

# CALL FOR ACTION

## A Review of Critical Issues for the APRM Process in Namibia



A Civil Society Submission

June 2019

## Acronyms and abbreviations

ACC.....	Anti-Corruption Commission
ACDEG.....	African Charter for Democracy, Elections and Governance
ACHPR.....	African Charter on Human and Peoples' Rights
ACTION.....	Access to Information Namibia Coalition
APR.....	African Peer Review
APRM.....	African Peer Review Mechanism
AR.....	Affirmative Repositioning
ASPIN.....	APRM Sensitisation Project in Namibia
ATI.....	Access to Information
AU.....	African Union
BIG.....	Basic Income Grant
CEO.....	chief executive officer
CG.....	Corporate Governance
CRM.....	Country Review Mission
CRR.....	Country Review Report
CSAR.....	Country Self-Assessment Report
CSO.....	civil society organisation
DPG.....	Democracy and Political Governance
ECC.....	Environmental Clearance Certificate
ECD.....	Early Childhood Development
EGM.....	Economic Governance and Management
EIA.....	Environmental Impact Assessment
EITI.....	Extractive Industries Transparency Initiative
EMA.....	Environmental Management Act
EU.....	European Union
FDI.....	Foreign Direct Investment
FES.....	Friedrich Ebert Stiftung
HPP.....	Harambee Prosperity Plan
ILO.....	International Labour Organisation
IPPR.....	Institute for Public Policy Research
LaRRI.....	Labour Resource and Research Institute (LaRRI)
LGBT.....	lesbian, gay, bisexual and transgender
MICT.....	Ministry of Information and Communication Technology
MIRCO.....	Ministry of International Relations and Cooperation
MoHSS.....	Ministry of Health and Social Services
NAD.....	Namibia dollar
NANASO.....	Namibian National Network of AIDS Service Organisations
NDP.....	National Development Plan
NDP5.....	Fifth National Development Plan
NEEEF.....	Namibia Equitable Economic Empowerment Framework
NGC.....	National Governing Council
NPoA.....	National Programme of Action
NSA.....	Namibia Statistics Agency
NSSC-O.....	Namibian Senior Secondary Certificate – Ordinary
NUST.....	Namibian University of Science and Technology
OECD.....	Organisation for Economic Cooperation and Development
OSISA.....	Open Society Initiative for Southern Africa
PAC.....	Public Accounts Committee
PHC.....	Primary Health Care
PLHIV.....	People Living with HIV
PPP.....	Public-Private Partnership
SADC.....	Southern African Development Community
SAIIA.....	South African Institute of International Affairs
SADC.....	Southern African Development Community
SDFN.....	Shack Dwellers Federation of Namibia
SED.....	Socio-Economic Development
SIDA.....	Swedish International Development Cooperation Agency
SONA.....	State of the Nation Address
Swapo.....	Swapo Party of Namibia
TIPEEEG.....	Targeted Intervention Programme for Employment and Economic Growth
TRI.....	Technical Research Institute
UNAM.....	University of Namibia
Unicef.....	United Nations Children's Fund
UNICEF.....	United Nations Children's Fund
USAID.....	United States Agency for International Development
VET.....	Vocational Education and Training
WGA.....	Working Group on the APRM

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### Introduction: about this project

The African Peer Review Mechanism (APRM), established in 2003, is Africa's premier governance self-assessment and promotion tool. It emerged out of a growing acknowledgement that the continent's developmental deficits owed a great deal to failures of governance, something that only African countries – acting in an inclusive partnership between governments, civil society formations and the private sector – could remedy.

Thus, according to its founding documents, the purpose of the APRM is “to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through reinforcement of best practices, including identifying deficiencies and accessing the needs for capacity building.”<sup>1</sup>

In January 2017, Namibia became the 36th African Union (AU) member state to voluntarily accede to the APRM. This signalled Government's commitment to open governance, reducing corruption and promoting the rule of law. In his State of the Nation Address on 11 April 2018, President Hage Geingob said:<sup>2</sup>

Namibia is now a full member of the African Peer Review Mechanism, a process that holds through peer review great potential for our political and economic governance processes. Civil society, a critical part of the APRM has already commenced discussions, and the National Planning Commission, as the lead agency shall be mobilised to start implementing a programme of action. Our work in the APRM reinforces the urgency with which we should deal with corruption and poor governance in Africa.

The APRM's rules require that civil society is meaningfully involved in each country's review process. Together with government and the private sector, the country's civil society diagnoses governance strengths and weaknesses, and develops appropriate and applicable remedies. This submission is a result of a collaborative research process between Namibian civil society groups over the course of 2018.

1. Assembly of Heads of State and Government, 'The New Partnership for Africa's Development, The African Peer Review Mechanism (APRM)', Thirty-Eighth Ordinary Session of the Organisation of African Unity, Durban, South Africa, 8 July 2002, AHG/235 (XXXVIII), Annex II, paragraph 3, p. 1.  
2. Official State of the Nation Address by the President, H.E. Dr. Hage G. Geingob. 11 April 2018.

### What is the APRM?

The African Peer Review Mechanism (APRM) was established in 2003 as an innovative instrument aimed at improving governance in Africa. Created and driven by Africans for Africans, the APRM is an autonomous agency with the African Unions system.

Through a series of voluntary governance 'peer reviews', member states diagnose deficiencies, propose solutions, share best practices and follow recommendations. As of September 2018, 37 countries on the continent had acceded.

To begin active participation in the APRM, a country's government signs a Memorandum of Understanding with the continental APRM authorities. This indicates its willingness to undergo review and its commitment to the process. The next step involves gathering information and documentation on the performance of the government and other stakeholders in key areas. To help gather this data and manage the process, the country typically forms a multi-stakeholder APRM National Governing Council (NGC) charged with this responsibility and appoints Technical Research Institutes (TRIs) to carry out the technical aspects of the review.

All parts of society – including civil society groups, religious institutions, labour unions, business groups, as well as the government – should contribute to answering questions on a wide range of issues. The APRM Questionnaire guides the review process by highlighting the country's performance in four broad areas. These are Democracy and Political Governance (DPG), Economic Governance and Management (EGM), Corporate Governance (CG) and Broad-Based Socio-Economic Development (SED). Issues include human rights, health care provision, the state of the economy, the role of the judiciary and the behaviour of corporations.

The results of this review are incorporated into a Country Self-Assessment Report (CSAR), drafted by the NGC and TRIs. The CSAR includes a National Programme of Action (NPoA), which sets out plans to address the problems identified in the review. Once the CSAR is completed, a Country Review Mission (CRM) visits the country. This is a delegation of respected African scholars and experts who conduct an independent study of the country and produce their own report. They are led by a member of the APR Panel of Eminent Persons (APR Panel), which is a small body of highly respected Africans responsible for managing the APRM process across the continent. The Panel and its Secretariat submit a draft Country Review Report (CRR) to the country for comment. Recommendations are put to the participating country, and the country is expected to amend its NPoA accordingly. A final CRR is then produced and presented to the Forum of the Heads of State for discussion and peer review. This body consists of the participating countries' leaders and generally convenes on the margins of AU summits. Following the Forum's review, the country must agree to address the various problems that have been identified. Other states undertake to assist the country in its efforts, and to take action should the country not attempt to address these issues. Finally, the country must report annually on progress in implementing the NPoA and prepare itself for subsequent reviews.

(Adapted from South African Institute of International Affairs and Centre for Policy, Studies Implementing the APRM: Views from Civil Society, Johannesburg: SAIIA, 2011, p. 11.)

### Potential benefits of the APRM in Namibia

Namibia stands to benefit from a forthright and well-executed process. This African-owned endeavour will produce a comprehensive governance assessment of Namibia's strengths and weaknesses, and develop recommendations to remedy shortcomings. The APRM can catalyse and bolster reform efforts, and open civic space and build capacity for civil society organisations (CSOs) and citizens through the dialogue it promotes. It is also an opportunity for Namibia to explain and showcase its best practices to its peers. A well-run, inclusive and transparent process can promote accountability in the country, and potentially attract investors and development assistance. The APRM can also contribute to developing a common approach to governance based on peer learning, mutual recognition of best practices and common values – the more countries in the Southern African Development Community (SADC) that are encouraged to accede, the easier it is to deal with cross-boundary issues, including climate, health and migration.

### The ASPIN process

The APRM Sensitisation Project in Namibia (ASPIN) is being facilitated by the Institute for Public Policy Research (IPPR) in Windhoek, with technical support from the South African Institute of International Affairs (SAIIA) in Johannesburg.

ASPIN aims to enhance the participation of civil society in the Namibian APRM process, through capacity-building, fostering better knowledge of the APRM and its rules and opportunities, and developing an evidence-based written submission on the key governance issues in Namibia. ASPIN was officially launched in February 2018, when the SAIIA visited Windhoek and in turn the IPPR visited Johannesburg and Pretoria. At the meeting in Windhoek, a multi-stakeholder Civil Society Working Group on the APRM (WGA) was formed on 19 February 2018.

A training workshop was organised on 17-18 April 2018 at the Heja Lodge just outside of Windhoek, where SAIIA and IPPR, experts from other countries (Uganda and Zambia), members of the Pan-African Parliament (PAP) and APRM officials sensitised Namibian civil society on the process and what they could expect. Christine //Hoebes, Namibia's Deputy Minister of International Relations and Co-operation, delivered the keynote address.

A practical session, to identify key governance issues in Namibia was also held, to encourage Namibian CSOs to be active in the WGA, that would collectively write and endorse an evidence-based submission – outlining the most pressing governance issues – for Namibia's national APRM process. On 19 April, SAIIA presented on the APRM to the National Assembly, which showed keen interest in further participation.

SAIIA subsequently visited Windhoek on 24-26 July 2018, where a session was held with the WGA to further refine the list of key governance issues that the WGA would focus on in its written submission. SAIIA also met with the Namibian National Council and the spokesperson of the President.

On 3-7 September 2018, SAIIA worked with IPPR and the WGA to refine this submission, and briefed key stakeholders on the APRM process, including the National Planning Commission and Ministry for International Relations

and Cooperation (MIRCO). On September 11 civil society was strongly represented at a stakeholder meeting with a visiting delegation from the APRM Secretariat organised by MIRCO.

A draft of this submission was circulated to the WGA and other CSOs prior to the validation workshop held on 24 October 2018, and their comments were incorporated into the final draft. It should be noted that the CSOs that were part of this process decided to focus on 13 key issues for the purpose of this report - these being the most pressing issues in terms of the governance matters covered by the APRM process. There are, of course, many other issues that should be considered as Namibia compiles its country report - but it was felt that this CSO submission would have more impact if it was concise and to the point on some of the most urgent issues facing Namibia.

The ASPIN partners would like to thank the funders, The Open Society Initiative for Southern Africa (OSISA), the Friedrich-Ebert-Stiftung (FES) Namibia Office and the Swedish International Development Cooperation Agency (SIDA) for their generous support.

The following Namibian Civil Society Organisations were part of the meetings and workshops that compiled this report:

- ACTION (Access to Information in Namibia) Coalition
- Breaking the Wall of Silence
- Citizens for an Accountable and Transparent Society
- ClaSH (Association for Children with Language, Speech and Hearing Impairments of Namibia)
- Council of Churches in Namibia (CCN)
- Desert Research Foundation of Namibia
- Earthlife Namibia
- Economic Association of Namibia
- Editors Forum of Namibia
- Forum for the Future
- Institute of Corporate Governance
- Institute for Public Policy Research
- Internet Society (Namibia)
- Katutura Youth Enterprise Centre (KAYEC)
- Labour Resource and Research Institute
- Legal Assistance Centre
- NACSO (Namibian Association of CBNRM Support Organisations)
- Namibia Chamber of the Environment
- Namibia Development Trust
- Namibia Diverse Women's Association
- Namibia Football Players Union
- Namibia Housing Action Group
- Namibia Informal Sector Organisation
- Namibia Institute for Democracy
- Namibia Literacy Trust

- Namibia Media Trust
- Namibia Nature Foundation
- Namibia Planned Parenthood Association
- Namibia National Farmers Union
- Namibia Rural Women's Assembly
- Namibia Security Guard and Watchmen Union
- NANGOF Trust
- National Association of Children with Disabilities
- National Youth Council
- NANASO (Namibia Networks of AIDS Service Organisations)
- Outright Namibia
- Positive Vibes
- Public Service Union of Namibia
- Regain Trust
- Shackdwellers Federation of Namibia
- Sister Namibia
- Society of Family Health
- Teachers Union of Namibia
- TUCNA
- Women's Action for Development
- Women's Leadership Centre
- YWCA

### Executive summary

These are the recommendations from the key governance areas covered in this report:

#### 1. Executive Dominance and the Separation of Powers

Given the structural features that characterise the relations between the Executive and the Legislature, serious attention should be given to establishing a professional parliamentary service with well-institutionalised links with media and civil society.

- Consideration could be given to reconsidering the 'party list' electoral system of proportional representation to the National Assembly as it has strong centralising effects. In addition, the 'party list' system at local authority level should also be reviewed vis-a-vis the potential advantages of a ward system.
- The proposal that Namibia introduce a unicameral parliament which includes members who are elected via party list and those elected directly (from the regions) should be widely debated alongside other measures that could ensure Parliament is more accountable to citizens and more effective in the carrying out of its functions.
- The top-heavy nature of Namibia's political set-up - which includes a President, a Vice President, a Prime Minister, and a Deputy Prime Minister - should be reconsidered in view of both its costliness and also its



effectiveness in terms of delivering 'political goods' to citizens.

- The Decentralisation Policy should be revitalised with aim being the devolution of powers and responsibilities to effective sub-national structures.
- The consultative bodies that underpin decentralisation - like Constituency Development Committees and Regional Development Coordinating Committees - should be made into statutory bodies that have to follow certain procedures and meet on a regular basis.
- The independence of checks and balances institutions like the Office of the Ombudsman, the Anti-Corruption Commission, and the Office of the Auditor-General should be strengthened by introducing multi-stakeholder selection panels and public interviews when appointing the heads of such bodies.

### 2. Corruption

- Set up the Whistleblower Protection Office and other bodies envisaged in the Whistleblower Protection Act as soon as possible.
- Pass a world-class Access to Information law as soon as possible.
- Namibia should pass a law which sets out a comprehensive, statutory system for elected politicians and top officials to declare their assets - a law which includes sanctions for false reporting and failure to report.
- Action should be taken to ensure the transparency requirements of the Public Procurement Act are being complied with.
- A formal study should be undertaken on the impact of illicit financial flows on the Namibian economy with a view to recommending how monitoring can be made more effective and corrective actions taken.
- Namibia should consider joining the Extractives Industries Transparency Initiative (EITI) or introducing the kind of reforms required by EITI on its own - including a register of beneficial ownership, disclosure of contracts relating to resource extraction, and detailed information about revenue collection from extractives sector.
- Civil society should also become active in taking action against corruption - adopting more public monitoring and intervention strategies in the manner of Corruption Watch in South Africa.

### 3. Poverty and Inequality

- Government should review its social protection schemes with view to ensuring they are targeted to meet the needs of the poor and marginalised and have the greatest impact. This review should include public hearings on the advisability and feasibility of a Basic Income Grant (BIG).
- Increase effectiveness of spending on health and education.
- Review progressive tax structure
- Review minimum wages across various sectors - particularly for farm-workers, security guards, and domestic workers
- A thorough review of government expenditure is required in order to enable government remove wasteful and unnecessary spending and re-orientate the budget as a poverty eradication mechanism. This should include bringing an end to bail-outs of poorly managed and highly inefficient public enterprises.
- Companies should be encouraged and incentivised to introduce corporate social responsibility programmes and to support welfare initiatives such as the government's food bank programme.
- Implement the Growth at Home strategy focussing on value addition and beneficiation

#### 4. Youth unemployment

- Conduct a national skills audit, to assess the extent to which people are trained and skilled to meet the demands of the labour market .
- Introduce an integrated, young-people-centred approach, to include elements such as counselling, mentoring, tailor-made training and job placements
- Improve the skills of young people to better meet employers' demands and to reduce the mismatch between available vacancies and jobseekers by supporting vocational learning in apprenticeships, traineeships and placements and introducing quality standards for vocational education.
- Offer incentives for companies, especially in the private sector, to train, equip and employ the youth.
- Relook at the education system to include more practical subjects in order to provide options for study which may result in easier employability once students graduate
- Increase the quality of career and advisory services offered to students, especially those in rural areas.
- Instil in the universities the need to encourage the youth to be innovative and create their own jobs through the knowledge and skills acquired.
- Monitor foreign direct investments more closely, and insist that they create not just any jobs but decent work for the youth.
- Allocate a budget from the fiscus to finance young entrepreneurs in the form of sustainable loans.
- Namibia should look at developing a project like YES in South Africa - a business-led collaboration with government and labour to create job opportunities for the youth.

#### 5. Education

- Full implementation of the Integrated ECD Service Delivery in Namibia Framework (2017-2022). An integrated strategy should include maternal and child health, social protection, nutrition, opportunities for early learning and most importantly, parenting support. Positive parenting practices have been shown to buffer the adverse effects of poverty and violence, thereby contributing to positive developmental outcomes.
- Shifting the bulk of the budget to ECD and the primary years of schooling to establish firm foundations of education, specifically cognitive, motor and emotional skills development. Full implementation of the Education and Training Sector Improvement Programme (2006-2011), which contains appropriate recommendations that have yet to be actioned.
- The restriction on students not being able to continue in school if they have failed Grade 10 needs to be abolished, or, at the very least, the age limit for repeating needs to be relaxed.
- Investment in and encouragement of mentorship programmes that respond to industry needs.
- The Ministry of Education should consider the lack of toilets and water supply in more than 20% of Namibian schools as an emergency and allocate funds accordingly, with the aim of providing 100% of schools with suitable toilets and a clean water supply.

- Healthcare
- Improve overall quality of care within the Namibian public healthcare system as a matter of urgency including staff shortages, medication and equipment shortfalls and overall poor instances of service delivery by health workers.
- Bring central government budget allocations in line with the 2001 Abuja Declaration.
- Consequently address access barriers to healthcare services for minorities and vulnerable groups giving particular attention to improving family planning services, and systematically curtailing discriminatory and unethical practices by healthcare providers.
- Assess and make public MoHSS's progress with regards to the recommendations made in the Presidential Commission's report in 2013.
- Improve family planning services with a view to expanding access to modern contraception.

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### 7. Gender-based Violence

- **Provide well-functioning one-stop centres**
  - Centres should be staffed by well-trained police personnel.
  - There should be regular liaison with pre-assigned prosecutors for efficient finalisation of investigations.
  - Short-term: After-hours numbers need to be accurate and widely publicised.
  - Long-term: 24-hour service should be available.
  - Each centre should be linked to a social worker, as well as to other counselling services and shelters.
  - There should be a clear national co-ordinating structure to ensure consistency, ease of communication and co-ordinated training.
- **Raise children to be non-violent**
  - Stop illegal corporal punishment in schools by ensuring that disobeying the law on this issue leads to firm consequences.
  - Promote alternatives to corporal punishment in the home environment, through media and outreach.
  - Incorporate modules into school life skills curricula on respect in relationships and peaceful resolution of interpersonal conflicts.

- Show zero tolerance for sexual or other abuse and harassment by teachers and other school personnel.
- **Provide early assistance to potential perpetrators**
  - Provide counselling and anger-management programmes in every region.
  - Provide alcohol and drug rehabilitation units/programmes in every region.
  - Roll out training in parenting skills at community level.
- **Provide support to victims.**
  - Refer all victims to a social worker or another professional counsellor for assistance with planning future options or exit strategies, and to improve the protection of affected children.
- **Improve the child maintenance system.**
  - Ensure that maintenance officers are more proactive and sympathetic.
  - Appoint maintenance investigators to assist with locating absent parents and checking their true financial position. (The law requires progressive appointment, but there are currently none.)
  - Amend the regulations to provide simpler application forms.
  - Promote cell phone and bank transfers for more convenient receipt of monthly payments.
  - Encourage better civil enforcement in cases of breach of maintenance orders (such as the attachment of property).
- **Promote community dialogue**
  - Encourage discussion of the problem of domestic violence in small community forums, such as church meetings.
  - Mobilise traditional leaders to address this issue in traditional forums.
- **Combat child abuse**
  - Popularise and enforce the mandatory reporting requirements in the Child Care and Protection Act for professionals who work with children.
  - Campaign against child sexual abuse, which continues to be rife. (About one-third of the victims in reported rape cases are consistently under age 18, which is probably a vast understatement of the prevalence of such abuse.)
- **Help families find peaceful solutions to their problems**
  - Make low-cost family mediation more widely available.

## 8. Land

- Since expropriation can often be a slow process, move quickly to either adapt the willing buyer, willing seller approach or replace it with another system that will not slow down the release of land for resettlement. There is a possibility that the process of land reform will simply grind to a halt if the legal mechanisms for the transfer of land are not maintained - at least in the interim until substantive reforms can take place.
- Government should urgently investigate how it can redefine the 'just compensation' phrase in the Constitution to mean less than market value in order to avoid paying excessive prices for land.
- Government should ensure that land is no longer given, via the resettlement programme, to people who can afford to obtain land via the Affirmative Action Loan Scheme. Criteria should be established for a revamped resettlement programme that includes the 'historically land dispossessed' as beneficiaries.
- A commission of inquiry should be set up to investigate the allocation of land under the previous resettlement programme with a view to establishing if there was any corruption in the way the Ministry of Land

Reform selected beneficiaries.

- Land markets in communal areas should be developed through improvement in security of tenure and providing access to financing for small-scale farmers.
- Government should establish the extent of existing disputed fences in communal areas. Fences approved by traditional authorities and communal land boards without following law and procedures must be removed. The proposals made by the Legal Assistance Centre at the land conference should be followed: with maps showing legal and illegal fences being produced by Communal Land Boards in conjunction with Traditional Authorities. A deadline should be given for the voluntary removal of all illegal fences after which remaining illegal fences should be removed in accordance with the law.
- The Veterinary Cordon Fence (Red Line) should be gradually removed. Abattoirs should be upgraded and quarantine areas developed in order to allow more meat to be sold south of the Red Line and sent for export to other markets.
- Namibia should look to develop a local market for meat north of the 'Red Line' and in neighbouring countries such as Angola and Zambia.
- A clear timeline and mandate should be established for the presidential commission of inquiry on ancestral land. The commission should look at both restoration and restitution options.
- In recognition that urban land is linked to other deliverables, provision of decent and affordable housing in urban areas needs to be revisited. Clearly, the National Housing Enterprise has dismally failed to provide affordable houses in adequate numbers to meet the ever-increasing demand. Even though the government does provide subsidies to the Shack Dwellers Federation of Namibia (SDFN), more resources should be availed to the SDFN, as the latter model seems to have delivered admirably.
- On the legislative front, the Urban and Regional Planning Act (No. 5 of 2018) which was recently assented to by the President illustrates an anomaly and a further isolation of urban land from the
- broader question of land reform in Namibia, especially as it was enacted before the Second National Land Conference (October 1-5 2018).
- Issues such as amendment of zoning schemes, compensation in cases where residents are to make way for expansions in local authorities, and boundary alterations of approved townships are not separate from, but have everything to do with a comprehensive approach to land reform. The urban land issue needs to be integrated and urgently dealt with.
- Develop a national urban policy and spatial development plan.
- Develop mechanisms to finance urban land reform.

### 9. Corporate citizenship

**There is a need to recognise and embrace these major shifts in the corporate world:**

- The move from financial capitalism to **Inclusive Capitalism** i.e. the six capitals - human, intellectual, social and relationship, environmental, natural, and financial.
- The move from short-term capital markets to long-term, **sustainable capital markets**
- The move from from siloed reporting to **Integrated Reporting**

## A Review of Critical Issues for the APRM Process in Namibia

- Namibia needs to react to a changing world while addressing Namibian realities in the following ways:
- Move from government driving growth to PPPs (public private partnerships), better leverage and innovative use of public assets, stronger private sector and FDI drivers, and forging better partnerships and leadership alliances
- Move from policy uncertainty with unintended negative consequences to aligned, consultative policy formulation and effective implementation of pro-growth and pro-equity strategies
- Move from limited adoption of NamCode to broad adoption of Nam-Code 2 in 2020, after proportionate introduction of King IV practices to all types of organisations in 2019.

### 10. Environmental sustainability

- Develop renewable energy and recycling options.
- Improve standards of transparency.
- Give greater priority to the administration and implementation of environmental protection legislation.
- Build partnerships with business and civil society to ensure that their combined expertise and commitment can be brought to bear on addressing environmental issues.
- Ensure that a dedicated financing vehicle – perhaps the EIF – has adequate resources to invest in innovation-driven solutions to environmental problems, particularly those that try to expand environmentally friendly economic activities. It will be of critical importance that stewardship of this vehicle is undertaken with the highest degree of probity.

### 11. Natural resource governance

- Honest and meaningful debate and collaborative policy formulation that is evidence-based
- Regional and international best-practice benchmarking and welcoming foreign skills
- Investment-friendly policies and business frameworks for local and FDI business
- Better public-private risk sharing and clarity of roles including the role of government three decades on
- Adoption of common and practical governance codes and leadership alliances across all enterprises
- 

### 12. Access to information

- The government should make available the latest version of draft ATI law for public scrutiny as a matter of urgency.
- The ATI law should draw on the AU model law and international best practices.
- The ATI law should take the approach of making information available pro-actively with minimal possibilities for maintaining secrecy. Where secrecy is required the reasons for this should be clearly stated.

### 13. Policy alignment and implementation

- Government should create clear monitoring and evaluation frameworks for policies and laws.
- Government should create uniform procedures for public consultation on all major proposed policies and draft laws that include clear feedback mechanisms. Such procedures should not be window-dressing exercises but rather seen as opportunities to improve policies and laws.

## 1. Executive dominance and the separation of powers <sup>3</sup>

This issue relates to the **Democracy and Good Political Governance** thematic area, specifically the following Objectives and subsidiary Questions:

### **Objective 1: Entrenching Constitutional Democracy and the Rule of Law**

Question 3: To what extent does the Executive respect the rule of law?

### **Objective 2: Upholding the Separation, Checks and Balance of Powers**

(It is worth noting the comments made in the Questionnaire about this Objective: 'An independent parliament that is alive to its oversight responsibilities is critical to the successful reduction of corruption and abuse of power by Africa's many over-dominant executive presidencies which tend to concentrate power in themselves.')

Question 1: Does the constitution provide for the separation of powers between the Executive, the Legislative and the Judicial branches of government?

Question 3: How would you rate the independence and effectiveness of the legislative body?

The Namibian Constitution (as amended) is a product of history, signifies a historic compromise, and reflects national politics as well as international agreements such as the 1982 Constitutional Principles that preceded its adoption on 9 February 1990.<sup>4</sup> It came into force on Independence Day, on 21 March 1990. As a profoundly modern constitution emerging in a post-Cold War world, it provides inter alia for the protection of fundamental human rights and freedoms, the prohibition of the death penalty, property rights, protection of the environment – a world first – affirmative action and the “balanced structuring of the public service, the defence force, the police force, and the correctional services” (Chapter 15). It also enshrines the right to free primary education for all (Article 20), the promotion of the public welfare (Article 95), an independent Judiciary (Chapter 9), it also provides for an Executive President popularly elected by the electorate (Chapter 5), and following the third amendment to the Constitution in October 2014, a Vice-President, appointed by the President and prescribes the separation of legislative and executive powers (Chapters 5-8).

While the Constitution (as amended) does provide for the separation of powers among the Executive, Legislature and Judiciary, the organisation of the State dilutes the practice of parliamentary sovereignty, for reasons that are structural, political and cultural. The Constitution, in Chapter 7 (Article 7), vests legislative power in the National Assembly “with the power to pass laws with the assent of the President” subject, “where applicable, to the powers and functions of the National Council.” This provision implies some restrictions on parliamentary sovereignty, except in cases where a bill is passed by a two-thirds majority of all the members of the National Assembly and has been confirmed by the National Council, the President shall be obliged to give his/her assent thereto (Article 56 (2)).

3. This section was primarily compiled by Professor André du Pisani of the University of Namibia.

4. The Constitution of the Republic of Namibia (Annotated Edition), Konrad Adenauer Stiftung, Windhoek, May 2018.

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Where a bill is passed by a majority of the members of the National Assembly with less than two-thirds of all the members and has been confirmed by the National Council, but the President declines to assent to such a bill, he/she shall communicate such dissent to the Speaker of the National Assembly (Article 56 (3)).

If the President has declined to assent to a bill under Sub-article (3), the National Assembly may reconsider the bill, and if it so decides, pass the bill in the form in which it was referred back to it, or in an amended form or it may decline to pass the bill. Should the bill then be passed by a majority of the National Assembly, it will not require further confirmation by the National Council. In the event that the majority in the National Assembly is less than two-thirds of all the members, the President shall retain his or her power to withhold assent to the bill. If the President decides not to assent to the bill, it shall then lapse (Article 56, (4)).

Under the doctrine of parliamentary sovereignty, Parliament can make or overturn any law. Namibia, however, has a system of fusion of powers at the national level which translates into the Executive forming an integral part of the Legislature.

The fusion of powers finds expression within Cabinet as a body near the apex of executive power. With its doctrine of collective decision-making, the Cabinet shapes, directs, and takes responsibility for government. The core principle of "cabinet government" may at critical junctures be observed more in principle than in practice. Particularly with strong presidents – who can rally or bully the cabinet – power gravitates to the President.

The constitutional provision that obliges the President when he/she appoints the Prime Minister, who is leader of government in the National Assembly, all Ministers and Deputy Ministers (and since 2015 also the Vice-President) from members of the National Assembly, further undermines the autonomy of the Legislature. While such a provision is not uncommon for Parliaments in other countries, in the case of Namibia, it detracted from the functioning and autonomy of the Legislature. Up to 2015, the National Assembly with its 72 members was numerically small in comparison with the Cabinet with its more than 40 ministers and deputy ministers. Consequently, more than half of all Members of Parliament were simultaneously members of the Executive and the Legislature. Numerically, this enabled the Executive to impose, if it so wished, a decision on the Legislature by a majority vote.

For this reason, the third amendment to the Constitution of 2014, provided for in Chapter 19 of the Constitution, increased the number of seats in the National Assembly from 72 to 96 (excluding the eight members nominated and appointed by the President, making 104 in the National Assembly). The Third Amendment Act of August 2014 came into force on 3 October 2014 ahead of national elections. The power of the Executive was further solidified when the Act empowered the President to appoint – instead of elect – the Regional Governors of the 14 regions in Namibia. At the same time, the seats of the National Council, the house of review, were increased from 26 to 42 seats to reflect the increase of constituencies from 95 to 121.



Out of the 104 members of the National Assembly, 62 of the governing party's 85 members in the National Assembly belong to the Executive. This not only ensures an absolute majority on the part of the governing party, but in practice this means that the governing party, principally through the Executive, sets and controls the legislative agenda and can pass legislation at will. In addition, the balance of effective oversight of policy has shifted to executive agencies. In reality, there is precious little in terms of legislative/parliamentary oversight of policy and the executive. Parliamentary questions and answers as well as the annual State of the Nation Address (SONA) by the President, while meaningful, are not sufficient for effective parliamentary oversight.<sup>5</sup>

Other notable changes in the Third Amendment Act of 2014 include making provision for the Namibia Central Intelligence Service (NCIS) as a constitutional body and empowering the President to appoint its Head. The financial and operational independence of the Judiciary was enhanced under the supervision of the Chief Justice instead of the Ministry of Justice.

The nature of parliamentary culture and democracy is profoundly shaped by the overwhelming – and since the 2014 national elections an enlarged – majority by the governing party, a weak and fragmented parliamentary opposition that is further disadvantaged in terms of the significantly smaller annual fiscal allocation it received when compared with that of the governing party as well as the unevenness and limited effectiveness of parliamentary committees and their reports that are often given short shrift by the Executive.

Observers of Namibian politics have long noted the phenomenon of executive dominance and indifferent assertiveness on the part of parliament. The late and much respected Professor Bill Lindeke commented on this trajectory as it had emerged by the middle of the second decade of Namibia's independence. Namibia was a "one-party dominant" state: "Institutionally in Namibia, the Executive was more effectively established than Parliament from the beginning. President, Prime Minister and Cabinet structures transfer more easily from political party structures than does a bi-cameral, adversarial body that includes opposition party representation."<sup>6</sup>

In a 2013 report, prominent human rights lawyer, Norman Tjombe, argued that the dominance of the executive and the preponderance of cabinet ministers in the National Assembly were corroding Namibia's democracy. "The accountability of the Executive branch of Government for their actions has hampered our democracy," he asserted:

Parliament is there to keep check on the ministers and deputy ministers, but the ministers and deputy ministers are the majority in the Parliament. You can see it with the budget debates – it is more of praising of ministers than actual serious discussion about the budget, and with the over or under-spending of minister's budgets, parliament must take such ministers to task.<sup>7</sup>

5. See Weylandt M and Ndeapo Wolf, "Parliamentary Questions in Namibia: Asking, Answering and Accountability," Institute for Public Policy Research (IPPR), Democracy Report Special Briefing No 24, July 2018.  
6. Lindeke B, Namibia's Parliament in a Presidential Age: Analysis and Opinion, IPPR Opinion No. 21, March 2007, p. 3. <http://ipprr.org.na/wp-content/uploads/2010/06/IPPR%20Opinion%20No%2021%20-parliament....pdf>.  
7. Quoted in Vries K, "23-Year Dominance by the Executive", Windhoek Observer, 21 March 2013. <https://www.observer.com.na/index.php/sports/item/1157-23-year-dominance-by-the-executive>.

Since independence no private members' bills have been successfully introduced in parliament - underlining the point that all legislation emanates from the Executive. This dominance of the Executive and the fusion between the Executive and the Legislature is visible in the manner in the parliamentary interaction between MPs and ministers. An analysis of parliamentary questions in 2017, conducted by IPPR researchers Maximilian Weylandt and Ndeapo Wolf, shows that SWAPO Members of Parliament (MPs) asked a small minority of questions (in 2017, only one SWAPO MP posed any questions at all, and only 8 of the 159 - or 5% - of the questions asked in parliament). It is not unusual internationally for MPs aligned to the ruling party to be less active in posing questions. In Namibia's case, a majority of SWAPO's caucus is also in the Cabinet, reducing the number of MPs who can pose questions, although the 23 MPs who do not sit in cabinet still comfortably outnumber all opposition MPs combined. SWAPO MPs are naturally reluctant to stoke confrontation with their cabinet colleagues, and have "party-internal channels" through which they can access information that they require.<sup>8</sup>

This demonstrates the limits to formal accountability channels in the Namibian system of governance. As the authors comment, flaws in the utility of parliamentary questions to serve as an accountability mechanism arises from a:<sup>9</sup>

profound structural issue: namely the dominance of SWAPO in the National Assembly. ... The vast majority of MPs are SWAPO members, and the majority of SWAPO MPs are members of the executive. Of course, parliamentary questions 'can also be asked by majority MPs in order to control the government and, in some cases, to voice dissent.' In Namibia, however, as discussed above, a mere 8 questions of 159 were asked by SWAPO. With SWAPO asking only 5% of questions, and with all of Namibia's Ministers and Deputy Ministers in the National Assembly belonging to SWAPO, the questioning process is almost always of a cross-party nature. It is therefore an attempt at a cross-party accountability measure rather than a legislative-executive one.

The Constitution provides for what amounts to weak bicameralism in the shape of the National Council (Article 68), with powers to review bills passed by the National Assembly and recommend legislation on matters of regional concern for submission to the National Assembly (Chapter 8, Article 74 (c) and Article 75 (1)), structurally does not make the legislature more separate and autonomous from the Executive.

The Legislature has four main functions: (1) to pass laws, (2) to provide finances for the State by approving the budget, (3) to structure political representation and participation, and (4) limited oversight of public administration and government policy, principally through the Public Accounts Committee (PAC) chaired by a member of an opposition party in Parliament.

8. Weylandt M and N Wolf, Parliamentary Questions in Namibia: Asking, Answering and Accountability, IPPR Democracy Report, Special Briefing Report No. 24, July 2018, pp. 4-5.

9. Weylandt M and N Wolf, Parliamentary Questions in Namibia: Asking, Answering and Accountability, IPPR Democracy Report, Special Briefing Report No. 24, July 2018, p. 12.

Chapter 10 of the Constitution establishes the Office of the Ombudsman as a key agency with wide powers to investigate complaints of injustice in the administration of the state. Article 127 of the Constitution sets out the powers and duties of the Office of the Auditor-General. Both offices are vital to Parliament's duty to scrutinise the Executive. The Office of the Ombudsman and the Office of the Auditor-General are constitutionally obliged to report annually to the National Assembly, giving them a direct line of accountability to the Parliament. In view of the effective fusion of Executive and Legislature, it is even more important that the 'checks and balances' institutions are robustly independent and play a countervailing role. Ensuring that the heads of these institutions are independent may well depend on reducing the Executive's influence in the appointment procedures that are used.

Within the framework and culture of scrutiny, Parliamentary Questions can play a meaningful role. They represent another, more immediate and direct way of calling the Executive to account and obliging ministers, ministries and other agencies to explain themselves to the public. Research indicates that most parliamentarians, particularly those that belong to the governing party, fail to use Parliamentary Questions as effectively as they should. The right to ask supplementary questions to MPs other than the original questioner could be considered.

Regional fact-finding visits by Parliament are potentially important for enhancing its legitimacy and for articulating regional and local interests of the citizens. Parliamentary reports, however, are often not fully utilised and thoroughly discussed at committee level.

The current proportional representation electoral system raises some key concerns. First, votes are counted on a national, not regional basis. Second, the position of candidates on the party list is determined centrally and so gives power to central party managers effectively to determine who sits in Parliament as the party's representatives. Third, members of the National Assembly who resign from their party, or who are dismissed by their party, may be removed from the chamber and replaced by an alternative member of the party. Thus, although the system fairly represents the shares of votes cast for each party, members are in effect representative not of voters but of their parties. There is no direct link between voters and their formal representatives.

The powers of the judiciary lie with the courts of Namibia – the Supreme Court, the High Court and the Lower Courts – which are independent. The Constitution explicitly prohibits members of the Cabinet or legislature from interfering with the work of judicial officers. Judges are appointed by the President on the recommendation of the Judicial Service Commission (consisting of the Chief Justice, the Deputy Chief Justice, the Attorney General and two representatives of the legal profession). In 2016 the separation of powers principle was further enhanced through the creation of an Office of the Judiciary (based on the Judiciary Act 11 of 2015) which will oversee the administration of the courts. Previously, some administrative aspects of the judicial system and budgetary control resorted under the Ministry of Justice.

Generally, Namibia's judiciary is seen as independent and the courts are not averse from handing down judgements that go against the government or the ruling party. However, the main complaint over the years regarding the justice system are the many delays affecting court cases which ultimately undermine the public's faith in the ability of the courts to deliver justice. For example long delays in some corruption cases, such as the Avid trial (which took more than a decade to resolve) and the drawn-out

Caprivi treason trials not only affect public confidence but also damage Namibia's international reputation. While the reasons for the slowness of the justice system are various, it has become clear that the Office of the Judiciary needs to move to get the wheels of justice moving at a reasonable speed.

Namibia's Regional Councils and Local Authorities, as established in Chapter 12 of the Constitution, were given their powers and responsibilities via the Regional Councils Act (Act 22 of 1992) and the Local Authorities Act (Act 23 of 1992). In 1998, government adopted a decentralisation policy with the intention that powers and responsibilities vested in line ministries would, over time, be delegated and devolved to regional and local councils. Decentralisation is a means of creating participatory democracy in which grassroots communities and ordinary citizens can have a direct say in the decisions that affect their lives. However, the process of decentralisation has been dogged by delays and disinterest from leading politicians. As a result, even the phrase 'decentralisation' hardly features in politicians' rhetoric anymore. Revisiting and reviving the policy of decentralisation could be an important means of giving momentum to Namibia's 'Democratic Project'. At local government level this could mean dropping the party list system at local elections and switching to a ward system that would enhance political accountability.

### Recommendations

- Given the structural features that characterise the relations between the Executive and the Legislature, serious attention should be given to establishing a professional parliamentary service with well-institutionalised links with media and civil society.
- Consideration could be given to reconsidering the 'party list' electoral system of proportional representation to the National Assembly as it has strong centralising effects. In addition, the 'party list' system at local authority level should also be reviewed vis-a-vis the potential advantages of a ward system.
- The proposal that Namibia introduce a unicameral parliament which includes members who are elected via party list and those elected directly (from the regions) should be widely debated alongside other measures that could ensure Parliament is more accountable to citizens and more effective in the carrying out of its functions.
- The top-heavy nature of Namibia's political set-up - which includes a President, a Vice President, a Prime Minister, and a Deputy Prime Minister - should be reconsidered in view of both its costliness and also its effectiveness in terms of delivering 'political goods' to citizens.

- The Decentralisation Policy should be revitalised with aim being the devolution of powers and responsibilities to effective sub-national structures.
- The consultative bodies that underpin decentralisation - like Constituency Development Committees and Regional Development Coordinating Committees - should be made into statutory bodies that have to follow certain procedures and meet on a regular basis.
- Weylandt M and N Wolf, Parliamentary Questions in Namibia: Asking, Answering and Accountability, IPPR Democracy Report, Special Briefing Report No. 24, July 2018, pp. 4-5.
- Weylandt M and N Wolf, Parliamentary Questions in Namibia: Asking, Answering and Accountability, IPPR Democracy Report, Special Briefing Report No. 24, July 2018, p. 12.
- The independence of checks and balances institutions like the Office of the Ombudsman, the Anti-Corruption Commission, and the Office of the Auditor-General should be strengthened by introducing multi-stakeholder selection panels and public interviews when appointing the heads of such bodies.

## 2. Corruption

Corruption is extensively dealt with in the Questionnaire. In the **Democracy and Good Political Governance** thematic area, it is addressed in following Objective and subsidiary Question:

Objective 5: Ensuring Accountable, Efficient and Effective Public Service Delivery at the National and Decentralized levels

Question 2: What is the state of corruption in the public sector?

In the **Economic Governance and Management** thematic area, it is addressed in following Objective and subsidiary Questions:

### **Objective 4: Fight corruption and money laundering**

Question 1: What measures have been taken by your country to fight corruption in public procurement and with what results?

Question 2: What are the main forms of money laundering prevalent in your country? What measures have been taken by your country to fight money laundering? With what success?

In the **Corporate Governance** thematic area, it is addressed in the following Objective:

### **Objective 3: Ensuring Ethical Conduct Within Organisations**

Namibia's anti-corruption rhetoric has never been so robust. A number of impressive speeches and statements have been made since President Geingob came to power in March 2015. The President declared 2018 as a year of reckoning for dealing with corruption - and this ties in directly with the African Union's declaration that 2018 is its anti-corruption year.

President Geingob has set the right tone on corruption since 2015. However, actions and reforms have often been ad hoc rather than systematic. For example the public declaration of assets made by the President and the First Lady in April 2016 was a welcome boost for transparency. However, what was needed was the introduction of such declarations by all leading members of the Executive on an annual basis. It should be noted that since 2015 the exercise has not been repeated while only one Minister followed suit and similarly declared

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his assets. In a second example, government has made much of its passing of the Whistleblower Protection Bill in mid 2017. However, the costs of setting up the Whistleblower Protection Office and the other bodies set out in the law were not included in the 2018/19 national budget and there has been announcement as to when these institutions will be set up nor any attempt to sensitise the public about the importance of reporting wrongdoing.

Namibia's governance record is generally regarded as good. The Mo Ibrahim Index rates Namibia as the fifth best governed country in Africa. Transparency International's CPI indicates that while Namibia is one of the better performers in Africa the country is not making progress as its latest score of 51 and position of 53rd in the world has changed little in recent years. The conclusion that can be derived from the TI CPI is that Namibia is not doing enough to tackle corruption.

**Table 1: Transparency Corruption Perceptions Index Rankings - Namibia**

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Score	45	45	44	44	48	48	49	53	52	51	53
Rank	61st (180)	56th (180)	56th (178)	57th (182)	58th (174)	57th (175)	55th (174)	45th (167)	53rd (176)	53rd (180)	52nd (180)

\* A score of 100 = non-corrupt

The Afrobarometer survey has also indicated that public think that government is getting worse at tackling corruption.<sup>10</sup>

Public confidence has been undermined by a number of factors, inter alia:

- the perceived failure of the Anti-Corruption Commission (ACC) to arrest the 'big fish';
- an extremely slow-moving court system which has seen some corruption cases drag on for more than ten years while other investigations have petered out with no prosecutions taking place;
- a raft of recent disturbing cases: e.g. the collapse of the SME Bank, the Kora awards missing millions; Jack Huang tax scandal, the genocide lawyers case, among several others.

While there is a sense that the situation is worsening in spite of the current official rhetoric, a number of key pieces of legislation, which could play a vital role in the fight against corruption, still need to be introduced or implemented:

- Whistleblower Protection;
- Access to Information;
- Transparency in political finance;
- Comprehensive and effective asset declaration system;
- Transparency in public procurement.

10. In the 2012 Afrobarometer survey 55% of respondents felt government was tackling corruption fairly badly or very badly. In the 2017 edition of the survey this had worsened to 65% of respondents. country/.

There are a number of developing corruption issues that require significant resources and sophisticated investigative capacity. For example the issue of illicit financial flows has barely been researched in Namibia. Money laundering raises a particular challenge for policymakers while the cybercrime threat will require comprehensive legal reforms and revisions. Developing expertise in these areas and increasing the capacity of the ACC and other investigative and monitoring agencies (e.g. the Bank of Namibia's Financial Intelligence Centre) will be crucial as Namibia moves ahead to tackle these 21st century scourges.

### Recommendations

- Set up the Whistleblower Protection Office and other bodies envisaged in the Whistleblower Protection Act as soon as possible.
- Pass a world-class Access to Information law as soon as possible.
- Namibia should pass a law which sets out a comprehensive, statutory system for elected politicians and top officials to declare their assets - a law which includes sanctions for false reporting and failure to report.
- Action should be taken to ensure the transparency requirements of the Public Procurement Act are being complied with.
- A formal study should be undertaken on the impact of illicit financial flows on the Namibian economy with a view to recommending how monitoring can be made more effective and corrective actions taken.
- Namibia should consider joining the Extractives Industries Transparency Initiative (EITI) or introducing the kind of reforms required by EITI on its own - including a register of beneficial ownership, disclosure of contracts relating to resource extraction, and detailed information about revenue collection from extractives sector.
- Civil society should also become active in taking action against corruption - adopting more public monitoring and intervention strategies in the manner of Corruption Watch in South Africa.

### 3. Poverty and inequality

This issue relates to the **Broad-Based Sustainable Socio-Economic Development** thematic area, specifically the following Objectives and subsidiary Questions:

#### **Objective 3: Poverty, unemployment and inequality**

Question 1: What policies and strategies has the government put in place to reduce poverty and inequality, particularly in terms of access to resources and basic services?

Improving the quality of life of ordinary people and alleviating social ills under which they suffer is intrinsic to the APRM, and central to public policy since independence. Thus, as President Hage Geingob writes in the foreword to the Harambee Prosperity Plan, "Reducing poverty and inequalities has always been a SWAPO Party Government policy priority as encapsulated in the comprehensive Vision 2030 and the policy recommendations contained in the National Development Plans (NDPs)."<sup>11</sup>

11. Republic of Namibia, Harambee Prosperity Plan, 2016/17 – 2019/20: Namibian Government's Action Plan towards Prosperity for All, Republic of Namibia, 2016, pp. 4-5.

However, despite this intention, poverty and Inequality are widely recognised as deep and persistent problems afflicting Namibia's people.

What are "poverty" and "inequality"? Poverty is often understood to refer to a lack of resources, typically as a result of inadequate income, which in turn is expressed in low levels of material wellbeing (or low standards of living). For this reason, the most convenient quantitative measure is the poverty line (discussed below). However, it is now widely accepted that poverty is a multi-dimensional concept, with impacts that are discernible in numerous facets of people's life experience. As one researcher associated with the World Bank has put it: "As a state, poverty is characterised by multiple deprivations: low consumption and inadequate living standards, but also often poor health, a shortened lifespan, limited access to education, knowledge and information, and powerlessness in various domains."<sup>12</sup>

An initial observation is that, with a per capita GDP of US\$5,152 (2017 estimate),<sup>13</sup> Namibia is regarded as a middle-income country. However, such international benchmarking measures are not always very revealing, and carry political baggage, in this case implying that Namibia has made great developmental strides. The idea that Namibia is a middle-income country has been contested – including by the government itself – on the grounds that its society exhibits numerous features of chronic underdevelopment. These include a life expectancy that is lower than most of its middle-income peers, a lower school enrolment rate and a skewed wealth distribution, with extremes of wealth and poverty coexisting in the country.<sup>14</sup>

Inequality is a somewhat more ephemeral idea, prominent in thinking around social justice. It refers to differences in the distribution of resources, or colloquially, the gap between the "rich and the poor".<sup>15</sup> The importance of this is less that certain people have more than others, but that this state of affairs can – especially when inequalities are extensive – severely skew people's ability to participate in society on the basis of equal citizenship and with prospects of social mobility. When paired with extensive poverty, it risks becoming politicised and a destabilising factor.

A fairly comprehensive overview of poverty and inequality in Namibia is provided by the Namibia Household Income and Expenditure Survey, conducted in 2015 and 2016.<sup>16</sup> In its analysis of poverty, it used poverty lines – how much money someone would need to meet his or her basic needs. Two basic measures were used, an upper bound poverty line (NAD520.8 per adult per month) and a lower bound poverty line (set at NAD389.3 per adult per month). Those unable to spend NAD520.8 to meet their basic needs were considered poor. Those unable to spend NAD389.3 were considered severely poor. In addition, those unable to spend NAD293.1 per adult per month on food (equivalent to 2,100 calories per day) were regarded as existing below the food poverty line, a dire subsection of severe poverty.

12. Ferreira FHG, 'Poverty is multidimensional. But what are we going to do about it?', *Journal of Economic Inequality*, Vol 9, No 3, 2011, p. 493.

13. Duddy JM, "Nam's GDP per capita to bulge", *Namibian Sun*, 7 September 2018, [https://www.namibiansun.com/main/print\\_post/nams-gdp-per-capita-to-bulge2018-09-07/](https://www.namibiansun.com/main/print_post/nams-gdp-per-capita-to-bulge2018-09-07/),

14. Tshabalala S, 'These charts show why Namibia doesn't want to be called an upper middle income country', *Quartz Africa*, 16 July 2015, <https://qz.com/africa/454505/these-charts-show-why-namibia-doesnt-want-to-be-called-an-upper-middle-income-country/>.

15. For a discussion on the issue, see Afonso H, M LaFleur and D Alarcón, *Concepts of Inequality*, Development Issues No. 1, Development Strategy and Policy Analysis Unit, Development Policy and Analysis Division Department of Economic and Social Affairs of the United Nations, 2015. [http://www.un.org/en/development/desa/policy/wess/wess\\_dev\\_issues/dsp\\_policy\\_01.pdf](http://www.un.org/en/development/desa/policy/wess/wess_dev_issues/dsp_policy_01.pdf).

16. See Namibia Statistics Agency, *Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report*, Namibia Statistics Agency, 2017. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).



The Survey reveals that 139,124 people (6.1% of the population) were below the food poverty line. Some 244,037 people (10.7% of the population) were in severe poverty. And 396,845 (17.4%) people were regarded as poor.<sup>17</sup> It should be noted that this does not imply that the remainder of the population is necessarily living an opulent or even comfortable life, just that those in poverty are struggling to satisfy their very minimal requirements – it is not unreasonable to believe that many people not recognised as “poor” do in fact endure considerable hardship.

Poverty exhibits a bias towards women and those in rural areas of Namibia. The Survey showed 15.8% of male-headed households were poor and 9.9% severely poor, while of those headed by women, 19.2% were poor and 11.2% severely poor. And while only 8.6% of urban households were poor (and 4.8% severely poor), poverty was the condition of some 25.1% of rural households (with 15.9% enduring severe poverty).<sup>18</sup>

The table below shows some key indicators indicating the overall gendered nature of poverty in Namibia.

**Table 2: Poverty and Gender in Namibia**

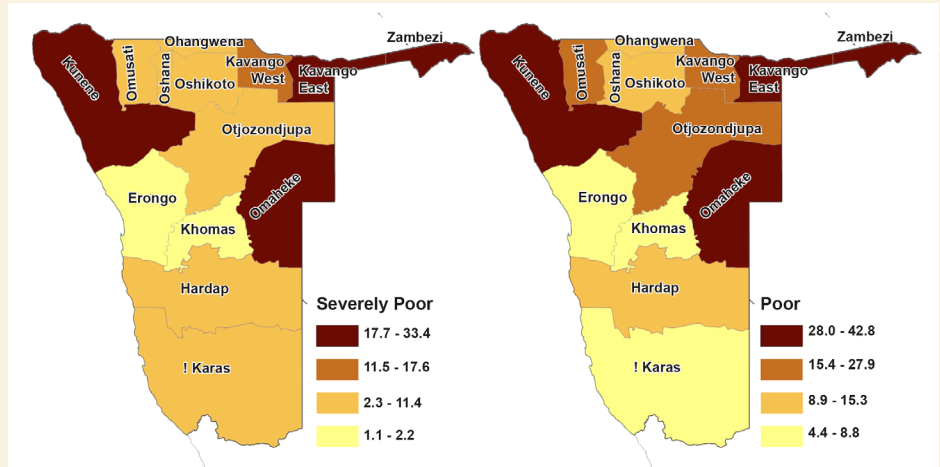
	Labour Force Participation Rate, 2016 (%)	Unemployment, 2016 (%)	Not literate, 2015/16 (%)	Consumption per capita, 2015/16 (NAD, by head of household)
Male	72,5	29,8	12,2	34 085
Female	66,6	38,3	12,9	22 119

Sources: Namibia Statistics Agency, The Namibia Labour Force Survey 2016 Report, Namibia Statistics Agency, 2017, pp. 35, 5r. [https://cms.my.na/assets/documents/Labour\\_Force\\_Survey\\_-\\_20161.pdf](https://cms.my.na/assets/documents/Labour_Force_Survey_-_20161.pdf); Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, pp. 68, 96. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

17. Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, p. 105. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).  
 18. Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, pp. 106-107. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

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Spatially, poverty is particularly notable in the north of the country, along with a severe pocket in the east (in the Omaheke region). In central and southern Namibia – Khomas, Erongo and !Karas – poverty is far more subdued. The image below, taken from the Survey publication, illustrates this point.



Source: Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, pp. 106-107. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

It is notable – in general – that those regions in which poverty is most in evidence are the country’s less developed ones, and in which economic opportunities for ordinary people are hardest to come by. The table below shows the correlations (not perfect, but certainly instructive) between poverty and a selection of socio-economic indicators.

**Table 3. Poverty statistics**

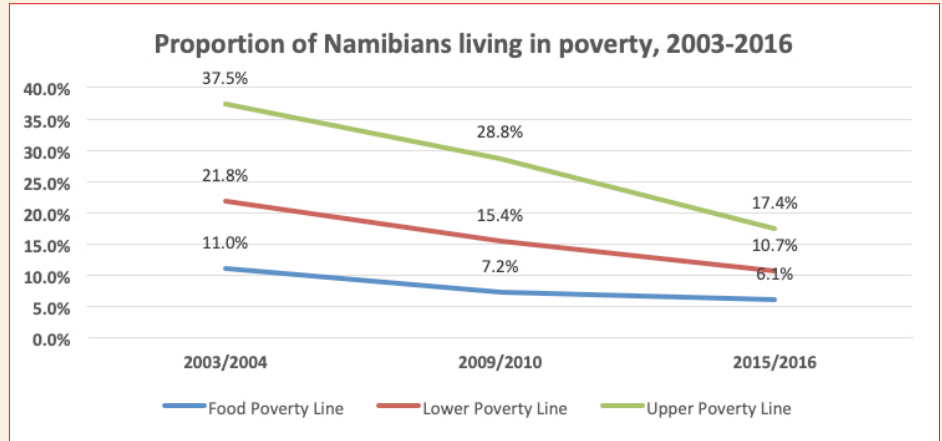
Region	Labour Force Participation Rate, 2016 (%)	Unemployment, 2016 (%)	Dependence on Subsistence Farming, 2016 (%)	Electricity used for Lighting (%)	Main Source of Drinking Water is Piped Water (%)	Access to Sanitation - relying on Bush/ no Toilet (%)	Not literate (%)	Consumption per capita (NAD, by head of household)
<b>Greater poverty</b>								
Kunene Region	68.3	52.2	10.6	41.2	60.5	58.5	37.2	14 059
Kavango East Region	61.8	39.6	15.2	30.9	63.4	65.3	22.2	12 091
Zambezi Region	65.5	48.0	7.7	37.7	73.5	78.2	14.1	12 446
Omaheke Region	77.8	26.9	9.5	40.5	86.1	78.2	28.2	20 992
Kavango West Region	59.2	36.4	30.7	18.5	60.0	81.1	19.9	12 006
Otjozondjupa Region	71.9	35.9	1.9	67.7	91.2	35.1	18.4	25 051
Omusati Region	57.2	40.2	53.0	12.7	70.8	74.4	13.7	14 484
Oshana Region	73.1	29.5	11.9	35.3	96.5	38.0	8.2	28 541
Ohangwena Region	55.1	45.4	35.9	16.7	72.1	72.3	13.8	18 082
Oshikoto Region	62.5	39.8	31.5	23.5	79.4	63.4	13.6	19 352
Hardap Region	74.1	37.7	1.6	72.1	88.3	27.2	9.9	35 675
<b>Lesser poverty</b>								
!Karas Region	75.5	23.0	0.4	77.3	93.0	18.1	4.8	32 760
Erongo Region	82.2	21.9	0.4	83.6	94.0	9.8	5.6	42 752
Khomas Region	79.0	28.4	0.2	67.6	97.5	23.8	4.5	58 807
<b>Namibia</b>	<b>65.5</b>	<b>34.0</b>	<b>14.5</b>	<b>47.8</b>	<b>84.4</b>	<b>44.8</b>	<b>12.6</b>	<b>28 434</b>

Sources: Namibia Statistics Agency, The Namibia Labour Force Survey 2016 Report, Namibia Statistics Agency, 2017, pp. 29, 35, 57. [https://cms.my.na/assets/documents/Labour\\_Force\\_Survey\\_-\\_20161.pdf](https://cms.my.na/assets/documents/Labour_Force_Survey_-_20161.pdf); Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, pp. 52-53, 55, 58-59, 68, 96. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

It is important to note that data on poverty is not static. The proportion of Namibians living in poverty has shown an overall decline since the country started collating comparable data in 2003/4. For each of the measures of poverty studied, the incidence has roughly halved.

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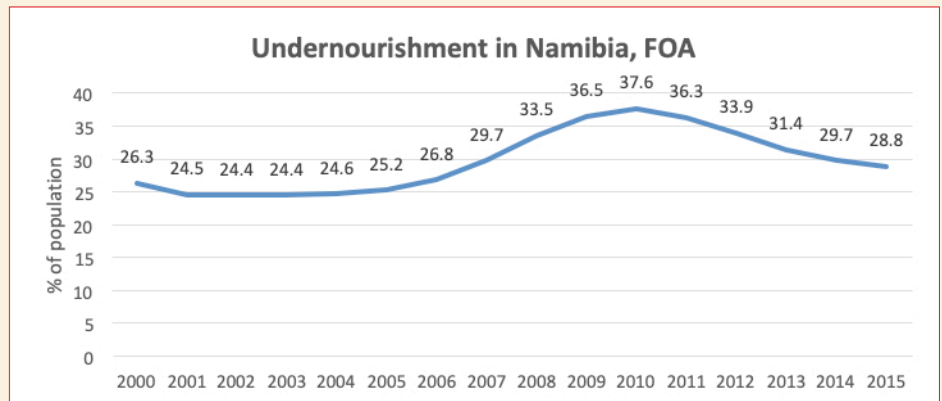
Figure 1: Proportion of Namibians living in poverty, 2003-2016



Source: Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, p. 105. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

However, while this progress is praiseworthy, it is not unambiguous. Under-nourishment remains a pressing problem. According to data from the Food and Agriculture Organisation, nearly 29% of the Namibian population was undernourished. Indeed, this was slightly higher than had been the case in 2000, and the FOA’s data records undernourishment nearly reaching 40% in 2010.

Figure 2: Undernourishment in Namibia



Source: World Bank Group, Prevalence of undernourishment (% of population). <https://data.worldbank.org/indicator/SN.ITK.DEFC.ZS?view=map>.

Other data presents an even more distressing picture. Drawing on the 2015 Global Hunger Index, the Namibia Zero Hunger Strategic Review Report comments:<sup>19</sup>

19. Republic of Namibia, Namibia Zero Hunger Strategic Review Report, Republic of Namibia, 2017, p. 7. [http://www.un.org/na/home\\_htm\\_files/WFP%20ZERO%20STRATEGIC%20REVIEW%20REPORT.pdf](http://www.un.org/na/home_htm_files/WFP%20ZERO%20STRATEGIC%20REVIEW%20REPORT.pdf)

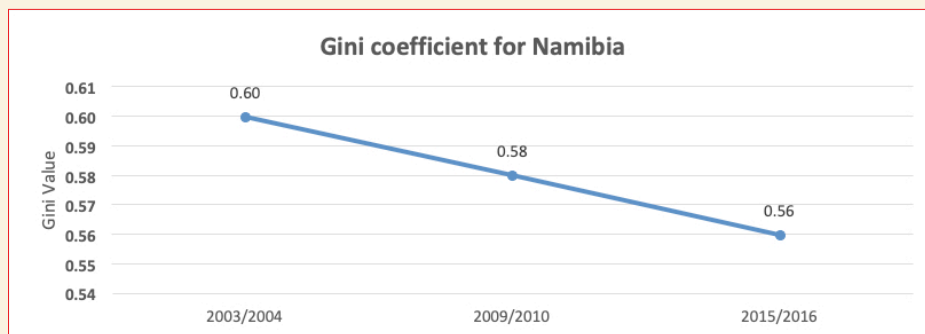
The latest data used to compile this index shows that in Namibia the proportion of undernourished in the population is 42.3%, the prevalence of underweight in children under five years is 7.1%, the prevalence in stunting in children under five years is 24% and the under five mortality rate is 5.0%. Low-income earners struggling to meet their minimum daily requirements for food intake underpin these important figures. The high child stunting rates of 24% is an indication of inadequate nutrition over long periods of time.

Inequality is invariably discussed with reference to its own measurement, the Gini coefficient. It uses a scale of 0 to 1, with 0 representing perfect equality in society, and 1 perfect inequality. In other words, the larger the number, the greater the inequality it denotes.

In Namibia's case, the Gini coefficient sits at 0.56 (calculated with reference to 2015/2016).<sup>20</sup> This level of inequality is ahead of such countries as Brazil (0.51) and Colombia (0.51) – noted for economic disparities among their respective populations – but behind South Africa (0.63) and Zambia (0.57).<sup>21</sup> (Note that the latter numbers are drawn from the World Bank's database.)

However, in this respect too, some progress has been made and inequality has declined somewhat, from 0.60 in 2003/04. However, as the NSA remarks: "Despite this decline however, the level of inequality in Namibia remains among the highest in the world."<sup>22</sup>

**Figure 3: The Gini coefficient in Namibia**



Source: Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, p. 107. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

The key question is what lies behind Namibia's high levels of poverty and inequality. According to research by the National Planning Commission:<sup>23</sup>

The persistence of poverty in certain areas and amongst certain households in Namibia is strongly associated with the exclusion of many Namibians from the mainstream economy. Many Namibians, by virtue of education level, location or health, cannot participate fully in the modern economy and are therefore vulnerable to falling into and remaining in poverty.

20. Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, p. 107. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

21. World Bank Group, Gini Index (World Bank estimate). <https://data.worldbank.org/indicator/si.pov.gini>.

22. Namibia Statistics Agency, Namibia Household Income and Expenditure Survey (NHIES) 2015/2016 Report, Namibia Statistics Agency, 2017, p. 107. [https://cms.my.na/assets/documents/NHIES\\_2015-16.pdf](https://cms.my.na/assets/documents/NHIES_2015-16.pdf).

23. National Planning Commission, 'The Root Causes of Poverty', National Planning Commission, undated, p. 58.

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Namibia's economy is bifurcated between a modern, innovative and high value-adding sector and a largely subsistence, typically rural sector. It is in the former that opportunities for prosperity and social mobility (ultimately, entry into the top earning tiers) are to be found. For any of a combination of issues – most of which are dealt with elsewhere in this report<sup>24</sup> – many Namibians are unable gain entry to and participate in this economy. "Namibia," as the National Planning Commission comments, "does not have enough modern sector jobs."<sup>25</sup> One study mentioned that past racial policies (apartheid) excluded large parts of the population from the possibilities for economic inclusion. The Namibian economy has also historically depended on extractive industries – such as diamond mining – which have tended to be capital- rather than labour-dependent.<sup>26</sup>

Instead, for many, life chances are dominated by unemployment or by subsistence-level activities. The latter is typically in agriculture, which is subject to the vagaries of the climate. There are few options for making social progress, or for accumulating wealth. This makes intergenerational transfers of wealth impossible.

Namibia has long attempted to integrate poverty alleviation and the reduction of inequality into its policy frameworks. The National Poverty Reduction Action Programme (2001-2005), for example, stressed the need to mainstream its anti-poverty objectives into its overall development strategy. Tackling poverty would involve a number of distinct but related interventions. These included stimulating labour absorbing economic activity and entrepreneurship, infrastructure expansion, and consolidating and extending the provision of social grants.<sup>27</sup>

These strategies are reflected in later iterations of Namibia's policy framework, albeit expressed and prioritised somewhat differently. The 5<sup>th</sup> National Development Plan (2017/18-2021/22) was organised into four initiatives: economic transformation (improving the overall performance of the economy and making it more labour absorptive); social transformation (building human resources and combating poverty); environmental sustainability (ensuring that economic growth does not undermine Namibia's natural habitat, and future prospects); and good governance (prudent and democratic management of the state and society).<sup>28</sup>

Namibia can take some pride in its rollout of social protection measures, notably social grants, and particularly old age pensions. Earlier in 2018, it was announced that some 211,447 people were receiving such payments.<sup>29</sup> These have undoubtedly helped to alleviate the worst features of poverty for many, yet their impact has been far from universal. Means testing, for instance, is widely believed to result in many needy Namibians failing to access support that they desperately need.

24. Education that is mismatched to the country's needs, a lack of employment opportunities in the mainstream economy, poor health (sometimes as a result of HIV infection), or the accident of birth in a region without opportunities, as a few examples.

25. National Planning Commission, 'The Root Causes of Poverty', National Planning Commission, undated, p. 58.

26. Central Bureau of Statistics, National Planning Commission, A Review of Poverty and Inequality in Namibia, National Planning Commission, 2008, p. 37.

27. National Planning Commission, National Poverty Reduction Action Programme, 2001-2005, National Planning Commission, December 2002, [http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/namibia\\_national\\_poverty\\_reduction\\_action\\_programme.pdf](http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/namibia_national_poverty_reduction_action_programme.pdf).

28. Republic of Namibia, Namibia's 5th National Development Plan, 2017/2018 - 2021/22, Republic of Namibia, 2017, [https://www.npc.gov.na/?wpfb\\_dl=294](https://www.npc.gov.na/?wpfb_dl=294).

29. "Social Grants Beneficiaries Increase", The Namibian, 8 May 2018, <https://www.namibian.com.na/177181/archive-read/Social-grants-beneficiaries-increase>.

One option that found support in Namibia (although it has faded somewhat from the public debate) is that of a Basic Income Grant. This would extend a minimal level of support to the whole population, and should – if properly implemented – keep households out of poverty. A pilot programme was conducted in the small village of Omitara in 2008 and 2009, through which all residents below the age of 60 (those older were eligible for pensions) were paid NAD100. Analysis of this programme suggested that it had significantly reduced household poverty, stimulated economic activity and facilitated improved healthcare and nutrition, among other benefits.<sup>30</sup>

Another initiative, begun in 2016, is that of food banks. These provide a hamper of foodstuffs to very poor urban residents, in an attempt to alleviate hunger (or food poverty). Recently some controversy has arisen as several thousand beneficiaries have been removed for the programme. This was done largely to contain costs and to ensure that the programme provided relief where it was most needed.

Social protection schemes inevitably raise questions about resource mobilisation to fund them. On the face of it, increased taxes might sound appealing in the context of extreme inequality, but it should also be borne in mind that a small economy like Namibia's would run the risk of endangering investment and – more importantly for an economy trying to shed its dependence on extractives – skills flight if this should be undertaken recklessly. Whatever the limits of economic growth as a developmental tool (and there are limits), Namibia needs a growing economy. There is a case for interrogating priorities in the allocation of resources, and whether state revenues are optimally used at present. Reorientation of existing resources might be able to provide the required funds. There would also need to be close examination of the terms of collection (should a portion of tax revenues be ring-fenced for social protection, or should allocations be decided as any other item), and of the capacity of the state to distribute grants honestly.

In a study of Namibia's fiscal system, the World Bank was complimentary about the social impact of grants. It recognised that, despite some problems in their rollout (effective targeting of beneficiaries being an issue), it had facilitated a significant degree of redistribution and was providing invaluable assistance to the country's poor. However, it was in itself not a complete solution. The report commented:<sup>31</sup>

Namibia's progressive income tax and generous social spending programs substantially reduce poverty and inequality, but the analysis also underscores the limits of what redistributive fiscal measures alone can accomplish. The economy must ultimately create more jobs for the poorest members of society to change the underlying distribution of what might be called "pre-fiscal" income; i.e., the income before households pay taxes and receive benefits from social programs. This will require structural transformation through greater investment in activities that create employment for unskilled workers and offer the potential for continuous productivity increases.

30. Haarman C and D Haarman, 'Pilot Project', Basic Income Grant Coalition, 2014, [http://www.bignam.org/BIG\\_pilot.html](http://www.bignam.org/BIG_pilot.html).

31. The World Bank and the Namibia Statistics Agency, Does Fiscal Policy Benefit the Poor and Reduce Inequality in Namibia?, Washington DC: The World Bank, June 2017, p. 3.

### Recommendations

To deal with poverty and inequality in Namibia, two essential interventions are necessary. The first is a palliative one. Interventions must be put in place to provide a broader degree of relief to those suffering from poverty. The second is a transformative one, to expand the prospects of entering the economic mainstream. As the Harambee Prosperity Plan puts it: "The challenges facing our people today, particularly unemployment, poverty, hunger and economic inequalities require a fast growing and globally competitive economy driven by competitive enterprises and a productive workforce."<sup>32</sup>

- Government should review its social protection schemes with view to ensuring they are targeted to meet the needs of the poor and marginalised and have the greatest impact. This review should include public hearings on the advisability and feasibility of a Basic Income Grant (BIG).
- Increase effectiveness of spending on health and education.
- Review progressive tax structure
- Review minimum wages across various sectors - particularly for farmworkers, security guards, and domestic workers
- A thorough review of government expenditure is required in order to enable government remove wasteful and unnecessary spending and re-orientate the budget as a poverty eradication mechanism. This should include bringing an end to bail-outs of poorly managed and highly inefficient public enterprises.
- Companies should be encouraged and incentivised to introduce corporate social responsibility programmes and to support welfare initiatives such as the government's food bank programme.
- Implement the Growth at Home strategy focussing on value addition and beneficiation

### 4. Youth unemployment<sup>33</sup>

This issue relates to the **Broad-Based Sustainable Socio-Economic Development** thematic area, specifically the following Objectives and subsidiary Questions:

**Objective 2: Encourage broad-based participation in development**

Question 1: What mechanisms have been put in place to promote, extend and encourage stakeholders' participation in the broad-based sustainable socioeconomic development?

**Objective 3: Poverty, unemployment and inequality**

Question 5: What policies and strategies are put in place for combating unemployment, particularly among the youth?

32. Republic of Namibia, Harambee Prosperity Plan, 2016/17 – 2019/20: Namibian Government's Action Plan towards Prosperity for All, Republic of Namibia, 2016, p. 33.

33. This section was primarily compiled by Kudzai Clara Chireka and Sophia Mapaze Isala from the Labour Resource and Research Unit (LaRRI). A key resource is LaRRI, The crisis of Youth Unemployment in Namibia: Recommendations for Pro-Youth Economic and Employment Policies. Country Case Study Series., Alternatives to Neoliberalism in Southern Africa (ANSA), 2011.



Youth unemployment is not just a Namibian phenomenon. It is among the major challenges facing both developed and developing countries in the world. The problem of youth unemployment is more critical to developing countries due to the high poverty levels requiring all people to work in order to ensure survival.<sup>34</sup> The consequences of youth unemployment are many, and the phenomenon has become a threat to social, economic and political stability in most developing countries. The National Planning Commission recently argued:<sup>35</sup>

High rates of youth unemployment represent both widespread personal misfortune for individuals and a lost opportunity for critical national and global economic development. High numbers of economically frustrated youth may contribute to social instability.

The unemployment rate in Namibia, according to the Namibia Labour Force Survey, has been consistently on the rise, from 27.5% in 2012 to 34% in 2016, with unemployment reaching 60% among 15-24-year-olds (amongst the highest in Africa).<sup>36</sup> These elevated unemployment rates have trapped Namibia's youthful productive labour resources in a vicious cycle of poverty and/or unemployment. In 2010 a study by the National Council for Higher Education found that more than 11% of University of Namibia (Unam) and 14 percent of Polytechnic graduates were unemployed. Moreover, four out of five graduates only found jobs two years after graduating.<sup>37</sup> Unemployment is not only a waste of productive human resources but undermines a country's growth. Skills shortage and skills mismatch provides a great challenge to graduates.

Namibia is currently faced with a shrinking formal sector that cannot absorb all the graduates or job seekers, especially the youth. This therefore leaves the country with thousands of youth looking for jobs they cannot find. This has led to graduates seeking informal employment – the 2016 Labour Force Survey reported that 60% of people were informally employed.<sup>38</sup> However the informal economy has provided some form of income for those that cannot be absorbed by the formal sector. Countries like Zimbabwe, Nigeria and Ghana have over 70% operating in the informal economy for similar reasons, and therefore the informal sector cannot be ignored, given the role it plays in providing an outlet for unemployed youth.

The mismatch between educational profiles, content and labour market demands also results in the youth being forced to seek work in the informal sector. More and more graduates are being certified in areas that are not required in the labour market, resulting in market saturation, further exacerbating unemployment. At the same time, to increase production and sales, employers often seek workers that are more experienced. This limits the youth to a small portion of jobs. Due to their inexperience and lack of knowledge, employers do not want to spend money and time training them. This results in high rates of unemployment that often disadvantage young people where they are likely to earn lower future earnings, face an increased probability of being unemployed again due to limited experience, or worse still, being completely excluded from the labour market.

34. International Labour Organisation (ILO), *Global Employment Trends for Youth*, Geneva, 2011.

35. National Planning Commission, 'Status of the Namibian Economy', National Planning Commission, March 2018. p. 16, [https://www.npc.gov.na/?wpfb\\_dl=315](https://www.npc.gov.na/?wpfb_dl=315).

36. Namibia Statistics Agency, *Labour Force Survey Report for 2015, 2016*.

37. See <https://www.namibian.com.na/index.php?id=89251&page=archive-read>

38. See <https://nsa.org.na/microdata1/index.php/catalog/25>

Economically, youth unemployment has led to labour market instability, increased welfare costs, erosion of the tax base and unused investments in education and training.<sup>39</sup> In the long run, this often leads to marginalised sections of the population. These problems associated with unemployment present a significant challenge to many governments, and most seek to create formal sector jobs.

Therefore, persistently high unemployment suggests a lack of effective policy interventions. To date, policies have largely been supply-side initiatives aimed at the structural causes of youth unemployment.<sup>40</sup> The changes in the labour market have made employers (not only private businesses, but also non-governmental organisations and government) reluctant to take on school leavers as they lack experience and can be seen as an expense or liability. New thinking is clearly needed.

General labour market reforms have affected current policies and have seen employment opportunities for young people affected by structural changes in the labour market. "Entries to the labour market for young people have disappeared without being replaced with other entries."<sup>41</sup> For example, decades ago, school leavers often entered the labour market through simple labour-intensive jobs, low-skilled work in manufacturing and shops. But that has changed; hence the need for new policies that will address these structural labour market changes.<sup>42</sup>

The Namibian government should seek to create a conducive environment to improve the integration of new entrants into the job market. It should also provide incentives to the private sector or small and medium enterprises to introduce internship programmes for graduates to acquire job skills. It is also vital that graduates strive to either create demand where it is in shortage or strategically diversify their skillsets with vocational training. Volunteerism may be considered an unfruitful sacrifice, but value must be placed on the acquisition of skills as opposed to salaries. In addition, the value of entrepreneurship must be recognised, and accordingly, attention must be given to ensuring that the business environment is conducive to it. As one study described the issue:<sup>43</sup>

Given the high level of unemployment in Namibia, the development of entrepreneurial skills and initiatives should be of paramount importance and intervention programs must be put in place to support entrepreneurial initiatives. Micro- Small- and medium-sized enterprises (SMEs) form the backbone of the economy in Namibia, providing the bulk of jobs in both the formal and informal sectors of the economy. However, many potential entrepreneurs in Namibia face many challenges and barriers.

Youth unemployment is not only a problem for government to solve but also for other groups such as civil society and private businesses. Opportunities exist for Namibian organisations to work with government in their

39. ILO, op. cit.

40. Oosthuizen M and A Cassim, The state of youth unemployment in South Africa, August 2014, p. 1., [www.brookings.edu](http://www.brookings.edu).

41. Lindbeck A, Tackling youth unemployment. A proposal on Youth Unemployment, 2014, <http://www.global-economic-symposium.org/knowledgebase/the-global-society/tackling-youth-unemployment/proposals/youth-unemployment>

42. Ibid.

43. Mwinga MS, Unemployment in Namibia: Measurement Problems, Causes & Policies, First Capital Working Paper Series, May 2012, pp. 62-63, [https://www.nmanamibia.com/fileadmin/user\\_upload/pdf/Unemployment\\_in\\_Namibia\\_May\\_2012.pdf](https://www.nmanamibia.com/fileadmin/user_upload/pdf/Unemployment_in_Namibia_May_2012.pdf).

programmes, influence national policies and promote development, thereby actively supporting broad strategies for long-term national development as contained in Vision 2030 and the achievement of the Sustainable Development Goals. Given the implications of the Continental Free Trade Agreement which affects labour and would allow for free movement of people, there need to be proper mechanisms to curb youth unemployment before Namibia ratifies the agreement.

### Recommendations

- Conduct a national skills audit, to assess the extent to which people are trained and skilled to meet the demands of the labour market .
- Introduce an integrated, young-people-centred approach, to include elements such as counselling, mentoring, tailor-made training and job placements
- Improve the skills of young people to better meet employers' demands and to reduce the mismatch between available vacancies and jobseekers by supporting vocational learning in apprenticeships, traineeships and placements and introducing quality standards for vocational education.
- Offer incentives for companies, especially in the private sector, to train, equip and employ the youth.
- Relook at the education system to include more practical subjects in order to provide options for study which may result in easier employability once students graduate
- Increase the quality of career and advisory services offered to students, especially those in rural areas.
- Instil in the universities the need to encourage the youth to be innovative and create their own jobs through the knowledge and skills acquired.
- Monitor foreign direct investments more closely, and insist that they create not just any jobs but decent work for the youth.
- Allocate a budget from the fiscus to finance young entrepreneurs in the form of sustainable loans.
- Namibia should look a developing a project like YES in South Africa - a business-led collaboration with government and labour to create job opportunities for the youth.

## 5. Education

This issue relates to the **Broad-Based Sustainable Socio-Economic Development** thematic area. Education is not dealt with as a distinct objective, or question, but is addressed across the thematic area. For example: **Objective 1: Promote and accelerate broad-based sustainable socio-economic development**

Objective 1: Describe the policies and strategies formulated by your country to promote and accelerate broad-based sustainable socio-economic development.

Among the indicators, respondents are requested to:

Indicate results obtained in terms of satisfaction, simplification of administrative formalities on request, cost reduction and access to resources and services, in particular with regards to access to potable water, sanitation, social protection, **education**, health (including the fight against HIV/AIDS and other transmissible diseases), information and communication technologies. (Emphasis added.)

The high unemployment rate is a major barrier to economic development in Namibia (as discussed in Section 4 above). Related to this, and therefore fundamental to the country's progress, is the skills gap, marked by the low number of qualified, well-educated Namibians. Poor educational standards and lack of skilled workers are perhaps a historical legacy but the question remains as to why independent Namibia has been unable to overcome this problem.

The Namibian Constitution<sup>44</sup> and the Education Act of 2001 provide the legal framework for the education system: school attendance is compulsory for the seven years of primary school and education during this period is free of charge.

Namibia has invested considerably in education since independence in 1990. In keeping with this, the 2019/2020 financial year saw education receive 25% of Namibia's budgeted expenditure. NAD13.8 billion was allocated to basic education, up by over NAD560 million from the previous financial period, while higher education received NAD3.1 billion. The expenditure included transfers to higher educational institutions such as NAD912 million to the University of Namibia and NAD500 million to the Namibia University of Science and Technology.

It is estimated that Namibia spends an average of NAD18,000 per learner per year, four times higher than the world average.<sup>45</sup> However, this figure is not spent equally on all students at all levels of education. Tertiary students receive the most funding, with NAD56,000 spent per student per year. The figures decrease with the levels of education: NAD15,000, NAD14,000 and NAD4,000 is spent per student per year at secondary, primary and pre-primary levels respectively. Thus, while Namibia's education budget is impressive, this allocation does not prioritise the foundational years. Foreign donors, namely the European Union (EU), United States Agency for International Development (USAID) and the World Bank, have invested in the education sector to support the government's budget.<sup>46</sup>

The prioritisation of education in the national budget has resulted in consistent growth in the number of schools and increasing enrollment rates. However, the return on investment in terms of quality is low, raising concerns around the efficiency of this expenditure. The increased spending has yet to yield the desired improvements in educational outcomes.<sup>47</sup> Some of the major challenges still to be overcome are poor educational performance, gaps between the curriculum and the labour market, and high dropout rates. These challenges make it difficult for individuals to acquire the necessary skills, through which they can lift themselves from poverty.

### **Early childhood development (ECD)**

The Namibian government appears to have recognised the need to entrench ideals of education from a young age. To ensure young children are ready for schooling, a strategic framework for integrated ECD was developed and approved by Cabinet in June 2017. A national conference to launch the framework and promote the ECD agenda was held in February 2018 and stressed the notion that if a strong foundation is established, transition to primary and secondary school will be easier.

44. Article 20.

45. Brown R and Emvula C, 'The National Budget 2018-19: Walking the Fiscal Tightrope', Special Briefing Report 23, Institute for Public Policy Research, 2018.

46. Fischer G, 'The Namibian Educational System', Friedrich Ebert Stiftung, 2010.

47. Brown R and Emvula C, op. cit.

An emphasis on ECD is also seen in Namibia's Fifth National Development Plan (NDP5), which aims to secure educational foundations through access to ECD services for all children aged 0-8 by 2022. In 2018, 44,081 learners enrolled in pre-primary school. However, Namibia's 2011 census revealed that 105,698 Namibians are below the age of nine (this number can be assumed to have grown considerably in the interim). Access to ECD services for children with disabilities is particularly limited; 87% of children with disabilities aged 0-4 have never attended an ECD programme.<sup>48</sup> Thus, ECD services are not reaching more than half of their target. There are several reasons for this. ECD falls under the mandate of three different governmental departments: 0-4 year-olds are managed by the Ministry of Gender Equality and Child Welfare, 5-8 year-olds are managed by the Ministry of Education, Arts and Culture, and nutrition and parenting is managed by the Ministry of Health and Social Services. This leads to duplication of efforts and lack of coherence. Other challenges include limited investment in ECD and poor educational outputs.

A review of a number of projects, undertaken and published by the Namibian Education Ministry and UNICEF in 2017, distilled some of the key lessons for the emerging ECD system. Still of limited intake capacity in Namibia at this time, the review noted that most ECD facilities were run by private people (that is, non-state) and institutions. It pointed to an expansion of the system, the need to incorporate childhood nutrition programmes to support the development of young minds and bodies, enhancing physical security at ECD centres and providing training for the enthusiastic but uncredentialed staff at these institutions. It further recommended the need for regular and meaningful parental engagement to ensure an alignment between the ECD programmes and the home environment.<sup>49</sup>

### Primary and secondary education

The government has continued to prioritise education financially and legislatively, resulting in a conducive environment for basic education in Namibia. The decision to introduce free primary and secondary education in 2013 and 2016 respectively has improved access to education and increased enrolment rates. Presenting the initiative as part of the Harambee Prosperity Plan (HPP), President Geingob said free education would immediately arrest the high youth unemployment rate. Although such moves were welcome, hidden costs, such as school uniforms, stationery and transport remain barriers to education for poor, vulnerable and remote communities.

*The Windhoek Observer* in January 2018 drew attention to the various costs which were being demanded by schools which effectively negated the concept of 'free'. In addition, it indicated (perhaps controversially) that it was not clear whether this is possible in a country with Namibia's resource deficit. It commented: 'Free education can only be achieved by controlling the various levies that schools charge, which have the impact of locking out many students, especially the poor. Free education is a concept that is only free on paper, but in reality does not exist.'<sup>50</sup> One may not agree with the argument the newspaper advanced, but it sums up a very real problem.

48. Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

49. Ministry of Education, Arts and Culture and UNICEF, Telling the Early Integrated Childhood Development Story, Ministry of Education, Arts and Culture and UNICEF, 2017, [https://www.unicef.org/namibia/na.ECD\\_Telling\\_the\\_Story.pdf](https://www.unicef.org/namibia/na.ECD_Telling_the_Story.pdf).

50. 'Is Free Education worth it?', *Windhoek Observer*, 12 January 2018, <https://www.observer.com.na/index.php/editorial/item/9201-is-free-education-worth-it>.

## A Review of Critical Issues for the APRM Process in Namibia

As of February 2018, 755,943 students were in school.<sup>51</sup> Based on UNDP population projections, primary school has a 97.7% net enrolment rate, while secondary school has a 55.9% enrolment rate.<sup>52</sup> Thus, there is still a growing concern that too many children leave both primary and secondary level education without the necessary skills in reading, writing and mathematics. While 87,795 learners enrolled for Grade 1 this year, only 24,005 enrolled for Grade 12, showing that enrolment declines as learners move to higher grades. Only 7% of all learners are in the senior secondary phase (Grade 10-12).<sup>53</sup> The progression of learners is interrupted by repeating grades or leaving school before Grade 12. In 2017, 19% of all learners at school had to repeat a grade. A further 4.4% dropped out altogether.<sup>54</sup>

Dropout rates are particularly alarming in rural areas, where only 49% of first graders reach Grade 5.<sup>55</sup> Thus, while enrolment figures have increased steadily over the years, they remain an issue in low-population-density regions where schools are far away from homes and transport is not provided.<sup>56</sup> The completion rate for 12 years of education falls to less than 1% in the most rural schools, compared to 58% in urban areas.<sup>57</sup>

Grade	Promotion Rates			Repetition Rates			School-Leaving Rates		
	Total	Females	Males	Total	Females	Males	Total	Females	Males
Average	76.5%	79.1%	74.0%	19.0%	16.8%	21.2%	4.4%	4.1%	4.8%
Grade 1	78.0%	81.2%	75.0%	20.7%	17.6%	23.6%	1.3%	1.2%	1.4%
Grade 2	86.5%	90.0%	83.0%	14.8%	11.6%	17.8%	-1.3%	-1.7%	-0.9%
Grade 3	87.1%	90.2%	84.1%	13.5%	10.2%	16.7%	-0.6%	-0.4%	-0.8%
Grade 4	73.5%	79.4%	67.7%	25.9%	20.0%	31.6%	0.6%	0.5%	0.6%
Grade 5	69.6%	74.6%	64.9%	28.4%	24.1%	32.4%	2.0%	1.3%	2.6%
Grade 6	74.8%	77.2%	72.4%	22.9%	20.6%	25.2%	2.3%	2.2%	2.4%
Grade 7	80.6%	83.0%	78.1%	16.1%	14.4%	17.9%	3.3%	2.6%	4.0%
Grade 8	63.2%	65.2%	61.3%	28.7%	26.8%	30.6%	8.0%	8.0%	8.1%
Grade 9	71.8%	72.3%	71.2%	23.2%	22.6%	23.8%	5.0%	5.0%	5.0%
Grade 10	61.1%	60.9%	31.3%	11.1%	12.4%	9.5%	27.8%	26.6%	29.2%
Grade 11	95.6%	95.8%	95.3%	4.0%	4.0%	4.0%	0.4%	0.2%	0.7%

**Table 4: Promotion, Repetition and School-Leaving Rates in Grades 1 – 11 from 2016 to 2017**

Source: Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

The above table shows the promotion, repetition and school leaving rates of students from Grade 1 to 11 in the 2016 school year. 20.7% of all Grade 1 students had to repeat the year in 2016, suggesting serious proficiency issues

51. Education Management Information System, 'Namibia 15th School Day Report, 2018.

52. Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

53. Education Management Information System, 'Namibia 15th School Day Report, 2018

54. Education Management Information System, 'Education Statistics', 2017.

55. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, p. 50.

56. Fischer, op. cit.

57. UNICEF, 'Namibia Annual Report', 2017, p. 4.

at the foundational level. The highest repetition rates were seen in Grades 5 and 8, necessitating further investigation into the reasons for failure at these levels. School leaving rates at Grades 8 and 10 are equally alarming. Research shows that students dropping out are: from the lowest income quantiles; from rural areas and marginalised communities; not benefitting from home language instruction; and likely to have a disability.<sup>58</sup> One important factor limiting school enrolment is the prohibition on children who fail Grade 10 to repeat that grade, unless specific conditions apply. Only 2,400 pupils who failed the 2016 Junior Secondary Certificate (JSC) Grade 10 examinations were allowed to repeat the grade in 2017, as they were 17 years and younger on the first day of school.<sup>59</sup> Students who do not meet the criteria may consider improving their results in one or more subjects at The Namibian College of Open Learning (Namcol) or other part-time institutions registered with the MoE. The concern here is that avenues for completing a formal education then close and students struggle with the transformation from a school to a college environment.<sup>60</sup> The criteria for repeating Grade 10 prevents approximately 16,000 students annually from moving to Grade 11.<sup>61</sup>

While the education is free, the issue of its quality has come up consistently as an area of concern. The level of competence among school leavers is low compared to other Southern African countries, particularly in areas of literacy and numeracy. As a result, the Namibia Senior Secondary Certificate, the qualification one receives after completing Grade 12, is not accepted for admission into most international universities. Often, further classes and tests have to be taken to attend a university outside of Namibia.<sup>62</sup> Moreover, three years into the free secondary education initiative, little has been done to arrest the high youth unemployment rate.<sup>63</sup>

**Table 5: Selected marks from the 2017 Namibia Senior Secondary Certificate – Ordinary (NSSC-O) final exams**

Subject	Learners	Total	Symbol %								Ugraded	Incomplete
			%	A+	A	B	C	D	E	F		
Accounting	2315	100	1.1	3.3	8.1	16.9	15.2	17.7	14.9	10.8	11.0	1.0
Afrikaans	3187	100	0.5	1.6	9.1	17.7	33.8	24.8	7.2	2.3	2.1	0.8
Biology	13465	100	0.3	0.8	4.4	11.7	14.1	19.1	19.1	17.4	12.6	0.5
Business	2170	100	0.4	1.3	5.9	15.3	16.8	18.0	21.1	14.3	6.2	0.7
Economics	1724	100	0.1	0.2	3.9	16.5	20.9	24.5	11.4	8.6	13.3	0.5
English	19098	100	0.3	1.1	3.0	7.1	18.1	22.7	27.7	8.8	11.1	0.6
Geography	8393	100	0.5	1.7	3.7	6.9	15.1	23.0	27.1	15.4	5.7	0.7
History	3366	100	0.5	1.2	3.7	6.5	11.9	18.0	38.2	16.0	2.7	1.1
Maths	21315	100	0.3	1.0	2.3	17.6	20.1	21.5	19.3	11.2	6.0	0.6
Science	12659	100	1.2	3.8	8.0	14.2	18.5	20.2	22.0	9.9	1.5	0.6

Source: Education Management Information System, 'Education Statistics', 2017, p. 49.

58. Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

59. The Namibian, 'Grade 10 failures to repeat', 11 January 2017, <https://www.namibian.com.na/159970/archive-read/Grade-10-failures-to-repeat>, accessed 11 September 2018.

60. Remarks made at a civil society APRM consultation meeting, 6 September 2018, Windhoek.

61. Ministry of Education Arts and Culture Republic of Namibia, 'Global Initiative on Out-of-School Children', 2015.

62. Fischer G, op.cit.

63. Shejavali N and Weylandt M, '3 Years of Geingob: Harambee at Halftime', Special Briefing Report 22, Institute for Public Policy Research, 2018.

The table above shows the percentages of learners who attained different symbols in some of the subjects of the full-time NSSC-O examination. In crucial subjects such as English, Mathematics and Physical Science, only 29.6%, 41.3% and 65.9 % of students scored a 'D' symbol (sufficient) and above respectively.

In addressing the issue of quality of education, the HPP references the need to increase the pass mark of Grades 10 and 12 from 24% and 30% respectively. In year two of Harambee (2019/20), students will also be required to obtain a pass mark of 60% English, up 5% from previous requirements. However, education expert Justin Ellis has recommended a focus on improving learning outcomes at the junior primary stage instead, as once a student has moved on from this level, it becomes much more difficult to address poor levels of proficiency.<sup>65</sup> At a meeting of civil society, a participant shared this sentiment, saying that raising the pass mark would not help solve the issue of quality given that so many students are already struggling. Rather, there are structural issues that need to be addressed at the primary school level.<sup>65</sup>

The NDP5 aims to provide access to “equitable inclusive quality education” that qualifies all learners to pursue higher education by 2022. A factor that continues to undermine this goal is poverty and its associated challenges.

An interesting perspective on this issue is provided by research published in early 2017 on teachers' perceptions of the causes of academic failure in a number of schools in the Zambezi region. In interviews, teachers described a number of broad problems. A selection of these are: a lack of motivation on the part of students; poor discipline; a shortage of resources, such as textbooks; a failure by some students to handle English as a medium of instruction; an uncondusive learning environment (extending beyond the school); problematic admissions policy (accepting children who cannot cope with the academic requirements); poorly thought-out pregnancy policies; and unqualified teachers.<sup>66</sup>

### Tertiary education

The poor quality of education received at the basic level plays out further at university level, where weaknesses, particularly in mathematics and science, become obvious. Universities also experience difficulty in hiring qualified lecturers. Thus, many subjects are simply not offered and the research and innovation output of subjects that are covered remains low. The result is weak linkages with the labour market, calling into question the relevance of training programmes and the employability of university graduates. In response, NDP5 includes a commitment to increasing critical mass in science-related subjects at university level.<sup>67</sup> Additionally, the HPP commits to ensuring that Namibian tertiary institutions maintain and improve their ranking within the top 30 ranking of Best African Universities. At 28, the Namibia University of Science and Technology (NUST) has narrowly made the mark. The University of Namibia (UNAM) currently ranks 44th.<sup>68</sup>

64. Remmert D, 'Educationally Challenged', Insight Namibia, April 2016.

65. Remarks made at a civil society APRM Working Group meeting, 6 September 2018, Windhoek.

66. Maemeko EL, Nkengbeza D, and ML Ntahi, 'Teachers' Perceptions on the Causes of Poor Academic Performance of Grade 12 Learners in Four Selected Schools in the Zambezi Region of Namibia', International Journal of Research & Development Organisation, Vol 3, Issue 4, 2017, pp. 93-110.

67. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, xii.

68. UniRank, 'Top 200 Universities in Africa', 2018, <https://www.4icu.org/top-universities-africa/>, accessed 4 September 2018



Of the 22,091 students that registered for Grade 12 in 2017, only 8,632 qualified to go onto tertiary education in 2018. At 39.3% of the total students, the number met NDP5's baseline of 36% but narrowly missed the target of 40%.<sup>69</sup> Further, of the 2006 Grade 1 intake, 11.8% of students have left school with opportunities to continue at a tertiary level.<sup>70</sup> Considerable inequalities in access to tertiary education remain in terms of social class, geographical location, and marginalised groups. Many of the qualifying students, who come from all over Namibia, would have been confined in choice to Windhoek, where most of the tertiary institutions are located. This has also proven problematic. Students from rural areas have a much lower rate of enrolment into tertiary education institutions.

Of the students that do go on to study at a tertiary level, only 50% complete their courses or degrees.<sup>71</sup> High dropout and low graduation rates are often linked to limited funding available to students and lack of student support systems.

### Vocational education and training

By 2022, the NDP5 aims to put in place an education system that responds to industrial needs. Increasingly, this has come to mean an emphasis on Vocational Education and Training (VET), which also features significantly in the HPP. As a source of skills and technology, the purpose of VET is to provide citizens with market-related skills. Government has acknowledged the potential of VET to address youth unemployment and drive productivity in twenty-first century societies.<sup>72</sup> This relates to some of the issues raised by civil society in the APRM process, namely that the curriculum being taught at school does not match Namibia's labour market, which has a large deficit in vocational skills.

The HPP has also committed to increasing the number of qualified VET trainees from 15,000 in 2015 to 25,000 by 2020. This goal has already been met with 25,137 current trainees.<sup>73</sup> Training occurs as part of a broader plan to expand VET opportunities and improve its quality and scope, although this is yet to be tested.

As with other elements of the education system, the VET sector has come in for criticism as being developmentally inadequate. A 2016 study identified three sets of problems. These are (in its words):<sup>74</sup>

- Quantity: the system lacks capacity to enrol sufficient numbers of trainees, given the large youth population of the country, and largely excludes young people who did not complete basic education. Lifelong learning opportunities exist but need to be scaled up.
- Quality: many trainees lack foundation skills and face precarious living conditions, which hampers their ability to learn. Initial qualifications and training of trainers appear inadequate. The equipment of training centres is sometimes deficient and outdated.
- Relevance: VET does not guarantee a smooth transition to employment or to entrepreneurship. Trainees face challenges finding job placements, while formal firms complain that VET does not respond to their demand for skills. Support for young entrepreneurs remains limited.

69. New Era, 'Over 8600 qualify for university', 11 January 2018, <https://neweralive.na/2018/01/11/over-8600-qualify-for-university/>, accessed 4 September 2018.

70. Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

71. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, p. 50.

72. Republic of Namibia, 'Harambee Prosperity Plan', 2016, pp. 44-45.

73. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, p. 50.

74. UNESCO and Republic of Namibia, TVET, Higher Education and Innovation Policy Review: Namibia, Paris: UNESCO, 2016, p. 13.

### Cross-cutting issues

Several long-standing structural issues continue to affect the quality of education in Namibia. For example, much of Namibia's initial education policy was crafted outside of the country and has failed to take advantage of local expertise. While detailed frameworks and policies have since been developed, they have not been fully implemented. Valuable recommendations made in the Education and Training Sector Improvement Programme (2006-2011) have yet to be actioned. Similarly, there has been long debate on funding models for tertiary education, none of which have been implemented. The tertiary sector also lacks systematic curriculum design.<sup>75</sup>

In an attempt to understand why investment in education is not delivering returns, the Ministry of Education, Arts and Culture, in partnership with the United Nations Children's Fund (UNICEF), commissioned a study that looked at four schools in selected Namibian regions. The study distinguished schools that had performed well from other schools facing similar situations, and found that school leaders and positive school environments have led to better performance. The report highlights the contributions of principals who set standards and policies regardless of external factors; who lead and manage with strong commitment and a democratic approach; who foster school environments and relationships which are safe and trusting; and who strive for continuous improvement. Better performing schools are also characterised by teachers who have a strong work ethic, and who maintain performance targets for the learners and themselves, proving that teachers are a powerful resource and cannot be underestimated in the provision of quality education.<sup>76</sup>

The quality of teachers has indeed been raised as an issue in Namibia's education system, which suffers from a shortage of qualified teachers who have a strong knowledge base, an awareness of developmental psychology and the skills to teach effectively. Currently, Namibia has 29,391 teachers, 20% of whom the NDP5 estimates do not have teaching qualifications.<sup>77</sup> The competence of teachers in English skills is particularly lacking. Up to 30 languages are spoken in Namibia, but in 1990, when the country gained independence, English was named the main language of education. Though spoken by a small minority, the adoption of English as the medium of school instruction was seen as a break from the colonial past and a means of unifying the country.<sup>78</sup> However, adequate training to teachers, for whom English is a second or third language, was not provided. The consequence of this is evident in, for example, the 2017 NSSC-O examination results in which only 29.6% of students passed English with a 'D' symbol or higher.

Professor Peter Katjavivi, founding Chancellor of the University of Namibia (and current Speaker of the National Assembly) observed that: 'School teachers in Namibia often do not explain the meaning of the text, from books and other sources, using understandable local examples that would relate to the everyday life of the learners.'<sup>79</sup>

75. Remarks made at a civil society meeting, 6 September 2018, Windhoek.

76. Namibian Ministry of Education, Arts and Culture and United Nations Children's Fund, 'Study of Positive Deviant Schools in Namibia', 2016, [https://www.unicef.org/namibia/na.MoEAC\\_-\\_Positive\\_Deviant\\_Schools\\_Report\\_\(2016\)\\_-\\_web\\_quality.pdf](https://www.unicef.org/namibia/na.MoEAC_-_Positive_Deviant_Schools_Report_(2016)_-_web_quality.pdf), accessed 4 September 2018.

77. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, p. 57.

78. Kisting D, 'Namibia's language policy is 'poisoning' its children', 10 January 2012, <https://www.theguardian.com/education/2012/jan/10/namibia-english-crisis>, accessed 11 September 2018.

79. 'Educational Transformation in Namibia', Address by Hon. Prof. PH Katjavivi, Speaker of the National Assembly of the Republic of Namibia and Founding Vice-Chancellor of the University of Namibia (UNAM) 1992 – 2003, at the Forum of the Commonwealth Council on Education Commonwealth Parliamentary Association, Westminster Hall, Palace of Westminster, London, United Kingdom 26th May 2016.

A problem coexisting with and contributing to the unsatisfactory quality of teaching in Namibia is depressed teacher motivation.<sup>80</sup> Without proper facilities and housing – especially in Namibia’s rural parts – teaching is more akin to a hardship occupation than a fulfilling vocation.

Moreover, in addition to struggling to maintain a supply of qualified teachers, and to deploy them to the areas in which they are needed, there is evidence that a particularly severe shortage exists at the foundational levels of the education system. Extrapolations done by the country’s education ministry in 2012, for instance, predicted that over the coming four years the country would require some 2,600 lower primary school teachers, but could expect to graduate no more than 374. Most students preparing to become teachers aspired to do so in the more advanced grades – and even there, severe shortfalls were evident.<sup>81</sup> While these numbers are certainly dated, they illustrate a long-standing problem.

A decent enrolment rate, coupled with poor performance of students during examinations, suggests that teaching is not having the intended impact on student learning. While UNAM has established a continuing professional development unit with some resources that focus on improving teacher quality, Namibia lacks a comprehensive national teacher-training programme. The merger of Namibia’s four major teaching colleges with UNAM in 2010 has been raised as part of the problem. Although in line with contemporary trends in other parts of the world, the merger has seen a shift in focus from the practical to the theoretical. Another problem is that good teachers are not recognised or rewarded by the system. Thus, the teaching profession has been unable to attract promising individuals.<sup>82</sup>

Infrastructural shortcomings have also been identified. Although Namibia has 1,884 schools (up 11% since 2011), and over 25,050 classrooms, inadequate learning and teaching materials at all levels of education continue to affect education quality and is an issue that can easily be solved. For example, pit toilets are still being used in the Kavango East, Kavango West, Kunene, Ohangwena, Omusati, Oshana, Oshikoto and Zambezi regions.<sup>83</sup> During the Harambee period the government has committed to electrifying all schools. According to NDP5, there is strong correlation between availability of electricity and educational performance. The hope is that this, together with the introduction of broadband Internet, will open up new opportunities in e-learning. Currently, broadband infrastructure coverage in educational institutions is at 25%.<sup>84</sup> The poor quality of school environments on the whole makes teaching and learning more difficult and less enjoyable.

80. 'Educational Transformation in Namibia', Address by Hon. Prof. PH Katjavivi, Speaker of the National Assembly of the Republic of Namibia and Founding Vice-Chancellor of the University of Namibia (UNAM) 1992 – 2003, at the Forum of the Commonwealth Council on Education Commonwealth Parliamentary Association, Westminster Hall, Palace of Westminster, London, United Kingdom 26th May 2016.

81. Ministry of Education and Section for Teacher Development and Education Policies (THE/TEP) Division for Teacher Development and Higher Education (ED/THE), UNESCO and UNESCO office (Windhoek), Assessment of Teacher Training and Development Needs to Ensure Education For All (EFA), Paris: UNESCO, 2013, pp. 16-17, <http://unesdoc.unesco.org/images/0022/002298/229862E.pdf>.

82. Remmert D, op. cit.

83. Presentation by J Brown (Education Officer, UNICEF) at the Economic Association of Namibia Inequality Conference, 5 September 2018, Windhoek.

84. Republic of Namibia, 'Namibia's 5th National Development Plan', 2017, p. 14.

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An analysis published by UNICEF in 2011 (somewhat dated now, but still revealing) drew attention to the severe infrastructure gaps that afflict the education system and extend beyond school campuses:<sup>85</sup>

The government has over the years committed considerable (nearly one quarter of annual budget) funding to education, but there are gaps in school infrastructure particularly in relation to school sanitation and teacher housing. More than 20% of the schools do not have latrines and 60% do not have teacher accommodation. Efforts to improve these facilities over the years have been remarkably slow. Improving the situation of teacher housing is critical but costly so innovative approaches are required to address the problem.

The government has produced legislative and policy documents to ensure inclusive, quality education, evidenced here in various frameworks, including the HPP and the NDP5. A draft Education Bill was also developed and tabled in 2018 for promulgation into a new Education Act. According to UNICEF, based on intensive study of the Bill, the Education Act will create an enabling policy environment to operate NDP5. A greater challenge lies in the capacity at the school level to implement these policy documents.

### Recommendations

- Full implementation of the Integrated ECD Service Delivery in Namibia Framework (2017-2022). An integrated strategy should include maternal and child health, social protection, nutrition, opportunities for early learning and most importantly, parenting support. Positive parenting practices have been shown to buffer the adverse effects of poverty and violence, thereby contributing to positive developmental outcomes.
- Shifting the bulk of the budget to ECD and the primary years of schooling to establish firm foundations of education, specifically cognitive, motor and emotional skills development. Full implementation of the Education and Training Sector Improvement Programme (2006-2011), which contains appropriate recommendations that have yet to be actioned.
- The restriction on students not being able to continue in school if they have failed Grade 10 needs to be abolished, or, at the very least, the age limit for repeating needs to be relaxed.
- Investment in and encouragement of mentorship programmes that respond to industry needs.
- The Ministry of Education should consider the lack of toilets and water supply in more than 20% of Namibian schools as an emergency and allocate funds accordingly, with the aim of providing 100% of schools with suitable toilets and a clean water supply.

85. Ninnes, P, Improving Quality and Equity in Education in Namibia: a Trend and Gap Analysis, Unicef, 2011, p. 3, [https://www.unicef.org/namibia/UNICEF\\_2011\\_Ninnes\\_Trends\\_and\\_Gaps\\_final\\_combined.pdf](https://www.unicef.org/namibia/UNICEF_2011_Ninnes_Trends_and_Gaps_final_combined.pdf).

86. Republic of Namibia, 'Towards Integrated Early Childhood Development Service delivery in Namibia 2017-2022'.

## 6. Healthcare <sup>87</sup>

This issue relates to the **Broad-Based Sustainable Socio-Economic Development** thematic area, specifically the following Objectives and subsidiary Questions:

### **Objective 1: Promote and accelerate broad-based sustainable socio-economic development**

Question 1: Describe the policies and strategies formulated by your country to promote and accelerate broad-based sustainable socio-economic development.

Question 2: What is the capacity of your country to formulate, implement and monitor broad-based sustainable socio-economic development?

Question 4: What policies and strategies are in place in your country to enhance environmental management and protection for sustainable development

### **Objective 3: Poverty, unemployment and inequality**

Question 1: What policies and strategies has the government put in place to reduce poverty and inequality, particularly in terms of access to resources and basic services?

Question 2: What policies and strategies have been adopted by your country to combat social inequality, in particular with regard to people with disabilities?

Question 3: What are the national programmes, policies and strategies put in place to reduce poverty, in particular the feminization of poverty?

Question 4: What are the national programmes, policies and strategies set up by the government to reduce child mortality, improve maternal health and combat HIV/AIDS, malaria and other diseases?

### **Background**

The availability of adequate healthcare services is a crucial component for a society's wellbeing. Healthcare in Namibia comprises of a public and private sector. The Ministry of Health and Social Services (MoHSS) is responsible for public health and upholds the principle that citizens are entitled to good health through a universal, equitable and affordable healthcare system. Furthermore, the MoHSS is committed to providing a consistent and high level of quality care as well as dedicating special attention to the needs of vulnerable groups.<sup>88</sup> The private health sector is driven by private medical aid funds. However, the packages offered are too expensive for the majority of the population, particularly workers in the informal economy. Thus, 1.5 million Namibians (58% of the population) are uninsured and rely on primary healthcare as provided by the government.<sup>89</sup>

Since independence in 1990s, Namibia has made great strides in improving the country's health system, services and population coverage. Crucially, the MoHSS has moved Namibia's health services towards a comprehensive, integrated and patient-centred primary healthcare (PHC) system based on four

87. This section was primarily compiled by Dietrich Remmert of the IPPR.

88. GRN, Report of the Presidential Commission of Inquiry: Ministry of Health & Social Services to His Excellency President Hifikepunye Pohamba. January 31, 2013. ii.

89. The Health System in Namibia - Deliberations about an Affordable National Health Insurance for the Low-income Workforce in Namibia by Bendikt Brockmeyer (Friedrich Ebert Stiftung 2012)

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pillars: health promotion, disease prevention, curative services and rehabilitation services. To ensure a more equitable distribution of resources, the Ministry established regional management teams in the mid-90s with considerable decision-making powers and began using health information data to improve staffing and resource allocation.<sup>90</sup>

Government has consistently allocated between nine and ten percent of the total annual state budget towards health<sup>91</sup>, more than most of its upper-middle-income peers in sub-Saharan Africa.<sup>92</sup> Notable achievements include the decline of under-five mortality rates from 74 deaths per 1,000 live births in 1990 to 45.2 in 2016,<sup>93</sup> and a decline in HIV prevalence among pregnant women from a peak of 22% in 2002 to 10% in 2016.<sup>94</sup>

The right to health forms the first focus areas of Namibia's National Human Rights Action Plan (2015-2019).<sup>95</sup> The plan notes that as a signatory of the United Nations International Convention on Economic, Social and Cultural Rights, the government of Namibia has an obligation to ensure the right of all citizens to enjoyment of the highest attainable health levels. This is in line with several further international and continental treaty obligations. The Action Plan envisages "a Namibia where every citizen enjoys access to quality, affordable and accessible healthcare towards attaining and sustaining the highest standards of physical and mental health." To this end, the plan contains specific objectives and key interventions which should be driven by the MoHSS and supported by the Ministry of Works and Transport, the Ministry of Education, the Ministry of Gender Equality and Child Welfare, University of Namibia and Civil Society Organisations.

Nevertheless, Namibia's healthcare system continues to be affected by serious structural and operational challenges. Evidence of these shortcomings was documented by a Presidential Commission of Inquiry, requested by former President Hifikepunye Pohamba in 2012. The commission's report, released in 2013, lists 11 major challenges including staff shortages, poor quality of patient care, lack of functional equipment and severe infrastructure deficits, and cumbersome bureaucratic processes that hamper implementation.<sup>96</sup>

Since the release of the Commission's report Namibia has seen considerable changes both within and outside the public healthcare system. It is difficult to measure the progress achieved in addressing the issues identified so far. However, a host of critical newspaper reports over the past few years tend to indicate that overall improvement has been limited and that in some instances health service provision has worsened. Ministry officials and representatives from donor agencies have spoken openly about the acute challenges that the MoHSS continues to face.

Additionally, the National Human Rights Plan highlights key shortcomings in Namibia's healthcare system:

- Cross-border health issues do not receive adequate attention at border towns
- Poor supervision within health services

90. Synergos Institute/Creative Commons, Namibia: Reducing health inequity through commitment and innovation. n.d. <https://phcperformanceinitiative.org/promising-practices/namibia>

91. Sherbourne, Robin, Guide to the Namibian Economy 2017. October 2016. 64.

92. MoHSS, Namibia 2012/13 Health Accounts Report. June 2015. vi.

93. See <https://knoema.com/atlas/Namibia/topics/Health/Health-Status/Under-5-mortality-rate>

94. See <https://www.namibian.com.na/172330/archive-read/250-000-Namibians-living-with-HIV-AIDS>

95. Republic of Namibia, 'National Human Rights Action Plan 2015-2019'.

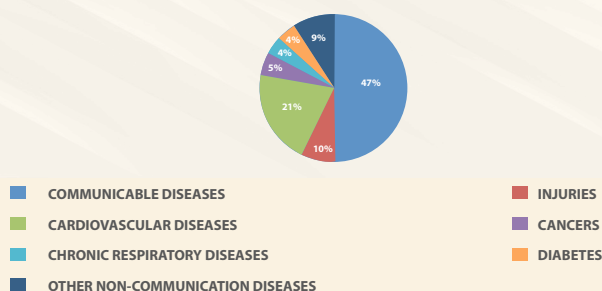
96. GRN, iii – vii & ix.

- Lack of awareness and access to information regarding health
- Traditional medicine is still preferred above formal healthcare
- Lack of partnership between public and private healthcare systems
- The legal and regulatory healthcare environment is outdated and inadequate

### Severe deficit with patients' quality of care

One of the most concerning and persistent issues is the poor and deteriorating standard of patient care. Quality healthcare provision remains severely constrained by staff and equipment shortages, dilapidated facilities and inadequate space for patients. Many patients at public health facilities have to endure long waiting times before being assisted<sup>97</sup> and it is not uncommon that patients cannot be properly assisted and are referred to another facility or asked to return on another day. Oftentimes it has been reported that the lack of resources is due to maladministration rather than a lack of funds. For example, Namibia's only public referral eye clinic was forced to suspend services in July 2018 due to the failure to procure crucial equipment and supplies in a timely manner.<sup>98</sup> Perhaps most worrying is repeated newspaper reports regarding alleged negligence and outright disregard by hospital staff in carrying out their duties. Such was a finding of the Commission's report, which noted: "[The] attitude and conduct of some doctors and many nurses negatively impact on the provision of health services."<sup>99</sup> It is clear from the ongoing widespread newspaper coverage of the country's healthcare system failures that this issue continues to hamper health services severely. Reports of sub-standard patient treatment of expectant and recent mothers leading to infant and/or maternal deaths are particularly harrowing. According to the latest available annual report from LAC, the organisation had pursued 60 cases of medical negligence, including forced sterilisations and inadequate vaccination assessments leading to infant deaths in 2016.<sup>100</sup>

**Causes of death in 2014 (% of total deaths, all ages, both sexes)**



**Figure 4: Causes of death in Namibia in 2014**

Source: World Health Organisation, 'Namibia', 2014.

97. Insight Namibia, An A-Z review of the health of the nation, April 2016. 33.

98. Kahiurika, Ndanki, "Govt's only referral eye clinic closes", The Namibian, July 31, 2018. <https://www.namibian.com.na/180040/archive-read/Govts-only-referral-eye-clinic-closes>

99. GRN, iv.

100. LAC, Legal Assistance Centre Annual Report 2016, n. d. 4.

### Communicable and non-communicable diseases

Namibia has the sixth highest prevalence of HIV/AIDS in the world<sup>101</sup> and HIV remains the leading cause of death in Namibia since 1996.<sup>102</sup> In 2017, 176,000 Namibians were living with HIV - a prevalence rate of 12.6% for people between the age of 15 and 64. An estimated 76% of people living with HIV were receiving antiretroviral treatment.<sup>103</sup> Data from the MoHSS indicates that young women have the highest risk of contracting HIV/AIDS compared to other groups. In 2012, 43% of all new infections occurred in the 14 – 24 age group. Of those, 67% occurred among women between 15 and 24.<sup>104</sup>

Non-communicable diseases accounted for 43% of Namibia's total deaths in 2014.<sup>105</sup> Moreover, the 2013 Demographic Health Survey found that 44% of women and 45% of men between the ages of 35 and 64 had hypertension<sup>106</sup> or were on medication for hypertension. With 7% of the population taking medication for high glucose, diabetes also remains a challenge. Additionally, it is estimated that 3,000 Namibians are diagnosed with cancer every year. The most common forms of cancer are breast and cervical, of which 368 and 246 cases were reported in 2016 respectively. The increasing annual figures show that more women are being diagnosed with these forms of cancer than ever before.<sup>107</sup>

The chart above shows the causes of deaths in 2014 by percentage and reveals that almost half the people who passed away that year died from communicable diseases such as HIV/AIDS, Tuberculosis, Hepatitis and other sexually transmitted diseases.

### Budget constraints

Over the last few years – specifically since Namibia went into economic recession from late 2016 onwards, the annual budget of the MoHSS has been declining. Increasingly, the Ministry has significantly cut back or suspended various healthcare services and supplies of medication. For example, the MoHSS's allocation in 2018's government budget was slashed by over half a billion NAD or 8% when compared to the previous financial year (it rose again by about 5% in 2019).<sup>108</sup> As a result, the MoHSS has been unable to employ the majority of current and recent nursing graduates, even though health staff shortages remain a significant challenge to the healthcare system. According to a recent newspaper article, the MoHSS is unable to fund 322 vacant nursing positions unless extra resources by government are availed.<sup>109</sup> The Ministry is also failing to pay regular service providers, with serious consequences. For example, following failure to pay suppliers in the Erongo region, food supply to all hospitals was cut off for four days in September 2018.<sup>110</sup>

101. Synergos Institute/Creative Commons, op. cit

102. Brockmeyer B, 'The Health System in Namibia: Deliberations about an affordable national health insurance for low income workforce in Namibia', Friedrich Ebung Stiftung, 2012, <http://cms.my.na/assets/documents/p19p2lof2l2si2moqo2tsjfbp5a.pdf>, accessed 17 September 2018.

103. <http://www.mhss.gov.na/documents/119527/573553/NAMPHIA+Summary+Sheet.pdf/e1e8d48d-ae6a-4916-be32-2e68248749f4> and [https://www.cdc.gov/globalhealth/countries/namibia/pdf/Namibia\\_FactSheet.pdf](https://www.cdc.gov/globalhealth/countries/namibia/pdf/Namibia_FactSheet.pdf)

104. New Era, 'Young Women Continue to be at high risk of HIV', 13 July 2017, <https://neweralive.na/2017/07/13/young-women-c-continue-to-be-at-high-risk-of-hiv/>, accessed 17 September 2018.

105. Ibid.

106. Republic of Namibia, 'Namibia Demographic and Health Survey 2013'.

107. The Namibian, 'Fighting Cancer in Namibia', 19 October 2016, <https://www.namibian.com.na/157062/archive-read/Fighting-cancer-in-Namibia-MORE-than-368-cases>, accessed 17 September 2018.

108. Brown, Rowland and Emvula, Cheryl, The National Budget 2018-19: Walking the Fiscal Tightrope, IPPR, April 2018. 7.

109. New Era, "N\$55 million needed to recruit 322 nurses", June 13, 2018. <https://neweralive.na/posts/n55-million-needed-to-recruit-322-nurses>

110. Hartman, Adam, "Hospitals without food and equipment", The Namibian, September 7, 2018. 3.



The MoHSS has acknowledged that the annual budget allocations fall far short of making up 15% of the government's total budget – a target that heads of state from the African Union committed themselves to achieving in 2001 in the Abuja Declaration.<sup>111</sup> With donors increasingly scaling down their health funding to Namibia, it is crucial that the budget allocation for health is increased.<sup>112</sup>

### Minority and vulnerable groups

There is considerable evidence, including scientific studies and government reports, indicating that citizens from minority and vulnerable groups (sex workers, people with disabilities, people living with HIV (PLHIV), the youth, and the lesbian, gay, bisexual and transgender (LGBT) community) face considerable barriers to accessing public health services. These range from inadequate services and staffing expertise for patients with disabilities<sup>113</sup> to clear discrimination against the LGBT community, sex workers<sup>114</sup> and youth<sup>115</sup> seeking health services.

While Namibia has a fairly decent set of legal and policy instruments in place to enable equitable access to health services for all citizens, particularly with regards to PLHIV,<sup>116</sup> implementation of this framework has been very limited. This situation was confirmed by a stakeholder representative from the Namibia Networks of AIDS Service Organisations (NANASO). The discrimination of already marginalised and prosecuted vulnerable groups is particularly worrisome given the repeated claims by the administration that government is striving for an inclusive society. Given the long history and extent of HIV in Namibia, it is disturbing to note that many adolescents and adults still find it difficult to access contraceptives and family planning services. A report released by the Ombudsman's office in late 2017 highlighted this prevalent discriminatory practice towards youth by rural health workers.<sup>117</sup> According to official health statistics: "76% of sexually active adolescent girls 15–19 years do not use modern methods of contraception."<sup>118</sup> Furthermore, the public and government is increasingly concerned about growing instances of teenage pregnancies in the country<sup>119</sup> yet the logical response of up scaling family planning measures and ensuring that these are accessible are not being realised.

More broadly, disparities in access to healthcare across income groups, races and geographic locations remain. Namibia has over 1,150 outreach points, 309 health centres, 34 district hospitals and four intermediate and referral hospitals.<sup>120</sup> However, infrastructure is still largely concentrated in urban areas such as Windhoek and thus the MoHSS struggles to reach and provide health services to remote areas.<sup>121</sup> The result of this centralisation is that Namibians often have to travel to receive quality medical care, incurring extra costs for the journey and accommodation. There is also a risk of losing employment

111. African Union, 'Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases', 2001.

112. MoHSS, Namibia 2012/13 Health Accounts Report. June 2015. 24.

113. MoHSS, National Health Policy Framework 2010-2020, July 2010. 14.

114. Kangootui, Nomhle, "Hearing the cries of male and female sex workers", The Namibian, December 2, 2015. <https://www.namibian.com.na/index.php?page=archive-read&id=144946>

115. Kahiurika, Ndanki, "Govt not youth, disability-friendly", The Namibian, November 27, 2017. <https://www.namibian.com.na/172113/archive-read/Govt-not-youth-disability-friendly>

116. LAC, HIV/AIDS and the Law in Namibia, 2009. n. p.

117. Kahiurika, Ndanki, "Govt not youth, disability-friendly".

118. UNICEF, Adolescent development and participation, n. d. [https://www.unicef.org/namibia/Adolescents\\_fact\\_sheet\\_print.pdf](https://www.unicef.org/namibia/Adolescents_fact_sheet_print.pdf)

119. Smith, Jana-Mari, "Teen pregnancies still a challenge", Namibian Sun, July 11, 2016. <https://www.namibiansun.com/news/teen-pregnancies-still-a-challenge>

120. Synergos Institute/Creative Commons, op. cit

121. Brockmeyer B, op. cit.

due to absenteeism.<sup>122</sup> Greater integration and coordination is required to meet the geographic spread of the population.

### Assessment of 2013 recommendations

The public release of the commission's report was a significant and positive step towards improved transparency and accountability in the operations of Namibia's public health system. However, like many other government entities, the MoHSS continues to be dogged by procurement and tender irregularities. Administrative and bureaucratic processes within the Ministry remain opaque and difficult to follow.<sup>123</sup> It is not clear whether the funds spent on healthcare in Namibia are allocated in the most effective manner with regards to disease burdens, identified challenges and value for money.<sup>124</sup> Apart from conducting and making public detailed financial and operational reports on Namibia's health system, a good start to improving accountability would be a thorough assessment and publication of if and how the MoHSS has acted upon the challenges and recommendations made in the Commission's report.

### Recommendations

- Improve overall quality of care within the Namibian public healthcare system as a matter of urgency including staff shortages, medication and equipment shortfalls and overall poor instances of service delivery by health workers.
- Bring central government budget allocations in line with the 2001 Abuja Declaration.
- Consequently address access barriers to healthcare services for minorities and vulnerable groups giving particular attention to improving family planning services, and systematically curtailing discriminatory and unethical practices by healthcare providers.
- Assess and make public MoHSS's progress with regards to the recommendations made in the Presidential Commission's report in 2013.
- Improve family planning services with a view to expanding access to modern contraception.

## 7. Gender-based violence

This issue relates to the **Democracy and Good Political Governance** thematic area, specifically the following Objective and subsidiary Question:  
Objective 6: Promotion and Protection of the Rights of Women  
Question 1: What measures have been taken to promote and protect the rights of women in the country?

According to Namibia's National Gender Policy, Gender-Based Violence (GBV) refers to "all forms of violence that happen to women, girls, men and boys because of the unequal power relations between them."<sup>126</sup> However, due to prevailing oppressive gender relations and women's subordinate status in Namibian society, women and girls are much more likely to be victims of GBV than men and boys.

122. Ibid.

123. The Patriot, "ARV tender stinks", April 27, 2018. <https://thepatriot.com.na/index.php/2018/04/27/arv-tender-stinks/>

124. MoHSS, Namibia 2012/13 Health Accounts Report. June 2015. 25.

125. Republic of Namibia, 'National Gender Policy 2010-2020'.

126. Sister Namibia, 'GBV in Namibia', <https://sisternamibia.com/gender-based-violence/basic-gender-information/numbers-figures/>, accessed 05 September 2018.

GBV in Namibia is widespread and most commonly takes the form of domestic violence and rape, both of which disproportionately affect Namibian women and children 90% more than they do men. Other forms of GBV in Namibia include sexual abuse and harassment at home and in the workplace, forced prostitution, early marriages and other harmful traditional practices. One out of three women have experienced, or will experience, GBV in their lifetime. A further one of five women are believed to be in an abusive relationship.<sup>127</sup> GBV continues to prevent Namibian women from living in a safe and healthy environment as guaranteed by the Constitution.<sup>128</sup>

Both government and civil society have identified GBV as a key obstruction to achieving gender equality in Namibia. The country is making good progress in its efforts to address GBV and has progressive legal and policy frameworks, including the Married Persons Equality Act, the Affirmative Action (Employment) Act, the Combating of Domestic Violence Act, and the Combating of Rape Act. In addition to domestic legislation, Namibia is also a signatory to several international legal instruments that have implications for GBV: The Convention on the Elimination of all Forms of Discrimination Against Women, the African Charter on Human and People's Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development. However, legislative efforts have not been accompanied by a holistic, coordinated approach to effectively implement existing policies and plans. Although the Ministry of Gender Equality and Child Welfare has established a Gender Coordinating Mechanism, which attempts to bring together various stakeholders more effectively, gaps between policy and implementation remain. Further challenges include lack of access and delivery of services for survivors of GBV, especially in rural areas, and continued gender norms, which increase the prevalence of GBV.

### Forms of GBV in Namibia

The most common forms of GBV in Namibia are domestic violence and rape, followed by sexual harassment and forced marriages. According to statistics released by the Namibian Police's GBV division, approximately 50,000 crimes related to GBV were reported from 2014-2016, with the Khomas region described as the GBV "capital".<sup>129</sup> Given that not all victims report cases of GBV, it can be reasonably assumed that the actual number of GBV incidents is a lot higher. Moreover, 50% of reported cases of GBV in 2016 were withdrawn.<sup>130</sup> Victims often withdraw cases due to fear of reprisal from the perpetrator, family pressure, self-blame or societal stigma and discrimination.

Domestic violence refers to a range of violent conduct (physical, sexual, economical, and psychological) which takes place within a domestic relationship. Although both men and women can suffer domestic violence, in practice, victims are overwhelmingly female<sup>131</sup> (83%). Moreover, 93% of domestic violence crimes are perpetrated by males.<sup>132</sup> Between 2013 and 2015, 2,000 cases of domestic violence were reported. According to the 2013 National Demographic Health Survey, 32% of all women surveyed aged 15-49 had experienced physical violence since the age of 15, largely at the hands of an intimate partner or loved one.<sup>133</sup> Another worrying trend relates to numerous cases where violence between intimate partners ends with the murder of one

127. Ibid.

128. Chapter 3, The Constitution of the Republic of Namibia.

129. Nhongo K, 'Namibian women fightback against GBV', Windhoek Observer, 22 September 2017, <https://www.observer.com.na/index.php/national/item/8763-namibian-women-fightback-against-gbv>, accessed 05 September 2018.

130. New Era, 'Basson disheartened by apathy at GBV event', 29 November 2016, <https://neweralive.na/posts/basson-disheartened-by-apaty-at-gbv-event>, accessed 05 September 2018.

131. Republic of Namibia, National Plan of Action on Gender-Based Violence 2012-2016

132. Sister Namibia, op. cit

133. Ministry of Health and Services, 'Namibia Demographic and Health Survey', 2013.

of them, usually arising out of jealousy, revenge or refusal on the part of the abuser to accept the end of a sexual relationship.<sup>134</sup>

Between 2013 and 2015, over 3,000 cases of rape were reported.<sup>135</sup> However, the actual number of rapes is likely much higher as victims often choose not to report the crime. One major reason for not reporting rape or withdrawing a case after the fact is that rape victims are often compensated under customary law, in the form of money or livestock, as agreed upon between the families of the accused and the complainant.<sup>136</sup> Again, women and girls are the overwhelming target of rape, accounting for 94% of complainants in reported cases. Furthermore, one third of rape victims are below the age of 18 and approximately 30% of young women report their early sexual experiences prior to age 15 as forced.<sup>137</sup>

There are 60 reported cases of rape for every 100,000 people in Namibia. This, despite the fact that Namibia has some of the most progressive rape legislation in the world. The Combating of Rape Act contains a broad gender neutral definition of rape which covers a range of sexual acts committed under coercive circumstances. It includes stiff minimum sentences and acknowledges that rape can occur within marriages.<sup>138</sup>

Forced marriages are another form of GBV, performed under duress and without the full or free consent of the two parties. Despite the fact that the Namibian Constitution lists free and full consent of both parties as a requirement for marriage<sup>139</sup>, forced marriages are reportedly still practiced in some communities, mainly between young women and older men. Forced marriages also take the form of "widow inheritance", a customary practice whereby a widow is compelled to marry a relative of the deceased husband. This practice is not necessarily problematic if it takes place with the full and informed consent of the surviving spouse, in the absence of any threats of physical or economic coercion, however this is not always the case.<sup>140</sup>

Children and youth are the groups most vulnerable to GBV. Between the ages of ten and 14, children begin puberty and girls in particular become exposed to societal pressures of marriage, sex and childbearing. "Abuse" or "violence" is the second most common reason children give for approaching Lifeline Namibia.<sup>141</sup> Abuse experienced by persons between the ages of 15 and 34 is also exacerbated by economic vulnerability. With an average unemployment rate of 60%, this age group is more vulnerable to exploitation by older, employed persons.<sup>142</sup>

### Causes of GBV

The causes of GBV depend largely on social context. Although GBV occurs in all socio-economic groups, research shows that GBV is more frequent and severe in lower groups of society.<sup>143</sup> As poverty is inherently stressful, it has

134. Republic of Namibia, National Plan of Action on Gender-Based Violence 2012-2016

135. Regain Trust, op. cit.

136. Legal Assistance Centre, 'Withdrawn: Why complainants withdraw rape cases', Windhoek: LAC, 2009.

137. Ibid.

138. Namia Bohler-Muller, 'Valuable lessons from Namibia on the combating of rape', South African Journal of Criminal Justice, 2001, 14, 1 p74.

139. Article 14 (2)

140. Sister Namibia, op. cit.

141. Republic of Namibia, National Plan of Action on Gender-Based Violence 2012-2016

142. Ibid.

143. Sister Namibia, op. cit.

been argued that poorer households have fewer resources to reduce stress compared to households in the upper class. Moreover, households where women are the main breadwinners carry an additional risk of being subjected to GBV. Therefore, violence against women is not just an expression of dominance over women, but is also rooted in male vulnerability from social expectations of manhood.<sup>144</sup> These expectations are unfulfilled due to poverty. The fact that women challenge the exercise of power by men can be perceived as a threat to their masculine identity. Violence against women in this case is often a means of resolving the “female threat”, since it allows expression of power that is otherwise denied. Conversely, in societies where women have a low status, women often lack the social and economic ability to leave a relationship and return to their family or live alone. This in turn exacerbates abuse by discouraging reporting and making it harder for women to leave abusive partners for fear of the financial consequences.<sup>145</sup>

The status of women and gender norms in Namibian society also contribute to the large-scale occurrence of violence. The dominance of men and high levels of generational trauma has seen violence become internalised. Members of Namibian civil society agreed that domestic violence is seen as a private issue between man and wife. Moreover, Namibian women are taught to believe that when a man beats you, it is a sign of love.<sup>146</sup> Thus, the general social acceptance of violence against women is high. According to the 2013 Namibia Demographic and Health Survey, 28% of women aged 15-49 agree that a man is justified in beating his wife. Of the men in the same age group, 22% agreed.<sup>147</sup> Such social attitudes encourage perpetrators and hinder efforts to address the problem.

### Effects of GBV

While statistics reveal the prevalence of GBV in Namibia, little research is being done on the impact this violence has on victims, their family members and their communities. Particularly problematic is the cyclical nature of GBV. Children in abusive homes are more likely to be abused as adults and children exposed to abusive relationships may be more likely to become abusers later in life. Aside from the emotional and behavioural effects, GBV can also become normalised, teaching children that this is the way adult relationships work.<sup>148</sup>

GBV is also a serious public health issue that affects the physical, mental and reproductive health of GBV survivors and their families. Common physical consequences of GBV include acute and chronic physical injuries, disabilities and homicide. Mental problems caused by GBV range from low self-esteem and feelings of guilt to depression, anxiety, post traumatic stress disorders, phobias, alcohol and substance abuse and even suicide. Rape and other forms of sexual violence can also have negative consequences such as unwanted pregnancies, unsafe abortions, traumatic fistulas, baby dumping and sexually transmitted infections including HIV/AIDS.

144. Ibid.

145. Republic of Namibia, National Plan of Action on Gender-Based Violence 2012-2016

146. Remarks made at a civil society meeting, 04 September 2018, Windhoek.

147. Republic of Namibia, Namibia Demographic and Health Survey 2013

148. Legal Assistance Centre, ‘Seeking Safety: Domestic Violence in Namibia and the Combatting of Domestic Violence Act 4 of 2003’, 2012.

There is also a clear mutually reinforcing relationship between GBV and HIV. Victims of GBV run the risk of being infected with HIV, and people living with HIV can also become victims of GBV simply because of their HIV status. Women who experience violence in intimate partnerships face a four times higher risk of acquiring HIV, and HIV positive women report higher rates of intimate partner violence.<sup>149</sup>

### Woman and Child Protection Units

Woman and Child Protection Units (WCPUs) take a multi-sectoral approach to assisting victims of GBV. They are specialised police centres that respond to and investigate cases of GBV in Namibia. This is done by providing survivors of GBV access to the services of a police officer who will investigate the case and take statements, a medical doctor who will examine the victim and treat injuries, and a social worker who will provide counselling and support.

As of 2013, Namibia had 17 WCPUs in 13 different regions throughout the country. The demand for the service is substantial and growing – the Khomas unit handles 200-250 cases a month. However, the units continue to face operational and efficiency challenges. These include limited opening hours, unavailability of emergency staff contact details, lack of access to the services offered, shortage of staff, unclear goals and guidelines, and poor facilities and equipment.<sup>150</sup>

Thus, despite the advances made in providing services to victims of GBV, current mechanisms are still insufficient to allow prompt and thorough response to allegations. Moreover, the absence of standard operating procedures means that victims of GBV are not being provided with integrated services.<sup>151</sup> Coordination and communication among key role players remains inadequate, despite the establishment of a National Advisory Committee on Gender Based Violence in 2008, to address this very problem.

A National Plan of Action on Gender-Based Violence (2012-2016) was also developed by the Ministry of Gender Equality and Child Welfare, as a requirement of its mandate to ensure gender equality and equitable socio-economic development of women. The plan's major two goals were to reduce the incidence of GBV and to improve responsiveness to reports of GBV. However, its recommendations were not implemented. Another National Gender Policy (2010-2020) claims that government has been aware of the GBV problem since 2007. With just over a year to go until the policy's conclusion, it has been accepted that the recommendations will also go unheeded.

Speaking at a convergence of lawmakers from the African Women's Parliament in 2017, SWAPO MP Petrina Haingura remarked: "We have talked a lot about gender-based violence. We have demonstrated against it, but no change has been forthcoming. We have so many good laws dealing with these criminal acts but implementation has always been a problem. We need to find new ways of dealing with this scourge."<sup>152</sup> She believes the empowerment of women and girls will help curtail the underlying causes of gender-based violence, as most women don't have the means to survive and depend on their male partners, which makes them vulnerable.

149. UNAIDS, 'Gender Based Violence in Namibia: An Exploratory Assessment and Mapping of GBV Response Services in Windhoek', 2013.

150. Legal Assistance Centre, 'How to Improve the Services of Woman and Child Protection Units (WCPUs) in Namibia', 2013.

151. Republic of Namibia, National Plan of Action on Gender-Based Violence 2012-2016.

152. Sanzila G, 'Namibian MPs champion women's rights', 5 July 2017, <https://neweralive.na/2017/07/05/namibian-mps-champion-womens-rights/>, accessed 05 September 2018.

The recommendations from the two national conferences on GBV were mostly never enacted. This includes a Zero Tolerance Campaign that was to be instituted across Namibia. The NDP5 mentions GBV only six times and is vague on the strategy to address the issue, referencing the broad desire to see empowered and free Namibian women by 2022.<sup>153</sup> The Harambee Prosperity Plan is almost completely silent on issues related to gender.<sup>154</sup>

The below recommendations are therefore drawn from existing Namibian policies and commitments in relation to GBV, with inputs from civil society organisations:

### Recommendations

#### 1. Provide well-functioning one-stop centres

- Centres should be staffed by well-trained police personnel.
- There should be regular liaison with pre-assigned prosecutors for efficient finalisation of investigations.
- Short-term: After-hours numbers need to be accurate and widely publicised.
- Long-term: 24-hour service should be available.
- Each centre should be linked to a social worker, as well as to other counselling services and shelters.
- There should be a clear national co-ordinating structure to ensure consistency, ease of communication and co-ordinated training.

#### 2. Raise children to be non-violent

- Stop illegal corporal punishment in schools by ensuring that disobeying the law on this issue leads to firm consequences.
- Promote alternatives to corporal punishment in the home environment, through media and outreach.
- Incorporate modules into school life skills curricula on respect in relationships and peaceful resolution of interpersonal conflicts.
- Show zero tolerance for sexual or other abuse and harassment by teachers and other school personnel.

#### 3. Provide early assistance to potential perpetrators

- Provide counselling and anger-management programmes in every region.
- Provide alcohol and drug rehabilitation units/programmes in every region.
- Roll out training in parenting skills at community level.

#### 4. Provide support to victims.

- Refer all victims to a social worker or another professional counsellor for assistance with planning future options or exit strategies, and to improve the protection of affected children.

153. Namibia's Fifth National Development Plan, p. 66.

154. See - Women in the Harambee Prosperity Plan, a special briefing paper produced by the IPPR - [https://ippr.org.na/wp-content/uploads/2017/01/IPPR\\_BRIEF\\_Harambee.pdf](https://ippr.org.na/wp-content/uploads/2017/01/IPPR_BRIEF_Harambee.pdf)

**5. Improve the child maintenance system.**

- Ensure that maintenance officers are more proactive and sympathetic.
- Appoint maintenance investigators to assist with locating absent parents and checking their true financial position. (The law requires progressive appointment, but there are currently none.)
- Amend the regulations to provide simpler application forms.
- Promote cell phone and bank transfers for more convenient receipt of monthly payments.
- Encourage better civil enforcement in cases of breach of maintenance orders (such as the attachment of property).

**6. Promote community dialogue**

- Encourage discussion of the problem of domestic violence in small community forums, such as church meetings.
- Mobilise traditional leaders to address this issue in traditional forums.

**7. Combat child abuse**

- Popularise and enforce the mandatory reporting requirements in the Child Care and Protection Act for professionals who work with children.
- Campaign against child sexual abuse, which continues to be rife. (About one-third of the victims in reported rape cases are consistently under age 18, which is probably a vast understatement of the prevalence of such abuse.)

**8. Help families find peaceful solutions to their problems**

- Make low-cost family mediation more widely available.

**8. Land**

This issue relates to the Broad-Based Sustainable Socio-Economic Development thematic area, specifically (although obliquely and as part of broader enquiries) the following Objectives and subsidiary Questions:

**Objective 2: Encourage broad-based participation in development**

- Question 1: What mechanisms have been put in place to promote, extend and encourage stakeholders' participation in the broad-based sustainable socioeconomic development?

**Objective 3: Poverty, unemployment and inequality**

- Question 1: What policies and strategies has the government put in place to reduce poverty and inequality, particularly in terms of access to resources and basic services?

[Subsequent questions interrogate the specific status of particular groups – women, youth etc – in relation to socio-economic wellbeing and land access, and would also be germane to this issue.]

From October 1 to 5 2018, a significant national consultation took place in Windhoek in the form of the national land conference. Although some key groups and organisations boycotted the conference believing that it would not address many of the most pressing issues around land reform, substantive



discussions did take place on commercial farmlands, communal areas, and urban land and housing issues. In addition, the controversial issue of ancestral land claims was addressed by the conference.

Inevitably, some of the resolutions<sup>155</sup> agreed on the last day of the conference were vague or in some cases too sweeping. Others were repetitions of previous statements of intent - but with no guarantee that they would be implemented rather than ignored as has happened since the original land conference in 1991.

Regarding commercial farming areas there was a call for 'one Namibian, one farm' which may sound good as a slogan but hardly provides a basis for tackling the issue of multiple farms owned by a single person. In another example, the commitment to expropriating all foreign-owned farmland was brought into question after it emerged that the government had entered into a deal with a Russian businessman in the weeks before the land conference through which he gained access to four farms via a 99-year lease arrangement.

Despite such ambiguities in several of the resolutions, the land conference did create significant momentum for accelerated land reform and led to government committing to deal with land issues more urgently and with a greater concern for social justice. The challenge now will be to ensure the energy generated at the conference is translated into action that produces key deliverables for the marginalised and poor in particular.

Statistics released in the run up to the conference indicated the slow pace of land reform over the past 28 years - with 70 percent of commercial farmland being owned by white farmers while black farmers have 16 percent and government 14 percent according to the Namibia Statistics Agency.<sup>156</sup> Such imbalances are unacceptable and it was clear that much more needed to be done to transfer land to the previously disadvantaged - but more fundamentally to utilise all land reform processes to lift people out of poverty and to ensure land is used as productively as possible for the sake of the national economy.

About 35 percent of Namibia's total land area is made up of communal farmlands - dominated by subsistence agriculture and situated mainly in the north of the country. The conference discussed how these areas could be integrated into the mainstream agricultural markets. The main concern was over the veterinary cordon fence, known as the 'Red Line', which separates communal areas from commercial farmland. While delegates at the conference wanted the Red Line removed, agriculture officials warned that any shift would have to be gradual so as not to threaten Namibia's meat export markets to Europe, China and the US.

Some land conference delegates also complained about illegal fencing in communal areas through which better off and sometimes politically-connected farmers effectively privatise large tracts of land.

155. The resolutions are available here - <http://www.mlr.gov.na/documents/20541/638917/Second+National+Land+Conference+Resolutions+2018.pdf/15b498fd-fdc6-4898-aeda-91fecbc74319>

156. Namibia Land Statistics Booklet, September 2018, Namibia Statistics Agency. See - [http://dna.nust.na/landconference/submissions\\_2018/NamibiaLandStatistics2018.pdf](http://dna.nust.na/landconference/submissions_2018/NamibiaLandStatistics2018.pdf)

## A Review of Critical Issues for the APRM Process in Namibia

This section of the report will briefly look at some of the commitments made at the conference with a view to recommending actions that will ensure they are not left to languish unattended as many of the resolutions from the initial land conference in 1991 were.

### Commercial farmland

- Since expropriation can often be a slow process, move quickly to either adapt the willing buyer, willing seller approach or replace it with another system that will not slow down the release of land for resettlement. There is a possibility that the process of land reform will simply grind to a halt if the legal mechanisms for the transfer of land are not maintained - at least in an interim manner until substantive reforms can take place.
- Government should urgently investigate how it can redefine the 'just compensation' phrase in the Constitution to mean less than market value in order to avoid paying excessive prices for land.
- Government should ensure that land is no longer given, via the resettlement programme, to people who can afford to obtain land via the Affirmative Action Loan Scheme. Criteria should be established for a revamped resettlement programme that includes the 'historically land dispossessed' as beneficiaries.
- A commission of inquiry should be set up to investigate the allocation of land under the previous resettlement programme with a view to establishing if there was any corruption in the way the Ministry of Land Reform selected beneficiaries.

### Communal farmland

- Land markets in communal areas should be developed through improvement in security of tenure and providing access to financing for small-scale farmers.
- Government should establish the extent of existing disputed fences in communal areas. Fences approved by traditional authorities and communal land boards without following law and procedures must be removed. The proposals made by the Legal Assistance Centre at the land conference should be followed: with maps showing legal and illegal fences being produced by Communal Land Boards in conjunction with Traditional Authorities. A deadline should be given for the voluntary removal of all illegal fences after which remaining illegal fences should be removed in accordance with the law.
- The Veterinary Cordon Fence (Red Line) should be gradually removed. Abattoirs should be upgraded and quarantine areas developed in order to allow more meat to be sold south of the Red Line and sent for export to other markets.
- Namibia should look to develop a local market for meat north of the 'Red Line' and in neighbouring countries such as Angola and Zambia.

### Ancestral land

- A clear timeline and mandate should be established for the presidential commission of inquiry on ancestral land. The commission should look at both restoration and restitution options.

### Urban Land<sup>157</sup>

In discussions on land reform or of the 'land question' in Namibia, the primary concern has historically centred on commercial farms and communal land; the issue of urban land as part of the broader land question in Namibia has been relatively neglected. It is worth recalling that of the 24 resolutions adopted at the 1991 Land Conference, none addressed, even remotely, the state of urban land. In fact, all resolutions were either under the rubric of "Commercial Land" or "Communal Areas."

In recent years, this narrow interpretation of the land issue has been questioned. Indeed, the urban land question has been made urgent by the glaring statistics related to urbanisation. Namibia's overall population grew from 1,409,915 in 1991 to 2,113,077 people in 2011.<sup>158</sup> The urban population almost tripled (from 382,280 to 903,434) between 1991 and 2001.<sup>159</sup> In 2018 50% of Namibia's population lives in urban areas. At Independence that figure stood at only 28%.<sup>160</sup> These statistics suggest that Namibia has been undergoing a transition from a rural-based society to an increasingly urban one. With rapid urbanisation – something neither new nor peculiar to Namibia – the importance of urban land has been accentuated.

To quote the NUST submission to the land conference: "Urbanisation should not be considered a threat, but an opportunity to find innovative solutions to harness skills and knowledge within communities', civil society and the private sector, and strengthen the state's capacity to provide services to reduce poverty."<sup>161</sup>

Urban growth, accompanied by inequality, acute competition for land and regulatory failures, often results in conflict affecting urban authorities and residents. In spite of conflicts brought about by competition for land, the mushrooming of slums has become a noticeable feature of most urban centres across Namibia. Yet urban land has hardly featured in the national discourse until recently.

This neglect by omission is what the Affirmative Repositioning (AR) Movement sought to address from 2014 onwards. Emblematic of the natural evolution of social movements, the AR's initial momentum to resurrect the urban land matter has recently waned. Clearly, AR has done its part in placing the urban land issue in the public domain and now the national leadership should take charge of addressing the issue.

What makes the urban land issue somewhat exceptional is the fact that its delivery is intricately linked to the provision of various services, including housing, water and sewerage, roads and electricity. The failure of urban land delivery has often been ascribed to the inability of local authorities to provide services to urban dwellers. In other words, local state incapacity has been identified as the problem and in the process subsumed the urban land question.

It is worth noting that the AR movement reached an agreement with the government, in terms of which the latter committed to servicing 200,000 erven across the country. The 2016 Harambee Prosperity Plan then followed up with a much more

157. This section was primarily compiled by Ellison Tjirera, University of Namibia.

158. Weber & Mendelsohn, 2017, p. 15.

159. Ibid.

160. Urban land reform in Namibia: Getting ready for Namibia's urban future, Policy paper for submission to the 2018 National Land

161. Conference Windhoek, 1-5 October 2018, NUST Faculty of Natural Resources and Spatial Sciences

162. Ibid.

163. Lombard & Rakodi 2016.

164. "Urban Land Servicing on Track: Geingob", Namibia Daily News, 11 April 2018, <https://namibiadailynews.info/urban-land-servicing-on-track-geingob/>.

modest commitment to service 26,000 new residential plots by 2020. In addition, 20,000 new housing units were to be constructed countrywide during the Harambee period. By the end of 2017, government had serviced 14,694 plots countrywide, while 10 584 houses had been built, according to the HPP progress report released in April 2019.

Not surprisingly, the latest round of the Afrobarometer Survey (2017) revealed that a majority of Namibians (52%) believe that the government has not been effective in providing serviced land in urban areas.<sup>164</sup> At the slightest provocation, many local authorities tend to embrace reactive responses that seek to uproot the urban poor. For instance, the then CEO of Katima Mulilo Town Council recently said, "Urban land is not for the poor because it is for sale and those who cannot afford to buy should stay on communal land instead of resorting to grab land."<sup>165</sup> The eviction of families and the demolition of shacks all over urban Namibia is an indication of this unfortunate stance.

### Recommendations

- In recognition that urban land is linked to other deliverables, provision of decent and affordable housing in urban areas needs to be revisited. Clearly, the National Housing Enterprise has failed to provide affordable houses in adequate numbers to meet the ever-increasing demand. Even though the government does provide subsidies to the Shack Dwellers Federation of Namibia (SDFN), more resources should be availed to the SDFN, as the latter model seems to have delivered admirably.
- On the legislative front, the Urban and Regional Planning Act (No. 5 of 2018) which was recently assented to by the President illustrates an anomaly and a further isolation of urban land from the broader question of land reform in Namibia, especially as it was enacted before the Second National Land Conference (October 1-5 2018).
- Issues such as amendment of zoning schemes, compensation in cases where residents are to make way for expansions in local authorities, and boundary alterations of approved townships are not separate from, but have everything to do with a comprehensive approach to land reform. The urban land issue needs to be integrated and urgently dealt with.
- Develop a national urban policy and spatial development plan.
- Develop mechanisms to finance urban land reform.

164. [http://www.ippr.org.na/wp-content/uploads/2018/05/NAM\\_R7.SOR\\_18May18\\_final.pdf](http://www.ippr.org.na/wp-content/uploads/2018/05/NAM_R7.SOR_18May18_final.pdf)  
165. *The Namibian*, 2 October 2017.

## 9. Corporate citizenship<sup>166</sup>

This issue relates to the **Corporate Governance** thematic area, specifically the following Objective and subsidiary Questions:

### **Objective 5: Ensuring that Organizations Act as Good Corporate Citizens**

Question 1: To what extent do organizations in the private, public, informal and not-for-profit sectors act as good citizens?

Question 2: What measures are in place to encourage organizations in the private, public, informal and not-for-profit sectors to act as good citizens?

Question 3: How are organisations complying with environmental regulations in your country and conducting business in an environmentally friendly manner?

Question 4: To what extent are organisations complying with sector principles, such as the Extractive Industries Transparency Initiative, the Kimberly Principles (Diamonds), and those related to wildlife conservation and other natural resources?

### 1. Scope and Definitions

**“Governance”** refers to the overall national governance framework of the country, as defined by the constitution, laws, policies, frameworks and systems used to run the country.

**“Corporate Governance”** refers to the “systems by which organisations are directed, governed and controlled” - Cadbury Report, 1992, or by OECD definition “the set of relationships between the company, directors, shareholders and other stakeholders...”

“Corporates” are defined by King IV as including all organisations that are incorporated to form legal entities separate from their founders and therefore applies to all forms of incorporation whether as a company, voluntary association, retirement fund, trust, legislated entity or other. For the purposes of King IV **“Corporate Governance”** is defined as “the exercise of ethical and effective leadership by the governing body towards the achievement of the following governance outcomes: **Ethical culture; Good performance; Effective Control; Legitimacy.**

**“Corporate Citizenship”** is the recognition that the organisation is an integral part of the broader society in which it operates, affording the organisation standing as a juristic person in that society with rights but also responsibilities and obligations. It is also the recognition that the broader society is the licensor of the organisation (King IV). As a responsible corporate citizen, the company should protect, enhance and invest in the wellbeing of the economy, society and the natural environment (Namcode).

166. This section was primarily compiled by Steve Galloway, of Corporate Governance Africa

**“Firms of Endearment”** - the title of a book about a group of globally successful companies whose sustainable success over decades is driven by passion and purpose, not by financial return. These “rare, authentic firms of endearment act in powerfully positive ways that stakeholders recognise, value, admire and even love. They make the world better by the way they do business and the world responds”.

**“Corporate Social Responsibility”** refers to the responsibility that goes with corporate citizenship of being socially responsible. It includes a wide range of activities, including altruistic and philanthropic actions and donations, offsets, and compensation for impacts by the organisation as well as Corporate Social Investment.

**“Corporate Social Investment (CSI)”** or **“Socially Responsible Investing (SRI)”** is any investment strategy which seeks to consider both financial return, albeit long-term, and social/environmental good to bring about a positive and sustainable change.

**“Environmental, Social and Governance (ESG)”** refers to the three central factors in measuring the sustainability and ethical impact of an investment.

**“Impact Investing”** refers to investments made into companies, organisations and funds with the intention to generate measurable, beneficial social or environmental impact alongside a financial return.

## 2. Governance Frameworks and Performance in Namibia

The national governance framework provides a very solid constitutional, political, judicial and executive platform on which to base found a strong corporate governance framework. Peace, security and the rule of law have established a strong foundation for good governance and recent development plans have as a major goal to **“Promote Good Governance through Effective Institutions”**. Early development plans were somewhat fragmented and addressed specific and critical gaps and deficiencies, taking a “partial” approach, and were generally uncoordinated and poorly implemented. They lacked buy-in and alignment across government and leveraging the potential of enterprise was never a feature. Despite this, reasonable growth of the economy was achieved and Namibia built a good reputation as a stable and attractive business and investment destination and as a, superior tourism destination.

Recent development plans including the Harambee Prosperity Plan (“HPP”) and the current National Development Plan (“NDP5”) are more coherent and have governance as key pillars, with numerous national governance deliverables as key components of these plans. While the opportunity was provided for “corporates” to unleash the full enterprise potential in support of these recent Plans, the jury is still out on the real engagement of “corporate citizenship” in support of national plans. Namcode, adopted in 2013, called for **“a fundamental change to the way directors and companies organise their business”** and King IV places much stronger emphasis on the corporate citizenship role of all organisations.

**External Country Assessments** provide periodic snapshots of various governance and performance measures, including:

UN Sustainable Development Goals; UN Human Development Index; Gini Coefficient; Mo Ibrahim Index of African Governance; Transparency Index;

Extractive Industries Transparency Index; Resource Governance Index; Frazer Institute Attractiveness Index; World Economic Forum Competitiveness Index; Ease of Doing Business Indices (World Bank, Deloitte, etc).

A few high-level take outs from all of these measures would summarise Namibia as follows:

- Stable democracy with dominant ruling party leadership and track record of policy consistency
- Middle income but with very skewed wealth and income distribution
- Strong natural resource endowment but sub-optimal governance of natural resources
- Good physical infrastructure but average and unequal social infrastructure
- Good governance frameworks and policy formulation but poor implementation record
- Declining business competitiveness and FDI attractiveness

The African Peer Review Mechanism now provides the opportunity to contextualise some or all of the above external benchmarking and rating mechanisms in a self-assessment and to then have this peer-reviewed in an African context.

### 3. Corporate Governance Landscape

The governance of corporations can be on a statutory basis or as a code of principles and practices, or as a combination of the two as in Namibia. The Namcode became necessary because of the Companies Act No 28 of 2004 and changes in governance internationally including the release of King III in South Africa in 2009 and the introduction of the new South African Companies Act. The need therefore arose to create a code based on the principles addressed in King III and other international best practices, but adapted to suit the Namibian legislative landscape. Namcode was introduced in 2013 for financial years commencing after 1 January 2014. While adoption of Namcode (vs King II) became mandatory for companies listed on the NSX IN 2014, a directive was issued on 13 February 2018 that listed companies now had the option of adopting NamCode or King IV.

#### NamCode and King Codes

The philosophy of NamCode, like King III, revolves around leadership and corporate citizenship with a sustainability goal. Both are based on the key premises that good governance is essentially about effective leadership and sustainability.

Such leadership is characterised by ethical values of responsibility, accountability, fairness and transparency and based on moral values that find expression in the concept of Ubuntu or humaneness "I am because you are; you are because we are". **Ubuntu means humaneness and the philosophy of ubuntu includes mutual support and respect, interdependence, unity, collective work and responsibility.** Responsible leaders direct organisational strategies and operations with a view to achieving sustainable economic, social and environmental performance.

**Sustainability** is the primary and economic imperative of the 21st century. It

is one of the most important sources of both opportunities and risks for businesses. Nature, society and businesses are interconnected in complex ways that should be understood by decision-makers. **Most importantly, current incremental changes towards sustainability are not sufficient- we need a fundamental shift in the way companies and directors act and organise themselves.** (Namcode 2013).

The progression from King III (2009) to King IV (2016) in South Africa was prompted by fundamental changes in both business and society in the 21st century, influencing both its content and approach. "New global realities are testing the leadership of organisations on issues as diverse as inequality, globalised trade, social tensions, climate change, population growth, ecological overshoot, geopolitical tensions, radical transparency and rapid technological and scientific advancement."

King IV has been built around the three major shifts in the corporate world:

- From financial capitalism to inclusive capitalism (human, intellectual, social and relationship, natural and financial)
- From short-term capital markets to long-term, sustainable capital markets
- From siloed reporting to integrated reporting

Reacting to these corporate shifts King IV is built on the foundation stones of ethical leadership, **the organisation in society, corporate citizenship, sustainable development, stakeholder inclusivity, integrated thinking and integrated reporting.**

The King IV Report and King IV Code were launched in South Africa in November 2016 and have been welcomed and widely adopted by organisations of all sizes and types.

A number of Namibian organisations are currently reviewing the practical application of King IV and the NSX issued a directive in February 2018 that King IV can be applied as an alternative governance regime to NamCode for companies listed on the NSX.

The Minister of Public Enterprises has also expressed in-principle support for the adoption of King IV principles for the commercial public enterprises which are due to report to his ministry. These SOEs are governed by the State-Owned Enterprises Governance Act, Act 2 of 2006, soon to be replaced by the Public Enterprises Governance Act, 2018.

#### 4. Corporate Citizenship

##### Namibian "Firms of Endearment"

Long before the Cadbury Report of 1992 and the King Codes of 1994 onwards and before Namibia was a nation state, a few organisations had already begun to play the corporate citizenship role later described by these thought leaders of corporate governance in their respective codes. The De Beers' Consolidated Diamond Mines ("CDM") and Rio Tinto's Rossing Uranium built physical infrastructure to support their mining operations. They also invested heavily in social infrastructure to ensure the future of their operations but also arguably to build the general educational and social fabric of the society in which they operated. While some doubted the motives of these extrac-



tive industries companies operating “illegally” in a UN C-mandate territory, the impacts of their investments are indisputable in so many projects and in successful, well-educated and prominent Namibians throughout the economy, public and private. With the Namibian government a partner in both these mining operations post-independence, both **Nambebe/Debmarine** Namibia and **Rossing** have continued their strong corporate citizenship roles. They have continued to contribute to the social fabric of Namibia through good and bad times financially.

New entrants to the extractive minerals sector post-independence, who have shown similar commitment to investing in the “wellbeing of the economy, society and in the environment” include **Ohorongo Cement, B2Gold, Bannerman Resources and Dundee Precious Metals**. These are indeed rare, authentic organisations which have invested in the social fabric of Namibia. They have made Namibia better by the way they do business. They have both gone far beyond what is expected of an FDI investor in discretionary contributions to nation building. And yet they too have their detractors who question their intentions. In respect of any possible measure of Corporate Citizenship these organisations would score very favourably and must surely qualify as Namibian Firms of Endearment?

The other strong resources sector in which investors rely on sound governance in policy and licensing regimes is the fisheries sector. Poorly managed and over-exploited by foreign fleets prior to independence, the new government played a strong role in stabilising and better managing the resource. A number of organisations responded to the call for investment and Namibianisation of activities.

**Novanam**, a subsidiary of one of the largest European fish brands acted quickly and with commitment, announcing their Luderitz investment on 21 March 1990. For 28 years they have dug deep, sustaining the economy of Luderitz and expanding to Walvis Bay and contributing to the social fabric of the nation, through good times and bad financially. A number of other subsidiaries of foreign companies like **Bidvest/Namso, Cadilu, Gendev, and Oceana** have also contributed to the social fabric in many ways.

Outside the resources sector there are a number of organisations whose “corporate citizenship” role lifts them above the average. These include the family group entities, **Pupkewitz Holdings, the O&L/NBL Group and the Frans Indongo Group, all of which have strong commitments to Namibia**. Other strong Namibian brands which identify with and support national imperatives and challenges include the **Capricorn Group (Bank Windhoek), Gondwana, Wilderness Safaris, Cymot, Agra, and Namib Mills Group**.

Public Enterprises are notable by their relatively poor contributions to corporate citizenship either as a consequence of the poor financial state of most of these enterprises or lack of recognition by the governance structures that such public enterprises, by their very nature, need to play a stronger “public” role.

While the adoption of Namcode has been an option for all of these organisations since 2013, relatively few have adopted it or the King Codes for that matter. King III and Namcode were seen as appropriate for larger private companies or public companies only and the rate of adoption in Namibia has been low.

Corporate governance practice has been extremely varied across private enterprise as a result, ranging from adequate to poor. In the public sector corporate governance is at best average but the vast majority of public enterprises have displayed poor to appalling corporate governance, hence the dire financial and governance state of the majority of these commercial entities. Only a handful of SOEs can claim moderately acceptable corporate governance and performance standards including **DBN, MTC, MVA, Nampower, Nampost and Namport**. The list of poor examples of corporate governance and performance is much longer, including **SME Bank, RCC, ODC, NDC, TransNamib, Air Namibia, NAC, Telecom Namibia, NPTH, NIP, NHE, Namdia, Namcor, Epangelo, NWR, Seaflower, Katima Waterfront and others**.

Subsidiaries of foreign companies still dominate parts of the business landscape in Namibia. These are generally organisations that take their governance lead, statutory or by voluntary codes, from other jurisdictions. Some are dual-listed on the NSX.

The banking, financial services, insurance, auditing and retail sectors are still dominated by subsidiaries of regional or global organisations. While some have managed to establish Namibian identities, governance structures and corporate citizenry, they remain partly at least driven by the head-office dynamics and priorities. Some still suffer from a colonial, branch or at best little brother mentality. As such they would have great difficulty in becoming true Namibian "Firms of Endearment" but could in most cases improve their contributions to the Namibian economic and social fabric.

These local subsidiaries, especially those of South African corporates, have the opportunity to implement the principles of King IV in Namibia, especially as their parent companies have generally done so in South Africa.

These companies generally represent even greater relative parts of the economy and society in which they operate than their parent companies and need to apply the stakeholder-inclusive governance model more deliberately in a Namibian context. Independent local directors serving on boards need to drive this stakeholder inclusivity and represent the best interests of the company in a Namibian context. They need to do this with conviction, courage and expertise even in the face of "head-office" or shareholder primacy.

The significant organisations in this category include First Rand, Standard Bank, Nedbank, Old Mutual, Alan Gray, Investec, Sanlam, Santam, MMI, Hollard, Deloitte, PWC, E&Y, KPMG, Rio Tinto, Vedanta, B2Gold, Swakop Uranium, Dundee, Multichoice, Letshego, Bidvest, Novanam, Vivo Energy, Engen, Puma, Shoprite Checkers and other retailers.

### Recommendations

There is a need to recognise and embrace these major shifts in the corporate world:

- The move from financial capitalism to Inclusive Capitalism i.e. the six capitals - human, intellectual, social and relationship, environmental, natural, and financial.
- The move from short-term capital markets to long-term, sustainable capi-

- tal markets
- The move from from siloed reporting to Integrated Reporting
- Namibia needs to react to a changing world while addressing Namibian realities in the following ways:
- Move from government driving growth to PPPs (public private partnerships), better leverage and innovative use of public assets, stronger private sector and FDI drivers, and forging better partnerships and leadership alliances
- Move from policy uncertainty with unintended negative consequences to aligned, consultative policy formulation and effective implementation of pro-growth and pro-equity strategies
- Move from limited adoption of NamCode to broad adoption of Nam-Code 2 in 2020, after proportionate introduction of King IV practices to all types of organisations in 2019

### 10. Environmental sustainability

This issue relates to the Broad-Based Sustainable Socio-Economic Development thematic area, specifically the following Objectives and subsidiary Questions:

**Objective 1: Promote and accelerate broad-based sustainable socio-economic development**

Question 4: What policies and strategies are in place in your country to enhance environmental management and protection for sustainable development

Question 5: What are the measures adopted to ensure environmental sustainability and accountability?

Environmental sustainability is an important challenge in Namibia, but does not always feature as prominently as it should. Proper environmental management will enable long-term development, and is especially important for success of such industries as tourism, which Namibia hopes to leverage. The APRM could perform a significant service by assisting Namibia to consider the challenges it faces in this area, and how to assess the way forward.

Namibia's 1990 constitution provides for the protection of the environment, as an element of protecting people's welfare. Section 95 (l) calls for policies geared at the:<sup>167</sup>

maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future; in particular, the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory.

167. Republic of Namibia, Constitution of the Republic of Namibia, Section 95 (l)

In addition, Namibia has an Environmental Management Act (EMA), whose purpose is – among other things – “to promote the sustainable management of the environment and the use of natural resources by establishing principles for decision making on matters affecting the environment.”<sup>168</sup> Environmental sustainability is one of the pillars of Namibia’s future prosperity, not least because of the industries on which its economy and its people’s livelihoods depend: “Natural resource-based sectors are among the largest contributors to GDP and they employ more than 30% of the country’s workforce. Around 70% of Namibia’s population is directly dependent on the natural resource base for income food, medicinal and health needs, fuel and shelter.”<sup>169</sup> Namibia established the Environmental Investment Fund dedicated to supporting environmental sustainability work.<sup>170</sup>

Namibia’s EMA and the rules associated with it require that certain activities – such as mining – require and that an Environmental Impact Assessment (EIA) be conducted, and an Environmental Clearance Certificate (ECC) issued. This is to be welcomed, but some omissions in the current regime undermine environmental protections. For example, there is no clear stipulation for businesses to conduct rehabilitation after their activities cease. A register of EIAs undertaken and ECCs issued must be maintained, but there exists no clear requirement that the documents themselves be made available to the public – the existing evidence suggests that obtaining them is a difficult and cumbersome process.<sup>171</sup>

In the Environmental Democracy Index – an initiative of the World Resources Institute, and which measures access to information in environment policy, citizen participation in the same and right to seek its enforcement or compensation for lapses – Namibia ranks poorly. It scores 0.59 out of a possible 3 in the index. It is placed at position 68 of 70 countries (coming ahead only of Malaysia and Haiti), and its score is well behind the global average of 1.42. The commentary on the Index’s website notes the following:<sup>172</sup>

Namibia scored poorly on the Transparency, Participation, and Justice pillars. Namibia has not enacted a law which establishes a right for the public to access environmental information on request. The government is not obligated to make environmental and public health information available to the public. Namibia scored poorly on the Participation pillar because the public is granted the right to participate in only a few types of environmental decision making. Furthermore, the government is not required to account for public comments when making decisions. Namibia also scored poorly in the Justice pillar because in most cases the law limits the public’s ability to bring environmental claims to court. There are some assistance mechanisms to address financial barriers to justice. By addressing these issues, Namibia could greatly expand legal rights to environmental transparency, public participation, and access to justice.

168. Environmental Management Act, Act No. 7 of 2007.

169. National Planning Commission, Namibia’s 5th National Development Plan, Working together towards Prosperity, 2017/18 – 2021/22, Government of Namibia, 2017, p. 83.

170. See <http://www.eif.org.na/>.

171. Aryani R et al, Managing Natural Resources in Namibia: the Mining and Fisheries Sectors, School of International & Public Affairs, Columbia University, 2016, pp. 46-47.

172. Environmental Democracy Index, Namibia, undated. <https://environmentaldemocracyindex.org/country/NAM>.

In addition of 24 best practices measured, Namibia received a “no” for no fewer than 20 (in effect, that it was entirely non-compliant), “limited” (partly compliant) for three and “yes” for only one.<sup>173</sup>

The specific environmental threats that Namibia faces are widely acknowledged and have been recognised for many years. These include the scarcity of water resources (and thus the prudent management of those that exist), land use and degradation, desertification, threats to biodiversity and to marine resources.<sup>174</sup>

Climate change is a key strategic consideration. The country’s 2011 climate change policy document noted three factors that made climate change especially serious:<sup>175</sup>

- Namibia’s climate is already variable, subject to phenomena such as droughts. Climate change would aggravate this;
- The country’s economy dependency on nature and natural endowments. Climate change will have a deep impact on this;
- Namibia’s people already experience high levels of socio-economic difficulty, to which climate change and its consequences will add additional burdens.

Arguably the most important environmental concern is the country’s water resources. Namibia is recognised as one of the driest countries in the world, and the impact of climate change is likely to aggravate the problem. No rivers have their sources within the country and most run along its borders. Much of the country is serviced by underground aquifers or river systems that full up only during heavy rains. In addition, the Namibian economy’s keystone industry – mining – has a large need for water, while its activities carry significant potential for pollution.<sup>176</sup> Dealing with this demands two things. The first is managing cross-border agreements for access to water resources. Water being a scarce commodity, prudent and ongoing diplomacy with neighbouring countries for equitable access and mutually reinforcing stewardship is essential. The potential for activities in one country to damage the interests of others (such as the case of Angolan abattoirs polluting waterways, or sugar cultivation extracting large amounts of water) is such that severe conflicts can be provoked.<sup>177</sup> It is also imperative that mining (and other economic) operations do not degrade the quality of the country’s existing resources.

The danger of contamination of the water supply is an ongoing issue. In 2015, for example, the Windhoek City Council expressed concern about the possible pollution of underground sources as a result of mining, and appealed for government to halt the granting of exploration licences in the vicinity.<sup>178</sup>

173. Environmental Democracy Index, Namibia, undated. <https://environmentaldemocracyindex.org/country/NAM>.

174. See, for example, Byers BE, Environmental threats and opportunities in Namibia: A comprehensive assessment, Directorate of Environmental Affairs, Ministry of Environment and Tourism, Republic of Namibia, 1997; Dahlberg E and GÖ Wingqvist, Namibia Environmental and Climate Change Policy Brief, Swedish International Development Cooperation Agency, 2008; International Resources Group, USAID/Namibia Environmental Threats and Opportunities Assessment, USAID, 2010;

175. Republic of Namibia, Ministry of Environment and Tourism, National Policy of Climate Change for Namibia -2011, Republic of Namibia, October 2011, p. 3, [http://www.met.gov.na/files/files/National%20Policy%20on%20Climate%20Change%20for%20Namibia%202011\(1\).pdf](http://www.met.gov.na/files/files/National%20Policy%20on%20Climate%20Change%20for%20Namibia%202011(1).pdf).

176. See Stanford Law School, Not coming up Dry: Regulating the Use of Namibia’s Scarce Water Resources by Mining Operations, 2009. <http://www.lac.org.na/projects/lead/Pdf/not-coming-up-dry.pdf>.

177. See Kaniaru W, ‘From scarcity to security: Water as a potential factor for conflict and cooperation in Southern Africa’, South African Journal of International Affairs, Vol 22, Issue 3, 2015, pp. 381-396.

178. Immanuel S, ‘Pollution threat for Windhoek Water’, The Namibian, 8 July 2015. <https://www.namibian.com.na/index.php?id=139126&page=archive-read>.

## A Review of Critical Issues for the APRM Process in Namibia

The many abandoned and unrehabilitated mines in the country pose a similar danger – ongoing contamination of groundwater being a particular problem. A failure to enforce the law suggests that this will be a persistent problem. Inspections of existing mining operations are inadequate, and many operations (particularly smaller operations) were operating without the prescribed ECCs. A study by the Office of the Auditor General found that the Ministry of Mines and Energy was not checking out plans and resources allocated for rehabilitation and aftercare. The minister, Pohamba Shifeta, responded that resource constraints made doing so difficult.<sup>179</sup>

The danger of contamination of water resources – even where authorities are aware of the problem – highlights a matter of great importance: a constitutional, legal and regulatory frameworks are of limited value if their demands cannot be enforced. Suitable institutional capacity is critical to pick up on technical failings in infrastructure, to monitor compliance and to assist well-intentioned households and businesses to do so. More than this, given the urgency of protecting water resources, effective partnerships between the authorities, communities and individuals (even in matters as simple as timeous reporting of faults and damaged infrastructure) are essential.<sup>180</sup>

Indeed, such institutional capacity is greatly needed in managing and balancing the difficulties that are likely to arise in balancing environmental stewardship – especially in view of the threat posed by climate change – and the need to encourage economic activity. Mining is the most obvious example, but not the only one. Protecting marine life from over-exploitation (and thus the depletion of stocks) to feed Namibia's fish export markets is another.

Minister Shifeta has remarked: "We are now seeing the impacts that the changing climate is having on the very fabric of our society and economic development. Now more than ever, we need to build our resilience to climate change so that we ensure our water, energy and food security."<sup>181</sup>

Another issue, less prominent but important, is illegal and 'wildcat'<sup>182</sup> logging. This impacts particularly on slow-growth hardwood trees. This is denuding Namibia's north of this valuable resource. Where payments are made, a small amount is paid to the government and the community; thousands are received for the wood in foreign markets. Unclear regulation and poorly supervised logging activities have allowed an unsustainable amount of wood to be removed. One issue here is a failure to declare the relevant areas as protected state forests (in terms of the Forest Act of 2001); another is neglect in the monitoring of logging or bush-clearing contracts. Unless these problems are addressed, Namibia's forest lands risk devastation.<sup>183</sup>

179. 'Abandoned Mines pose Environmental Hazards', New Era, 2 March 2018. <https://neweralive.na/posts/abandoned-mines-pose-environmental-hazard>.

180. See Cashman D, C Foster, K McCluskey and Y Zhang, 'Identifying Opportunities to Reduce Water Pollution and Encourage Voluntary Compliance in Windhoek, Namibia', an Interactive Qualifying Project submitted to the faculty of Worcester Polytechnic Institute in partial fulfillment of the requirements of the Degree of Bachelor of Science, 2014. [https://web.wpi.edu/Pubs/E-project/Available/E-project-050814-051919/unrestricted/City\\_-\\_Final\\_JQP\\_Report.pdf](https://web.wpi.edu/Pubs/E-project/Available/E-project-050814-051919/unrestricted/City_-_Final_JQP_Report.pdf).

181. Smit E, 'Namibia in firing line over climate change', The Namibian Sun, 25 April 2018. <https://www.namibiansun.com/news/namibia-in-firing-line-over-climate-change2018-04-24>.

182. Logging that may not be strictly illegal, but is destructive and without supervision.

183. See Grobler J, 'Felling Namibia's Ancient Giants', OCCRP, 13 October 2017, <https://www.occrp.org/en/investigations/7125-felling-namibia-s-ancient-giants>.

Namibia has attempted to link environmental management to development: in this respect, its policy of Community Based Natural Resource Management deserves acknowledgement. This aims to promote the sustainable use of Namibia's 'biological capital'. It aims to empower communities to manage and benefit from local natural resources, while ensuring that the latter are not exhausted or ruined.<sup>184</sup>

While a worthy concept, in practice there is much evidence that the benefits of these schemes are unevenly distributed, often to local elites, or to outsiders. One study, focusing on wildlife management (specifically, elephants) in northwestern Namibia showed that the community-based management had a positive effect on elephant populations, and had created employment opportunities, but there were questions about the distribution of benefits. Elephants consume large amounts of water and cause damage to water infrastructure. This imposes a cost on pastoralists, who do not benefit directly from the tourist industry – resulting in a perverse subsidy.<sup>185</sup>

Following on from this, questions may be asked about the manner in which various industries in Namibia operate, and how they should be encouraged to operate in future. Tourism, seen as a 'quick win' for development, should aim to transfer more benefits to the broader communities. Communities have a right to the principle of 'social licences to operate', especially where large operations with big environmental footprints (such as mines) are present. Formalised monitoring and evaluation systems, with proper expertise and funding to make them viable, need to be incorporated into these. Given that state systems often lack capacity, the active and ongoing involvement of the communities themselves will be of great importance.

Fortunately, there are some potential opportunities in pursuit of environmental sustainability that Namibia can hope to exploit. Step-change technologies, such as increasingly efficient solar power generation, could fruitfully be put to use in Namibia – whose environment is well suited to them.

### Recommendations

- Develop renewable energy and recycling options.
- Improve standards of transparency.
- Give greater priority to the administration and implementation of environmental protection legislation.
- Build partnerships with business and civil society to ensure that their combined expertise and commitment can be brought to bear on addressing environmental issues.
- Ensure that a dedicated financing vehicle – perhaps the EIF – has adequate resources to invest in innovation-driven solutions to environmental problems, particularly those that try to expand environmentally friendly economic activities. It will be of critical importance that stewardship of this vehicle is undertaken with the highest degree of probity.

184. See Directorate of Parks and Wildlife Management, Ministry of Environment and Tourism, National Policy on Community Based Natural Resource Management, Ministry of Environment and Tourism, March 2013, [http://www.met.gov.na/files/files/CBN\\_RM\\_20Policy%20Approved.pdf](http://www.met.gov.na/files/files/CBN_RM_20Policy%20Approved.pdf).

185. Schnegg M and RD Kiaka, 'Subsidized elephants: Community-based resource governance and environmental (in)justice in Namibia', *Geoforum*, 93, 2018, pp. 105-115, <https://reader.elsevier.com/reader/sd/0F5A060B5B2B8FA908469441B1D2AEF6B75EE01964EA1F88F3382A79B87983DF8304C7568CC6E9CA0577C47BE04ADD2E>.

## 11. Natural resource governance<sup>186</sup>

This issue is dealt with in two thematic areas. The first is in the Economic Governance and Management thematic area, specifically the following Objectives and subsidiary Questions:

### **Objective 6: Develop and implement trade and investment policies that promote economic growth**

Question 1: To what extent are your country's investment policies facilitative of economic growth?

Question 5: What is the size and significance of the extractive industry sector (mining and quarrying, including oil) in your country?

Question 6: What are the measures taken by your country to regulate and promote the governance of extractive industries?

The second is in the **Corporate Governance** thematic area, specifically the following Objective and subsidiary Questions:

### **Objective 5: Ensuring that Organizations Act as Good Corporate Citizens**

Question 3: How are organisations complying with environmental regulations in your country and conducting business in an environmentally friendly manner?

Question 4: To what extent are organisations complying with sector principles, such as the Extractive Industries Transparency Initiative, the Kimberly Principles (Diamonds), and those related to wildlife conservation and other natural resources?

### 1. Definitions and Scope

**"Natural-resource governance"** refers to the management of natural resources with a particular focus on how governance affects the quality of life for both present and future generations" (according to Neil Zitha of Corporate Governance Africa)

**"Natural Resources"** include all renewable and non-renewable resources (plants, animals, air, water, soils, minerals, etc).

**"Natural Capital"** is a term used to quantify the stock of these resources that combine to yield a flow of benefits to people. Natural Capital is increasingly being recognised internationally in governance codes and guidelines as an important form of capital. Others include financial, manufactured, social and relationship, human, and intellectual capital. Natural Capital in fact supports all of the other capitals by providing essential resources such as air, water, soil and minerals, supporting a healthy planet that underpins thriving societies and prosperous economies. (Ref: Natural Capital Coalition)

186. This section was primarily composed by Steve Galloway of the Institute of Corporate Governance



**“The Natural Capital Protocol”** is a framework designed to help generate trusted, credible and actionable information for business to inform decisions. It provides a different way of looking at value through an environmental economics lens beyond just monetary value. It refers to the process of estimating the relative importance of natural capital to society in a quantitative and qualitative way, across generations.

**“Environment”** is used in the broadest sense to include the biological environment, physical environment, social environment, economic environment, cultural environment, historic environment, etc. (Ref: National Policy on Prospecting and Mining in Protected Areas)

### 2. The Namibian Natural Resource Endowment

Namibia is reasonably richly endowed in all the above categories of the “environment” and has been able to balance these relatively well on a solid platform provided by a modern Constitution, as well as through key laws and policies that have in general guided good practice on natural resource governance. Natural Resources Governance pertains mainly to the management of the biological and the physical resources and to the policy frameworks applied to optimise the economic and social impacts on the country and society.

The **“Biological Environment”** is possibly the one that gives Namibia its greatest comparative advantage amongst the nations of the world. The rich biodiversity and high level of endemism in fauna and flora give Namibia a unique opportunity for ecosystem conservation-based services with a community anchor as an underpin to our tourism sector. With more than 45% of the landmass and the marine environment under some form of conservation protection, this must translate into a vitally important part of the Natural Capital equation, beyond the currently significant contributions to GDP, export earnings and fiscus payments, etc. from tourism, fisheries and wildlife activities in the “green” and “blue” economies.

The **“Physical Environment”** refers to the minerals, air, sun, water and soil, and anchors a critical part of the primary economy including mining, exploration (minerals, oil and gas), agriculture, silviculture and aquaculture and the secondary and tertiary industries that have linkages with these primary resources. By far the greatest contributors to the economy are mining (export earnings, GDP, fiscus, infrastructure, CSI), fisheries (export earnings, levies and taxes, jobs), and agriculture (jobs, food and livelihoods).

**Mining** has historically played a backbone role in the economy as a catalyst for infrastructure, industry and services development, and is the largest contributor to GDP (15%) and export earnings (+50%). Despite also contributing more than any other sector to the fiscus through taxes and royalties, and to the social fabric of society through significant Corporate Social Investment, there is still a trust and credibility gap with government and with parts of civil society. Despite this rich Namibian mining heritage, however, the mineral resource per se is not as rich as generally believed. Namibia is sometimes described as being a country “rich in poor resources”, referring to the generally low grade mineral deposits and countless mineral occurrences, but very few world-class deposits (arguably only the Tsumeb polymetallic ore body and the

alluvial diamond deposits). These will be discussed further under Resource Rents and Returns below.

Further beliefs around issues such as the "Resource Curse", the "Dutch Disease", "Resource Nationalism", and Ownership vs Fair Resource Rents, Transfer pricing and mis-pricing, Value Addition and Beneficiation, all common to the debates in other resource-based economies, are addressed under the Policy and Licensing Regimes.

**The fisheries sector** is also a vital contributor to the economy, including through value-added processing and manufacturing, export earnings and job creation. The sector is a good example of greatly improved governance post-independence, in keeping with the Constitution, after the resource had been severely mis-managed and plundered by foreign fleets prior to 1990. The resource has recovered well and is being responsibly managed in the main.

**The agricultural sector**, mainly livestock and crop production, also represents a key pillar of the economy for food production, export earnings and contributions to employment. Subsistence agriculture is a key factor in rural societies, providing self-employment and sustaining livelihoods of entire communities. The resource endowment is however patchy and limited by rainfall, soil quality, land tenure and availability of irrigation facilities.

**Water and the electricity** derived from it (and from the sun) are key pillars on which all other activities rest and their governance is vital to successful development and social vitality. It is the relative importance of these physical environment resources and activities that need to be assessed, especially in relation to the biological environment and impacts on the green and blue economies. The impacts and relative Natural Capital effects need to be assessed and managed for the present and beyond the current generation. The **economic and social environments** are largely outside the Natural Resource space but of course in Namibia's case highly reliant on good governance of natural resources. Similarly, maximisation of the **cultural and historic environments** relies on good governance of all other environments and on sound policy frameworks and practices.

### 3. Policy Environment

The Namibian nation got off to a good start in 1990 with the adoption of a much-heralded, modern Constitution that lays the foundation for all policies and legislation. It paved the way for the establishment of a mixed economy in which resources owned by the state would be made available through various licensing regimes for exploitation and operation by private interests.

It also contains environmental safeguards relevant to the sustainable use of natural resources.

- Article 95 (l) states that the state shall actively promote and maintain the welfare of the people by adopting policies which include the "maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefits of all Namibians."

- Article 91 (c) stipulates that one of the functions of the Ombudsman is “the duty to investigate complaints concerning the over utilisation of living natural resources, the irrational exploitation of non-renewable resources, the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia”.

With this confidence-building Constitution in place one of the first pieces of legislation passed by the first Parliament was the progressive and inviting **Foreign Investment Act, 1991**. It created the Namibia Investment Centre as a vehicle to encourage Foreign Direct Investment (FDI) in all sectors of the economy and on terms no less favourable than for local investors. It did provide for the reservation of certain activities for Namibians only, which was never invoked. Amendments to the Act were, however, effected in 1993 to allow for preferential treatment of Namibians in the licensing terms and conditions in natural resource licensing like mining and fisheries. The Namibia Investment Promotion Act, 2016, approved by Parliament on 31 August 2016 (but not yet in force) is set to create a much more protectionist business climate and less competitive FDI investment regime unless drastically altered, as discussed below.

Other early legislation signalling the opening of key productive sectors of the economy to new investment, domestic and foreign, included the **Petroleum (Exploration and Production) Act, 1991, and the Mineral (Prospecting and Mining) Act, 1992**.

Despite the positive and pragmatic policy environment that had been established for investment in natural resources in Namibia and the encouraging investments realised in mining, mineral, oil and gas exploration, fisheries, agriculture and tourism facilities, various concerns, common to resource-based emerging economies began to foment in government and civil society two decades into independence, mainly around issues such as:

**Resource Nationalism;** Ownership vs Resource Rents; Return on Investment and Government Take; Erosion of the tax base; Transfer Pricing and mis-pricing; Value-addition and Beneficiation; Dutch Disease and The Resources’ Curse.

While all of these issues are real concerns in many jurisdictions around the developing world, the Namibian environment has not, in the main, been the victim of unfair or damaging practices in most of these.

**Resource Nationalism** is a hotly debated topic spurred partly at least by the fact that one-third of the world’s poorest people live in natural resource-rich countries. Their governments’ are urged to take back their resource ownership to deliver more to the people than their current models are delivering. Very few have succeeded in delivering more through taking resources back into state hands. Examples of state failure include Venezuela, Mexico, Zimbabwe, Zambia and Angola. More have succeeded through PPPs in mining, oil and gas, fisheries, wildlife, agriculture, etc. Those that have done best are those that have implemented good governance structures to ensure successful economic and social outcomes. Chile, Botswana and Namibia and more recently Zambia are such countries.

**Resource Rents**, if well pitched, can be more meaningful for the state than ownership. In Namibia's mining sector case the state has managed to negotiate 50% ownership in the De Beers diamond business and its resource rents push total government-take to as high as 80%, exceptional by global standards for precious stones and precious metals. **Government-take** on other minerals is around 50%, which is on par with global averages for commodities like base metals and uranium. Independent experts have cautioned that raising the resource rents or insisting on free-carry on ownership would reduce investors' returns to below regional and global benchmarks, thereby ultimately reducing revenue to the fiscus. Similar conclusions hold true for oil and gas, fisheries, agriculture, etc.

The Namibian state has participated to varying degrees in all these areas, without any notable commercial successes in wholly state-owned and managed operations.

The oft-repeated allegations of **Transfer Pricing (meaning transfer mis-pricing) and erosion of the tax base** via this and other means is fairly easy to check and remedy if found to be true. Most products have a reference price on which transfer pricing can be fixed. If not, a price can be agreed upfront. Looking back 15 years, the major source of erosion of the tax base has in fact been the over-generous EPZ tax status given to certain mining companies. The manufacturing incentives and the lack of competitiveness in most manufacturing value-add processes has further eroded the tax base.

**The Value-Addition/Beneficiation** debate continues in Namibia, as in other resource countries, focussing on the mining sector. Several international consultants and local committees have identified limited further downstream value-addition opportunities in diamond processing, metal beneficiation and industrial minerals' product development. None, however, is likely to make the significant impacts on industrialisation and on the Namibian economy that national development plans continue to promise. It is the backward and sideward linkages and better integration of mining into the economy that will make the difference. Numerous value-addition opportunities to non-mineral resources have been identified and rely on increasing competitiveness in the manufacturing sector and on improved ease-of-doing business ratings.

#### **Establishment of Epangelo Mining, a state mining company, 2011**

In March 2011 the mining minister announced in Parliament the establishment of a state mining company for the exploration and exploitation of "strategic minerals". The confusing announcement, followed by more confusing local and international press coverage of what was interpreted as extreme resource nationalism, created a massive confidence crisis in the sector and beyond. Listed stocks lost up to half their value overnight and Namibian attractiveness indices plummeted. A common comment was that it had taken Namibia 21 years to do what Zimbabwe did after 10 years. Thankfully this was not the case and corrective action was taken through clarifying statements to the highest level in government over the next six months. Epangelo got off to a slow and poorly resourced start and has had minimal impact, positive or negative in its first seven years of operation.

#### **Proposed taxation and royalty regime for resources, 2011**

The announcement by the finance minister in June 2011 that resource taxes

and royalties would be dramatically increased and expanded, caused another confidence crisis. Coordinated action by the mining industry based on modelling of individual mines on the announced taxes and royalties quickly convinced government that most mines would be unviable under the proposed regime and the mining industry would collapse with dire consequences for the economy. Government, to their credit, heeded the warnings and reversed the policy announcements, with two relatively palatable exceptions, namely the introduction of export levies and withholding taxes on services. The latter were initially set at an uncompetitive 25% and then reduced to 15%.

Clarification and reversal, respectively, of these two drastic announced policy changes restored investor confidence to a business as usual scenario. In the mining sector significant investments were made in base metals, gold, diamonds and uranium projects, and exploration spend picked up, so much so that the influential Canadian Fraser Institute ranking of Namibia as a mineral investment destination moved up from the low of 9th in Africa in 2011 to 1st in 2014, surpassing even Botswana. Some N\$60bn in FDI was achieved in five years, more than the cumulative FDI investments since independence.

Just when it seemed that policy consistency had returned to a country that had hardly put a foot wrong in 25 years, two bills that would impact the whole economy were introduced in late 2016. Both had noble objectives in creating a more transparent, more equitable climate for investment, towards economic growth and social stability. Both, by commentaries from all quarters of the economy and civil society, threatened to do exactly the opposite and would create less transparency, excessive discretion, low investment, low growth and further social and equity polarisation.

Namibia Investment Promotion Act ("NIPA") passed quietly through Parliament on 31 August, 2016, with minimal discussion. Thankfully the regulations were not ready, giving time for civil society to mobilise and to make law-makers aware of the dire unintended consequences of an Act they had passed in good faith. The objectives were sound, but the application, implementation framework and likely impacts would have been predominantly negative and potentially even devastating to the economy. Government eventually accepted the potential unintended consequences of NIPA and agreed to significant amendments in collaboration with civil society, to be implemented before year-end.

Namibia Equitable Economic Empowerment Framework ("NEEEF") had been coming for a long time in different guises, with sporadic but ineffective civil society consultation over six years or more. The 2016 Bill introduced to Cabinet and Parliament had a negative reception equal to NIPA when it became known. One saving grace was that it was still a bill but, like NIPA, was regarded as anti-business and potentially very damaging to the economy and to FDI. A wide consultation process through 2017 has resulted in the bill being re-drafted ahead of a final consultation and implementation.

To add to these drastic economy-wide policy shifts, the mines ministry started applying the **"Additional Conditions"** regime to exploration and mining licences from 2015 onwards. These additional conditions had no bearing on the mineral licences as allowed in the Minerals Act but were a range of arbitrary conditions prescribed at the minister's discretion, which were un-

likely to hold up if challenged in law. The wide discretion and nature of these prescriptions were a precursor to the excessive ministerial discretion and red tape to follow in the NIPA and NEEEF bills. The net result of these “Additional Conditions” and the NIPA and NEEEF bills was that Namibia again fell 10 positions on the Fraser Institute perception index African rankings, plunging 31 positions globally in 2016/17. FDI, dominated by mining investment over the previous five years and pushing close to 10% of GDP annually, has fallen sharply from 2016 to a low of 2-3% of GDP currently.

To say that government has not consulted on these policy frameworks would be misrepresentative. The quality, focus and timing of this consultation has, however, left much to be desired. The reaction to intensive and constructive engagement by civil society across diverse sectors and segments has been particularly lethargic. Admittedly, civil society and the business sector in particular have also been fragmented and sometimes at cross-purposes in their responses. The net result of this has been an erosion of confidence in Namibia as a business and investment destination and a general decline in attractiveness and competitiveness rankings over the past three years. As has been done before, these negative unintended consequences can be reversed in a relatively short time if a sincere and coherent process of remedial action is taken in proper consultation with key stakeholders.

#### 4. Licensing Regimes

Licensing regimes are described in laws and regulations and generally applied as such. The less discretion there is for officials to put their own stamp on the licensing procedures the better. The first two decades of independence saw the licensing practice following mainly the defined policy and legal frameworks. Of late, increasing frustration that the inequalities and skewed distribution of ownership and wealth inherited at independence were still prevalent, stirred civil society and law-makers into action. Some of the consequences of this were poorly devised policies like the failed 2011 resource rent and resource nationalism interventions and the 2016 bills on investment “protection” and empowerment. While all these unfortunate processes have been re-visited through dialogue with relevant stakeholders and some shelved, the underlying issues that led to these initiatives are still real and require practical and sustainable remedies.

Officials responsible for resource licensing have been placed in an unenviable position. While they are, in most cases, bound by the licensing rules laid down in their respective laws, regulations and guidelines, the lead given by political leadership is sometimes in keeping with the sentiments expressed by the current debates and actions (e.g. the 2011 proposed policy changes and 2016 bills).

In the mining, oil and gas exploration sectors, for example, there has been an increasing occurrence of waiving some or most of the licensing requirements for Namibian SME operators, in particular BEE interests. By admissions of the ministry, this “policy” has backfired with land simply being locked up in the hands of those who cannot access the capital and technical expertise to advance the rights to the next level. There have been many allegations of what has been described as unsavoury and corrupt practice in the awarding

of mineral licences. Some have attributed these practices and the inefficiencies in the system as contributing to the reduced probability of exploration success and to declining exploration spend. Similar criticisms have been levelled at the allocations of fishing licences and quotas which have led to feeding frenzies, trading in licences and quick wealth, but little development of sustainable capacity and empowerment of the previously disadvantaged groups and communities.

The application of the "Additional Conditions" regime in mining and exploration from 2015 onwards naturally snagged the system further. Even those with the financial and technical resources to advance projects were given a raft of conditions, mostly completely unrelated to the mineral licence, before the licence would be issued or renewed.

This high level of discretion applied of late in licensing and appearing as a prominent feature of the NIPA and NEEEF bills has led to the prevalent practice of "rent seeking" around licences. Rent Seeking is defined as the practice of extorting revenue for rights to a licence or tender without adding any value in the process. This practice is widespread across public procurement and rights allocation processes with the quantum of "rent" payments varying according to the size of tender or potential resource value. In the mining, and oil and gas sectors these payments are reportedly very sizeable and the alleged kick-backs similarly so. This practice amounts to the privatization of resource rents by middlemen and officials and has done little to alleviate the inequalities and skewed ownership patterns inherited at independence. If anything, it has just moved the skewed ownership pattern from a racially-biased one to a connection-biased one benefitting a small group of intermediaries and tenderpreneurs.

### Recommendations

- Honest and meaningful debate and collaborative policy formulation that is evidence-based
- Regional and international best-practice benchmarking and welcoming foreign skills
- Investment-friendly policies and business frameworks for local and FDI business
- Better public-private risk sharing and clarity of roles including the role of government three decades on
- Adoption of common and practical governance codes and leadership alliances across all enterprises
- Namibia to join the Extractive Industries Transparency Initiative (EITI)

## 12. Access to information<sup>187</sup>

This issue is not prominently covered in the Questionnaire, and has long been an issue identified by civil society as something that requires enhanced coverage. The Questionnaire addresses it briefly in the Corporate Governance thematic area (but only insofar as financial journalism and corporate reporting goes). As a general principle of democratic governance it fits most appropriately in the Democracy and Good Political Governance thematic area, specifically the following Objectives and subsidiary Questions:

### **Objective 4: Promotion and Protection of Civil and Political Rights as enshrined in African and International Human Rights Instruments**

Question 1: What measures have been put in place to promote and enforce civil rights?

Among the indicators, respondents are requested to:

Identify legal provisions that recognize and guarantee basic civil rights, including but not limited to the following:

#### **Right to information**

Freedom of association

Freedom of expression and media freedom

Freedom of religion

(Emphasis added)

Information is not only necessary for citizens to make informed decisions about their own lives, but it also allows people to participate in issues of governance and to hold government accountable for not fulfilling promises

Namibia does not have an Access to Information (ATI) law on its statute books. Nor is the right to information explicitly enshrined in the Constitution. However, according to Article 21 (Fundamental Freedoms) of the Namibian Constitution: "(1) All persons shall have the right to: (a) freedom of speech and expression, which shall include freedom of the press and other media."

The issue of a formalised framework for ATI in Namibia has been on the agenda since it was first discussed in Parliament in 1998. This should be seen against the backdrop of Namibia having substantial international, continental, regional and national obligations to formalise ATI in legislation. This substantial body of commitments places expectations on the country to develop and implement legal framework on ATI.

187. This section was primarily compiled by the Access to Information Namibia (ACTION) Coalition.



Namibia's continental commitments on ATI include:

**Table 6: Namibia's African commitments to access to information**

INSTRUMENT	ARTICLE	TEXT
The African Charter on Human and Peoples Rights (ACHPR)  Entered into force in 1986	Article 9	"1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law." <sup>188</sup>
The African Charter on Democracy, Elections and Governance (ACDEG)  Entered into force in 2012	Article 19	"Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission." <sup>189</sup>
The African Union Convention on Preventing and Combatting Corruption  Entered into force in 2006	Article 9 and Article 12.4	"Each State Party shall adopt such legislative measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences."  "State Parties undertake to: Ensure that the media is given access to information in cases of corruption and related offences on condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial." <sup>190</sup>

188. <http://www.achpr.org/instruments/achpr/#a9>

189. [http://archive.ipu.org/idd-E/afr\\_charter.pdf](http://archive.ipu.org/idd-E/afr_charter.pdf)

190. [https://au.int/sites/default/files/treaties/7786-treaty-0028\\_-\\_african\\_union\\_convention\\_on\\_preventing\\_and\\_combating\\_corruption\\_e.pdf](https://au.int/sites/default/files/treaties/7786-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf)

INSTRUMENT	ARTICLE	TEXT
The African Youth Charter Entered into force 2009	Article 10 and Article 11	<p>“State Parties shall: Provide access to information and education and training for young people to learn their rights and responsibilities, to be schooled in democratic processes, citizenship, decision-making, governance and leadership such that they develop the technical skills and confidence to participate in these processes;”</p> <p>“Provide access to information such that young people become aware of their rights and of opportunities to participate in decision-making and civic life.”<sup>191</sup></p>
The African Charter on Values and Principles of Public Service and Administration  Not yet entered into force. Adopted in 2011	Article 6	<p>“Public Service and Administration shall make available to users information on procedures and formalities pertaining to public service delivery;”</p> <p>“Public Service and Administration shall inform all users of decisions made concerning them, the reasons behind those decisions, as well as the mechanisms available for appeal.”<sup>192</sup></p>
The African Charter on Statistics  Entered into force in 2015	Article 3	<p><b>“Transparency:</b> To facilitate proper interpretation of data, statistics authorities shall provide information on their sources, methods and procedures that have been used in line with scientific standards. The domestic law governing operations of the statistical systems must be made available to the public.”<sup>193</sup></p>

191. [http://www.un.org/en/africa/osaa/pdf/au/african\\_youth\\_charter\\_2006.pdf](http://www.un.org/en/africa/osaa/pdf/au/african_youth_charter_2006.pdf)

192. [https://au.int/sites/default/files/treaties/7798-treaty-0042\\_-\\_african\\_charter\\_on\\_the\\_values\\_and\\_principles\\_of\\_public\\_service\\_and\\_administration\\_e.pdf](https://au.int/sites/default/files/treaties/7798-treaty-0042_-_african_charter_on_the_values_and_principles_of_public_service_and_administration_e.pdf)

193. <https://www.afdb.org/fileadmin/uploads/afdb/Images/Photos/eng-charte.pdf>

## A Review of Critical Issues for the APRM Process in Namibia

INSTRUMENT	ARTICLE	TEXT
SADC Protocol on Culture, Information and Sport Entered into force in 2006.	Articles 17, 18, 19 and 20	Article 19: "State Parties agree to cooperate in improving the free flow of information within the region." <sup>194</sup>
SADC Protocol Against Corruption Entered into force in 2003	Article 4 "	... each State Party undertakes to adopt measures, which will create, maintain and strengthen: d) mechanisms to promote access to information to facilitate eradication and elimination of opportunities for corruption." <sup>195</sup>
SADC Protocol on Gender and Development Entered into force in 2013	Article 31	"States Parties shall put in place information and communication technology policies and laws in the social, economic and political development arena for women's empowerment, regardless of race, age, religion or class. These policies and laws shall include specific targets developed through an open and participatory process, in order to ensure women and girls' access to information and communication technology." <sup>196</sup>
SADC Protocol on Science, Technology and Innovation Signed in 2008, not yet in	Article 7	"Member States shall make available information on science technology and innovation development and cooperate with each other in its dissemination." <sup>197</sup>
Constitution of the Republic of Namibia Entered into force in 1990 and as amended in 2014	Article 21 of Chapter 3 (Fundamental human rights and freedoms)	"(1) All persons shall have the right to a) Freedom of speech and expression, which shall include freedom of the press and other media (...)" <sup>198</sup>

194. [http://www.sadc.int/files/3213/5292/8362/Protocol\\_on\\_Culture\\_Information\\_and\\_Sport2001.pdf](http://www.sadc.int/files/3213/5292/8362/Protocol_on_Culture_Information_and_Sport2001.pdf)

195. [www.sadc.int/files/7913/5292/8361/Protocol\\_Against\\_Corruption2001.pdf](http://www.sadc.int/files/7913/5292/8361/Protocol_Against_Corruption2001.pdf)

196. [http://www.sadc.int/files/8713/5292/8364/Protocol\\_on\\_Gender\\_and\\_Development\\_2008.pdf](http://www.sadc.int/files/8713/5292/8364/Protocol_on_Gender_and_Development_2008.pdf)

197. [http://www.sadc.int/files/3013/5292/8367/Protocol\\_on\\_Science\\_Technology\\_and\\_Innovation2008.pdf](http://www.sadc.int/files/3013/5292/8367/Protocol_on_Science_Technology_and_Innovation2008.pdf)

198. <http://www.gov.na>

INSTRUMENT	ARTICLE	TEXT
Harambee Prosperity Plan Entered into force in 2016	Chapter 3 (Effective governance and service delivery)	"Access to Public Information: To ensure that our citizens have access to relevant Government information, the MICT [Ministry of Information and Communication Technology] will develop a Plan for aligning the functions of the Public Relations and Liaison Officers to their core functions of information dissemination before end of June 2016. In addition, permissible access to information by the public must also be included in the Plan." <sup>199</sup>
National Anti-Corruption Strategy and Action Plan 2016-2019	Strategic Objective 2 (Preventing corruption in government offices, ministries, agencies and public enterprises); Specific Objective 2.2	"Increasing institutional transparency by increasing the availability of public data made available by public authorities." "Access to Information legislation will be introduced to ensure access to public information and transparency of decision-making processes to further provide for relevant action to protect information." <sup>200</sup>

There is no need for Namibian authorities to "reinvent the wheel" on ATI, because, at both continental and international level, proposals in the form of model laws exist to guide a consultative ATI law drafting process.

In fact, in 2016, the Model Law on Access to Information for Africa,<sup>201</sup> which was drafted by the African Commission on Human and People's Rights from 2010 to 2012, was adapted in a collaborative drafting effort, including the Ministry of Information and Communication Technology (MICT), other government departments and the ACTION Coalition, to produce the 2016 ATI draft bill for Namibia. This ATI draft bill largely reflected the structure and broad provisioning proposals of the African model law.

199. <http://harambeenamibia.com/Harambee.pdf>

200. <https://www.accnamibia.org/wp-content/uploads/2016/07/National-Anti-Corruption-Strategy-and-Action-Plan-2016-2019.pdf>

201. <http://www.achpr.org/instruments/access-information/>

Since then, the drafting process of the bill has been slow, with government at various stages having promised to fast-track the finalisation, tabling and enactment of the bill in parliament. The previous Minister of Information and Communication Technology, Tjekero Tweya, guaranteed the ACTION Coalition and other CSOs that an ATI law would be in place on the International Day for Universal Access to Information on 28 September 2016, but this did not happen. In February 2017, the Minister again assured the public that the draft law would be enacted before the end of March 2017, but this deadline was also missed.

In April 2018, when an ACTION Coalition delegation met with the new information minister, Stanley Simataa, he stated his aim to have the ATI bill tabled in parliament before the end of 2018, yet the ATI bill was not on the list of bills released at the start of the year to be tabled in parliament for the 2018. In the 2019 State of the Nation delivered in Parliament on April 17 2019, President Hage Geingob stated: "We recognize that access to information is a critical component of the electorate's ability to hold elected leaders to account. To that end, the anticipated Access to Information Bill will be tabled in Parliament during 2019."

In the meantime, the state sector remains significantly non-transparent, despite the continuous rhetoric about improving transparency and accountability. One example would be the implementation of the Public Procurement Act of 2015 as many of the transparency provisions and commitments in the law have not been acted upon since the law became operational in 2017.<sup>202</sup>

### Recommendations

- The government should make available the latest version of draft ATI law for public scrutiny as a matter of urgency.
- Namibia's ATI law should draw on the AU model law and international best practices.
- The ATI law should take the approach of making information available pro-actively with minimal possibilities for maintaining secrecy. Where secrecy is required the reasons for this should be clearly stated.

202. See <http://www.ippr.org.na/publication/procurement-tracker-namibia-2/>

### 13. Policy alignment and implementation

Policy alignment is an issue that touches on virtually all aspects of the Questionnaire. As a discrete and distinct issue, it would fit most appropriately in the **Democracy and Good Political Governance** thematic area, or in the **Economic Governance and Management** thematic area, specifically (in the latter case) the following Objectives and subsidiary Questions:

**Objective 1: Design and implement economic policies for sustainable development**

Question 1: Describe the economic vision/policy of the country. What are the key challenges in realising this economic vision?

Question 2: What sectoral economic policies has your country developed and implemented to promote economic growth and sustainable development in the past 5-10 years and what has been their effectiveness?

**Objective 2: Facilitate the participation of key stakeholders in policy and programme discussion and implementation**

Question 1: Describe the key institutions, stakeholders and processes for making economic policy in your country.

One of the commonly quoted observations about Namibia is that we are able to produce high-quality policies and laws but it often seems that the country is unable to implement them or is extremely slow to do so. Sometimes these delays may seem relatively harmless and allow for further consultation but at other times they have a damaging effect - as national problems are not being tackled effectively or at all.

Policies and laws are often not synchronised in a way that they work together. When this is combined with a lack of genuine leadership qualities in the Executive and capacity gaps within government bodies, the outcome is often stagnation. A clear example would be the lack of ministerial support for the fourth National Development Plan (NDP4) with nearly half of government ministries failing to submit the required progress reports to the National Planning Commission. The fact that none of the Desired Outcomes in NDP4 were achieved was in all likelihood partly due to the failure by various ministries to buy in to the NDP reporting process.

The introduction of performance management systems for political leaders and senior officials from 2015 onwards, while welcome, does not yet appear to have improved the situation markedly. Another example would be the failure to capacitate the legal drafting department in the Ministry of Justice - leading to a general slowdown in the development of laws. This bottleneck has existed for years without any real attempt to remedy it. As a result, many of the bills set down for the parliament to discuss simply never appear while others are put on the legal backburner for years. A clear example here would be the long-delayed Access to Information Bill. Other key laws that have been 'in development' for many years include overhauled versions of Namibia's minerals and petroleum legislation.

Some of the main points made in this report refer to policies and recommendations that have been adopted by government but have never been followed through - for example the various responses required to tackle gender-based violence.

Fairly straightforward reforms like making the time it takes to register a business much shorter (than the 66 days it has been stuck at for almost 10 years) have remained in the starting blocks for over a decade. Investors and new businesses continue to complain about the amount of red tape involved in getting business operations underway. This is reflected in Namibia's failure to rise up rankings like the World Bank's Doing Business index and the World Economic Forum's competitiveness index. Despite such problems being diagnosed and solutions identified, inaction is often the order of the day.

Other delays cause confusion and affect the credibility of government - such as the protracted creation of an empowerment policy and law. The Namibia Equitable Economic Empowerment Framework (NEEEF) has been around in various forms for more than ten years. It is well known that businesses require predictable and stable legal environments if they are to make investment decisions. Inevitably, as a result of the failure to resolve issues around NEEEF some businesses have reportedly postponed investment decisions while waiting for the issue to be clarified and a bill to be brought to parliament.

The October 2018 Land Conference highlighted a number of areas where policies and laws were being implemented in ad hoc and erratic ways. For example, the criteria for the expropriation of land has not been made clear and while expropriation has supposedly been a priority since 2004 only seven farms have actually been expropriated - for unclear reasons and purposes. After a High Court ruling stopped the expropriation of four farms in 2008, no further action was taken by the Ministry of Land Reform to correct its approach despite clear advice from the High Court as to how expropriation measures could be taken within the confines of the Constitution.

Clearly, there are significant problems in the way that government operates. It may be that the political dominance of the ruling party for more than a quarter of a century has led to a deep-rooted culture of complacency. When patronage is a significant factor in top appointments, effective leadership becomes a rare commodity. While strong political will to get things done is often expressed by the presidency and at other top levels of government, there appears to be little accountability if officials do little or nothing to implement decisions.

Clear and consistent approaches to policy design and implementation could help to ensure effective implementation takes place. All major policies and draft laws should be put through a uniform public consultation process. In addition, government needs to overhaul its monitoring and evaluation mechanisms. Major government programmes, involving huge expenditures (such as TIPEEG<sup>203</sup>), are not evaluated or at least not in a way that taxpayers can see what has happened to their dollars.

203. TIPEEG or the Targeted Intervention Programme for Employment and Economic Growth ran between 2011 and 2014 and was an attempt to create jobs mainly by prioritising infrastructure projects in the face of the global economic downturn.

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Another example of the failure to institute effective monitoring and evaluation is way in which NDP5 was formulated when a clear assessment of the successes and failures of NDP4 had not been completed. The format of the Harambee Prosperity Plan (HPP) was an improvement on the design of the NDPs in that it had explicit targets and timelines. This kind of clarity should in itself be a motivating factor for government officials. Unfortunately, the succinctness and explicitness as regards targets and timelines in HPP was not replicated in NDP5.

Most of the recommendations in this report, even if taken seriously by some political leaders, will not be taken up and implemented unless there is a fundamental change in the way government goes about its business. Government should look at streamlining the Executive with an emphasis on performance and delivery and introduce clear mechanisms for measuring implementation progress.

Elements of the Harambee Prosperity Plan (HPP) represent an attempt to move towards the monitoring and evaluation of deliverables according to clear targets. Finding reliable benchmarks for measuring performance can be problematic - and using international surveys and rankings is not always a solution as limited source and time lags relating to the collection of data and reports can mean that such findings are inaccurate or several years out of date.

With representative citizen surveys often being expensive to administer government might want to look at more cost-effective options that could produce updated data on Key Performance Indicators on a six-monthly basis at least.

Empirical data could be gathered to complete a matrix of Namibian key performance indicators. This would be relatively simple to fill out but would provide a regular snapshot of progress on key issues. Key performance indicators should be measurable, in most cases quantifiable, and focus on the achievement of outcomes critical to the success of policies and plans. The following table following are suggested as possible indicators for the transparency and accountability of HPP.



**Table 7: Suggested key performance indicators for transparency/accountability:**

Indicator	Measurement A	Measurement B	Measurement C
Ministerial performance agreements	Fulfilled to minimum 80%	Explanations given for non-fulfilment	Published online for public scrutiny
Asset declarations made by: Executive MPs Senior civil servants	% of declarations received before deadline	Veracity of declarations following checking process Published online for public scrutiny	Published online for public scrutiny
GRN websites	% updated in last month	Key information available	Citizen feedback option
GRN presence on social media	% Twitter/FB accounts updated in last month	Key information made available	Responses given to citizen queries
Public Enterprise annual reports	% published within 6 months of end of last financial year	Includes latest financial statements	Available to public on SOE website and in printed form
Auditor General reports	% of unqualified reports published within 6 months of end of last financial year	% of qualified and rejected reports	Available to public on AG website and in printed form
National budget	Availability of all documents on government website	Publication of citizens guide to budget in minimum five languages	Public participation and feedback processes in place
National surveys	Key surveys such as NHIES published within acceptable time-frame	Survey results made available to public in accessible form	Full survey results and survey data made available on NSA website
Public participation in policy-making and law-making	Number of consultative processes taking place	Number of citizens reached through consultative processes	Accessibility of draft laws and policies online and in other forms
Media freedom	Number of media alerts on Namibia issued by Misa	Number of judgements issued by Media Ombudsman on GRN complaints	Annual ranking on Reporters without Borders Index

Indicator	Measurement A	Measurement B	Measurement C
Attorney General	Number of legal challenges faced by GRN on policy/law issues	Number of successful legal challenges brought against GRN on policy/law issues	Number of negotiated settlements on legal disputes relating to law/policy
Access to information	Access to information law drafted	Access to information law made available for public input	Final draft law tabled in parliament

**Recommendations**

- Government should create clear monitoring and evaluation frameworks for policies and laws.
- Government should create uniform procedures for public consultation on all major proposed policies and draft laws that include clear feedback mechanisms. Such procedures should not be window-dressing exercises but rather seen as opportunities to improve policies and laws.
- The performance management systems at the top levels of government should be reviewed. Performance management agreements should be checked regularly and sanctions should be considered for inaction.
- Build on the experience of the Harambee Prosperity Pan by creating a matrix of Key Performance Indicators that can be updated and reported on regularly.



