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WHITHER NAMIBIA? DEMOCRATISATION IN A DOMINANT PARTY SYSTEM



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Single-party dominance is supposed to be an obstacle to democratisation. Hermann Giliomee and Charles Simkins (1999), for example, tell us that institutional checks and balances typically become dysfunctional, minority groups are marginalised, and civil liberties come under pressure. Kuenzi and Lambright (2005) employ a statistical analysis to demonstrate that dominant party systems are typically less democratic than those countries in which two or even three parties stand a realistic chance of taking power. And closer to home, Henning Melber (2003) describes the extent to which SWAPO dominance has facilitated an erosion of the boundaries between party, government and state, with public resources used to bolster SWAPO's election campaigns and party loyalists redeployed freely between the civil service, parastatals, foreign service, parliament, and executive. For Namibia to make further progress towards democratic consolidation, these accounts imply, SWAPO dominance must give way to two- or even three-party politics.

Of late, however, several of the world's leading non-govern-

mental organisations (NGOs) have suggested that Namibian democracy is not only surviving, but actually flourishing. The respected watchdog Freedom House, for example, publishes an annual report in which each of the world's countries and territories is accorded a score of between 1 (highly democratic) and 7 (highly authoritarian). At 2.5, Namibia's score during President Sam Nujoma's last term in office (2000-2005) was almost low enough for the country to be classified as a 'Partly Free' hybrid regime. Since President Hifikepunye Pohamba's assumption of office in 2005, however, this rating has been upgraded to 2.0, placing Namibia firmly within the small group of African countries regarded by Freedom House as 'Free'. Similarly, the Mo Ibrahim Foundation (2016) publishes an annual report in which each of Africa's 49 states is scored against measures of safety and the rule of law; participation and human rights; sustainable economic opportunity; and human development. Namibia's overall score increased from 64.3 per cent in 2000 to 70.4 per cent in 2015, with participation and human rights scores rising from 68.2 per cent to 76.1 per cent

over that same period. And the Economist Intelligence Unit (2015) found a substantial improvement between 2006 and 2015 in standards both of governance and of elections, even if the overall quality of Namibia's democracy was deemed not to have changed over that time.

My briefing paper tests this optimistic hypothesis against Charles Tilly's widely respected criteria for identifying and measuring democratisation. Its key arguments are twofold. First, I suggest that Namibia's record on civil liberties has to some extent improved since 2005. Although President Pohamba introduced a potentially intrusive 'spy bill' and failed adequately to confront some of the human rights abuses committed during President Nujoma's tenure, he nevertheless succeeded in overturning an earlier ban on government advertising in *The Namibian* newspaper and thus in facilitating a substantial improvement in the country's media environment. And second, I demonstrate that Namibia's record on political equality has been both relatively strong and improving over recent years. To be sure, homosexuals continue to face prejudice, hostility and threats of arrest, even if colonial-era laws on sodomy are no longer enforced. But ethnic discrimination has never been a feature of Cabinet formation in Namibia, despite widespread suggestions to the contrary, whilst the proportion of parliamentary seats occupied by women has increased from 25.0 per cent in 2005 to 41.3 per cent in 2016. Overall, therefore, we can see that Namibia has indeed moved cautiously in the direction of increased democratisation since 2005, even if this evolution is so far incomplete, imperfect, and potentially reversible.

The paper is split into six parts. First, I discuss some of the theoretical literature on democratisation and demonstrate that Charles Tilly's definitional model, with its focus on corruption, civil liberties, political equality, and the franchise, offers the best opportunity to conceptualise change within Namibia's political system. In the second section, I note that our most reliable sources on corruption – Afrobarometer surveys and Transparency International – disagree on the question as to whether Namibia's public service has become less venal (and thus more responsive to the electorate) since 2005. Third, I demonstrate that Namibia's legal and media environments have indeed improved since President Nujoma's retirement from office, even if the long-running Caprivi Treason Trial continues to represent a blot on the country's civil rights record. Fourth, I challenge the notion that Oshiwambo-speaking ministers exercise undue influence within Namibia's political system, before discussing the plight of homosexual communities and charting recent progress towards gender equality. And fifth, I note that Namibia has maintained a universal franchise since independence. The paper then concludes with an overview of recent changes to Namibia's political system.

Defining democracy

A little over twenty-five years ago, the distinguished American political scientist Robert Dahl (1989) argued that liberal democracies (or 'polyarchies') share five basic features. First, they ensure effective participation; that is to say, every citizen

has an equal opportunity to express their opinion about any given issue before a final decision is taken. Second, every voter has an equal opportunity to cast his or her ballot, and every ballot carries the same weight. Third, all citizens have an equal opportunity to learn about alternatives to the policy platform articulated by government. Fourth, voters have an equal opportunity to decide which issues are placed on the political agenda. And finally, every adult resident enjoys full citizenship rights and has therefore a legitimate stake in the political system. Participation, voting equality, enlightened understanding, control of the political agenda, and inclusion, in other words, represent for Dahl the essential hallmarks of liberal democracy. Dahl's assumption in outlining this highly influential definition is that any country failing to meet even one of these five criteria cannot be regarded as a democracy. Put differently, his account implies that every political system in the world can be classified as either a democracy or a dictatorship; there are no halfway houses, no shades of grey, and no semi-democracies or hybrid regimes. It is an approach shared by many other writers on liberal democracy, for whom 'shades of grey' definitions represent a 'stultifying' exercise in 'degreeism' (Sartori 1987: 184). Przeworski and Limongi (1997), for example, classify as a dictatorship every country yet to experience a change of government, even though many dominant non-authoritarian systems – including Namibia – fall foul of this particular criterion. No-one can be sure that a ruling party is willing to concede electoral defeat, they argue, until this situation actually arises.

As Charles Tilly (2007) argues, however, the problem with such approaches is that they treat democracy as an outcome, an endpoint, a particular moment in history. We can determine whether or not a country is democratic, but we have no means of ascertaining whether a democracy has changed over time, or whether its citizens are more or less free than people living in a neighbouring democracy. To address this shortcoming, we need to recognise that democracy is a matter of degree rather than an absolute; that a country can be less democratic tomorrow than it is today without becoming a dictatorship. Thus, Tilly (2007: 13-14) asserts that '*a regime is democratic to the degree that political relations between the state and its citizens feature broad, equal, protected, and mutually binding consultation*'. Political regimes, in other words, differ in four important respects. First, some governments offer political rights only to a small section of the population, as the apartheid regime did in Namibia, whilst others regard all adult citizens as having an equal right to be consulted. Second, some regimes discriminate between groups when distributing power, employment, and other resources, whilst others recognise no connection between communal identity, on the one hand, and political rights or obligations on the other. Third, some regimes offer no protection from state violence, whilst others guarantee that all citizens will be subject to due process. And finally, some governments respond to the citizenry only when bribed, threatened, or subjected to foreign influence, whilst others have a clear and binding obligation to provide people with certain goods and services. The broader, more equal, more protected, and more mutually binding the consultation, in other words, the more democratic a regime will be.

Tilly, then, would seem better placed than Dahl or Przeworski and Limongi to provide a theoretical framework around which to analyse Namibia's recent history. If Namibia has indeed become more democratic since 2005, as Freedom House and the Mo Ibrahim Foundation suggest, we would expect that political rights have been more broadly recognised, political equality has been more widely acknowledged, the rule of law has been more firmly established, and state actors have been more responsive than was generally the case during President Sam Nujoma's time in office. The problem, of course, lies in questions of measurement. How do we know, for example, that political discrimination is less prevalent today than in 2005? We cannot analyse every public policy decision, every interaction between state and society, or every conversation between a police officer and an alleged perpetrator of crime. Similarly, we cannot be absolutely sure about the extent to which state/society interaction is 'protected' from arbitrary violence because governments do not tend to publish, for obvious reasons, data on the number of people beaten or tortured in police custody. Tilly attempts to square this circle by suggesting that authors should attach scores to each of his four criteria, but seems to have had comparative studies in mind when making that particular recommendation. I suggest that an alternative approach would be to employ proxies for which numerical and other measures can be found (see Table 1). Where the franchise is extended from a narrow section of the population to encompass every adult citizen, therefore, political rights can be regarded as having been more broadly recognised. Where previously marginalised groups are more fully represented in the Cabinet, political equality can be said to have been more fully attained. Where the number of reported instances in which citizens are denied due process of law and in which media organisations are harassed has diminished, society can be regarded as better protected from arbitrary state action. And when corruption has diminished in scope and extent, state actors are more likely to regard service provision as an enforceable obligation.

Table 1: Operationalising Charles Tilly's model

Consultation type	Proxy/Proxies	Full democracy	Non-democracy
Broad-based	Franchise	Universal suffrage	No multi-party elections
Equal	Composition of Cabinet	Each population group represented in proportion to its share of the national population	One or more population groups over-represented at Cabinet level
Protected	(a) Human rights abuses (b) Media freedom	(a) Every citizen can expect due process (b) No political interference in the workings of the media	(a) Impunity for human rights abusers (b) State-controlled media
Mutually-binding	Corruption	Low level of minimal bribery, fraud or nepotism	Kleptocracy

I will now address each of these four criteria in reverse order.

Mutually-binding consultation: the rise and fall of corruption?

In Africa, as elsewhere, corruption represents a political, social and developmental scourge of the highest magnitude. Wherever bribery, fraud, embezzlement and nepotism run unchecked, state institutions are weakened, public services are eroded, accountability is subverted, development projects are abandoned, and public trust in the ruling elite is so undermined that political stability itself can be threatened. Yet corruption is a notoriously difficult phenomenon to study, let alone to measure. For the most part, corrupt officials operate in the shadows, taking bribes or kickbacks under the metaphorical counter and working hard to ensure that any ill-gotten gains cannot be traced back to them. Indeed, investigating corruption can be dangerous, as illustrated by Rafael Marques de Morais' recent detention in Angola (*The Guardian* 28 May 2015). To regard corruption as a proxy for 'mutually binding consultation', therefore, is not to suggest that it can be easily analysed and measured.

Notwithstanding this caveat, we have two data sources from which to construct an analysis of Namibia's struggle against corruption. Afrobarometer (2014), on the one hand, has undertaken five surveys since 1999, asking on each occasion a representative sample of adult citizens about their personal experience, inter alia, of bribery. The results are displayed in Tables 2 and 3 below. They suggest that, by most indicators, Namibia has improved on a position that was already fairly strong during President Sam Nujoma's last years in office. In 2002, for example, some 96.3 per cent of Namibians reported no problems with corrupt police officers over the previous year; this figure fell to 87.1 per cent in 2005 but increased to 95.8 per cent in 2008 and 98.2 per cent in 2014. Similarly, the proportion of respondents to have obtained official documentation through bribery rose from 5.3 per cent in 2002 to 11.6 per cent in 2005 before falling to 7.0 per cent in 2008 and 3.0 per cent in 2014. Namibians, in other words, do seem to have experienced a decline at least in some aspects of petty corruption since President Nujoma's retirement in 2005.

Table 2: How often have you had to bribe, give a gift to, or do a favour for a police officer in the past year?

Response	2002	2005	2008	2011	2014
Never	96.3	56.9	60.8	60.7	41.3
Once or twice	2.7	6.1	2.3	1.8	0.5
A few times	0.4	4.9	1.0	0.6	0.5
Often	0.3	1.1	0.5	0.2	N/A
No contact in the past year	N/A	30.2	35.0	36.8	56.9
Missing/Don't know	0.3	0.9	0.4	0.0	0.8
Total	100.0	100.1	100.0	100.1	100.0

Source: Afrobarometer.

Table 3: How often have you had to bribe, give a gift to, or do a favour for a government official in order to get a document you needed?

Response	2002	2005	2008	2011	2014
Never	94.4	57.6	59.0	58.5	61.4
Once or twice	4.4	6.7	5.5	2.2	2.1
A few times	0.9	3.7	1.3	0.3	0.7
Often	0.0	1.2	0.2	0.1	0.2
No contact in the past year	N/A	30.7	33.7	38.9	33.7
Missing/Don't know	0.2	0.2	0.4	0.0	2.0
Total	99.9	100.1	100.1	100.0	100.1

Source: Afrobarometer.

Elite corruption, however, is difficult to measure through survey data. Few Afrobarometer respondents are likely to have much personal experience of the processes by which government tenders are rigged, patronage networks are constructed, and public funds are siphoned into private bank accounts either at home or abroad. To understand whether Namibia has made any significant progress over the past decade in tackling problems of this type, we need to use a Corruption Perceptions Index (CPI) published annually by the respected campaigning group, Transparency International. As its name suggests, the CPI differs from Afrobarometer surveys in the sense that each country is given a score of between 0 (highly corrupt) and 100 (most clean) in accordance with experts' perception of the extent to which state institutions have been infected by corruption. Unfortunately, any CPI score from before 2012 cannot be compared with later figures on account of a methodological change undertaken in that year (Transparency International 2016). In Tables 4 and 5, therefore, I present Namibia's CPI scores for the period 1999-2011, whilst Table 6 offers the scores from 2012 to 2015.

Table 4: Namibia's position in Corruption Perceptions Index, 1999-2004

Year	1999	2000	2001	2002	2003	2004
Score	53	54	54	57	47	41
Global rank	29	30	30	28	41	54
No. countries surveyed	85	90	91	102	133	145

Table 5: Namibia's position in Corruption Perceptions Index, 2005-2011

Year	2005	2006	2007	2008	2009	2010	2011
Score	43	41	45	45	45	44	44
Global rank	47	55	57	61	56	56	57
No. countries surveyed	158	163	179	180	180	178	182

Table 6: Namibia's position in Corruption Perceptions Index, 2012-2015

Year	2012	2013	2014	2015
Score	48	48	49	53
Global rank	58	57	55	45
No. countries surveyed	174	177	175	168

Source: Transparency International 2016.

Two points can perhaps be drawn from these data. First, Namibia's public service is clearly regarded by Transparency International as having a significant problem with corruption; its scores all fall at a point midway between kleptocracy and absolute integrity, but significantly below what might be expected if bribery was indeed rare. Second, but perhaps most significantly, Namibia's corruption rating was actually worse during President Pohamba's tenure than it had been during the early part of President Nujoma's final term in office. From a highpoint of 57 in 2002, the country's CPI score declined to 47 in 2003 and 41 in 2004, before rising slightly to 45 in 2007; it stayed at or around this level for the next four years, as Pohamba apparently failed to make any headway in the fight against graft. Only in 2015, long after Transparency International had introduced a new reporting methodology and some months after Pohamba's own retirement from office, did Namibia's CPI score demonstrate some improvement.¹

Our sources seem therefore to disagree on the question as to whether corruption has proliferated or receded in Namibia over the past decade. Afrobarometer data suggest that bribery is both rare and becoming rarer, with fewer than one in every 50 Namibians having made an illegal payment to a member of the police service in 2013/2014; Transparency International, however, records no change in overall corruption during the period between 2003 and 2011. Neither study is of course definitive, since opinion polls can tell us relatively little about elite corruption and expert perceptions are prone to error. We have therefore to conclude that there is insufficient evidence to determine whether Namibia has made any significant progress since 2005 in tackling the scourge of corruption. The Freedom House/Mo Ibrahim Foundation hypothesis, in this sense at least, remains unproven.

Protected consultation: civil liberties

For Tilly (1989), as we have seen, liberal democracy is characterised in part by 'protected consultation' between state and citizen. That is to say, political power can only be exercised in a democracy within the limits prescribed by law; private premises cannot be raided or communications intercepted without a warrant, suspects cannot be held indefinitely without trial, and court proceedings must embody the principle of presumed innocence. Dictatorships, by contrast, recognise no distinction between the public and private spheres, no right to protection from the arbitrary use of state power, and no obligation for state officials to act with restraint. Nobody is safe from govern-

¹ Although it is possible that at least some of this improvement can be traced to the non-inclusion of several micro-states in Transparency International's 2015 report.

ment repression, especially during times of political upheaval. If Freedom House and the Mo Ibrahim Foundation are correct in asserting that Namibia has become more democratic since 2005, we might therefore expect that Presidents Pohamba and Geingob have been more willing than President Nujoma to recognise and respect the proper limits to state power. In fact, Nujoma's record on civil rights was actually far from disastrous. After conceding opposition demands in 1989-90 that Namibia's colonial-era state of emergency should be repealed, he presided over the construction and reproduction of a state apparatus which, by and large, embodied the rule of law. Institutionalised torture, murder, and detention without trial all but disappeared, judicial institutions retained their sense of functional autonomy, and the violent suppression of critical media ceased; opposition parties were permitted to operate freely, the state-run Namibian Broadcasting Corporation (NBC) was allowed to air views critical of the government, and elections were more or less free and fair in nature, even if Nujoma and his colleagues exploited their incumbent advantage to its maximum possible extent. In 1999, Freedom House (1999) itself asserted that 'respect for human rights in Namibia has been among the best in Africa'.

Nevertheless, three developments towards the end of Nujoma's tenure called into question his commitment to the principle of 'protected consultation'. The first of these events occurred in 1999, when a 'Caprivi Liberation Army' led by former Democratic Turnhalle Alliance (DTA) president Mishake Muyongo tried to seize Katima Mulilo by force, killing eleven people. Nujoma responded by declaring a state of emergency which suspended Namibia's constitutional prohibitions on the conduct of searches and seizures without a warrant, on detention without trial, and on the confiscation of property (Amnesty International 2003: 4); government forces then arrested some 300 people on charges ranging from high treason to murder, sedition, public violence, theft, possession of weapons, and malicious damage to property. Some detainees were arrested arbitrarily, many were beaten or tortured, and almost all were denied medical care. Three weeks later, none of the suspects detained in the immediate aftermath of Muyongo's abortive uprising had been accorded legal representation, a right extended to them only once Nujoma had lifted the state of emergency. Even then government officials refused to provide the defendants with legal aid or to disclose more than 500 witness statements (ibid.: 19). The President's son, who served at that time as deputy permanent secretary in the ministry of justice, told an African Union (AU) gathering that, 'There are excesses in every situation, look at the Americans, if they know there are civilians there, they anyway send their ballistic missiles. But we are told we must treat these people nicely under international human law' (*The Namibian*, 14 May 2001).

The second blot on Nujoma's civil rights record arises from his decision in 1999 to grant permission for Angolan government forces to attack the National Union for the Total Independence of Angola (UNITA) rebel movement from bases in northern Namibia. UNITA guerrillas then launched retaliatory raids into the Kavango and then Caprivi Regions, killing a number of local civilians and prompting the Namibian Defence Force (NDF)

to become directly involved in cross-border combat. Numerous allegations of abuse followed, involving instances of indiscriminate shooting, of systematic beatings at Special Field Force (SFF) checkpoints, and of the forced repatriation to Angola of suspected UNITA sympathisers. Several NDF and SFF members were subsequently charged with murder, although whether their cases resulted in a conviction has so far proven impossible for this author to ascertain.

The third blot on Nujoma's civil rights record arose from his decision in 2001 to ban government ministries not only from buying, but also from placing advertisements in *The Namibian* newspaper. This extraordinary expression of intolerance arguably had its roots in SWAPO's struggle-era tendency to equate dissent with treachery, an authoritarian reflex born of the movement's fear of enemy intelligence penetration and of Nujoma's own demand to be accorded the deference exhibited towards Africa's other heads of state (Saul and Leys 1995: 43). Ironically, *The Namibian* had been established in 1985 as a vehicle for anti-apartheid journalism, its founding editor being detained without charge a year earlier and its offices being fire-bombed by a far-right group, the White Wolves, in 1988. After independence, however, the paper's determination to sustain an independent editorial line provoked conflict with Nujoma, who used a newspaper interview in 1998 to accuse the independent media of being an 'enemy' (Lush 1998: 45). His later advertising and purchasing ban was justified on the grounds that *The Namibian* had taken an 'anti-government stance' and engaged in 'unwarranted criticism of government policies' (*The Namibian*, 9 January 2008). It was to remain in force throughout the remainder of his time in office, drawing fierce criticism from, amongst others, Freedom House and the Committee to Protect Journalists (CPJ).

In 2005, therefore, President Pohamba inherited a country in which media freedom was under pressure. At first, his administration did little to tackle this unfortunate legacy of Namibia's liberation struggle; Nujoma's ban on *The Namibian* was retained, government ministers continued to attack 'unpatriotic' and 'reactionary' elements within the press, and more worryingly still, the NBC began to resemble a government mouthpiece. In 2009, IPPR research indicated that 59 per cent of all NBC election coverage broadcast during a sample week had been devoted to the ruling party, with just 5 per cent accorded to Hidipo Hamutenya's RDP, 4 per cent to the All People's Party (APP), 1 per cent to the DTA, and 1 per cent to the National Unity Democratic Organisation (NUDO). Indeed, my impression on watching the NBC's nightly election broadcast was that opposition news tended not only to feature at the end of the hour-long programme, but also to focus on issues of poor attendance at rallies, manifesto launches, and so on. As the IPPR report noted, such practices 'raised concerns that Namibia may be in breach of the [Southern Africa Development Community] Principles and Guidelines Governing Democratic Elections and the African Charter on Democracy, Elections and Governance' (IPPR 2009).

Pohamba's second term in office, however, was marked by a significant reduction in political pressure on the independent

and state-run media. Perhaps most importantly, in 2011 the Cabinet resolved to lift Nujoma's ban on government advertising in, and purchases of, *The Namibian* newspaper. Reports suggested that Pohamba had himself led the effort to overturn this particular blemish on Namibia's democratic record, and that hardly any member of the Cabinet had dissented from his proposal (*The Namibian*, 31 August 2011). It was an important moment not only for the newspaper, which had demonstrated that state contracts could not be used to muzzle the press, but also for the many civil society organisations committed to promoting free expression in Namibia. Quite why Pohamba and his colleagues should have decided to act at that particular moment remains uncertain, although newspaper reports suggested at the time that SWAPO's continued deference to Nujoma had militated against an earlier revocation of the ban; if accurate, this assertion implies a diminution of Nujoma's influence within the ruling party, as well as a strengthening of Pohamba's own position. It is also possible that the decision was facilitated by SWAPO's crushing election victory in 2009, which demonstrated conclusively that Hidipo Hamutenya's RDP would never represent a significant challenge to the ruling party. Certainly, NBC election broadcasts were considerably more balanced in 2014, when SWAPO attracted only 36 per cent of total coverage and when free-to-air party political broadcasts were offered to all parties on an equal basis for the first time (Election Watch Namibia 2014).

Whatever its motivation, this diminution of political interference was immediately recognised by a French-based NGO, Reporters without Borders (RwB), which campaigns internationally on the issue of press freedom. In 2003, its annual Press Freedom Index had placed Namibia at 56th position in the world, alongside Botswana, Mozambique and Romania. By 2015, the country had climbed to 17th position, with a score superior to that of, amongst others, Poland, Switzerland and Iceland. According to the RwB report,

Namibia has sub-Saharan Africa's best ranking. Although media offences have yet to be decriminalized, the constitution guarantees media freedom and there is a significant degree of pluralism, with five dailies, five weeklies, 12 monthlies, more than 20 commercial or community radio stations and three TV stations for a population of just 2 million. Although the state-owned media are not very critical, their editorial policies are not subject to any political interference.²

If electoral dominance had facilitated this relaxation in government attitudes towards the media, we might expect an improving security situation to encourage renewed progress towards the recognition and protection of individual liberty. Indeed, by 2005 the Caprivi secessionist movement was dead, its leaders were in exile and many of its supporters were on trial, whilst the Angolan civil war had ended with Jonas Savimbi's death in a gun battle; Namibia, therefore, faced no obvious or immediate threat to its national security. Yet in 2009 the government chose to promulgate a Communications Act which empowered the Central Intelligence Service (CIS) to intercept telephone

calls, emails, and text messages without a court order. As Legal Assistance Centre (LAC) director Norman Tjombe suggested, this legislation represented not only a potential infringement on the right to privacy, but also a possible threat to the free discussion and debate which constitute the lifeblood of any democracy (*The Namibian*, 5 June 2009). A newspaper journalist was even more forthright in expressing her opinion, telling readers (perhaps a little melodramatically) that 'one of the ghosts of the apartheid era is to return to Namibia 20 years after the shackles of colonialism were broken' (*The Namibian*, 4 June 2009).

Namibia's post-2005 record on civil and political rights was also to be marred by a partial failure to address some of the unsanctioned crimes committed during Nujoma's time in office. To my knowledge, not a single soldier or police officer implicated in the torture or maltreatment of alleged CLA members has been brought to trial. And Namibia's High Court delivered its last verdicts in the Caprivi Treason Trial only in September 2015, some 16 years after the defendants had been arrested and 13 years after the case had begun. This inexcusable delay - during which 12 of the accused died of natural causes - has been attributed to the large number both of defendants and of charges, to the untimely death of a prosecutor, and to the withdrawal of defence counsel in 2005 (*The Namibian*, 15 September 2015). But it is justly criticised by Amnesty International, which asserted that the 'length of their pretrial detention violated the rights of the accused to a fair trial' (Amnesty International 2016).

Overall, therefore, we have to be cautious when assessing the extent to which Namibia's civil rights record has improved since 2005. On the one hand, SWAPO's decision in 2011 to lift its ban on government advertising in *The Namibian* newspaper represented a significant step forward in the struggle for press freedom, even if that move was primarily of psychological value. On the other hand, Namibia's improving security situation belied the passage of a potentially intrusive communications bill, whilst its failure to expedite justice in respect of the Caprivi Treason Trial exposed President Pohamba's government to international criticism. It remains a matter of judgement as to whether Namibia's improving media environment should be regarded as more important than its passage of a 'spy bill' and failure fully to atone for the crimes of the past. However, given that some of the atrocities committed during Namibia's cross-border war with UNITA have been prosecuted, that a climate of impunity seems not to have taken root, and that delays to the Caprivi Treason Trial seem to have stemmed from bad luck and incompetence rather than malice, we may feel justified in endorsing Freedom House's assessment that Namibia's overall civil rights record has improved moderately since 2005.

Equal consultation: discrimination around ethnicity, gender, and sexual orientation

A third indicator of democratisation as set out in Charles Tilly's model is that 'political relations between state and citizen'

² It is worth noting that the 2016 report was significantly more critical of Namibia's performance, even if the country's overall ranking stayed the same.

must be characterised by increased equality. That is to say, liberal democracies typically recognise no distinction between citizens on the basis of race, ethnicity, religion, or gender; discrimination, therefore, is entirely absent. Semi-democracies and dictatorships, on the other hand, tend to promote certain communities at the expense of others, excluding women and certain ethnic groups from access to public sector employment, directing development projects towards regime strongholds, and outlawing homosexual relationships. As a state moves in the direction of greater equality, therefore, it travels by definition towards increased democracy.

One of the best-known and most deep-rooted conflicts to have afflicted Namibia since independence revolves around the question as to whether state institutions are controlled and exploited by members of the Oshiwambo-speaking community. This complex political faultline is to some extent rooted in political geography; Oshiwambo-speakers comprise almost one-half of Namibia's population and are likely therefore to dominate any polity in which ethnicity represents a significant cleavage. Yet a numerical preponderance alone is insufficient to explain the widespread fear and resentment of Oshiwambo dominance; in Botswana, for example, Tswana hegemony is generally regarded as unproblematic (du Toit 1995: 18). To understand why some voters might suspect that Oshiwambo-speakers benefit disproportionately from public sector tendering and recruitment practices, therefore, we need to consider SWAPO's origins as a movement committed to the abolition of contract labour, its guerrilla penetration of the former Owamboland, and its near-hegemonic electoral support within north-central regions of the country, as well as South Africa's colonial-era attempt to encourage ethnic differentiation. These developments perhaps encouraged some ethnic minority voters to regard Namibia's liberation movement as a vehicle for Oshiwambo domination, as an instrument, in other words, for ethnic discrimination. If justified, such attitudes would substantially undermine Namibia's claim to be a liberal democracy of the type described in Charles Tilly's work.

One possible method of testing these arguments would be to study the distribution of developmental expenditure over time; to determine, in other words, whether Owambo-dominated communities consistently receive more than their fair share of taxpayers' money. Yet ethnic discrimination is difficult to identify, let alone to measure. How do we know, for example, that a development project has been inaugurated in Oshakati or Ondangwa because government ministers wish to enrich their own ethnic kinspeople rather than for some other reason? And how can we analyse development expenditure without compiling a list of every shopping complex, every school, and every borehole in the country? My approach here therefore is to focus attention on the ethnic composition of Namibia's highest executive body. If Oshiwambo-speakers are consistently over-represented within the Cabinet, with substantially more than 50 per cent of ministerial positions, we can surmise that SWAPO's leadership is practising ethnic discrimination; if not, we might conclude that ethnic identity and political rights are not correlated. My results are displayed in Table 7 below.

Table 7: Ethnic/Regional composition of Namibian Cabinets 1990-2015

Presumed ethnicity	1990	2009	2015
Owambo	11	15	14
Kavango	1	2	2
Herero	3	2	4
Nama	1	2	1
Damara	2	2	2
Afrikaner	2	0	1
German	3	0	1
Zambezian	1	2	3
Undetermined	-	-	1

These figures suggest that, contrary to some perceptions within the media and opposition politics, none of Namibia's three presidents has so far constructed a Cabinet over which the Owambo exercised undue influence. Indeed, all three heads of state took great care to ensure that each of the country's ethnic groups was represented approximately in proportion to its share of the national population; Owambo typically hold around one-half of ministerial positions, whilst Kavango, Herero, Nama, Damara, whites, and Caprivians³ tend to receive between one and three office apiece. Such patterns suggest that any change since 2005 in Namibia's democratic standing cannot be attributed to differences in the degree to which ethnic identities are recognised and accommodated at Cabinet level. Ethnic discrimination, in other words, is no more and no less prevalent within the highest echelons of government today than it was a decade ago.

Ethnicity, however, does not represent the only prism through which Namibia's record on political equality can be judged. Another significant source of social and personal identity is sexual orientation, and here Nujoma's record has often been judged harshly. His views on homosexuality are well known. In 1996, he told a SWAPO Party Women's Council (SPWC) congress that 'all necessary steps must be taken to combat influences that are influencing us and our children in a negative way. Homosexuals must be condemned and rejected in our society' (OutRight 2016). Four years later, home affairs minister Jerry Ekandjo urged newly-graduated police officers to 'eliminate [homosexuality] from the face of Namibia' (SAPA 2000). And in 2001 Nujoma told university students that 'Namibia does not allow homosexuality, lesbianism here. Police are ordered to arrest you and deport you and imprison you' (*Daily Telegraph*, 22 March 2001). This threatened purge did not materialise, although sodomy remained a criminal offence under laws enacted by the colonial regime. And Lesbian, Gay, Bisexual and Transgender (LGBT) communities have continued since 2005 to suffer persecution, mistrust and social ostracism. Former SWAPO Party Youth League (SPYL) secretary Elijah Ngurare, for example, responded to the news that a gay couple had returned to Namibia after marrying in South Africa by tweeting that, 'the so-called first gay marriage in Namibia is an abomination and illegal. It is moral decay at its worst, the police must arrest them' (Open Society Initiative for Southern

³ Technically, this term has been redundant since the Caprivi Region's re-designation, although in the absence of a new appellation I use the old term here.

Africa 2013). To their credit, Presidents Pohamba and Geingob have desisted from this kind of abuse, even attracting praise from a local LGBT group for bring about a 'marked decrease in hate speech and verbal attacks by political leaders' (OutRight 2016). But conditions remain difficult in Namibia for anyone living outside a conventional, heterosexual relationship.

By contrast, Namibia's performance against some global measures of gender equality has become increasingly impressive. President Nujoma seems to have been personally committed to the cause of female emancipation, seeking in 1997 to persuade SWAPO's congress that a 50:50, 'zebra-style' candidate selection system should be adopted at the local level (Akawa and Gawanas 2014: 184). This proposal was rejected, and in the years that followed Nujoma seems to have been distracted by other priorities; when he retired in 2005, only 25.0 per cent of Namibian Members of Parliament (MPs) were female (Inter-parliamentary Union 2016). Pohamba then took up the baton with gusto, however, casting aside for once his reputation for caution and reminding supporters of SWAPO's history as a progressive movement committed to female emancipation. In 2012, therefore, SWAPO's congress adopted a 50:50 gender quota which stipulated not only that every second place on its parliamentary list had to be female, but also that every male Cabinet minister had to be deputised by a woman. Since these measures threatened to leave a significant portion of SWAPO's existing leadership out in the cold, Pohamba and his deputy, Hage Geingob, piloted a constitutional amendment which expanded the National Assembly from 72 to 96 seats and thereby created, in theory at least, enough room to accommodate almost everyone who wished to remain in parliament. It was an act of expediency which raised questions about SWAPO's responsibility to consult public opinion and about its attitude towards the constitution, but which also made possible one of the most impressive advances in female legislative representation anywhere in Africa over recent years. When President Geingob took office in 2015, some 41.3 per cent of Namibian MPs were female; indeed, Namibia now has the eleventh highest proportion of female legislators in the world, ahead not only of all but four African countries, but also of Norway, Germany, the United States and United Kingdom. The question remains, of course, as to whether this increase in descriptive representation can produce greater substantive representation; that is to say, whether an increase in the number of female MPs necessarily leads to better articulation of women's interests. But significant progress towards the goal of more equal representation has undoubtedly been made.

Notwithstanding the important caveat around gay rights, we can therefore make a fairly strong case for suggesting that Namibia's performance against measures of political equality has been both good and improving over recent years. Ethnic discrimination, on the one hand, has been largely absent from the processes by which Cabinet ministers are appointed, with Owambo consistently occupying approximately 50 per cent of seats and other ethnic groups also accorded representation roughly in proportion to their share of the national population. And gender inequality, on the other hand, has been addressed (if not yet overcome) by means of a voluntary quota designed

to ensure that women occupy an equitable share of SWAPO-held elected offices. When judged against Charles Tilly's assertion that a democratic state must not discriminate between citizens on the basis of group identity, therefore, Namibia does appear to have moved since 2005 in a positive direction.

Broad-based consultation

Tilly's final criterion for differentiating amongst regime types relates to the concept of 'broad-based consultation' between the state and citizenry. Liberal democracies, he argues, maintain a universal franchise in which every adult citizen, regardless of their age, race, ethnicity, religion, or sexual orientation, is permitted to vote. Semi-democracies and dictatorships, by contrast, typically consult only a small section of the population: perhaps men, or members of a particular familial or ethnic group, or in the case of Namibia's colonial regime, whites. As a regime moves from narrow to broad-based forms of consultation, therefore, its democratic credentials improve.

It would seem fairly uncontroversial to suggest that Namibia has experienced no changes to its franchise since 2005, or indeed since 1990. The constitution creates a system of 'direct, universal and equal' suffrage in which no citizen may be denied the right to vote on grounds of ethnicity, race or gender; indeed, Article 23 paragraph 1 expressly prohibits the 'practice of racial discrimination and the practice and ideology of apartheid from which the people of Namibia have suffered so long' (Republic of Namibia 1990). None of Namibia's three presidents has sought in any way to restrict the franchise and, consequently, our fourth and final measure of democratisation records no change.

Conclusion

This briefing paper began by noting that some of the world's most respected NGOs, including Freedom House and the Mo Ibrahim Foundation, have recorded over recent years a significant improvement in the nature and quality of Namibia's democracy. It then sought to test this optimism against Charles Tilly's claim that democratisation involves a shift in the direction of 'broader, more equal, more protected, and more mutually binding consultation'. Several proxies were used to measure the extent to which Namibian democracy has changed in the years since President Sam Nujoma's retirement, three of which are summarised here.

First, as we have seen, two of the most important measures of corruption - Afrobarometer surveys and Transparency International's CPI - conflict on the question as to whether Namibia's public service is more clean today than it was a decade ago. The former source, which charts rank-and-file experiences of bribery, finds that graft is both rare and in decline, whilst the latter uses specialist expertise to suggest that corruption is both widespread and deeply entrenched. Since neither survey is obviously more reliable than the other, we must conclude that there is insufficient evidence to determine whether state/society relations are characterised by a greater degree of 'mutually binding consultation' today than in the past. Further research, involving detailed survey work, is necessary.

My second conclusion is that Namibia's record on civil liberties - the 'protected' aspect of Tilly's model - has demonstrated at least some improvement since 2005. Whilst political rights were by and large respected during Nujoma's tenure, his government did attract widespread criticism for its heavy-handed response to the CLA rebellion, its involvement in a cross-border war with UNITA, and most of all, its imposition of a ban on state advertising in *The Namibian* newspaper. After some hesitation, Pohamba's administration reversed this ban and loosened its grip on NBC election coverage, secure perhaps in the knowledge that - after the RDP's failure to penetrate the northern regions in 2009 - its electoral position was unassailable.

The third conclusion to be drawn from this briefing paper is that Namibia's record on political equality has been both fairly strong and improving over recent years. To be sure, homosexuals continue to face prejudice and hostility, even if colonial-era laws on sodomy are no longer enforced. But ethnic discrimination has never been a feature of Cabinet formation in Namibia, where allegations of Owambo favouritism are not supported by careful analysis of ministerial recruitment. And President Pohamba's government made substantial progress in the struggle for gender equality, drawing upon its self-perception as a progressive movement and its electoral dominance to facilitate a huge increase in the number of women sitting in parliament. Questions must remain, of course, as to whether these newly-elected female MPs will be given the space to pursue such women's issues as sexual violence and abortion. But if political inequality is regarded as an obstacle to democratisation, Namibia has clearly taken a number of steps in the right direction. To conclude, therefore: it would seem reasonable to concur with Freedom House and the Mo Ibrahim Foundation that Namibia has made at least some progress over the past 11 years towards democratisation. Certainly, these gains are reversible; corruption might still spin out of control, ethnic discrimination could emerge, and civil liberties might be violated by governments seeking to crush military, criminal, or even electoral challenges to their authority. Much progress remains to be made as Namibia seeks to strengthen its institutions, to tackle corruption, and to effect a separation between party, government and state. Indeed, democracy has not yet become, in Juan Linz's words, the 'only game in town', a system universally regarded as superior to any other regime type. But in some important respects Namibia does appear to be heading in a positive direction. Democratisation, in short, can accompany single-party dominance.

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About Democracy Report

Democracy Report is a project of the IPPR which analyses and disseminates information relating to the legislative agenda of Namibia's Parliament. The project aims to promote public participation in debates concerning the work of Parliament by publishing regular analyses of legislation and other issues before the National Assembly and the National Council.

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