	55	55
Democratic Turnhalle Alliance (DTA)	21	15	7	4
United Democratic Front of Namibia (UDFN)	4	2	2	3
Congress of Democrats (CoD)	–	–	7	5
National Unity Democratic Organisation (NUDO)	–	–	–	3
Others: Federal Convention of Namibia (FCN), Democratic Coalition of Namibia (DCN), Monitor Action Group (MAG), Caprivi National Union (CANU), South West Africa National Union (Swanu), Republican Party (RP)	6	2	1	2
Totals	72	72	72	72

Sources: Lodge T, The Namibian elections of 1999, *Democratisation*, 8(2), 2001; Melber H, From controlled change to changed control: The case of Namibia, in Melber H (ed), *Limits to Liberation in Southern Africa: The Unfinished Business of Democratic Consolidation*. Cape Town: HSRC Publishers, 2003; Simon D, Namibian elections: Swapo consolidates its hold on power, *Review of African Political Economy* 83, 2000; Weiland H, Landslide victory for Swapo in 1994: Many new seats but few new votes, *Journal of Modern African Studies* 33(2), 1995; *The Namibian* (various issues).

political baggage of its involvement in the interim government prior to independence. Demographically, too, Swapo continues to get its support from the populous northern regions. Finally, the contribution of the ruling party leaders to the liberation struggle continues to overshadow any other consideration and is the greatest determinant in deciding election outcomes.

REGIME TYPE

Chazan et al identify seven types of African regime transitions, namely:

- administrative-hegemonic;
- pluralist;
- party-mobilising;
- party-centralist;
- personal coercive;

- populist; and
- regime breakdown.⁶⁹

Bratton and Van de Walle contend that:

a regime transition is a shift from one set of political procedures to another, from an old pattern of rule to a new one. A regime transition can be depicted as a struggle between competing political forces over the rules of the political game and for the resources with which the game is played.⁷⁰

The nature of Namibia's transition to independence – which was ostensibly concerned with inclusiveness – makes a compelling argument that the country could be considered a pluralist regime. The distinctive characteristic of the transitional regime in 1990 was 'a mixture of bargaining, compromise and reciprocity'.⁷¹ This culture of bargaining, compromise and reciprocity ensured that the legislature effectively shaped political debate in the formative years of democracy in Namibia.

In view of the above, Namibia was considered during this period to be a liberal democracy. Indeed, the precepts of liberal democracies – for example, that governments come to power peacefully in free multiparty elections and hold elections at regular intervals – were all part of the practice of democracy in Namibia. In recent times, however, Namibia has moved away from enhancing a participatory culture, because of the predominance of the ruling party in general and the executive in particular. This has led Bratton to conclude that Namibia could at best be described as an electoral democracy.⁷² The aforementioned postulate is based on the fact that 'support for democracy is the product of electoral legitimacy for the incumbents'.⁷³ As was illustrated, though, the consolidation of democracy requires a combination of both intrinsic and instrumental dimensions.

Bratton asserts that the core tenets of electoral democracy are that they:

have civilian, constitutional systems that clearly meet minimal democratic standards. Namely that legislative and chief executive offices are filled via popular choice under universal suffrage. The regime is founded and renewed by elections that

observers, monitors, and losing candidates judge as fundamentally free and fair. In electoral democracies, however, civil and political liberties – especially between elections – are not universally secure. Political minorities are sometimes sidelined from the protection of the constitution and justifiably complain about neglect, as in ... Namibia. Moreover, freedom of speech is compromised by government domination of the electronic media, which endows the ruling party or coalition with the loudest voice in the land. Most importantly, political power remains concentrated in the hands of executive presidents to the point that significant arenas of decision-making lie beyond the control of elected officials.⁷⁴

The implication is that elected officials feel no sense of accountability to those who elected them. Instead, their sense of accountability is vested in the executive, which at its discretion can demote, promote or remove them.

This chapter illustrates that the precepts that underpin democracy are based on its liberal variant. Such an understanding of the practice of democracy in Namibia is, however, inadequate if development and democratic consolidation is to be achieved. The contention here is that democracy in Namibia can only be consolidated if the provisions of political freedoms gained are supplemented by the government's ability to deliver economic goods. This is because people in Namibia, as elsewhere in Africa, view the delivery of economic and political goods as mutually constitutive. This is particularly crucial if government has to overcome numerous developmental obstacles, such as HIV/Aids, land distribution and bridging the income gap.

Another critical ingredient for the consolidation of democracy in Namibia has to do with the strength of the opposition. In independent Namibia, the parliamentary opposition has undergone considerable shrinkage. The burden of history seems to make the task of establishing a viable and potentially more formidable opposition to Swapo a daunting one. Finally, for the regime to become completely consolidated there is a need to ensure a balance of power among the three branches of government – instead of the current situation that heavily favours the executive.

4

REPRESENTATION AND ACCOUNTABILITY

Democracy is famously defined as a political system based on government of the people, by the people and for the people. This means that not only are the people involved in the designation of their representatives but that the people who are elected are equally answerable to the people who elected them. This chapter therefore focuses on the political system in Namibia and the legal basis of the Namibian state and its institutional structures. It also looks into the operations of the executive, judicial and legislative organs of the state. Key issues that underpin the democracy of a state – human rights, multipartyism, electoral structures and gender equality – are investigated.

In particular, the chapter examines the challenges encountered in the promotion of the constitutional provisions required for a system of political checks and balances based on the distribution of state powers among the legislature, executive and judiciary. In addition, the chapter surveys the state of the country's political parties and the electoral systems and practices.

POLITICAL SYSTEM

After a century of colonialism and a long period of armed struggle, Namibia attained independence on 21 March 1990. With independence, the Namibian constituent assembly adopted the country's constitution, which was widely regarded as among the world's most democratic. The constitution was based on principles adopted in 1982 by the UN Security Council after consultations with the parties involved in the Namibian conflict.

The principles adopted were intended to allay suspicions that the leading party in the election for a constituent assembly would force through its own draft constitution. Some of the key principles were that the constitution would need to:

- be adopted by a minimum of two-thirds of members of the constituent assembly;

- include a bill of rights, safeguarding the interests of individuals and minorities;
- make provision for a constitutional court to protect individuals against infringements of the bills of rights;
- ensure that there was no nationalisation or expropriation of property or assets without adequate compensation;
- ensure the independence of the judiciary; and
- create a democratic political system, with provision for regular elections.

The constitution follows the principle of separation of powers whereby the state is divided into executive, legislative and judicial branches. Executive power of the Namibian state resides with the head of state who is the president, assisted by cabinet ministers, while the legislative and judicial powers are respectively vested with parliament and the courts.

The country has adopted a combination of unitary framework for the organisation of the state and a hybrid of both presidential and parliamentary systems of government.

From one perspective, the Namibian political system is in a stable state and therefore provides an enabling environment for democratic consolidation. The survey of experts conducted as part of this study reveals that a significant number of respondents expressed strong support for this assertion. Two of their reasons in support of this assertion were that:

- democratic structures are in place; and
- there is a relatively clear separation of power between the executive, the legislature and the judiciary.

Some of the experts, however, noted that although Namibia had attained political independence, the state should not lose sight of the need to strive continuously to attain sustainable development, economic growth and equity.

CONSTITUTIONAL ORDER AND HUMAN RIGHTS

The Namibian constitution is committed to the preservation of fundamental human rights and freedoms. These are guaranteed in Chapter 3. Among others, Articles 5-25:

- uphold the protection of life, liberty and human dignity;
- outlaw racial discrimination and apartheid practices;
- guarantee equality before the law and the right of the individual to a fair trial;
- guarantee rights to private property and privacy; and
- guarantee the freedoms of association, speech, religious affiliation and cultural orientation.

Article 131 provides that Chapter 3 may not be amended, indicating that not even a sweeping parliamentary majority or the executive have the right to tamper with individual freedoms.

The constitution provides ways for people to seek restitution if their rights are violated. These include filing a complaint with the ombudsman. In essence the role of the ombudsman's office is to guard against corruption and injustice in the government and to help protect the fundamental rights and freedoms of all people.

Many citizens, however, do not seem to know their rights in terms of the constitution. This is attested to by a minority of the respondents who participated in the expert informants' survey, who noted that many citizens are not fully aware of their rights as outlined in the constitution. This concern was more pronounced in relation to the rural areas, where the majority of the people have neither adequate nor regular access to sources of relevant information. This is despite the existence of the office of the ombudsman whose outreach programmes were characterised by some informants as insufficiently effective and proactive – partly due to insufficient funds and staff.

ORGANS OF GOVERNMENT AND FUNCTIONS

One of the important documents available to the authors of the constitution was the 1982 schedule of principles adopted by the UN Security Council. The principle of the separation of the powers of the state became Article 1(3) of the constitution, which provides for the separate existence of three organs of state – the executive, the legislature and the judiciary. While each organ is independent of the others, each also requires the approval of the others in the exercise of its functions, in order to facilitate the doctrine of checks and balances. The legislature is responsible for making the laws, the executive is responsible for implementing the

laws, and one of the functions of the judiciary is responsibility for adjudicating the constitutionality of the laws and their implementation.

While the panel of experts felt that the Namibian government generally respected the rule of law, they noted instances where political practices had diverged from the constitution and its supporting legislation.

The executive

The executive is responsible for the daily tasks and activities of the state on behalf of the citizens. Article 27(2) of the constitution provides for an executive presidency, with the president as both head of state and head of government.

The 26 ministers in the cabinet and their deputies are all appointed by the president from the 72 members of parliament (MPs). As the ministers and their deputies are all members of the executive and owe their ministerial appointments to the president, there may be an uncomfortable overlap between members of the executive and of the legislature. Indeed, according to Dryzek et al, 60% of MPs alternate as members of the executive.⁷⁵

In addition, although in terms of the constitution any of the president's appointments may be vetoed by a no-confidence motion supported by a majority of MPs, the present parliamentary membership makes such an action very unlikely. This constitutional check may therefore be rather theoretical, with Namibia's executive president therefore having a greater opportunity – whether he exercises it or not – to influence the parliamentary legislature than most executive presidents would have in other countries with similar constitutions. This important point was supported by the view of members of our panel of experts.

On a gender note, the deputy prime minister and six members of the cabinet are women.

The legislature

Namibia has a bicameral system of parliament consisting of a National Assembly, which has sovereign legislative power subject to the constitution, and a National Council, which in terms of Articles 63(1) and 74(1)(a) of the constitution, is a house of review.

National Assembly

In accordance with Article 46(1) of the constitution, the National Assembly has a maximum number of 72 voting members, elected by general, direct and secret ballot according to a PR party list system. Their tenure of office is a maximum of five years. The president may appoint up to six additional but non-voting MPs selected because of their special expertise in various fields.

Schedules 4(1) and 4(2) of the constitution provide that the total number of votes cast in the country shall be divided by 72 to establish the number of votes each party requires for its first and subsequent seats in the National Assembly (parliament). The advantage claimed for PR is that it allows small parties to be represented in government. The disadvantage, however, is that as MPs do not represent constituencies, they may have a stronger loyalty to the political parties that give them their parliamentary seats than to the voters.

The National Assembly is presided over by a speaker (Article 51) who has a casting vote in case of a deadlock. The speaker is elected by the National Assembly and only ceases to hold office when he/she ceases to be an MP or when he/she resigns as speaker. Most of the respondents from our expert panel agreed that the performance of the National Assembly was satisfactory in terms of its law-making function.

National Council

The National Council is the second chamber. It is made up of 26 elected members, two from each of Namibia's 13 geographic regions, namely: Caprivi; Erongo; Hardap; Karas; Khomas; Kunene; Ohangwena; Okavango; Omaheke; Omusati; Oshana; Oshikoto; and Otjozondjupa. The term of office of the members of this body is six years.

The National Council has no legislative power of its own. It may, however, advise the National Assembly by proposing laws and reviewing legislation. In particular, if the National Council objects to the principle of any bill other than an appropriation bill, the National Assembly must reconsider the bill, which will then lapse unless two-thirds of the members of the National Assembly agree to it. Both the speaker of the Assembly and the chairman of the Council are required to be non-partisan in controlling the deliberations of the members of their chambers.

Neither of the two chambers yet approaches SADC's gender benchmark requiring 30% of members to be women from 2005. Kaapama notes that while women candidates accounted for 30% of the names on the various political party lists, many of them filled places at the lower ends of the lists and were therefore not elected.⁷⁶ It is also worth noting that women made up some 52% of the voters registered for the 2004 elections.

The judiciary

Article 78 of the constitution establishes the judiciary as the third organ of state and comprising the Supreme Court, the High Court and the magistrates' and other lower courts. As indicated in more detail below, the constitution gives the courts, and especially the Supreme Court, the important tasks of maintaining the checks and balances between the two other organs of state and of protecting the rights of individuals as provided for in the bill of rights.

The Supreme Court is headed by a chief justice who is assisted by other judges. All judges except the chief justice are appointed by the country's president on the recommendation of the Judicial Service Commission. In terms of Article 85 of the constitution, the chief justice shall be a judge appointed by the president, the attorney general and two representatives of the legal profession.

Decisions of the Supreme Court are binding on all other courts and all people of Namibia, unless they are reversed by the Supreme Court itself or by a lawful act of parliament. The courts are responsible for the interpretation of the constitution and acts of parliament and for adjudicating disputes involving decisions of state and government officials. The Supreme Court has the special duty of making final decisions on any questions regarding the fundamental human rights and freedoms by the constitution. The Supreme Court has the power to declare any laws, proposed or existing, invalid if it deems them to be either unjust or unconstitutional.

The second highest court is the High Court, which consists of a judge president and other judges appointed by Namibia's president on the recommendation of the Judicial Service Commission. The constitution provides for lower courts and the Magistrates' Courts Act and the Community Courts Act establish magistrates' courts and local traditional courts respectively.

Funding has become as a serious concern for the judiciary as a shortage of funds has led to a backlog of cases.

Both the funding problem and the way judges are appointed and may be dismissed mean that the judiciary may in practice not be as independent as it is in theory. Although the researchers established that the judiciary is widely regarded by both the public and a majority of the expert panel as independent, this perception was not shared by a fair number of other respondents. Supporting this view, they noted several high-profile cases. One of these was the courts' overturning the decision of former Home Affairs Minister Jerry Ekandjo to deport the self-proclaimed representative of the Angola rebel movement UNITA from Namibia. A second was the court order for a recount of the 2004 general election ballots. In both these cases the executive ignored the decisions of the courts. Some members of the expert panel also expressed the view that the judiciary was not totally immune to corrupt practices.

The government's chief law enforcement officers are the attorney general and the prosecutor general, who are both political appointments. Chapter 10 of the constitution also establishes the Office of the Ombudsman, headed by a lawyer or a judge appointed by the president to guard against corruption and injustice in the government.

POLITICAL PARTIES

The Swapo Party of Namibia is the ruling party and has been since independence in 1990. Formerly Marxist-oriented during the liberation struggle, the Swapo Party now champions multiparty democracy, a mixed economy and national reconciliation. The official opposition in the past was the DTA, which later became the DTA/UDF coalition. However, the CoD became the official opposition following the 2004 election. The other parties in parliament are the DTA, UDF, the National Unity Democratic Organisation (NUDO), the Republican Party (RP) and the Monitor Action Group (MAG).

Since independence, Swapo increased its percentage share of the vote, and therefore its representation, in the 72-member National Assembly from 41 seats in 1989 and 53 seats in 1994 to 55 seats in both 1999 and 2004. In 1994, shortly before the second general elections, the then prime minister Hage Geingob said: 'If the opposition parties self-destruct, we in Swapo as a

ruling party will have to create a working opposition party in the interest of democracy.' Whether, however, this view made more than a decade ago still represents this party's view is not clear.

After a decade and half, the opposition appears more shapeless, weak and – as evidenced in the expert opinion survey – ineffective even than before the first national election in 1989. The opposition parties find it difficult to mobilise sufficient support and resources to survive. This is despite the apparent considerable political opposition to Swapo. Three points made by members of the expert panel were the following:

- The public have generally judged the opposition by its lack of success in parliament, where their motions are always rejected by the ruling majority.
- Some opposition politicians are still discredited because of their past political alignment with the colonial apartheid regime.
- Swapo owes its resilience more to a lack of challenge than to its own strength.

ELECTORAL SYSTEMS AND ELECTIONS

This section considers the different methods of representation in Namibia and the control and management of elections.

Plurality and proportional representation systems

The country's presidential and regional council elections are decided by a majority of votes (plurality), in terms of which the candidates who poll the most votes win, while a PR system is used to allocate the seats in the National Assembly and the local authorities.

Elections for the presidency and the National Assembly are held at the same time. A party wishing to nominate a candidate for the presidency must register as a political party. Before the PR election for the National Assembly, the parties intending to participate must provide lists of their nominated candidates. The total number of votes countrywide cast for each of the parties contesting the National Assembly is – as previously indicated – divided by 72 (the number of electoral seats in the Assembly) to provide a quota for the allocation of seats among the parties. The number of votes cast for each party determines the number of seats awarded to the party and, therefore, the number of candidates from each

party's list allocated seats in the National Assembly. The Assembly's 72 elected seats are therefore distributed among the competing parties in proportion to their share of votes.

The PR system was strongly criticised by some of the experts for what they termed setting a pattern of non-accountability on the part of elected representatives. Other respondents suggested that the elected candidates owed allegiance to the parties that nominated them rather than being directly accountable to the electorate. Another interpretation of this criticism of PR was that it produced political leaders who are appointed by virtue of their affiliation to their party and not because their followers trust them and put their faith in them.

On the other hand, the National Council is theoretically more representative and accountable as its members are elected from constituencies in their regions directly by the plurality system. The expert survey, however, indicated that the lack of democracy in the country's largest political party – where a few leaders call all the shots – results in the members of the National Council being no more representative of the electorate than are their National Assembly counterparts.

The Local Authorities Act, 1992, established three types of local government – municipalities, towns and villages. Village councils have up to seven members, and municipal and town authorities have between seven and 12 councillors.

The electoral commission

An independent electoral commission, the Electoral Commission of Namibia (ECN), was established in 1992 to plan, administer and supervise national, regional and local elections. The commission is responsible for all electoral activities including voter registration, political party registration, candidate nomination, conducting polls, vote counting and announcing results. The ECN is also responsible for voter education. All political parties are obliged to register with the commission before they are permitted to take part in the electoral process. The Electoral Act lays down certain requirements with which parties, associations, organisations and independent candidates must comply. Among others, it requires that their political objectives must not be prejudicial to the safety of the state, public welfare or peace and good order, that membership must not be excluded

or restricted on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status, that any foreign funding must be subject to public disclosure and that they must at all times follow certain rules of behaviour. The ECN also enforces a code of conduct requiring a commitment to accept the outcome of elections. All registered parties, associations and organisations are required to subscribe to and sign this code.

Almost all the expert respondents accepted that the electoral process was credible and conducted in a free and fair environment, with a substantial majority of the experts also agreeing that the pre-election environment was generally conducive to legitimate elections.

GENDER ISSUES

Affirmative action legislation passed in 1994 requires that the number of women in decision-making positions should be increased. It had some success in both parliament and regional and local councils. However, it was not until the 1998 local council elections that affirmative action measures were strengthened, with a requirement that party lists should include a minimum of three women on councils with 10 members or fewer, and at least five women on larger councils.

In spite of these efforts, Namibia has not met the SADC guideline that 30% of representatives should be women by 2005. The surveys for this study, however, indicated that a majority believe that the government has taken significant steps towards gender equality.

NGOs led by Sister Namibia lobbied political parties, parliamentary committees, line ministries and the media with their manifesto and their '50/50' campaign for gender equality.⁷⁷

CONCLUSION

The Namibian constitution is a compromise document that puts into place strong democratic principles. This is borne out, among others, by the bill of rights which is strongly committed to the preservation of fundamental human rights and freedoms through the protection of life, liberty and human dignity, the outlawing of racial discrimination and apartheid practices, and guaranteeing equality before the law, the right to a fair trial, the right to private property and to privacy, as well as freedom of

association, speech, religious affiliation and cultural orientation. It also provides sufficient avenues for checks and balances through the separation of powers between and within the independent organs of state, namely the executive, legislature and judiciary.

In terms of conduct of the electoral process, Namibia has both plurality and PR systems. The plurality system applies to presidential and regional elections, while PR is used for the National Assembly elections. A number of efforts are under way to advance gender equality in the political, social and economic spheres. This is seen by many as a step in the right direction to address the inequality between men and women which was created under many decades of the apartheid system. There are, however, practical challenges that threaten to undermine democratic political representation and accountability, such as the problem of overlap between the executive and the legislature. As such, the introduction of appropriate reforms will go a long way in consolidating democratic governance in the country. The PR system must also be closely examined in order to make the elected political office bearers directly accountable to their constituency or electorates rather than to a few influential individuals within the parties' structure. The judiciary, though autonomous, needs to be overhauled with a view to making it more effective in handling backlog cases.

5

CITIZEN PARTICIPATION

This chapter sets out to answer some fundamental questions about who or what is a citizen, what the significance of citizenship is in the context of democratic governance, and what avenues exist for the participation of citizens in the public life of the country.

Article 4 of the constitution provides that Namibian citizenship may be acquired by birth, descent, marriage or naturalisation on the grounds of skills or experience or service to the Namibian nation before or after independence. In paragraph 5(5), the preamble to the constitution provides that the Namibian state is founded on the principles of securing justice, liberty, equality and fraternity for all its citizens.

Citizen participation refers to the engagement or involvement of citizens individually or collectively in the public spheres of the society. Such participation is considered an essential ingredient for the political legitimacy of states and for the consolidation of the democratic political processes and institutions.

Bauer notes that many observers argue that contemporary analyses of democratic governance are incomplete if these focus only on the formal aspects of political democracy – such as free and fair elections and multipartyism – since these formal aspects may not by themselves guarantee the quality, consolidation and sustainability of democratic governance.⁷⁸ Hence, she advocated the devotion of an equal amount of attention to the analysis of the vibrancy of associational life, the strength of various citizens' social movements and other independent organisations as these aspects of democratic governance were equally essential for:

- providing potential checks and balances to the excesses of government institutions;
- allowing the under-represented socio-political strata of society to be heard; and
- creating a potentially subversive space for the articulation of alternatives to the existing state order.

Keulder summed up the essence of citizen participation in democratic governance by stating that it adds value to their lives by utilising the opportunities deriving from the inclusiveness and responsiveness of the political system.⁷⁹ However, this requires that the citizens remain informed about the workings of the system, the actors that make up the system and the agendas that are set or avoided.

The chapter begins with a description of the concept of civil society in the Namibian context and a structural analysis of the country's associational life. This is followed by an analysis of avenues for citizen participation and civic engagement in public spheres of government and development administration. This is because the civil society sector is a point of interface between the citizens and government institutions entrusted with responsibility for exercising the powers of the state on behalf of the people. The chapter concludes with an examination of the challenges hampering effective interventions by civil society organisations (CSOs) in the public spheres of governance and in the administration of development projects.

CIVIL SOCIETY AND ASSOCIATIONAL LIFE

DeLue defines the concept of civil society as the sector that exists outside and independently of the formal structures and networks of government.⁸⁰ It therefore acts as a buffer against excessive state power by advocating an atmosphere in which citizens can freely pursue a variety of moral dimensions by forging ties with one another through various associations and without the fear of government intrusion. In this regard, the civil society sector represents decentralised 'sub-politics' in which non-state actors create political space for themselves. Through this space, they are able to enhance their ability to pursue reasonable and self-defined civil life goals. Civil society is also an avenue through which they can influence the political decisions of government.⁸¹

However, Bratton and Van de Walle rightly caution against a simple correlation between the strength of associational life and the success of a democratic government project.⁸²

The policy and regulatory framework for the civil society sector

The view of the Namibian government regarding citizen participation is reflected in policy pronouncements deriving primarily from the provisions of Article 95(k) of the constitution. This explicitly advocates the adoption

of policies for the encouragement of mass participation of the populace through their respective organisations with a view to affording them opportunities to influence government policies and programmes. Moreover, there is a direct correlation between the notion of citizen participation and the constitutional provisions for associational and media freedoms, as guaranteed by the constitution, which provides the fundamental basis for the engagement of citizens in the processes of their own development, while obliging the government to conduct its business in a transparent and participatory manner.

In the broader context, citizen participation requires the government to recognise the need for a greater sense of local identity, community and ownership of governance and developmental institutions and processes. Thus it may be argued that citizen participation has become a necessary ingredient for sustaining the processes of administrative transparency, political accountability, social inclusiveness, and equitable growth and development.

Vision 2030, which is Namibia's long-term national development planning document, advocates the consolidation of democratic ideals and the creation of synergies in the development efforts through constructive collaboration between the government and civil society. Hence it places emphasis on citizen participation as an integral part of public policy and decision-making and implementation.

Namibia's Medium-Term Strategic Development Framework for 2000-2005 includes a chapter on development partnership with civil society actors. This helps to formalise the roles and functions of the civil society sector in the national governance and development processes. Before the publication of this document, the role and purpose of the civil society sector were only mentioned in passing. The new document makes several undertakings, including formulating a clear definition of the civil society sector and regulating the transparent registration of CSOs.

The newly adopted partnership policy between the government and civil organisations advocates the overhaul of the existing regulatory regime, which includes the Trust Money Protection Act, 1934, Section 21 of the Companies Act, 2004, the Welfare Act, 1979 and various official government policy statements and cabinet directives.⁸³

The policy also calls for:

- a collaborative, consultative and coordinated framework to smooth the interface between the two parties;
- mechanisms for the regular exchange and flow of information on development activities;
- transparency, accountability, awareness and commitment by both parties; and
- criteria for assessing appropriate interventions in areas such as HIV/Aids, employment generation, poverty reduction, the use and conservation of environmental resources, gender equality, democracy and good governance, regional and local development, and empowerment of the youth and disabled people.

In the last quarter of 2005 the government took the first step towards realising these objectives when the cabinet adopted a partnership policy between the government and CSOs. The objective was to promote active citizenship through the demonstration of greater government commitment to civic participation.⁸⁴ The policy document states that the realisation of this objective requires:

- an improved environment for partnership;
- closing the gap between the government and the people;
- strengthening civil capacity; and
- collective responses to existing development challenges and opportunities.⁸⁵

The benefits envisaged will include the facilitation of mutual coordination and integration across policies and programmes as well as sectoral and agency boundaries through the provision of division of labour and consensus-building forums.⁸⁶ The working partnership envisioned will be based on synergies and coordination among social actors operating at the various levels and in various areas and sectors in order to foster the participation of citizen participation in governance and development processes at all levels.

In terms of the National Planning Commission Act, 1994, the policy will be overseen by an advisory committee with members drawn from all relevant levels of the government and civil society bodies.⁸⁷ As will be seen later in

this chapter, however, these paper commitments and policy pronouncements are not always carried through in practice.

The nature and scope of the civil society sector

While scholars and practitioners sometimes follow Jean Bethke Elhstain's description of civil society as encompassing a host of associations of various forms to the extent that it includes primary organisations such the family,⁸⁸ the partnership agreement between the Namibian government and CSOs regards the civil society as 'encompassing all public activities by individuals, their voluntary organisations, as well as the relationships among themselves and with governmental agencies'.⁸⁹

The civil society sector is not a single and uniform entity but rather diverse groups, networks, movements and interests, with different and at times conflicting goals and objectives. The following are some examples.

Social movements

Membership-based social movements are considered to be one of the important pillars of the traditional civil society. They preserve and advocate the interests of their members by articulating their members' aspirations. Women's, farmers', young people's and other similar movements are therefore important bearers of the political symbols necessary for the conferment of legitimacy upon any political regime.

Trade unions

Bauer notes that there are approximately 230,000 wage-dependent persons in Namibia, of whom over a half are members of one of the 15 trade unions aligned to two federations – the National Union of Namibian Workers and the Namibian People's Social Movement.⁹⁰

Faith-based movements

The church is another influential segment of the Namibian society. For example, some four out of five Namibians are Christians. From its inception in 1978, the Council of Churches of Namibia offered both an active voice against the injustices of apartheid during the colonial era and, since independence, support for the policy of national reconciliation.⁹¹ The churches continue to be seen as a voice of moderation against government excesses and all forms of social, political and economic injustice towards groups or individuals.

Independent and investigative media

Although there is not always agreement on a definition for independent media, there is indeed agreement about the importance of this branch of civil society. Watson holds that it should be considered as 'the heart of and inseparable from the various socio-political and economic interests of society'.⁹²

Democratic governance is predicated upon the free flow and availability of information. Keulder argues that there would be no need for the free press if there were not a need for alternative information to help people overcome the effects of the natural tendency of government information services to censor and slant news.⁹³

This role is particularly important in the Namibian context as the government owns and controls the national broadcaster, the Namibian Broadcasting Corporation (NBC). Hopwood notes that the NBC's primary role is to promote the government.⁹⁴ Although the study summarised in Table 2 noted that 50% of the public 'always trusts' the NBC, the figure of 35% who 'always trust' the newspapers is significant and indicates the importance of the printed media as a source of information to the public.

Newspapers are also seen as valuable in the fight against corruption. Confirming the problem of corruption, a significant number of the members of this study's expert panel noted that Namibian journalists were reasonably effective in investigating corruption in government and major corporations, but that the culture of investigative journalism needed strengthening.

Table 2: Public trust in the media (percentages of respondents)

	Never trust	Sometimes trust	Most times trust	Always trust	Have not heard enough	Totals
NBC	2	10	30	55	3	100
Newspapers	4	17	28	35	16	100

Source: Adapted from Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa, 2002, p 22.

Some of the current leading independent media are the following:⁹⁵

- The *Allgemeine Zeitung*. This paper, which targets the German-speaking population in Namibia, has been in existence since 1919.
- *Die Republikein*. This is an Afrikaans daily founded in 1977 initially as a mouthpiece of the RP and later the DTA.
- The *Windhoek Observer*. This was established in 1978.
- *The Namibian*. From its inception in 1985 until independence in 1990 this paper was in the forefront of chronicling detentions and other human rights violations by the colonial authorities in Namibia.
- *Insight Namibia*. This came into existence in 2004 as a monthly current affairs magazine based on the principle of investigative reporting.

In addition, the *New Era* may be mentioned. This government daily was established to provide news from the regions. It has been relatively successful in maintaining its editorial independence, and has therefore attained some acceptance as a reliable source of information. Although community media could be another important information sources, Hopwood notes that the several attempts to penetrate this niche have not fully succeeded.⁹⁶

NGOs and CBOs

This category comprises a growing number of non-state, issue-oriented and non-profit organisations and networks involved in various sectors and development areas, and subscribing to the principles of democratic participation, intra-organisational democratic governance, professionalism, altruism and voluntary work.⁹⁷ By the late 1990s there were close to 160 NGOs in Namibia, most of them acting as intermediaries to grassroots level institutions. Gyimah-Boadi attributes the heightened public profile of NGOs to:

- disparities in meeting the social and economic needs of society at large, arising from the breakdown of state and traditional social support systems; and
- the perceived socio-political and economic marginalisation of certain groups in the implementation of public policies and programmes.⁹⁸

Community-based organisations (CBOs) are mainly grassroots self-help bodies with relatively small memberships. Although no estimate of the

number of CBOs is possible as many of them are not formally constituted, their impact is nevertheless widely recognised. Surveys for this study indicate that they often:

- exhibit extraordinary insight into the needs and aspirations of poor and other people who feel they have no voice; and
- have been able to devise micro-level programmes and projects that are appropriate to the conditions of these people.

Private sector organisations

From the liberal economic perspective, private sector organisations are important for the market-oriented processes necessary for rekindling economic and social development. One can go back to Adam Smith's notion of free market relations in which individuals are primarily concerned about maximising their own security under the guidance of the 'invisible hand' of the free market. Hence, DeLue⁹⁹ and others argue that free market rules are essential for the successful attainment of citizens' interests and to assist citizens to recognise potential constraints.

These ideas are the basis of Gyimah-Boadi's 'emergence of a constituency for liberal economic reform agenda, as well as the potential for fostering civic participation and local ownership in developing countries of the externally imposed initiatives for neo-liberal reforms'.¹⁰⁰ This sector of society is therefore represented by business associations, development groups and donor-funded liberal economically inclined think-tanks – all advocating democratic development through economic liberalisation. Some leading private sector organisations are the Namibian Chamber of Commerce and Industry, the Namibian Chamber of Mines and the Indigenous People's Business Council of Namibia.

Independent research institutions

Independent research institutions play an important role in formulating, researching and publishing opinion surveys and other specialised data. They enrich the information base for public policy processes. Some of the leading members of this group are the following:

- *The Namibian Economic Policy Research Unit:* This was established in partnership with the government with the aim of providing socio-economic policy-related research output for various stakeholders.

- *The Institute for Public Policy Research*: Established in 2001, this institute publishes regular policy briefing and opinion papers.
- *The Labour Research and Resource Institute*: The primary focus of this institute, which has links to the trade union movement, is the production and dissemination of labour research and training programmes with labour bias.

CITIZENS AND GOVERNANCE

Members of the expert panel for this study noted that independence was followed by a climate of political tolerance that allowed the Namibian people to enjoy a greater degree of associational and other freedoms. Independence was also associated with an upsurge of interest by international and other institutions in the processes of democratisation, and this was accompanied by increased direct funding for various civil society programmes.

As a result, Namibia witnessed a significant and rapid expansion in the activities of the civil society sector, which contributed to governance and developmental processes by becoming increasingly available for partnerships through a number of collaborative initiatives.¹⁰¹ As indicated in Table 3, CSOs are distributed across almost all the socio-political and economic sectors.

Table 3: Sectoral distribution of civil society activities
(percentages rounded off)

Agriculture and rural development	24%
Human rights	6%
Democracy	1%
Education and training	35%
Health	6%
Housing	6%
Women's interests	9%
Environment and nature conservation	6%
Small business and informal sector	7%
Total	100%

Source: Hopwood G, *Guide to Namibian Politics, Including A to Z of Political Personalities*. Windhoek: Namibian Institute for Democracy, 2006.

Facilitation and support for community development initiatives

The valuable contribution of the civil society sector to national development is widely recognised. Its work has often allowed socially or politically marginalised groups to move into the mainstream. The sector has been credited with bringing the plight of otherwise voiceless citizens to the attention of the public policy agenda. The sector's activities have thus expanded beyond assistance, with the immediate material rehabilitation of poor and disenfranchised communities.¹⁰² Examples include the following:

- The National Federation of People with Disability in Namibia.
- Women Action for Development, which played a dynamic role in promoting the rights of women, especially creating opportunities for rural women across Namibia.
- The Nyae-Nyae Development Foundation of Namibia, which assisted the socially marginalised minority San communities in Namibia's Kalahari Desert by supporting their various self-help development activities.
- The Church Alliance for Orphans, whose activities are extended to other vulnerable children as well as orphans.
- Lironga Eparu – a national organisation whose name means 'learn to survive' – which was established by HIV-positive and AIDS sufferers to promote education and prevention programmes for all HIV/Aids victims.¹⁰³

Through programmes and activities such as these, CSOs are able to augment the government's limited resources. In this regard, the NPC acknowledged the CSOs' fund-raising initiatives, which have allowed them to implement essential development programmes throughout the country.¹⁰⁴

In recognition of these valuable contributions, some government ministries and agencies have entered into cooperation agreements with some CSOs whereby a number of government functions and powers are delegated to the CSOs for execution on its behalf.¹⁰⁵ At the local level, particularly, some non-governmental agencies share with local government bodies the task of providing a variety of services.

Other examples are the following:

- *The Joint Consultative Council*: Formed in 1996 as a joint government and private sector initiative, this body renders services to small and medium-size enterprises.
- *The Namibian Shack Dwellers' Association*: This is a grassroots movement involving some 235 saving schemes, serving 11,000 households across the country. The association receives financial support from the government towards its efforts at alleviating the widespread shortage of housing for Namibia's urban poor.

Deepening democratic culture, politics and institutions

Through their respective undertakings, CSOs are widely regarded as necessary and effective agents for deepening the country's democratic culture, politics and institutions. Four areas of activity are discussed.

Public and civic education

Gyimah-Boadi characterises civil society participation in the delivery of civic education programmes as particularly important.¹⁰⁶ He notes that it can help develop a culture of 'democratic citizenship' as opposed to the political docility that often characterises government initiatives for civic education. In other areas, too, one of the important roles of CSOs is the fostering of a political culture in which citizens are encouraged to involve themselves in the formulation of common and shared rules and norms for their society. According to advocates of democratic civil society such as Rosenblum,¹⁰⁷ this can create an atmosphere in which citizens think of themselves not only as private individuals but as citizens attuned to the common good of society at large.

According to Hopwood, the Namibian Institute for Democracy is one of the most prominent organisations working for the widespread acceptance of such democratic values.¹⁰⁸ This body's civic education efforts are directed at countering public ignorance and apathy, indications of which are low voter turnout, declining membership and activism within political parties, and the pervasive and at times misplaced distrust of political institutions of the state.

Table 4 summarises the level of factual knowledge about political actors, parties, policies and constitutional rules, and underlines the scope for civic education in Namibia.

Table 4: Knowledge of political office-bearers
(percentages of respondents)

	Prime minister	Minister of finance	Regional councillor	Local councillor
Right answer	67	31	23	3
Wrong answer	2	4	6	1
Do not know	22	39	48	33
Know but cannot remember	4	11	21	16
Could not determine	5	15	2	1
Not applicable/ Could not be determined	0	0	0	6
Missing data	0	0	0	40
Totals	100	100	100	100

Source: Adapted from Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa, 2002, p 36.

Enhancing the credibility of the democratic electoral processes

Another important area of civil society activity is the independent observation and monitoring of elections, which has become a key feature in the national electoral processes. Election monitoring fosters public confidence in democratic electoral processes by ensuring transparency. Organisations monitoring elections internally tend to have a deeper knowledge of local conditions, including pre-election scenarios, than do external monitors, and this gives them a comparative advantage. Gyimah-Boadi has described the involvement of domestic civil society in the electoral process as a vital contribution to credible observation.¹⁰⁹

Election monitoring teams have been formed by a coalition of the Council of Churches of Namibia and the Namibian Non-Governmental Organisations' Forum, which monitor volunteers from local communities. Another team has been formed by the Namibian Society for Human Rights, which sends human rights monitors to voter registration points and campaign rallies to ascertain the extent to which parties are exercising their responsibility to ensure an atmosphere conducive to the free expression of political convictions.

Kaapama notes that Namibian NGOs are doing more in the area of

observing elections than they are in other activities relating to elections, such as voter education and creating platforms for political debate.¹¹⁰

The civil society sector would like its observers to be given full election monitor status, arguing that the presence of domestic monitors will contribute to a greater participation in elections by citizens qualified to vote. However, the electoral commission has reservations about this request, with its concern being that domestic monitors from outside its own organisation may interfere directly in the electoral process and so jeopardise its credibility.¹¹¹

Public advocacy and lobbying

Apart from the areas already mentioned, the participation of citizens through their CSOs is deemed by members of this study's expert panel to be critical to the governance process as it allows opinions to be articulated about the implications of proposed government policies for social equity and justice. There is, however, also a perception that the government will protect citizens' basic rights at critical moments, such as national elections, and that there is therefore no need for policy advocacy as citizen participation is guaranteed.

Citizen participation at the legislative level takes place through:

- the parliamentary standing committees, which undertake periodic public meetings and hearing sessions as avenues for public consultation;
- MPs themselves, whose outreach programmes include consultations with citizens and making themselves acquainted with community initiatives and concerns;¹¹² and
- the National Council, whose members are elected by constituencies and through whom grassroots concerns about national legislation may be channelled.

However, the earlier caveat about the executive dominance over the legislature, and particularly the National Assembly, remains, making public participation less effective than it might be with constituency elections to the National Assembly. The National Planning Commission (NPC) also notes that government ministries are open to dialogue with representatives of communities affected by proposed new policy

directions.¹¹³ Some members of the expert panel said that they expected that the government's decentralisation policy, once it is fully implemented, would mean that public officials would be more accessible to citizens through local public advocacy and lobbying.

The Legal Assistance Centre has a strong influence on policy development. Through its gender advocacy and research programme, this centre played an influential role in the drafting of the Combating of Rape Act, 2000, the Combating of Domestic Violence Act, 2003, the Child Maintenance Act, 2003 and the Children Status Act, 2004.¹¹⁴

The NPC recognises that the partnership policy between the government and civic organisations has led to CSO participation in policy discussions. But it also notes that neither the government nor the CSOs have taken adequate measures for mobilising public awareness to the various avenues for participation, cooperation and collaboration. The NPC notes further that at times citizens are both unaware of policy components and have also missed opportunities for participating in the formulation and implementation of public policies.¹¹⁵

Tables 5 and 6 were sourced from the 2002 Afrobarometer study and reported by Keulder.¹¹⁶ Table 5 shows that only one in five of the respondents participate frequently in church groups or in

Table 5: Civic participation (percentages of respondents)

	Never	Once or twice	A few times	Often	Do not know	Totals
Church groups	37	19	24	19	1	100
Cooperatives/self-help associations	61	14	18	6	1	100
School/housing/rates group	33	22	23	21	1	100
Local commercial organisation	71	10	11	6	2	100
Groups that do things in society	48	21	17	13	1	100
Trade unions	82	6	4	4	4	100

Source: Adapted from Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa, 2002, p 42.

Table 6: Frequency of political discussion and interest in government and public affairs

Frequency of political discussion		Interest in government and public affairs	
Frequent	20	All the time	18
Occasional	41	Sometimes	48
None	37	Now and then	14
Do not know	2	Hardly at all	12
		Do not know	8
Total	100	Total	100

Source: Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa, 2002, p 34.

school/housing/rates groups, with even lower regular participation in other groups.

Table 6 shows that only a similar proportion – one in five – participate frequently in political discussions or are continually interested in government and public affairs. Keulder noted, however, that there is a demographic variation in these frequencies. His analysis showed, for example, that:

- black Namibians tend to be more interested than their white counterparts;
- women are generally more interested than men; and
- Namibians in rural areas are more interested than those in urban areas.¹¹⁷

Championing fiscal discipline and advocating the elimination of wastage and corruption

The Namibian civil society sector is an active partner in the collaborative Zero Tolerance for Corruption campaign launched by President Hifikepunye Pohamba on 27 March 2006. In particular the Namibian Institute for Democracy is spearheading this campaign in collaboration with the Anti-Corruption Commission and the Office of the Ombudsman. The campaign is being funded to an amount of close to US\$1 million by the United States Agency for International Development, the Swedish International Development and Cooperation Agency and the Embassy of Finland. Campaign activities will include:

- strengthening technical capacity through training programmes on issues of integrity and corruption;
- research on cases of malfeasance and mismanagement in the public and private sectors and how the cases were responded to; and
- public awareness programmes on integrity and accountability using booklets in indigenous languages, newspaper advertorials, educational seminars and website information.

CHALLENGES FOR THE NON-STATE SECTOR IN GOVERNANCE

The effectiveness of the contribution of civil society towards democracy and good governance is restricted by a number of challenges. As earlier indicated, the political transition led to a brain drain from the civil society sector to the public sector. The positive side of this movement of personnel was that it had the potential to create greater empathy and trust between civil society and the public sector. This was particularly so when public servants recruited from civil society carried their democratic behaviour into their new roles.

According to Gyimah-Boadi, this development could be characterised as a net gain to the larger democratisation project and a contribution to the Tocquevillian ideal of civil society as ‘the free school of democracy’.¹¹⁸

On the negative side, however, the size of the exodus witnessed in Namibia led to the loss by civil society of some of its ablest people, with some CSOs having never recovered their previous effectiveness. Bauer noted that the casualties included the Council of Churches of Namibia, the National Union of Namibian Workers, the Namibia National Students Organisation, which had been regarded as a firebrand organisation in the 1980s and 1990s, and the Bricks Community Organisation.¹¹⁹ This trend has persisted beyond the initial transitional phase, so that despite the existence of capacity-building programmes the civil society sector continues to face the challenge of retaining talented and experienced leaders and professional staff.

Leys and Saul concluded that while a formally democratic system has emerged in Namibia, the weakness of the civil society sector indicates that the concept of popular empowerment has not yet been realised.¹²⁰ The 1999 National Capacity Assessment noted that the collaboration between the government and civil society was somewhat ineffective as it was largely

limited to a handful of civil society actors. That this was not always so is indicated by the following subsection.

Preserving sectoral autonomy and independence

Grechen Bauer and other commentators characterise Namibia's liberation struggle as a movement of civil society.¹²¹ Indeed, both the liberation movement and its allied social movements and non-governmental initiatives were all actively engaged in prising open the closed colonial political system. These bodies included the National Union of Namibian Workers, the Council of Churches of Namibia, the Namibian National Students' Organisation, the Legal Assistance Centre and the newspaper *The Namibian*. Through the initiatives of these bodies, a mass mobilisation was achieved not only to bring the authoritarian apartheid rule to an end, but to lay the foundation for a level of political awareness in the general public that helped the consolidation of post-independence democratic institutions.

As a result, one of the major transitional challenges that hampers the work of these CSOs is the transformation of their relations to the liberation movement after it became the government of the country. The surveys for this study indicated that these bodies found it difficult to sustain the enthusiastic activism that used to characterise their activities during the liberation struggle, as well as to foster a thoughtful and self-critical policy debate and consensus moderation with the government. A particular case is the trade union movement. This featured prominently in the mass resistance movement and helped to found the now ruling Swapo Party, of which it became a bulwark of support during the liberation struggle. These deeply rooted links have led to the continued affiliation of the Nation Union of Namibian Workers to the Swapo Party.

Bauer notes that this relationship was not without problems.¹²² At independence, the former liberation movement strove to attract foreign capital even when this was at the expense of organised labour. Despite this, the ruling party has actively sought to keep the trade union movement within its fold as a symbol of the legitimacy of the state machinery.

Another example has been a change in the approach of *The Namibian*, which was described by Herbstein and Evenson as having originally been

closely identified with the ideals and politics of the liberation movement, and also having been one of the outspoken critics of the colonial government and its surrogate political parties in Namibia.¹²³ After independence, however, *The Namibian* adopted an independent and critical stance, which brought it into conflict with the country's political leadership, and which in turn led the cabinet in 2001 to withdraw government advertising from this newspaper.

Fostering strategic partnerships

Although, as pointed out earlier, the civil society sector operates within a constitutional dispensation that guarantees the country's citizens freedom of association and expression, and in an environment of mutually beneficial partnerships with the government, epitomised by the government and civil organisations partnership policy, CSOs still face numerous challenges, which will be described in this subsection.

There has been a downside to the public recognition of the CSOs' good performance as agents for the consolidation of a culture of democracy in the country. This is that the politicians are also aware of this good performance and – while welcoming the development of a vibrant civil society sector – the government sees the CSOs as potential competitors for public resources and affection. The government has indeed gone further and committed acts of exclusion and blackmail against CSOs that it considers to be too assertive or too critical for its liking.

When possible, political forces prefer to control the activities of CSOs and to ride on their glory. This is another threat to the sector's independence and integrity. Some new bodies have been founded as fronts for political groupings. Two were the Forum for the Future, founded by Ben Ulenga, president of the official political opposition (the CoD), and the Pan-African Centre for Namibia, which is seen to play a similar role for the ruling Swapo Party.

Addressing the concern that the proposed regulatory processes will degenerate into predatory actions in the guise of rationalising avenues for collaboration, the partnership policy offers an assurance that regulation is not intended to control CSOs and their activities but rather to provide coordination for the use of scarce resources by eliminating duplication and contradicting functions. The policy emphasises the nurturing of respect,

trust, equality and flexibility through a shared vision and transparent communication.¹²⁴

Strengthening the civil society resource base

A serious limitation on the effectiveness of CSOs arises from their often extremely weak resource base, especially in the case of organisations representing the poor. As a result, civil society actors often find themselves in destructive turf battles triggered by competition for resources. For example, Bauer noted that community development programmes in some areas of the country were mired in webs of political tension and suspicious motives.¹²⁵

Given these resource shortfalls, some CSOs become heavily dependent on funding that may be politically problematic and volatile. Foreign and even government funding may compromise the independence of some CSOs and render them susceptible to co-option, threatening their accountability to their domestic constituencies and to society at large.

Hopwood also showed that the sector's high state of dependence since the late 1990s had resulted in a significant shift towards the health sector, not just because of the increasing prevalence of the HIV/Aids pandemic but also because of a shift in the focus of donor agencies – exemplified by the substantial amount of the N\$989 million (US\$155.6 million) received from the UN Global Fund for HIV/Aids that had been earmarked for the civil society sector.¹²⁶

Bauer has also commented that, given the global ideological struggle between East and West, civil society would be better able to address local areas and national concerns if it were less dependent on foreign funding that feeds this ideological struggle.¹²⁷ It would also take the sting out of the widely prevailing notion that some CSOs are local agents of foreign interests.

Although fears that foreign funding might dry up are not supported by Bank of Namibia returns, indicating that foreign grants to the civil society sector rose from N\$79 million (US\$5.4 million) in 1990 to N\$130 million (US\$25.4 million) in 2003,¹²⁸ it remains true that many foreign donor agencies have indicated that their Namibian funding may be scaled down and eventually terminated, given the classification of Namibia as a middle-income country and the greater need elsewhere in the world. It is

also true that voter sentiments in some developed countries are now less supportive of high foreign aid budgets.

On the other hand, Gymah-Boadi makes it clear that where state funding becomes the only source of domestic financial support, the available funds will be inadequate and will end up being distributed to a handful of selected and privileged civil society beneficiaries.¹²⁹ The same author notes that the resource vulnerability of the civil society sector is a problem for most developing countries.¹³⁰ He attributes this to almost non-existent corporate and humanitarian sponsorship from the local private sector. He, too, however, advocates that civil society should try to reduce its dependence on politically compromising sources of funding.

In its *Vision 2030* document, the government also urges the sector to diversify its sources of funding by relying more on membership contributions, corporate funding, local fund-raising activities, investments and other income generation, including loans.¹³¹ Members of the expert panel for this study said they believed that legal reforms for the sector might stimulate the growth of domestic philanthropy towards the sector.

Some CSOs have started to engage in income-generation activities. For example the Naras training centre generated 47% of its revenue in 2003 through consultancies and the Namibian Red Cross Society leased land it owned in Windhoek for a shopping complex.

Such measures are not without controversy, however, as some believe that CSOs should not be exposed to the risk of contradicting their civic responsibilities and mandates. One example quoted was the Legal Assistance Centre (LAC). If, some of our informants said, this body started charging fees for its services, its primary objective of providing free legal advice in public interest cases for those who cannot afford legal services might be undermined.

Promoting a culture of civil practice

DeLue argues that in order for civil society to affirm its role in the broader community, it is necessary that it should talk openly and candidly about the nature of the environment it promotes and believes necessary for the community.¹³² Its governance has therefore been defined as a passion for promoting democratic, transparent and equitable development.

On the negative side, however, a substantial proportion of the expert informants for this study agreed that some civil society actors were involved in corrupt practices. They further indicated that some CSOs were largely personality driven and administered as fiefdoms not accountable to anyone except their individual 'owners'. Gyimah-Boadi attributed these discrepancies to weak internal management systems, poor levels of corporate governance and a low democratic ethos.¹³³ The same author noted:

that the problem was exacerbated by the prominence of civil society in the political life of society having triggered the arrival on the scene of bogus organisations seeking to cash in on the relative prestige of the sector.¹³⁴

The onus therefore rests on CSOs to cement the sector's reputation by minimising negative tendencies. They could achieve this through a self-regulatory code of conduct. By adopting the values and principles to which it aspires, civil society will go a long way towards fostering such key attributes as public mindedness, sacrifice for the community and civic consciousness.

CONCLUSION

Although Namibia has arguably made significant strides since its transition from decades of authoritarian colonial rule, a number of issues still remain in its efforts to consolidate democracy in the country. The most significant challenge is how to institutionalise a viable multiparty political system in which opposition parties can thrive.

Despite effective constitutional provisions and the practice of electoral democracy, the political opposition is not a vibrant political force. Problems with institutionalising a viable multiparty political system in Namibia are exacerbated by the move towards a one-party dominant state.

In the absence of a vibrant opposition, one-party dominance in Namibia may well prove to be a huge obstacle to the consolidation of democracy in that country. The continued dominance of the executive over the legislative branch of government may pose a threat to the consolidation of democracy in Namibia. Moreover, it could impact on the character and resilience of Namibia's democracy itself.

Here the role of civil society actors becomes more critical. The suggestion here is that these actors remain active and effective in holding institutions of governance accountable and ensuring their effectiveness. The growth in CSOs in Namibia could potentially mitigate or negate the weakened position of both the opposition and the legislature. Indeed, civil society actors seem eager to engage the state, despite resistance from some political leaders to such engagement.

Nowhere is the commitment to state engagement more visible than in the media. Yet while civil society actors and specifically the media remain active and largely effective in holding institutions of governance accountable, the viability of multiparty politics in Namibia remains precarious. Deepening democracy in Namibia could potentially benefit from further entrenching democracy at a grassroots level.

6

LOCAL GOVERNANCE

This chapter discusses the evolution of local government and governance in Namibia. It begins with the contemporary history of local governance in general and in Namibia in particular. The chapter also reviews the legislative framework for regional government, local authorities and traditional leadership institutions. It then discusses the development process of local authorities as well as inter-governmental relations and local government elections. The chapter ends with some policy suggestions.

CONTEMPORARY HISTORY OF LOCAL GOVERNANCE

For some decades now, local governance has been a major concern of developing countries, the international development community and researchers. Local governance has traditionally been motivated by two main arguments: first, local governance enhances accountability and monitoring of government officials and decision-makers by creating institutional arrangements that formalise the relationship between citizens and public servants. Second, decentralisation of central governmental functions and powers can lead to increased efficiency and improved allocation. Central state authorities usually lack the time and knowledge to implement policies and programmes that reflect people's real needs and preferences.¹³⁵

With respect to the economic channels, local governance is expected to have a strong and positive impact on poverty through increased efficiency and better targeting of services. Enhanced efficiency in service provision could directly improve poor people's access to education, health, water, sewerage and electricity, all of which are important poverty-related concerns. Delegating power and resources to the local level may also lead to better targeting of the poor. A more decentralised framework to identify and monitor programmes and projects could not only help to reduce costs but also reach those most in need. In addition, it would enable greater responsiveness to local needs.

The existence of local government authorities in Namibia is provided by

the constitution. Article 12(1) states that for the purpose of regional and local government, Namibia shall be divided into regional and local units. Every organ of regional and local government shall have a council as the principal governing body, and executive and administrative organs for carrying out resolutions and policies. Article 12(5) provides for the establishment of a council of traditional leaders to advise the president on the control and utilisation of communal land and other matters referred to it by the president for advice. Article 103 provides for the establishment of regional councils, with the boundaries of regions being determined by a delimitation commission.

In 1997, the government adopted decentralisation as a means of promoting equal economic, cultural and socio-economic development, by providing people at the grass-roots level with appropriate opportunities to participate in their own decision-making.

The decentralisation policy is designed to:

- extend, enhance and guarantee participatory democracy;
- ensure and safeguard rapid and sustainable development;
- transfer powers closer to the regions and local authorities based on national ideas and values; and
- improve the capacity of regional and local government councils to plan, implement, monitor and manage delivery of services for their constituents.

The policy requires some central government functions to be decentralised to two autonomous levels of local government, namely regional councils and local authorities. A number of functions have been identified for decentralisation immediately or in the medium or long term. The Decentralisation Enabling Act, 2000, provides for functions vested in line ministries to be decentralised to regional councils and local authorities. The Trust Fund for Regional Development and Equity Provision Act, 2000, provides for such a trust fund and a board of trustees for the fund.

INTER-GOVERNMENTAL RELATIONS

The country's administrative system has three tiers – central, regional and local. The main responsibilities of the central government towards the lower tiers are to:

- assist them to perform their duties and functions efficiently by providing the necessary resources and training;
- formulate, direct and coordinate overall national policies;
- control town planning and survey land leading to the proclamation of towns;
- devise and develop a national town development strategy; and
- provide for the establishment of local and regional councils and to control the administration of such councils.

An important element lacking in the decentralisation policy is a common platform and formal procedures for communication, consultation and participation between the centre and the lower levels. Such consultation as does take place is ad hoc and at the discretion of the Ministry of Regional and Local Government, Housing and Rural Development.

However, the Regional Councils Act and the Local Authorities Act contain provisions requiring communication between regional councils and the local authorities in each region. These include the following:

- A local authority must submit to its regional council copies of its agenda, supporting documents and minutes within seven days of a meeting.
- A regional council can enter into an agreement with a local authority to act as its agent or assist it in relation to any of its powers, duties or functions and vice versa.
- The management committee of the local authority must consult with the regional council before preparing its annual or supplementary budgets.
- A regional council may make recommendations to the ministry concerning the minister's powers with regard to a local authority in its region.

The relations between local authorities and between regional councils are, however, not governed by legislation but are left to the discretion of the authorities and councils.

LOCAL GOVERNMENT ELECTIONS

In regional council elections, where candidates run in separate single-member voting districts and voters vote directly for the candidate, the

candidate who wins the highest number of votes wins the seat. This is known as the first-past-the-post (FPTP) system, since the person winning the seat does not necessarily need a clear majority of the votes. For example, a candidate with only 40% of the votes will still win the seat if there are four other candidates each with 15% of the votes. If this pattern were extended across the regions or across the country, a party could win a majority of the seats without a majority of the votes. However, a PR system, similar to that used at national level, is used for local authority elections, with voters voting for the different parties and their lists of candidates.

It had been the intention that PR would be used for only the first two local authority elections and would then be replaced by a ward system, such as is in place for the regional council elections, with voting for individual candidates. Although this intention was provided for in the Local Authority Act, 1992, the regional, local government and housing minister proposed an amendment to this act, which was passed, providing that the PR system with party lists would continue to be used in future local authority elections.

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR LOCAL GOVERNANCE

This section describes the evolution of local governance in Namibia as well as the structure and functions of the various local governments – regional and local (municipalities, towns, villages and settlement areas). The results of the field survey on traditional leadership institutions are also discussed.

Regional government, structure and functions

The regional government system in Namibia came into existence shortly after independence in 1990. A 2000 amendment to the Regional Councils Act, 1992, defines the powers, duties and functions of regional councils and authorises the councils to conduct planning for socio-economic development and to enter into joint business ventures for service provision.

Namibia's 13 regions are: Caprivi; Erongo; Hardap; Karas; Khomas; Kunene; Ohangwena; Okavango; Omaheke; Omusati; Oshana; Oshikoto; and Otjozondjupa. Two members from each regional council serve on Namibia's 26-seat National Council.

The regional councils are members of all operating committees in the regions, such as the coordinating committees for development. They also facilitate the activities of education, health and other committees but have no decision-making power in these committees. The decentralisation will give regional councils broad responsibility in areas such as education, primary health care and rural water supply.¹³⁶ They are also expected to perform functions, including:

- community development;
- early childhood development;
- management and control of communal lands;
- conservation and forest development and management;
- physical and economic planning;
- emergency management; and
- resettlement, rehabilitation and housing in villages and settlements.

In terms of revenue and expenditure, regional councils function as branch offices of the Ministry of Regional and Local Government Housing and Rural Development rather than as autonomous institutions.

Article 109 of the constitution deals with the establishment of management committees elected from council members in each region and presided over by a chairperson elected at the same time. The chairperson and the members hold office for three years and are eligible for re-election. The main functions of the management committee are to:

- ensure that the decisions of the regional council are carried out;
- advise the regional council on any matter entrusted to it;
- prepare estimates of revenue and expenditure of the regional council; and
- report to the regional council on the exercise of its powers and functions.

Subject to certain exemptions, a regional council may delegate any of its powers to its management committee, its regional officers or any of its employees.

Local government, structure and functions

Local authorities are also provided for in the constitution. The Local Authority Councils Act, 1992, provides that there shall be authorities for

municipalities, towns and villages. It is the responsibility of the president to proclaim and name municipalities. The requirements for these are that they should be:

- approved townships;
- able to perform the powers, duties and functions of a municipal council;
- able to pay out of their own funds debts incurred in the exercise and performance of such powers, duties and functions; and
- able to comply with other liabilities.

There are about 48 local authorities in Namibia. Although autonomous, they need to consult the Ministry of Regional and Local Government, Housing and Rural Development about budgeting, decisions on regulations and assessment rates and some other matters.

Municipalities

Municipalities classified as 'Part 1 municipalities' have a solid financial foundation and greater autonomy, notably with regard to negotiating and obtaining loans and determining the rate of property tax, while 'Part 2 municipalities' have a weaker financial foundation and are subject to the control of the Ministry of Regional, Local Government, Housing and Rural Development for credit facilities and determining the rate of property tax.

Municipalities are legal bodies with their own assets, land and boundaries. Although autonomous, they receive loans and subsidies from the central government for:

- development purposes;
- construction of streets, traffic control and fire brigades; and
- functions they perform on behalf of the central government.¹³⁷

Municipalities are located in the country's more developed regions – Khomas, Erongo, Karas and Otjozondjupa – and are a colonial inheritance.

As already discussed, all municipalities have councils, management committees and chairpersons. Depending on their size, their management committees will have between five and seven members, including a mayor and deputy mayor as non-voting members. The head of administration is the town clerk or chief executive officer.

As well as standard local authority functions, such as the provision of water, electricity, sewerage and refuse collection, the construction and maintenance of streets, and the provision of recreation and sports facilities and parks, the larger municipalities offer wider services. Windhoek, for example, which is a city, provides bus services, environmental impact assessment services and pollution control, while Oshakati, Swakopmund and Mariental operate local airports, and Keetmanshoop and Mariental operate tourist information centres. Municipalities are also responsible for liquor licensing and the registration of businesses. Revenue sources including rates, fees and other charges and, especially, electricity and water supplies, go towards the cost of non-income generating services such as parks and sports facilities, roads and street lighting.

Already mentioned are subsidies and loans from the central government. There are, however, problems here. For example, the interest rate on loans for capital projects is theoretically a high 16%, but no loans have been approved since 1999, with the central government instead sometimes guaranteeing the repayment of loans from financial institutions. More importantly, local authorities often either receive no subsidies from the central government or receive them late or in part. At best, these subsidies cover only a small fraction of a local authority's cost of providing services.

Towns

In the first local authority elections in 1992 the total population had an opportunity to elect their representatives. Since then, the establishment of new towns has progressed considerably. As far as their proclamation, naming, responsibilities and funding are concerned, towns are no more and no less than smaller versions of municipalities, although in some cases there may be provision for financial or other assistance from the central government or for the exercise and performance of a town's powers, duties and functions from the relevant regional council. At present ad hoc decisions are taken to establish towns as the need arises. However, new legislation regulating town planning and the establishment of towns was in preparation in mid-2006.

Villages

A village is a local administration on a small scale. It has little infrastructure and serves a relatively small community. The Local Authorities Act, 1992, defines a village as an area whose community, in the

opinion of the country's president, is in need of services, which may be rendered by an elected village council. These councils have no management committees but the head of the village administration is the village secretary.

Settlement areas

Legally, a settlement area is the embryo stage of a village, with a number of informal dwellings and possibly a few properly structured buildings such as clinics, shops and schools. Proper infrastructure needs to be developed with the assistance of the responsible regional council.

Regional councils establish, manage and control these settlement areas and look after the interests of their inhabitants in the same way as village councils manage their affairs. Settlements may nominate spokespersons from their own ranks in cooperation with the regional councils to represent the interests of the settlement areas.

Field survey results on local governance

The field survey for this study indicated that about 88% of respondents were aware of the existence of local authorities but did not find them effective. The main reasons for this lack of effectiveness were said to be:

- lack of political will;
- lack of maturity;
- insufficient funding from the central government; and
- shortage of competent staff and technological know-how.

Service delivery may also be affected by supply problems. In the recent past, for example, many authorities experienced problems with water supply because they were in arrears with payments to the main supplier. It should, however, be noted that the supply of electricity has progressed very well, especially the rural electrification programme.

It was the opinion of some 56% of respondents to the field survey that local government was not independent of central government. The main reasons quoted were that:

- the decentralisation process is not fully implemented due to lack of capacity and resources;

- the central government still interferes with decisions taken by the local authorities;
- the local authorities are not always independent in their consultations with the central government as many of them still depend on central government funding; and
- local authorities still report to central government ministries.

On the question of equitable resource allocation, some 72% of the field survey respondents indicated that resources were not equitably distributed. Their reasons in this case included:

- insufficient funding for many authorities;
- corruption and mismanagement of resources; and
- the general scarcity of resources.

There was a widespread feeling that local government responds inadequately to the needs of their communities and that councillors are not sufficiently in touch with their communities, with only some 52% of respondents indicating that there is reasonable access to information about policies, decisions, budgets and finance.

On the other hand, 78% of respondents indicated that the participation of women in local government was higher than at national level. Women are now actively involved at executive level, and political parties are promoting representation of women in local government structures.

Traditional leadership institutions

With the establishment of regional and local government authorities, the political and administrative status of traditional leaders was affected, and this led to the passing of the Traditional Authorities Act, 1997, which recognises traditional leaders and sets out the framework and functions of traditional authorities and their relationship with other state organs. In general, however, the role of traditional leaders is restricted to advisory, supportive and assistance functions in relation to land and related matters.

The act provides that every traditional community may establish a traditional authority consisting of the chief or head of the traditional community and senior traditional councillors appointed or elected in accordance with the act. The authority shall promote peace and welfare

among the members of its community and supervise and ensure the observance of the customary law of the community by its members. A council of traditional authorities meets annually.

In carrying out their duties, traditional leaders must consult their communities. For example, when they are allocating land to a particular individual, they must seek advice from the other members of the authority and the community at large. Regional and local authorities are highly dependent on the support of traditional authorities in their areas for the execution of their development plans and projects. For example, traditional leaders serve on land boards, which make recommendations for the allocation of land to people in resettlement programmes. A general rule is that traditional authorities must support the policies of all tiers of government and must refrain from acts which undermine the authority of central, regional and local government institutions.

Traditional leaders may not simultaneously hold office in a political party or be members of the National Assembly or National Council. Traditional leaders who accept such political appointments are deemed to have taken leave of absence from their traditional leaderships while they hold political office and will be replaced by an acting chief or head of traditional authority, who will exercise the powers, perform the duties and functions and receive the allowances payable to a traditional leader.

An overwhelming 97% of respondents to the field survey previously referred to believed that traditional authorities play an important role in the community in relation to:

- the administration of communal land and courts;
- advice to the government in allocating land and on traditional issues; and
- enforcing laws where government cannot reach the community.

Although not national in its coverage, a 2002 survey found that traditional authorities derive their legitimacy from a general perception that they normally adjudicate fairly in communal conflicts.

Traditional authorities may also influence the voting choice of members of their communities. The reasons for this in the survey included the following:

- Members of the community may support the political party of the chief out of loyalty and respect.
- Illiterate members of the community are often guided by their leaders.
- Members of the traditional authorities are in touch with the communities at all times and their choice influences their communities.
- Members of traditional authorities sometimes actively mobilise people to support the candidates of their choice.

Development process of local authorities

Since independence there have been major changes to the administration and financing of regional and local government. The central government is, for example, now actively involved in a number of its own development projects. These include rural electrification in cooperation with Nampower and private bodies.

Through the Ministry of Regional and Local Government, Housing and Rural Development, the government is providing town planning, surveying, water reticulation, sewerage and other infrastructure services in towns, villages and settlement areas. Training of regional and local councillors and administrators in a wide range of skills is another central government activity and is being undertaken in collaboration with NGOs.

The town-planning activity already referred to has been introduced to assist urban areas under pressure from the constant migration of people from the rural areas seeking employment opportunities. The government has focused on the provision of smaller plots to enable more people to own their own land. Services are provided before building commences.

Another activity has been to redress the distorted pattern of resource allocation left by the former colonial administration. While established municipalities have built up large reserves, new local authorities are often without sufficient financial resources. Some redistribution of resources is required to normalise the anomalies that have been inherited. In an effort to mobilise additional funds, educational campaigns are being conducted to encourage consumers to accept responsibility for paying for the services they use. Local authorities whose citizens have refused or cannot afford to pay for services such as water and electricity have sometimes had these services cut off. In some cases the central government is sponsoring half the financial shortfall of affected local authorities.

REPRESENTATION, ACCOUNTABILITY AND CITIZEN PARTICIPATION IN LOCAL GOVERNANCE

Communal areas in particular have in the past been administratively and economically neglected, and restructuring these areas and integrating them into the national economy has become another priority – for which the regional councils have been given special responsibility. A regional council also has to ensure that decisions of municipalities, towns and villages in its region serve the interests and well-being of the region's inhabitants. This is part of its supervising, initiating, coordinating and implementing responsibility.

While a regional council can make recommendations to the central government in relation to a local authority in its region, the central government's channels for consulting the community are the community-based organisations and the traditional leaders.

Although Namibia adheres to the principle of participatory democracy, such democracy cannot flourish if it operates in conditions of absolute poverty.¹³⁸ In order to democratise an environment characterised by poverty and poor economic conditions, the guidance of regional councils and the implementation of economic advances discussed elsewhere in this report will both be crucial.

GENDER ISSUES

The Local Authorities Act, 1992, provides that party lists should include at least two women for elections to local authority councils with up to 10 members, and at least three women for councils with more than 10 members. These minimum requirements were exceeded and in the 1992 local government 32% of the councillors elected were women.

The female-male ratio increased to 43:57% in the 2004 elections and there are now, for example, 11 local authorities in which women hold a majority of seats, compared with only four in the 1992 elections. There is also no local authority with no women councillors. Representation by women in local authority councils is far higher than it is in parliament, the cabinet or the judiciary or – especially – in regional councils, where women hold only eight seats out of the total of 95.

While the surveys for this study confirmed the increasing participation of

women in councils at executive level and in political parties, the actual statistics show the following representation by women:

- Part 1 municipalities: 40%
- Part 2 municipalities: 32%
- Town councils: 45%
- Village councils: 44%
- Regional governors: 23%
- Municipal and town mayors: 30%
- National council: 23%
- Regional councils: 8%
- Traditional authorities: 2%

The last of these percentages has serious implications in the context of traditional authorities' responsibilities for allocating land and adjudicating disputes.

CONCLUSION

The surveys indicated that regional councils and local authorities were still relatively young institutions and should be given time to develop into fully fledged representative structures. More decentralisation of central government functions following the decentralisation policy announced in 1997 would be a boost for regional councils. In terms of this policy, economic, cultural and socio-economic development should take place locally, and people at grass-roots levels should be given the opportunity to participate in their own decision-making processes.

ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE

The first part of this chapter provides an overview of Namibia's macroeconomic framework. It describes and analyses the longer-term development (1990-2004) of such key indicators as broad economic growth, sectoral output and international trade. It then evaluates fiscal and monetary policy and its impact on the socio-economic challenges inherited at independence.

The second part of the chapter analyses microeconomic trends, with sections on poverty, education, health and sanitation, employment and access to the economy. It notes that despite the favourable macroeconomic performance, the socio-economic challenges that prevailed at independence have not been adequately addressed. In this regard, reference to the internationally accepted poverty datum line of US\$1 per day indicates that the Namibian poverty rate as found in the 2006 Namibia Household and Expenditure Survey (NHES) was 28%. This means that 28% of the country's population was living on less than the 1993 purchasing power parity equivalent of US\$1 per day.

The chapter then reviews the roles of the state, the private sector and individuals in the economy, and there is a final comment on gender issues.

MACROECONOMICS TRENDS

The most fundamental challenges that faced the Namibian government in the aftermath of independence were diversifying the economy, expanding employment and achieving a sustainable economic growth rate. The sectors targeted as contributing significantly to the achievement of these goals were agriculture, fishing and mining. By and large, however, these sectors have contributed relatively modest growth of 3-5% annually since independence. In addition to these sectors, substantial effort has also been invested in building the tourism industry in Namibia. Land remains a contested issue. This is of particular relevance in the northern communal areas where subsistence households have limited access to land and income.

ECONOMIC GROWTH, SAVINGS AND INVESTMENT

Namibia inherited an economy characterised by a dualistic production structure in that its economic activity ranged from traditional subsistence to the high technology of a modern industrial sector (especially mining). Although agriculture, fishing and mining remain mainstays of the economy, their contributions have decreased substantially since independence. An outline of the production structure of the country is provided by the contributions of the main sectors to total GDP, as indicated in Table 7.

During the first half of the 1990s, Namibia experienced an average real GDP growth of close to 5%. Production increased strongly in the secondary and tertiary (services) sectors. The role of the agriculture and mining sectors became relatively less dominant in the overall economy – with dependence on the primary sector, which had accounted for some 40% of the total throughout the 1980s, currently dropping by half to less than 20% of total GDP. This decrease in the share of primary production reflects fluctuations in international commodity demand and prices, which impact on mineral production and exports. Other natural factors such as climatic and marine conditions also affected the export sector adversely during this period. Economic growth slowed considerably in the later

Table 7: Percentage contributions to GDP in current prices

Sector	1980	1985	1990	1995	2000	2004
Primary sector	48.0	36.8	28.4	19.0	20.9	19.4
of which – mining	37.5	28.0	17.8	8.3	11.0	10.4
– fishing	0.8	1.3	2.1	3.9	4.4	4.0
– agriculture	9.8	7.5	8.4	6.9	5.5	5.0
Secondary sector	15.2	14.7	16.4	16.4	14.6	18.5
of which – manufacturing	8.6	10.3	12.4	11.5	10.0	12.2
Tertiary sector	31.2	41.7	45.3	54.0	55.9	54.2
of which – government services	10.5	19.0	21.0	21.9	21.4	19.3
Invisibles and other	5.6	6.8	9.9	10.6	8.6	7.9
Totals	100.0	100.0	100.0	100.0	100.0	100.0
Real GDP growth rate	1.1%	2.1%	6.5%	4.1%	3.5%	5.9%

Source: Derived from National Accounts, various report, Central Bureau of Statistics.

1990s, with the average real GDP growth dropping to 3.6% in the second half of the 1990s from 4.5% in 1990-1995. Since then, however, growth has again increased to an average of more than 5%.¹³⁹

Namibia has experienced an expansion of production activities in sectors that were less vulnerable to some external influences, while government services remain the largest contributor to GDP despite some recent outsourcing of some of these services.

The ratio of gross fixed capital formation (GFCF) to GDP is a significant indicator of future economic growth. An increasing ratio may mean higher economic growth in the future and may also allow available resources to be redirected into future production expansion. In the 1980s, GFCF was an average of 18.8% of GDP. Since then GFCF has increased to between 20% and 22% of GDP. While this ratio is among the highest in sub-Saharan Africa, it is low compared with the GFCF:GDP ratios of rapidly developing Asian countries such as Singapore and Malaysia, which have reached 30% and more. In this comparison, resources allocated to future economic growth are relatively low in Namibia.

Gross national savings expressed as a percentage of GDP have also increased, from 25% in the mid-1990s to more than 30% in recent years. In other words, and different from the experience in most developing countries, Namibia has achieved a position of excess savings over investment. This is reflected by consistent surpluses on the external current account. As a ratio of GDP, the current account surplus increased to an annual average of 4.6% in 2000-2004 from an average of 3.7% in 1990-1999.¹⁴⁰ This means that Namibia has become a capital-exporting country and that its economic problems have less to do with lack of savings than with insufficient investment and job creation within the country.

The inflation rate in Namibia is largely determined by price developments in South Africa, which is the source of more than 80% of the country's imports. The rate declined from more than 17% in the early 1990s to some 6% in the late 1990s, and as low as just more than 4% in some years since then.

Export performance

Exports have been dominated by minerals and other primary commodities. These have remained strong but are regarded as unsustainable. Their value

has also fluctuated because of changes in commodity prices and the weather, and other conditions affecting agriculture and fishing. Bank of Namibia reports show that the contribution of exports of goods and services to total GDP declined from more than 50% in the early 1990s to less than 34% in 2004. Owing to the small domestic market, rapid growth without strong exports will be difficult to achieve. A corollary of this is that the relatively low export growth has been the main reason for the sluggish growth in the Namibian economy.

Minerals represented an average of more than 58% of exports during 1990-2004. Of all minerals, diamonds made up some 68%, translating into about 40% of all exports. Minerals' average contribution of 58% of exports hides annual figures as high as 65% and as low as 49%, with the low figure being for 1998 when there was a depressed demand for diamonds following a financial crisis in East Asia.¹⁴¹ On the other hand, non-mineral exports, including food, live animals and processed fish, have registered a moderate improvement since independence, contributing some 35% of total exports in 1990 and more than 42% in 2004.

Fish products have accounted for some three-quarters of manufactured products exported since independence and close to 19% of total exports. The value of this export contribution rose from some N\$400 million in the early 1990s to a high of N\$1.5 billion in 2003, although there was a sharp decline to some N\$900 million in 2004. The fishing industry, which exports more than 90% of its output, has recently been affected by a period of fewer and smaller catches.

Agricultural products remain a relatively small and declining sector of the economy, with the Bank of Namibia recording its contribution to total GDP as almost 8% in 1990 but only some 4.5% in 2004. Live animals, meat and meat products dominate this sector and account for close to 90% of total agricultural exports. Zaaruka et al believe there is scope for aggressive diversification and a larger value-added component in this sector, particularly for exports.¹⁴² Grapes and unprocessed fish have already become significant products. The tourism sector has grown by 4.5% in 2006, compared to a modest expansion of 0.3% in 2005. Predictions by the Bank of Namibia suggest that this sector is set to expand by 6.5% in 2007 due to economic recovery in the euro area, lower oil prices, and a relatively weaker Namibian Dollar.

*Fiscal performance*¹⁴³

Since independence, Namibia has striven to maintain fiscal prudence in order to achieve macroeconomic stability and lay the foundations for sustainable economic development. However, the need to address pre-independence social inequalities as well as high unemployment and poverty has resulted in high levels of social and economic expenditure, budget deficits and a build-up of debt. Fiscal policy plays a crucial role in the country's macroeconomic policy because Namibia's membership with South Africa of the Common Monetary Area means that domestic monetary policy cannot be used for stabilisation.

Revenue as a percentage of GDP averaged 31% between independence (1990) and the 2005/2006 tax year. Total taxes have accounted for almost 90% of total revenue, or about 28% of GDP.¹⁴⁴ Taxes on income and profits were an average of 38% of total taxes, while taxes on goods and services (mainly value-added tax [VAT]) and taxes on international trade (mainly receipts from SACU) were about 25% and 35% respectively of total taxes.

In order to accommodate the government's socio-economic agenda, the tax system has been modified considerably since independence.¹⁴⁵ As incentives for investment, both the company tax rate and the maximum marginal tax rate for individuals were reduced from 42% to 35%. The tax bands were also simplified and the threshold level for individuals was increased to N\$36,000 (US\$5,353) a year.

General sales tax was extended in 1995 to cover services as well as goods, and in 2000 was replaced by an invoice-based value-added tax (VAT) system. A number of basic household commodities are VAT-exempt, while differentiated VAT rates have been introduced to accommodate certain equity and investment promotion objectives.

The majority of the respondents to the surveys for this study indicated that tax collection is inefficient, with a large number of people and some companies believed to be evading taxes because of inadequate systems in the government's revenue department. The respondents also made some positive observations, however, including the following:

- 'Our tax regime is not only equitable but also one of the best tax regimes worldwide due to its progressiveness.'

- 'Namibia's tax system is transparent as most information on the rates is available in booklets.'
- 'In its relationship to investment in Namibia, the tax system should be applauded for its many incentives, such as tax-free export-processing zones that promote domestic and foreign investment within the country.'

Total government expenditure has also stayed generally in line with revenue. As a share of GDP, it stayed within a band of 33-37% between 1990/91 and 2003/04. Expenditure on human resources accounted for more than half of total expenditure, while capital expenditure represented only about 14% of total expenditure.

Over the past 15 years, more funds have been spent on the social sector – including education and health – than on economic and infrastructural development. The highest allocation has been for education. Despite this, a shortage of skilled human resources has persisted (according to the Africa Competitiveness reports) and has been a negative factor inhibiting foreign direct investment. Expenditure on human resources should therefore continue to receive high public spending priority.

Government expenditure on economic services declined in real terms by about half between 1990/1991 and 2005/06. This was because many of the major investment projects were completed towards the end of first decade of independence. The outsourcing of services by some government departments also contributed to the decline. In order to address budgetary problems – especially fiscal policy management – as well as the social inequalities that persisted during the first decade of independence, Namibia has adopted a medium-term expenditure framework for its budgetary planning. The first three-year rolling budget covered the period 2001/2002 to 2003/2004. In the 10 years between 1991 and 2000 the fiscal deficit ranged between 0.7% and 5.6% of GDP. The government made a concerted effort to reverse the increase in deficits, and since then the average deficit has been about 3.2% of GDP, which is close to the 3% target set by the National Development Plan.

Since independence, Namibia's sovereign debt has increased at a faster rate than GDP growth. Total government debt increased from 15.6% of GDP in 1992/1993 to 32.5% at the end of 2004/05, when it exceeded the 25%

of GDP benchmark in the national debt strategy document. More than 80% of total public debt is domestic public debt.

Development of financial institutions

The country's financial system is relatively advanced by developing country standards. The financial sector is dominated by a well-established, modern and efficient banking system, controlled by legislation and overseen by the Bank of Namibia. Of the four commercial banks, three are linked to banks in South Africa. All four are capable of handling international financial transactions and trade finance. The banks and other financial institutions are supervised by the Namibian Financial Supervisory Authority.

Money supply as a ratio to GDP – which indicates the size of the banking sector in relation to the economy – has been increasing since 1991, allowing the banking sector to raise larger amounts of capital both for growth and for diversifying risk in the economy. However, the major beneficiaries of capital are established corporate bodies, with access to credit remaining a problem for small and medium-scale enterprises.¹⁴⁶

The introduction of a number of instruments such as unit trusts and government papers has strengthened the financial system in recent years. To help the development of the local financial market, the government requires financial institutions to invest a minimum of 35% of their funds locally. While institutional investors complain that the requirement forces them to make sub-optimal investment decisions, it has contributed substantially to the widening of the Namibian financial sector, including the establishment of financial auxiliaries such as stock-broking firms and asset management companies. Another beneficiary has been the Namibian Stock Exchange.

As already indicated, the Bank of Namibia does not engage in an active discretionary monetary policy because of its membership of the CMA. It does, however, impose certain regulations to ensure sound financial and monetary stability, and it affects economic activities by influencing the flow of credit and money from the banking system to the private sector.

While most members of the expert panel believed that the Namibian economy was currently being managed efficiently, a minority believed

that there was too much misallocation of resources and that the economic policy was not leading to sustainable development and job creation.

MICROECONOMIC TRENDS

Overview of poverty in Namibia

Namibia's per capita income of US\$2,000 in 1994 was among the highest in sub-Saharan Africa. However, its skewed income distribution with a Gini coefficient of 0.7 was at the time the highest in the world. Following the 2003/04 National Household Income and Expenditure Survey (NHIES), the Gini coefficient has reduced to 0.6, which remains among the highest in the world. As a result, the poverty rate has remained high since independence. For example, using the international poverty datum line figure of US\$1 per day, the rate indicated in the 1993/94 NHIES was almost 35%. In 2003/04, household spending on food and beverages is used as an indicator of poverty. Using this indicator, the survey shows that extreme poverty prevails more in rural areas than in urban areas: urban households spend a smaller proportion of their consumption on food and beverages (16%) than rural households (39%). However, urban households spend a large proportion of their consumption on housing – 24% for urban households compared to 17% for rural households.

The dimensions of poverty also varied by region in 1993/94. According to the Human Poverty Indicator (HPI), which includes life expectancy, nutrition, illiteracy, access to water, health and income data, the poverty rates were highest in Caprivi (39.6%), Ohangwena (34.2%), Omaheke (33.4%), Oshikoto (32.9%) and Kavango (32.6%), while all other regional rates were below 30%, with lows for Erongo (18.7%) and Khomas (19.7%). In the 2003/04 household survey, the dimensions of poverty by region have remained the same, as indicated by the proportion of food consumption. Omusati, Kavango, Ohangwena, Caprivi, and Oshikoto have a high proportion of food and beverage consumption.

A majority of members of the panel of experts for this survey noted that there had been little improvement in living conditions in the past five years. Their reasons included the following:

- Growing poverty has led to rural-urban migration and a subsequent increase in the level of social problems in the urban areas.

- HIV/Aids is inhibiting an improvement in people's living conditions.
- There is a perception that widespread corruption is causing the rich to become richer and the poor to become poorer.
- Continued high unemployment levels are contributing to poverty.

When asked, however, for their views on the country's economic prospects, an overwhelming majority were positive. The main reason was that once properly managed, the country's abundant natural resources would contribute to an improvement in living standards.

Multi-dimensional perspective on poverty

This subsection discusses different causes of poverty, including low incomes, restricted access to health, education and other social services, and breakdowns in society.

Education

At independence, Namibia inherited an education system characterised by major disparities in terms of the distribution of education opportunities and facilities to the country's different racial groups and regions. Educational reform therefore became one of the new government's four priorities. (The others were health, access to potable water and sanitation, and employment: see below.) Between 1990 and 2003:

- the number of schools and classrooms increased by 21% and 70% respectively;
- the number of children of school-going age attending school rose from 60% to 85% – a 40% increase; and
- enrolment at senior secondary level trebled.¹⁴⁷

On the other hand, however:

- access to education for children from marginalised groups has not grown in line with the overall improvements recorded above;
- the continuing shortage of well-trained school-leavers and people with post-school qualifications has been cited as one of the main reasons for foreign direct investment being lower than expected;
- the growing incidence of HIV/Aids has the potential to reduce the number of qualified teachers, to reduce enrolment levels and to affect educational performance at all levels.

Health

After independence, the emphasis for the provision of health services changed from high-quality curative care available mainly to the white population to primary health care for all. Nevertheless, the importance of curative services continues to be recognised.

Access to potable water and sanitation

Significant strides have been made in the provision of water to the majority of the population. While at independence 43% of the rural population had access to safe drinking water through pipes and boreholes, this percentage almost doubled to 80% by 2001. In urban areas, access to safe water is now almost universal in some regions, including the capital region of Khomas (where 98% of households have such access), although it is lower in other regions, notably Okavango (only 62% of households).

Progress in the provision of sanitation has been slower. In 1991 only 15% of the rural population had access to a flush toilet or a ventilated pit latrine. Ten years later this figure increased to 21%. Although the gap between urban and rural areas is wide – the provision of sanitation is four times as high in urban areas – there are similar urban variations and, more surprisingly, the total urban percentage with access to good sanitation actually dropped in the 10 years after 1991 – from 89% to 82% – because of growing informal settlements in the cities.

Employment

In Namibia, the potential labour force is defined as persons aged 15 years and above. According to the National Housing and Population Census of 2001, the labour force as so defined accounted for some 54% of the population, or down slightly from 58% in 1991. The unemployment rate, however, increased from 31% in 1991 to 35% in 2000.¹⁴⁸ This statistic shows that job creation programmes have so far not yielded the expected returns.

Three corollaries linked to unemployment are that:

- the country is experiencing a serious shortage of skills, especially in technology areas;
- there is an apparent mismatch between the skills developed by the education system and the skills needed by the labour market; and
- sectors in which the country's economy holds a production advantage –

such as fishing and mining – are capital intensive and therefore support a relatively small proportion of the labour force.

Access to economic resources such as land

In Namibia, individuals and others can own land, businesses and other important assets. In terms of post-independence legislation, the country is divided into 'communal land' and 'commercial land'. In the communal area, land is registered in the name of the state on behalf of the community, and members of the community can lease a portion of land from the government for 99 years for agricultural or residential purposes. In the case of commercial areas, the land is registered in the name of the private individual and can be used for business purposes.

Chapter 3 of the constitution protects owners and long-term leaseholders of communal and commercial land, and their rights are registered in deeds offices. The majority of the panel of experts for this survey agreed that equity issues were being addressed in terms of access to land, and that transactions in land were well governed by the willing-buyer willing-seller principle.

ROLE OF THE STATE IN THE ECONOMY

The government sector plays an important role in the country's economy, being the largest contributor to GDP, a significant investor and employer, and a major consumer of goods and services. The government uses the economic power of the state to work towards a more dynamic economic system than the one it inherited from the pre-independence regime. It does this with the intention of achieving faster economic growth.

As the country experienced physical and social infrastructure imbalances before independence, and because the private sector had been too lethargic to promote development, the post-independence government embarked on a policy of playing a leading role in economic activity through parastatals. These include:

- NamPost (the postal service);
- Telecom Namibia (the telecommunications service);
- the Namibian Development Corporation;
- NamPower (electricity generation and distribution);
- NamWater (water supply);

- TransNamib (multi-mode transport); and
- various agricultural commodity marketing boards.

In other words, government activities extend beyond the creation and maintenance of an appropriate legal framework, the establishment of institutions and structures and the maintenance of stable macroeconomic conditions.

Table 8 shows that the government's involvement in the economy was greatest in the first five years of independence, when there was an urgency to address the socio-economic imbalances created by the apartheid regime.¹⁴⁹ At the same time, the government outsourced or commercialised some of its non-core functions. This has resulted in the establishment of:

- the Roads Authority, the Road Fund and the Road Contractor Company to take over the functions of road maintenance and construction;
- the Development Bank of Namibia to encourage the development of a stronger private sector;
- the Investment Promotion Programme to increase investment;
- the Industrial Development Programme, which is aimed at establishing industrial parks and export processing zones; and
- the Small Business Credit Guarantee Trust.

Table 8: The role of the state in the Namibian economy, 1991-2004

Type of participation	1991-1995	1996-2000	2001-2004
	%	%	%
Contribution of the state to total GDP	22.9	22.2	20.1
Contribution of state investment to total investment	28.6	37.6	30.5
Central government expenditure compared with total GDP	35.0	33.6	32.8
Employment by the state as a share of total employment	16.0	14.0	17.0

Source: Central Bureau of Statistics, 'National Accounts 1995-2004'. National Planning Commission, Windhoek, Namibia, 2004.

ROLE OF THE PRIVATE SECTOR IN THE ECONOMY

Apart from the parastatals referred to in the previous section, the Namibian economy is an open one and provides a good example of democracy in action. Investment in the economy by the private sector is quite substantial, although it is unevenly distributed across sectors. Over the eight-year period 1996-2004, total domestic private sector investment amounted to N\$15.1 billion, or 62%, of all investment. As a ratio to GDP, private sector investment was 20% in 2004. In the same year, the private sector contributed N\$3.5 billion to the country's overall savings – or the equivalent of 15% of GDP.¹⁵⁰ Including self-employed individuals, the private sector currently has some 300,000 employees.¹⁵¹

The effectiveness of the private sector's consultation and cooperation with the government has been enhanced through the various sectoral associations that it has established, such as the Namibian Chamber of Commerce and Industry, the Bankers' Association of Namibia, the Manufacturers' Association of Namibia, the Indigenous Business Forum, the Agricultural Union and the Namibian National Farmers' Union.

In 2005 the minister of trade and industry inaugurated the Namibian National Trade Forum as a platform for the private sector, labour, civil society and government to interact and deliberate on what needs to be done to accelerate and diversify economic growth.

A majority of the members of the panel of experts noted that cooperation between the public and private sectors appears to be working well. The respondents appreciated various government initiatives for involving the private sector in major economic and developmental issues.

ROLE OF CITIZENS IN ECONOMIC POLICY-MAKING

Since independence, the number, size and influence of the various NGOs, CBOs and CSOs have grown considerably. They are involved in every conceivable aspect of society, including agriculture and rural development, human rights, democracy issues (including elections), education and training, health, housing, women's issues, poverty, the environment and nature conservation, small business and the informal sector and, in the context of this section, economics.

Their role in economic policy-making has become more influential, both at

a sectoral level and in terms of their participation in policy dialogues and policy formulation with the government, which has encouraged their involvement in the preparation of the national budget and other fiscal policies. They have also been called upon to join the government in a range of poverty-reduction programmes. The government accepts that the involvement of civil society generally has improved its own understanding of poverty and has helped redefine some of its poverty-reduction programmes.

While some NGOs working with poverty issues have claimed that the government has been unwilling to collaborate with them, a number of CSOs are active in delivering a range of poverty-reduction and human development initiatives in cooperation with the government. These are in areas such as education, health (including HIV/Aids programmes), the environment and youth development.

GENDER ISSUES

There is overwhelming constitutional, legislative and government policy support for gender equality and, indeed, for promoting the economic advancement of women in an environment where women have historically been at a disadvantage.

Examples are the following:

- Chapter 11 of the constitution clearly states the principle of gender equality in the economic sphere.
- References to the same principle are included in government policy documents such as the first and second National Development Plans (NDP-1 and NDP-2) and *Vision 2030*.
- Section 106 of the Labour Act, 1992, forbids discrimination in employment on the basis of gender.
- The Social Security Act requires employers to register their casual workers in addition to their contracted employees, and this is a tangible demonstration of women's economic rights as a greater number of women than men are casual workers.
- The Affirmative Action Act, 1998, established the Employment Equity Commission (EEC) to monitor employment equity in the workplace and to apply affirmative action policies to benefit historically disadvantaged groups, including women.

While women and men are in theory affected equally by the present state of under-employment in Namibia – and while many women and men as a result join the informal sector – women and men are in practice not affected equally by the difficult economic situation. For example, women's participation in the formal labour market is only 47%, whereas females make up some 52% of the country's population.

Further analysis shows that:

- black women are more disadvantaged in the employment arena than are white and mixed-race women;
- disabled women are more disadvantaged in the employment arena than are disabled men;
- women in rural areas are more disadvantaged economically than are women in urban areas; and
- households headed by a woman are more disadvantaged economically than are households headed by a man or both a man and a woman.

In terms of institutional support, the EEC, which was established in 1999, monitors a range of employment equity practices in the workplace. While not denying employers the right to employ other qualified persons, the EEC ensures that employers adopt and implement affirmative action plans consistent with the Affirmative Action Act. These plans include employing quotas of historically disadvantaged groups, including women, racial groups and persons with disabilities. Employers with 50 or more employees have to submit reports to the EEC. Once reports are submitted and accepted, the EEC issues compliance certificates valid for one year.

Members of the panel of experts for this study agreed that although affirmative action programmes take some time to become effective, employers' response to EEC initiatives has been quite good. While the panel also expressed the view that although access to work and social security was available to all people without discrimination, the shortage of jobs sometimes worked against the theory.

A majority of the panel believed, however, that the government was failing in its measures to ensure equitable income distribution. They noted that Namibia remained highly unequal and some advocated that a form of income grant should be introduced.

CONCLUSION

In the aftermath of independence, the most daunting challenges that faced the Namibian government were to achieve a sustainable economic growth rate and a real increase in per capita incomes, to diversify the economy, to expand employment opportunities, and to improve education and health services. Recently, concerted efforts have been made to reduce income inequality and to enable black economic empowerment. Since independence, economic growth in Namibia has been relatively modest in the 3-5% range annually. This was short of the targeted 5%.

About 30% of Namibians are estimated to be employed in agriculture, primarily subsistence agriculture in the communal areas. The government hopes to increase employment opportunities by promoting small and medium-sized enterprises and by increasing manufacturing employment. Mining, commercial agriculture and fishing remain the mainstay of the Namibian economy. Significant capital has also been invested in building the tourism industry in Namibia.

FINDINGS AND RECOMMENDATIONS

MAIN FINDINGS

This study has argued that democracy in Namibia is underpinned by liberal precepts. With its preoccupation with individual liberties, liberal democracy is, however, insufficient in a developing context such as that of Namibia. Sustaining Namibia's democracy will depend on the introduction of durable democratic dispensations that will promote collective interests over individual preferences. Appropriate and effective legal and political institutions will be required to ensure people's rights, to safeguard their security and to allow them to elect central and local governments that will make good laws.

Political and social achievements and challenges

Namibia's political transition has until now been largely a process of decolonisation. National reconciliation has helped the country to achieve to a considerable degree the internal stability that was needed after the protracted liberation struggle.

Namibia's transition to democracy emerged through a valid election in conjunction with a significant international component. While apartheid South Africa tried to manage Namibia's transition, major assistance during the period leading to independence came from the UN Security Council.

After independence, the country has designed institutions with socially rooted procedures and practices for the task of constructing a national democratic system. The country has succeeded in promoting a peaceful democracy and political stability within the framework of constitutionally guaranteed rights, democratic principles, national reconciliation and affirmative action.

The pillars of Namibia's democracy are the supremacy of its constitution, a commitment to the rule of law, the separation of powers and a bill of rights that incorporates internationally recognised rights and freedoms. More, however, is required. Democracy in the context of developing countries needs to concern itself with issues such as the alleviation of

poverty and the improvement of living standards. Given the shortcomings in these areas that characterised colonial Namibia, appropriate social programmes are both an urgent priority and a daunting task.

The post-independence government faced the twin tasks of promoting sustainable human development and achieving effective economic delivery. For these, a particular developmental posture needed to be assumed. So far, for example, the government has broadened a range of state benefits.

In terms of Article 20(2) of the constitution, it has made primary education compulsory, while other measures to enhance and deepen the social penetration have included the creation of 13 regional governments, the incorporation of former PLAN fighters into the army, the extension of social security benefits and modest land reform. Other policies being pursued have included affirmative action and selective land expropriation.

Making delivery more difficult, however, are a number of challenges, including a high prevalence of HIV and the multiple impacts of AIDS, increasing food insecurity, deepening poverty and weakening capacities for governance and the delivery of social services.

Democratic challenges and constraints

One obstacle in the way of democratic consolidation is the present weakness of civil society. While the research for this report has not confirmed this absolutely, there is evidence that the government's programmes for realigning the social and political forces have absorbed trained human resources from the grassroots organisations and NGOs that were previously critical of the colonial government. The move of many of these people to the civil service has contributed to the weakness of the structures and organisation of civil society in Namibia.

In addition, a weak opposition has contributed significantly towards one-party dominance. While a strong opposition would contribute significantly to the consolidation of democracy, it is difficult to see a viable multiparty political system emerging in Namibia any time soon. A continuation of one-party dominance could impact on the character and resilience of Namibia's democracy.

KEY RECOMMENDATIONS

In the light of the above findings, a number of recommendations are made in the areas of political transition, democratic consolidation and economic management.

Representation and accountability

On paper, Namibia's constitutional and political state could hardly be improved upon. The main features are:

- a bill of rights protecting life, liberty and human dignity, outlawing racial discrimination and apartheid practices and guaranteeing equality before the law, the right to a fair trial, the right to private property and privacy, and freedom of association, speech, religious affiliation and cultural orientation;
- a system of checks and balances through the separation of powers between and within the independent organs of state; and
- the coexistence of a number of political parties participating in presidential elections and elections for the country's National Assembly and regional and local administrations.

In practice, however, at least four problem areas need to be addressed if the country is to fulfil its constitutional promise. These are:

- the election process;
- the overlap between the executive and the legislature;
- gender representation; and
- the effectiveness of the judiciary.

The election process

Namibia has both plurality and PR electoral systems. While plurality works well for the presidential and regional elections, the National Assembly's PR system has both an upside and a downside. The upside is that smaller parties are represented in the Assembly, while the downside is that the members of the Assembly may be more beholden to the parties which nominate them than they may be to the electorate.

The researchers believe that the downside threatens democracy and that ways should be found to bridge the gap between the people and parliament. It is clear that elected representatives need to be accountable to

the electorate – through constituencies or otherwise – as well as to their party hierarchies.

The overlap between the executive and the legislature

The overlap between the executive and the legislature arises because of the small size of the main legislative chamber, the National Assembly (which has 72 voting MPs plus six nominated non-voting MPs), and the large size of the executive or cabinet (which includes 26 ministers and their deputies, all drawn from the ranks of MPs). As the president appoints and dismisses the members of the cabinet, the president is able to influence a majority of the National Assembly.

This creates a serious overlap between the powers of the executive and the powers of the legislature. This overlap needs to be resolved. As few other countries with populations as small as Namibia's need large cabinets – especially when there is a conscious devolution of powers to regional and local government – at least a partial solution would be to have a smaller cabinet, such as a prime minister and a minister of home affairs plus perhaps six other ministers for the broad responsibilities of state – foreign affairs, defence, justice, internal security, education, health and social services.

Gender representation

Emphasis is now being placed on ways to advance gender equality in political, social and economic spheres. This emphasis is seen by many as a step in the right direction if the present inequality is to be addressed. The inequality is partly a heritage from the colonial era and partly a consequence of age-old patriarchal traditions, which are still especially noticeable in the rural areas.

While the SADC target of 30% representation by women by 2005 has not yet been reached at national level, the good news is that women are almost reaching parity with men as representatives in local government.

The effectiveness of the judiciary

While there have been a few high-profile cases of the executive or the legislature overruling judicial decisions, the judiciary is generally regarded as independent and is respected by the other organs of state. It is, however, also generally agreed that insufficient funds are being allocated

to the judiciary to allow it to catch up with its backlog of cases. For the judiciary to function effectively, this funding issue needs to be addressed urgently.

Citizen participation

As well as formally, through elections and participation in local government structures, citizens participate most actively and effectively in the governance of their country and their community through a wide range of civil society bodies. These represent a highly important constituency, which can perform the vital watchdog role of monitoring government actions and generally keeping the government on its toes.

The surveys for this study indicate that the Namibian government stands midway between the governments of established democracies that actively encourage civil society bodies and those of authoritarian countries that actively discourage such bodies.

There is, however, sufficient evidence that the Namibian government wants to attract the participation of its citizens. It continues to institute a battery of policies and programmes explicitly requiring the active and meaningful engagement of citizens in how their communities are governed. It may therefore be said that the Namibian government is not opposed to dealing with a range of CSOs and interests. In the interests of the wider participation of the country's people in the broad range of government, this interpretation should be encouraged.

Local governance

The surveys for this study indicate that local government authorities are seen as more suitable than the central government in initiating and managing a range of community development projects.

To provide effective local governance, however, the surveys reveal that the regional and local tiers of government need to be reinforced in several broad areas. These are:

- political authority and responsibility;
- training in technical know-how and other skills;
- financial self-sufficiency; and
- service delivery, including such vital areas as water and power.

The Ministry of Regional and Local Government, Housing and Rural Development needs to give more attention to these requirements.

Of even more importance is that the central government should give attention to the serious implementation of its decentralisation policy. Although this policy was launched as long ago as 1998, not one single function has yet been decentralised. The responsibility lies with the central government ministries, which claim that they are still drafting plans for the functions to be decentralised. Governance is certainly breaking down if, following a June 1998 cabinet directive, ministries are 'still drafting plans'.

Economic management

The post-independence era has shown economic growth that compares favourably with those of the pre-independence era and the average for sub-Saharan Africa. There have been major improvements in areas such as access to health facilities, education, water and sanitation.

Seen in this light, Namibia's democracy is advancing the social welfare and economic well-being of the people. However, there is a growing awareness of the critical need for increased economic growth if the economy is to meet the demands of job-seekers and to address remaining social shortcomings.

Improving the effectiveness of the country's exports will contribute to economic growth; however, the research for this report has shown that Namibia is still not doing enough to consolidate its position within SADC in order to benefit from the tariff and other advantages of membership of this economic region. This, too, should therefore be a government priority.

ENDNOTES

- 1 Central Bureau of Statistics, 'National Household Income Survey, 2003/2004'. National Planning Commission, Windhoek, Namibia, 2006.
- 2 The US\$ 1 a day poverty line refers to a poverty line defined at 1993 international purchasing power parity (PPP) prices. The pros and cons of this measurement are summarised by: Deaton A, *How to monitor poverty for the Millennium Development Goals*. Working Papers, Princeton University, Woodrow Wilson School of Public and International Affairs, Research Program in Development Studies, 2003.
- 3 Dobell L, Silence in context: Truth and/or reconciliation in Namibia, *Journal of Southern African Studies* 23(2), 1997.
- 4 Diescho J, *Government and Opposition in Post-Independence Namibia: Perceptions and Performance*. Windhoek: Namibia Institute for Democracy and Konrad Adenauer Foundation, 1996.
- 5 Kössler R & Melber H, Political culture and civil society: On the state of the Namibian state, in Diener I & Graefe O (eds), *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*. Windhoek: Gamsberg Macmillan Publishers, 2001, p 149.
- 6 Lodge T, The Namibian elections of 1999, *Democratisation* 8(2), 2001, p 191.
- 7 *The Namibian*, 2 March 2001.
- 8 *The Namibian*, 14 January 2004.
- 9 *The Namibian*, 29 July 2002.
- 10 *The Namibian*, various issues.
- 11 *The Namibian*, 19 February 2004.
- 12 Gibb R, The new Southern African Customs Union agreement: Dependence with democracy, *Journal of Southern African Studies* 32(3), 2006.
- 13 Tsie B, Democratisation and governance, in De Villiers R & Lambrechts K (eds), *The IGD Guide to the Southern African Development Community*. Johannesburg: Institute for Global Dialogue, 2001, p 104 asserts that democratisation 'seeks to ensure that free, fair and honest elections are the only legitimate means of attaining and/or retaining power. Second democratisation seeks to develop and nurture a culture of active and reflective participation in the decision-making processes that shape and influence the material conditions of citizens. It seeks to promote and consolidate popular participation in and control over collectively binding decisions wherein all citizens have equal political rights and obligations'. The essence of the second democracy is that it seeks to nurture a culture where political freedoms gained should be entrenched in such a way that the regime not only increases its political legitimacy but further enhances the process of consolidating democracy.
- 14 Ibid.
- 15 Ake C, *The Feasibility of Democracy in Africa*, second edition. Dakar: Codesria, 2003, p 10.
- 16 Melber H, Namibia's post-colonial socio-economic (non-) transformation: Business as usual? *Nord-Süd Aktuell* 3(4), 2005, p 306.
- 17 Schmitter P & Karl T, What democracy is ... and is not, in Diamond L & Plattner M (eds), *The Global Resurgence of Democracy* (2nd ed). Baltimore: The John Hopkins University Press, 1996, p 50; Huntington S, *The Third Wave: Democratisation in the Late Twentieth Century*. Norman and London: University of Oklahoma Press, 1991, p 7.
- 18 Bratton M & Mattes R, Support for democracy in Africa: Intrinsic or instrumental, *British Journal of Political Science* 31, 2001, p 451.
- 19 Du Pisani A, State and society under South African rule, in Keulder C (ed), *State*,

- Society and Democracy: A Reader in Namibian Politics*. Windhoek: Gamsberg Macmillan, 2000, p 5.
- 20 Bratton M & Van de Walle N, *Democratic Experiments in Africa: Regime Transition in Comparative Perspective*. Cambridge: Cambridge University Press, 1997, pp 10-11.
- 21 Erasmus G, The constitution: Its impact on Namibian statehood and politics, in Keulder C (ed), *State, Society and Democracy: A Reader in Namibian Politics*. Windhoek: Gamsberg Macmillan, 2000.
- 22 Ake C, The unique case of African democracy, *International Affairs* 69(2), 1993, p 241.
- 23 Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa, 2002, p 5.
- 24 Van de Walle N, Elections without Democracy: Africa's range of regimes, *Journal of Democracy* 13(3), 2002, p 75; see also Bratton and Mattes, op cit, p 451.
- 25 Alence R, Political institutions and developmental governance in sub-Saharan Africa, *Journal of Modern African Studies* 42(2), 2004, p 166.
- 26 Ibid.
- 27 Tsie, Democratisation and governance, op cit, p 65; Ajulu R, Thabo Mbeki's African Renaissance in a globalising world economy: The struggle for the soul of the continent, *Review of African Political Economy* 28 (87), 2001; Tsie B, The political context of Botswana's development performance, *Journal of Southern African Studies* 22(4), 1996.
- 28 Lodge T, The post-colonial state in Southern Africa, *Commonwealth and Comparative Politics* 36(1), 1998.
- 29 The above postulate suggests that 'a democratic developmental state is one that not only embodies the principles of electoral democracy, but also ensures citizens' participation in the development and governance processes' (Edigheji O, *A Democratic Developmental State in Africa? A Concept Paper*. Johannesburg: Centre for Policy Studies, 2005, p 5.)
- 30 Dobell, op cit; Tapscott, *Land Reform in Namibia: Why Not?*, Southern African Report, 1994.
- 31 Cliffe L et al, *The Transition to Independence*. Boulder, Col. and London: Lynne Rienner Publishers, 1994; Forrest J, Democracy and development in post-independence Namibia, in Bradshaw Y & Ndegwa S (eds), *The Uncertain Promise of Southern Africa*. Bloomington: University of Indiana Press, 2000.
- 32 Constitution of the Republic of Namibia, 1990, pp 14-15.
- 33 UNDP, *United Nations Namibia: Common Country Assessment 2004*. Windhoek: UNDP Namibia, 2004, p 8.
- 34 Ibid, p 10; see also Central Bureau of Statistics, 'National Household Income and Expenditure Survey, 2003/2004'. National Planning Commission, Windhoek, Namibia, 2004.
- 35 UNDP, op cit, p 53.
- 36 Ibid, p 54.
- 37 Ibid.
- 38 Ibid.
- 39 Gretchen Bauer notes that 'the nature of the political regime previous to the transition in Namibia was unlike that of any other African country attempting a regime transition in recent years ... In fact, Namibia's transition was a decolonisation – a transition from 100 years of colonial rule, first by the Germans and then the South Africans – to political independence. It was not a transition from an indigenous authoritarian rule to an indigenous democratic rule'. (Bauer G, Namibia the first decade of independence: How democratic?, *Journal of Southern African Studies* 27(1), 2001, p 35; Du Pisani, State and society under South African rule, op cit.)

- 40 Bratton & Van de Walle, op cit, p 81; Bauer, Namibia the first decade of independence, op cit, p 35; Du Pisani, State and society under South African rule, op cit.
- 41 Dobell, op cit.
- 42 Kössler & Melber, op cit, p 149; Diescho, op cit. This seems to affirm the postulate that democratisation is at times 'a transitional phenomenon involving a gradual, mainly elite-driven transformation of the formal rules that govern a political system' (Gros J, Introduction: Understanding Democracy, in Gros J (ed), *Democratisation in Late Twentieth-Century Africa: Coping with Uncertainty*. Wesport: Greenwood, 1998, p 2.)
- 43 Forrest, op cit.
- 44 Wiseman J, The continuing case for demo-optimism in Africa, *Democratisation* 6(2), 1999, p 132; see also Southall R, Democracy in Southern Africa: Moving beyond a difficult legacy, *Review of African Political Economy* 96, 2003, p 256.
- 45 Forrest, op cit; Bauer G, Namibia the first decade of independence, op cit.
- 46 André du Pisani (State and society under South African rule, op cit) reminds us that the period of transition to independence was also marked by the loss of approximately 300 lives of PLAN fighters.
- 47 Bratton & Van de Walle, op cit, p 194.
- 48 Du Pisani, State and society under South African rule, op cit. Henning Melber notes that the negotiated nature of the transition to independence in Namibia was in fact a process of controlled change (Melber H, From controlled change to changed control: The case of Namibia, in Melber H (ed), *Limits to Liberation in Southern Africa: The unfinished business of democratic consolidation*. Cape Town: HSRC Publishers, 2003).
- 49 Bauer, Namibia the first decade of independence, op cit, pp 35-36.
- 50 Bratton & Mattes, op cit, p 451.
- 51 Ibid.
- 52 Diamond L, Towards democratic consolidation, *Journal of Democracy* 5(3), 1994, p 15.
- 53 The most prominent of political cultural typologies are: a civic political culture; a fragmented political culture; and an integrated political culture (Rosenbaum W, *Political Culture*. London: Nelson Publishers, 1975).
- 54 Bratton & Mattes, op cit.
- 55 Thomson A, *An Introduction to African Politics*. London & New York: Routledge, 2001.
- 56 Melber H (ed), *Namibia: A Decade of Independence*. Namibia Economic Policy Research Unit (NEPRU) Publication No 7. Windhoek, Namibia, 2000.
- 57 Ibid, p 150.
- 58 Keulder C & Wiese T, *Democracy without Democrats? Results from the 2003 Afrobarometer Survey in Namibia*. Afrobarometer Paper No 47. Cape Town: Idasa, 2003, p 8.
- 59 Bauer, Namibia the first decade of independence, op cit; Lodge, The Namibian elections of 1999, op cit. The primary reason for this decision was based on Nujoma's proclaimed indispensability, his preference and his party's predominance (Good K, Democracy and the control of elites, in Melber H (ed), *Limits to Liberation in Southern Africa, op cit.*)
- 60 Southall, op cit.
- 61 Melber, op cit, p 43.
- 62 Bauer, Namibia the first decade of independence, op cit, p 40.
- 63 Southall, op cit, p 260.
- 64 Du Pisani A, Political tolerance not consolidated, *The Namibian*, 29 November 1999.
- 65 Lodge, The Namibian elections of 1999, op cit, p 191.
- 66 Good K, *The Liberal Model and Africa: Elites against Democracy*. London: Palgrave, 2002, p 15. André du Pisani: 'The choice of electoral system is shaped by context and political history' (Political tolerance not consolidated, op cit, p 7).

- 67 Forrest, op cit.
- 68 Lipset S, The indispensability of political parties, *Journal of Democracy* 11(1), 2000. Strengthening opposition parties in Namibia requires addressing the problems created by these parties themselves. As regards the problems of the opposition, Phaniel Kaapama notes that: 'Some of the opposition political parties lack both quality and depth in their leadership. This is evident in the quality of manifestos that some parties present to the electorate. Another example is one in which they consented to the alphabetical allocation of public broadcasting air-time, which allowed the ruling party Swapo to enjoy exclusive coverage on public radio and television in the last and critical days prior to the commencement of voting,' (Kaapama P, Preconditions for free and fair elections: A Namibian country study, in Minnie J (ed), *Outside the Ballot Box: Preconditions for Elections in Southern Africa 2004/5*. Windhoek: Media Institute of Southern Africa, 2004, p 107).
- 69 Chazan N, Lewis P, Mortimer R, Rothchild D & Stedman SJ, *Politics and Society in Contemporary Africa*. Boulder: Lynne Rienner Publishers, 1999, p 144.
- 70 Bratton & Van de Walle, op cit, p 10
- 71 Chazan et al, op cit, p 145.
- 72 Bratton M, *State Building and Democratisation in Sub-Saharan Africa: Forwards, Backwards or Together*. Afrobarometer Paper No 43. Cape Town: Idasa, 2004.
- 73 Keulder & Wiese, op cit, p 6.
- 74 Bratton, op cit, p 7.
- 75 Dryzek JS, Hunold C, Schlosberg D, Downes D & Hernes HK, Environmental transformation of the state: The USA, Norway, Germany and the UK, *Political Studies* 30, 2002, p 660.
- 76 Kaapama, op cit, p 102.
- 77 Legal Assistance Centre, *Advocacy in Action: A Guide to Influencing Decision-Making in Namibia*. Windhoek: LAC, 2004, p 186.
- 78 Bauer G, *Labour and Democracy in Namibia, 1971-1996*. Ohio: Ohio University Press, 1998, pp 1, 8.
- 79 Keulder C, *In Search of Democrats: Youth Attitudes Towards Democracy and Non-Democratic Alternatives*. IPPR Briefing Paper No 10. Windhoek, May 2002, p 33.
- 80 DeLue SM, *Political Thinking, Political Theory and Civil Society*. Massachusetts: Allyn Bacon, 1997, p 13.
- 81 Dryzek, et al, op cit, p 668.
- 82 Bratton & Van de Walle in Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, pp 2-3.
- 83 National Planning Commission, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy'. Windhoek, Namibia, 2006, pp 3-4.
- 84 *New Era*, 1 February 2006, p 1.
- 85 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, pp 10-17.
- 86 NPC, *Poverty Bulletin* 1(1), Windhoek, September 2005, pp 1-2.
- 87 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, pp 17-18.
- 88 DeLue, op cit, p 13.
- 89 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, p 6.
- 90 Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, pp 3-4, 6.
- 91 Hopwood G, *Guide to Namibian Politics, Including A to Z of Political Personalities*. Windhoek: Namibian Institute for Democracy, 2006, p 101.

-
- 92 Watson in Links F, We write what we like: The role of independent print media and independent reporting in Namibia, *Namibia's Analyses and Views* 3(1), 2006, p 3.
- 93 Keulder, *In Search of Democrats*, op citg, p 33.
- 94 Hopwood, op cit, p 100.
- 95 Links, op cit, p 9; Hopwood, ibid, pp 100-101.
- 96 Hopwood, ibid, p 101.
- 97 Gyimah-Boadi E, Civil society and democratic development, in Gyimah-Boadi E (ed), *Democratic Reforms in Africa: The Quality of Progress*. London: Lynne Reiner, 2004, p 112.
- 98 Gyimah-Boadi, op cit, p 104.
- 99 DeLue, op cit, pp 17, 18, 22.
- 100 Gyimah-Boadi, op cit, p 107.
- 101 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, p 2.
- 102 Gyimah-Boadi, op cit, p 105.
- 103 Hopwood, op cit, pp 99-102.
- 104 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, p 1.
- 105 Ibid, p 5.
- 106 Gyimah-Boadi, op cit, p 104.
- 107 DeLue, op cit, p 15.
- 108 Hopwood, op cit, p 102.
- 109 Gyimah-Boadi, op cit, p 103.
- 110 Kaapama, op cit, p 109.
- 111 Ibid.
- 112 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, p 8.
- 113 Ibid.
- 114 Hopwood, op cit, p 97.
- 115 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, pp 1-5.
- 116 Keulder C, *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No. 15. Cape Town: Idasa, 2002, p 42.
- 117 Ibid, p 34.
- 118 Gyimah-Boadi, op cit, p 111.
- 119 Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, p 7.
- 120 Leys and Saul, in Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, p 6.
- 121 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, p 2.
- 122 Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, pp 3-9.
- 123 Herbstein and Evenson, in Links, op cit, pp 9, 12.
- 124 NPC, 'Draft Government of the Republic of Namibia-Civic Organisations Partnership Policy', op cit, pp 5-9.
- 125 Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit, p 7.
- 126 Hopwood, op cit, pp 96, 102.
- 127 Bauer, *Labour and Democracy in Namibia, 1971-1996*, op cit.
- 128 Hopwood, op cit, pp 96-7.
- 129 Gyimah-Boadi, op cit, p 108.
- 130 Ibid, pp 108-116.
- 131 Hopwood, op cit, p 7.
- 132 DeLue, op cit, p 14.

- 133 Gyimah-Boadi, op cit, pp 110-111.
- 134 Ibid, pp 109-110.
- 135 Musgrave R. 1959. *The Theory of Public Finance*. McGraw-Hill: New York; Oates WE, *Fiscal Federalism*. Harcourt Brace Jovanovich: New York, 1972.
- 136 Chirawu et al, 1999.
- 137 Ibid.
- 138 Good, Democracy and the control of elites, op cit.
- 139 CBS, various reports.
- 140 Ibid.
- 141 Bank of Namibia annual report, 2000.
- 142 Zaaruka B, Uanguta E & Mushendami P, 'Export Credit Guarantee and Insurance Scheme in Namibia'. Bank of Namibia, unpublished, 2005.
- 143 Data on government revenue and expenditure is extracted from the various budget books released by the Namibian Ministry of Finance.
- 144 Budget Estimates, Ministry of Finance.
- 145 Namtax Consortium Report, 2002
- 146 2001 Report on Bank of Namibia Annual Symposium.
- 147 Statistics Report, Ministry of Education, 2004.
- 148 The labour survey report of 2000 was the latest report available at the time of writing.
- 149 Ministry of Finance, Budget Statements.
- 150 CBS, National Accounts, 1996-2004.
- 151 Ministry of Labour, 'The Namibia Labour Force Survey 2000, Final Report of Analysis, November 2002'. Windhoek, Namibia, 2002.

REFERENCES

- Ajulu R. 2001. Thabo Mbeki's African Renaissance in a globalising world economy: The struggle for the soul of the continent, *Review of African Political Economy* 28 (87), pp 27-42.
- Ake C. 1993. The unique case of African democracy, *International Affairs* 69(2), pp 239-244.
- Ake C. 2003. *The Feasibility of Democracy in Africa*, second edition. Dakar: Codesria.
- Alence R. 2004. Political institutions and developmental governance in sub-Saharan Africa, *Journal of Modern African Studies* 42(2), pp 163-187.
- Bank of Namibia. 1991-2004. Annual reports various issues. Bank of Namibia, Windhoek, Namibia, <www.bon.com.na>.
- Bank of Namibia. 2001. 'Optimal Financial Structure for Namibia Report'. Bank of Namibia, Windhoek, Namibia, <www.bon.com.na>.
- Bauer G. 1998. *Labour and Democracy in Namibia, 1971-1996*. Ohio: Ohio University Press.
- Bauer G. 2001. Namibia the first decade of independence: How democratic?, *Journal of Southern African Studies* 27(1), pp 33-55.
- Bratton M. 2004. *State Building and Democratisation in Sub-Saharan Africa: Forwards, Backwards or Together*. Afrobarometer Paper No 43. Cape Town: Idasa.
- Bratton M & Mattes R. 2001. Support for democracy in Africa: Intrinsic or instrumental, *British Journal of Political Science* 31, pp 447-474.
- Bratton M & Van de Walle N. 1997. *Democratic Experiments in Africa: Regime Transition in Comparative Perspective*. Cambridge: Cambridge University Press.
- Central Bureau of Statistics. 2004. 'National Accounts 1995-2004'. National Planning Commission, Windhoek, Namibia.
- Central Bureau of Statistics. 1996. 'National Household Income Survey, 1993/94'. National Planning Commission, Windhoek, Namibia.
- Central Bureau of Statistics. 2006. 'National Household Income Survey, 2003/2004'. National Planning Commission, Windhoek, Namibia.
- Chazan N, Lewis P, Mortimer R, Rothchild D & Stedman SJ. 1999. *Politics and Society in Contemporary Africa*. Boulder: Lynne Rienner Publishers.
- Cliffe L et al. 1994. *The Transition to Independence*. Boulder, Col. and London: Lynne Rienner Publishers.
- Deaton A. 2003. *How to Monitor Poverty for the Millennium Development Goals*. Working Papers, Princeton University, Woodrow Wilson School

- of Public and International Affairs, Research Program in Development Studies.
- DeLue SM. 1997. *Political Thinking, Political Theory and Civil Society*. Massachusetts: Allyn Bacon.
- Diamond L. 1994. Towards democratic consolidation, *Journal of Democracy* 5(3), pp 4-14.
- Diescho J. 1996. *Government and Opposition in Post-Independence Namibia: Perceptions and Performance*. Windhoek: Namibia Institute for Democracy and Konrad Adenauer Foundation.
- Dobell L. 1997. Silence in context: Truth and/or reconciliation in Namibia, *Journal of Southern African Studies* 23(2), pp 371-382.
- Dryzek JS, Hunold C, Schlosberg D, Downes D & Hernes HK. 2002. Environmental transformation of the state: The USA, Norway, Germany and the UK, *Political Studies* 30, pp 659-682.
- Du Pisani A. 1999. Political tolerance not consolidated, *The Namibian*, 29 November.
- Du Pisani A. 2000. State and society under South African rule, in Keulder C (ed), *State, Society and Democracy: A Reader in Namibian Politics*. Windhoek: Gamsberg Macmillan.
- Edigheji O. 2005. *A Democratic Developmental State in Africa? A Concept Paper*. Johannesburg: Centre for Policy Studies.
- Erasmus G. 2000. The constitution: Its impact on Namibian statehood and politics, in Keulder C (ed), *State, Society and Democracy: A Reader in Namibian Politics*. Windhoek: Gamsberg Macmillan.
- Forrest J. 2000. Democracy and development in post-independence Namibia, in Bradshaw Y & Ndegwa S (eds), *The Uncertain Promise of Southern Africa*. Bloomington: University of Indiana Press.
- Gibb R. 2006. The new Southern African Customs Union agreement: Dependence with democracy, *Journal of Southern African Studies* 32(3), pp 583-603.
- Good K. 2002. *The Liberal Model and Africa: Elites against Democracy*. London: Palgrave.
- Good K. 2003. Democracy and the control of elites, in Melber H (ed), *Limits to Liberation in Southern Africa: The Unfinished Business of Democratic Consolidation*. Cape Town: HSRC Publishers.
- Government of the Republic of Namibia. 2000. *Government Gazette, Decentralisation Enabling Act, No. 33 of 2000*.
- Government of the Republic of Namibia. 1992. *Government Gazette, Local Authorities Act, No 23 of 1992*.

- Government of the Republic of Namibia. 2000. *Government Gazette*, Local Authorities Amendment Act, No 24 of 2000.
- Government of the Republic of Namibia. 1992. *Government Gazette*, Regional Council Act, No 22 of 1992.
- Government of the Republic of Namibia, 2000. *Government Gazette*, Trust Fund for Regional Development and Equity Provisions Act, 2000.
- Gros J. 1998. Introduction: Understanding Democracy, in Gros J (ed), *Democratisation in Late Twentieth-Century Africa: Coping with Uncertainty*. Wesport: Greenwood.
- Gyimah-Boadi E. 2004. Civil society and democratic development, in Gyimah-Boadi E (ed), *Democratic Reforms in Africa: The Quality of Progress*. London: Lynne Reiner.
- Hopwood G. 2006. *Guide to Namibian Politics, Including A to Z of Political Personalities*. Windhoek: Namibian Institute for Democracy.
- Huntington S. 1991. *The Third Wave: Democratisation in the Late Twentieth Century*. Norman and London: University of Oklahoma Press.
- Kaakung E. 2003. 'Economic Consequences of Decentralisation in Namibia'. Paper presented at an ad-hoc expert group meeting organised by ECA on 'Fiscal Policy and Growth in Africa: Fiscal Federalism, Decentralisation and the Incidence on Taxation', Addis Ababa, Ethiopia.
- Kaapama P. 2004. Preconditions for free and fair elections: A Namibian country study, in Minnie J (ed), *Outside the Ballot Box: Preconditions for Elections in Southern Africa 2004/5*. Windhoek: Media Institute of Southern Africa.
- Keulder C & Wiese T. 2003. *Democracy without Democrats? Results from the 2003 Afrobarometer Survey in Namibia*. Afrobarometer Paper No 47. Cape Town: Idasa.
- Keulder C. 2002. *In Search of Democrats: Youth Attitudes Towards Democracy and Non-Democratic Alternatives*. IPPR Briefing Paper No 10. Windhoek, May.
- Keulder C. 2002. *Public Opinion and the Consolidation of Democracy in Namibia*. Afrobarometer Paper No 15. Cape Town: Idasa.
- Kössler R & Melber H. 2001. Political culture and civil society: On the state of the Namibian state, in Diener I & Graefe O (eds), *Contemporary Namibia: The First Landmarks of a Post-Apartheid Society*. Windhoek: Gamsberg Macmillan Publishers.
- Labour Resource and Research Institute. 2006. *The Struggle for Workers' Rights in Namibia*. Windhoek: LaRRI.

- Legal Assistance Centre. 2004. *Advocacy in Action: A Guide to Influencing Decision-Making in Namibia*. Windhoek: LAC.
- Links F. 2006. We write what we like: The role of independent print media and independent reporting in Namibia, *Namibia's Analyses and Views* 3(1).
- Lipset S. 2000. The indispensability of political parties, *Journal of Democracy* 11(1), pp 48-55.
- Lodge T. 1998. The post-colonial state in Southern Africa, *Commonwealth and Comparative Politics* 36(1), pp 20-47.
- Lodge T. 2001. The Namibian elections of 1999, *Democratisation* 8(2), pp 191-230.
- Luckham R., Goetz AM & Kaldor M. 2000. *Democratic Institutions and Politics in Contexts of Inequality, Poverty and Conflict*. IDS Working Paper 104, January <<http://www.ids.ac.uk/ids/publicat>>.
- Melber H (ed). 2000. *Namibia: A Decade of Independence*. Namibia Economic Policy Research Unit (NEPRU) Publication No. 7. Windhoek, Namibia.
- Melber H. 2003. From controlled change to changed control: The case of Namibia, in Melber H (ed), *Limits to Liberation in Southern Africa: The Unfinished Business of Democratic Consolidation*. Cape Town: HSRC Publishers.
- Melber H. 2005. Namibia's post-colonial socio-economic (non-) transformation: Business as usual? *Nord-Süd Aktuell* 3(4), pp 306-321.
- Ministry of Education, Sport and Culture. 2003. 'Education Information System'. Windhoek, Namibia.
- Ministry of Finance. 1990/91-2004/2005. 'Estimate of Revenue and Expenditure (1990/91-2004/2005)'. Windhoek, Namibia.
- Ministry of Finance. 1990/91-2004/2005. 'Budget Statements (1990/91-2004/2005)'. Windhoek, Namibia.
- Ministry of Labour. 2002. 'The Namibia Labour Force Survey 2000, Final Report of Analysis, November 2002'. Windhoek, Namibia.
- Ministry of Regional, Local Government and Housing. 2000. 'Decentralisation Performance: Function-Rules-Procedures'. Windhoek, Namibia.
- Ministry of Regional, Local Government and Housing. 1997. 'A Decentralisation of Policy for the Republic of Namibia: Decentralisation, Development and Democracy'. Windhoek, Namibia.
- Ministry of Regional, Local Government and Housing. 1998. 'Decentralisation in Namibia: Situation Analysis'. Windhoek, Namibia.

- Mkandawire T. 2001. Thinking about developmental states in Africa, *Cambridge Journal of Economics* 25, pp 289-313.
- Morlino L. 2004. What is 'good' democracy?, *Democratisation* 11(5), pp 10-32.
- Musgrave R. 1959. *The Theory of Public Finance*. McGraw-Hill: New York.
- National Planning Commission. 2005. *Poverty Bulletin* 1(1), Windhoek, September.
- National Planning Commission. 2006. 'Draft Government of the Republic of Namibia- Civic Organisations Partnership Policy'. Windhoek, Namibia.
- Nkiwane T. 2003. The quest for good governance, in Baregu M & Landsberg C (eds), *From Cape to Congo: Southern Africa's Evolving Security Challenges*. Boulder and London: Lynne Rienner Publishers.
- Oates WE. 1972. *Fiscal Federalism*. Harcourt Brace Jovanovich: New York.
- Office of the Prime Minister. 2000. *Namibia: A Decade of Peace, Democracy and Prosperity 1990-2000*. Windhoek: Solitaire Press.
- Republic of Namibia. 1990. *Constitution of the Republic of Namibia*. Windhoek, Namibia.
- Rosenbaum W. 1975. *Political Culture*. London: Nelson Publishers.
- Schmitter P & Karl T. 1996. What democracy is ... and is not, in Diamond L & Plattner M (eds), *The Global Resurgence of Democracy* (2nd ed). Baltimore: The John Hopkins University Press.
- Simon D. 2000. Namibian elections: Swapo consolidates its hold on power, *Review of African Political Economy* 83, pp 113-15.
- Southall R. 2003. Democracy in Southern Africa: Moving beyond a difficult legacy, *Review of African Political Economy* 96, pp 255-272.
- Tapscott. 1994. *Land Reform in Namibia: Why Not?*, Southern African Report.
- Thomson A. 2000. *An Introduction to African Politics*. London and New York: Routledge.
- Tsie B. 1996. The political context of Botswana's development performance, *Journal of Southern African Studies* 22(4), pp 599-616.
- Tsie B. 2001. Democratisation and governance, in De Villiers R & Lambrechts K (eds), *The IGD Guide to the Southern African Development Community*. Johannesburg: Institute for Global Dialogue.
- Thiel H. 2003. *Elections, the Electoral System and a Gender Quota: Views of Namibians*. Institute for Public Policy Research (IPPR) Briefing Paper No. 17, February.
- Töttemeyer G. 2000. 'Local Government and Administration in Namibia since the German Colonial Period to Present'. Unpublished.

- UNDP. 2004. *United Nations Namibia: Common Country Assessment 2004*. Windhoek: UNDP Namibia.
- Van de Walle N. 2002. Elections without Democracy: Africa's range of regimes, *Journal of Democracy* 13(3), pp 66-80.
- Werner W. 2002. *The Current State of Land Reform in Namibia: Some Facts and Figures*. Conference Paper, NAU.
- Wiseman J. 1999. The continuing case for demo-optimism in Africa, *Democratisation* 6(2), p 28.
- Zaaruka B, Uanguta E & Mushendami P. 2005. 'Export Credit Guarantee and Insurance Scheme in Namibia'. Bank of Namibia, unpublished.