



BRIEFING PAPER

REGIONAL GOVERNMENT IN NAMIBIA: IS DECENTRALISATION A REALITY?



By Kitty McGirr

“Even in cases where developmental planning powers have been transferred, many regional councils still do not possess the necessary institutional and human capital to translate their plans into action.”

1. INTRODUCTION

In March 1998, the Namibian government launched its ‘Decentralisation Policy’ with multiple, interconnected aims to “enhance and guarantee participatory democracy, improve rapid sustainable development, as well as improve the capacity of the government to plan and administrate development” across the various regions and Local Authorities (Iyambo 1998:5). The policy was complemented by a comprehensive legal framework and supporting legislation including the Regional Councils Act, No. 22 of 1992, Local Authorities Act, No. 23 of 1992, and the Traditional Authorities Act, No. 17 of 1995 along with national guidelines and regulations on local and regional development planning.

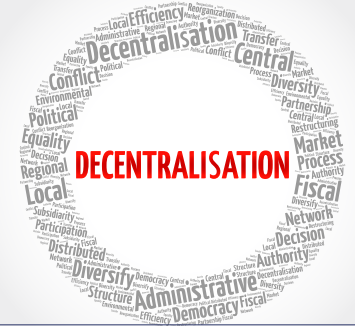
This paper seeks to examine the extent to which centralised powers have been decentralised to regional governments in line with the aforesaid legal framework and the overall distribution of powers in terms of decision-making, finances, and personnel. The impact of decentralisation on the efficacy of regional governments as conduits of public service delivery and local development is also a topic of exploration.

Over two decades has now elapsed since decentralisation laws were first enacted and ‘enabled’ in Namibia. However, a wide gap continues to exist between the national government’s “political decision to decentralise, the promulgation of enabling legislation, and the implementation of this legislation” on the ground (Conyers 2007:24). Delays are particularly apparent with regards to the final devolution stage of the government’s decentralisation framework which directs central authorities to transfer full responsibilities for selected powers and functions to the subnational government level. This slow pace of policy implementation has been attributed to a range of factors including “the absence of a time frame, poor cooperation from line ministries ... a lack of resources and personnel” in the Ministry of Urban and Rural Development (MURD), as well as “little political will” from the centre to decentralise sufficient powers to local administrations (Siyanga 2007:17). Consequently, even in cases where selected developmental planning powers have been transferred, many regional councils still do not possess the necessary institutional and human capital to translate their plans into action.

At the outset, it is important to note that this study conceives of decentralisation as a preferable policy only insofar as it is a policy commitment of the national government first given effect with the establishment of Regional and Local Governments under Article 102 and 103 of the Namibian Constitution. This is because any positive outcomes which may emanate from decentralisation are conditional on “the details of the policy design and context, particularly the political motivations of ruling elites” and central government “relations with local power bases and constituencies” (Cabral 2011:2). Service delivery outcomes are also conditional on the extent of devolution from the top as well as the capacities of regional governance structures and the financial bases at their disposal.

With these considerations in mind, this study contends that the Namibian government’s decentralisation policy has been undermined by uneven policy implementation whereby prescribed powers and functions have been transferred without the adequate financial resources and personnel necessary to ensure a successful transition. This has prohibited decentralisation, which requires the transfer of meaningful legal and material powers to subnational actors who are downwardly accountable, from becoming a political reality.

The scope of this study is confined in its assessment of decentralisation primarily through desk research as well as some questionnaire responses provided to the re-



searcher by the MURD and a few regional councils. As will be expanded on further in later sections, primary research findings for this study were regrettably minimal due to the limited number of regional councils available for participation in the study.

Regional councils were established with the passage of the Regional Councils Act, No. 22 of 1992 in each of the thirteen regions (fourteen, as of 2013) which had been newly demarcated in accordance with Article 103 of the Constitution. Regional councillors are directly elected by their constituents who cast votes for individual candidates nominated either by political parties or as independents (in which case, a threshold of support from at least 150 registered voters in the constituency is required). In Local Authority elections, by contrast, voters cast their ballot for political parties, organisations or associations which compile a closed list of candidates elected by proportional representation. This positions regional councillors as “the only elected politicians in Namibia who have clear links with constituents ... [enabling] them to play a huge role in the process ... of creating participatory democracy” (Hopwood 2005:2). With this theoretical relationship between decentralisation and democratisation in mind, it follows that regional councils represent the most suitable bodies through which to determine the progress of the government’s decentralisation policy and its impact on service delivery to local populations.

The following study is organised into seven chapters. **Chapter one** carves out an entry point for the research by providing an overview of the current state of decentralisation in Namibia, along with the rationale and parameters of the study. **Chapter two** consists of a policy review in which relevant sources from the literature are consulted to define decentralisation, conceptualise its key forms, and analyse the benefits and weaknesses of decentralisation as a policy choice. **Chapter three** provides a brief historical background to the concept of decentralisation as it relates to Namibia specifically. **Chapter four** comprises an overview of the legal framework undergirding the Namibian government’s decentralisation policy, drawing primarily on constitutional provisions and Acts of Parliament. **Chapter five** identifies key findings and themes arising from the study’s primary and desk study research and seeks to analyse each of these aspects as they pertain to the research question. Finally, **chapter six** provides a succinct conclusion to the question of how far decentralisation has been implemented in Namibia as well as some recommendations to ensure policy progress for the future.

2. POLICY REVIEW – WHY DECENTRALISE?

The myriad definitions of decentralisation in the policy literature attest to its popular application by governments the world over in recent decades, particularly as a component of ‘good governance’ initiatives advanced in many African countries. The World Bank, advancing one of the broader definitions, regards decentralisation as “the transfer of public authority, resources and personnel from the national level to sub-national jurisdictions” (2003). Meanwhile, in the context of decentralisation in Africa specifically, Mawhood (1983) offers a more comprehensive definition comprised of several key elements including:

- “The existence of bodies separated by law from the national centre, in which local representatives are given formal power to decide on a range of public matters;
- A political base in the locality, not the nation;
- A limited area of authority, but the entrenched right to make decisions on areas within their jurisdiction;
- Local authorities in command of resources that may be spent and invested at their own discretion”. (Quoted in SLSA Team 2008:2).

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For the purposes of this study, the definition espoused by the former Minister of Regional, Local Government and Housing (MRLGH, now the MURD) Dr Nickey Iyambo in his presentation of the Decentralisation Policy before Parliament in September 1997 is of foremost concern:

"Decentralisation in Namibia ... aims to devolve agreed responsibilities, functions, and resource capacity to regional and local levels of government, within the framework of the unitary state. It has of necessity, and as part of a strategy, to be phased in gradually and systematically" (1997:9).

The notion of phasing in decentralisation underscores the Namibian government's core strategy of transitioning from centralised to decentralised governance through the passage of two stages: namely, delegation followed by devolution. However, before evaluating the efficacy of decentralisation in these various policy forms, it is first useful to deconstruct it at the conceptual level to identify its administrative, political and fiscal elements.

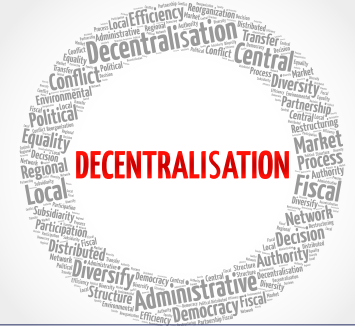
Political decentralisation refers to the empowerment of elected representatives and their constituents to meaningfully participate in and determine the course of public decision-making processes at the subnational level. This necessitates "the creation of real, multi-functional governments at the regional and local level within the framework of national legislation" with political leaders gaining office "through direct and democratic elections held on a regular basis" (Tsamareb 2005). However, in order for these subnational institutions to govern successfully, sufficient revenue and resources must be secured, whether through local means or budget allotments from the central government.

Fiscal decentralisation refers to the allocation of tax collection and expenditure responsibilities to subnational tiers of government as well as the establishment of specific budgets and intergovernmental grants for distribution by the central government. The World Bank identifies the following aspects as core components of fiscal decentralisation:

- "Self-financing or cost recovery through user charges;
- Co-financing or co-production in which users participate in providing services and infrastructure through monetary or labour contributions;
- Expansion of local revenue through property or sales tax or indirect charges;
- Intergovernmental transfers of general revenues ... from central to local governments for general or specific uses;
- Authorisation of municipal borrowing; and
- Mobilisation of national and local government resources through loan guarantees" (2003:5).

A guiding principle of the Namibian government's decentralisation policy is that funding must always follow function (Decentralisation Enabling Act, No. 33 of 2000). This means that the assignment of functions and responsibilities from the centre should always be accompanied by the devolution of adequate resources for these duties to be carried out to an acceptable standard. This is crucial to the overall success of decentralisation as "without some degree of financial decentralisation, the transfer of responsibilities cannot be operationalised" (Cabral 2011:4).

Administrative decentralisation refers to the transfer of decision-making powers, responsibilities and financial resources for the provision of selected public services from central to local governments. This involves the "de-linking of local authority staff from their respective ministries and procedures for the establishment of a local payroll", which in turn necessitates the recruitment by local governments of "their own personnel, organised in a way decided by local councils to improve service delivery" (Tsa-



mareb 2005). Administrative decentralisation can be sub-divided into three key forms, namely deconcentration, delegation and devolution.

Deconcentration is the least expansive form of decentralisation involving the physical transfer of functions from the national to subnational governments where officials are “appointed by, responsible to and controlled by the central government ... acting as administrative agencies on [their] behalf” (Tötemeyer 2010:113). Decision-making powers continue to be monopolised by the national government while subnational administrations serve as “extensions of the central state” which operate as “upwardly accountable bodies” (Ribot 2002:iii). This arrangement may be beneficial to the central government which, through its deployment of officials to different areas of the country, can more aptly fortify its influence in the periphery without compromising its authority at the centre. For local actors, however, deconcentration may be unfavourable to genuine empowerment as while “granting localities ... structure to articulate voice, that voice is muted because it cannot decisively influence what the centre decrees” (Pomuti and Weber 2014:61).

Delegation pertains to the transfer of “selected responsibilities for decision-making and service delivery by the central government to semi-autonomous organisations not wholly controlled by it but remaining directly answerable to it for those functions delegated to them” (Ekpo 2008:4). In this way, the role of local administrations is rendered largely ambivalent in that they do not necessarily operate under the direct control of centre but are ultimately accountable to it for their governing performance. In Namibia, delegation is envisioned as a “stepping stone towards the full devolution of powers” at which point central government actors are instructed to transfer full responsibilities and public accountability for selected functions to regional and local governments (Hopwood 2005:10).

Devolution involves the complete transfer of centralised powers, functions and responsibilities to autonomous subnational governing bodies whose “activities are substantially outside the control of the central government and only bounded by broad national policy guidelines and prescriptions” (Larsen 2003:3). Democratically elected local and regional councils are thereby politically, administratively and financially empowered to conduct appointments, plan and coordinate development projects and manage public functions and services independently. The transfer of decision-making, budgeting and planning powers to regional and local authorities also transforms the role of line ministries into “agencies responsible for policy making, the setting of standards, monitoring and evaluation ... and technical assistance and training” (Hopwood 2005:10). In the most ideal political circumstances, devolution will exhibit the following characteristics:

- “Local units are given corporate status and the power to raise sufficient resources to perform specified functions;
- Local government structures ... are developed as autonomous institutions belonging to local communities ... [to] deliver services and goods to the satisfaction of communities and would be controlled, directed and influenced by them;
- Local government structures remain closely linked to the central government through mutual support and reciprocity arrangements;
- Local government structures have clear and legally recognised geographical boundaries within which they can exercise authority; and
- The central government [demonstrates] ... serious intent ... to grant local government structures full autonomy and independence from its direct control” (Riruako 2007:20).

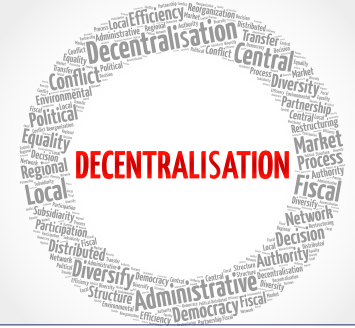
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To be sure, decentralisation, even in its most extensive devolved form, is not equivocal to federalism. Federalism presupposes a "division of sovereignty, a constitutionally protected status for devolved units (usually states in their own rights with ... a distinct political process) ... and an organ at the central level where decentralised units have veto power over national policy decisions affecting their rights" (Crawford and Hartmann 2008:22). By contrast, the decentralisation policy espoused by the Namibian government is bounded by a prevailing commitment to promote and protect the unitary state.

Advantages of Decentralisation

Historically, some of the staunchest advocates for decentralisation in Africa have been external to the continent itself. Decentralisation is often characterised as part and parcel of the 'good governance' principles alongside the rule of law, transparency, accountability, equity, responsiveness, and citizen participation, all of which have been frequently championed by many donor governments, international financial institutions, and NGOs from the early 1990s onwards. More recently, the consensus around good governance and the benefits of decentralisation in particular has been more overtly embraced by African states and the African private sector. Decentralisation has now become a key strategy behind many government bids to make service delivery more efficient, to ensure a more equitable and expansive distribution of public services, and to increase popular participation in the democratic process. The core advantages of decentralisation can thus be summarised as follows:

- 1. Service Delivery** – In contrast to the bureaucratic red tape and inefficiency often associated with centralised state control, subnational governments are commonly regarded as "more responsive ... and assigned more trust" by their constituents due to the "close proximity" of representatives to the "daily lives of local communities" (Keulder 2001:2).
- 2. Efficiency** – Decentralising governance can bring policy decisions more directly in line with "local knowledge", ensuring that decision-making is "more relevant to local needs and conditions" (Ribot 2002:9). Where local government actors are able to directly benefit from keeping operational costs down, they may be more inclined to harness their resources efficiently (ibid). Central governments, too, having been relieved of routine administrative obligations, are better positioned to improve their own efficiency by concentrating on structural matters at the national level.
- 3. Cost-Effectiveness** – When local actors are empowered to manage their own resources and a "more direct relationship between revenue, expenditure and services" is established, there will likely be "less wastage ... making cost recovery more feasible" (Iyambo 1997:10).
- 4. Participatory Democracy** – Since decentralisation brings government physically closer to the people, it is also anticipated to yield increased opportunities for political participation at the local level. This is because local politicians are more accessible to their constituents who can in turn more easily scrutinise the performances of their representatives so as to improve accountability. (Crawford and Hartmann 2008:13).
- 5. Equity and Inclusivity** – The "informational advantage" of local officials can promote improvements in the "equitable distribution of public resources" and better "matching available resources with local demand" (Smoke 2003:9). Improving local reach capacity can facilitate greater representation of diverse views and interests, including those of minority and/or marginalised groups who may have struggled to secure equal access to public resources in the past.
- 6. National Reach** – National governments can benefit from decentralisation through its facilitation of more expansive "political and administrative penetration", which



can improve the implementation of national policies in remote areas (Tsamareb 2005).

Disadvantages of Decentralisation

Decentralisation also has the potential to yield negative outcomes if implemented in the context of poor policy design, institutional weaknesses, resource deficits, inadequate legal frameworks, and inconsistent political commitment from the top. These conditionalities pose a particular challenge for developing countries which are typically characterised by weak political, institutional and economic development. The possible disadvantages of decentralisation can thus be summarised as follows:

- 1. Elite Capture** – In countries where democratic traditions are not deeply rooted or the local environment is highly politicised, decentralisation can work against democratic development as regional/local governments are more easily captured by corrupt elites or other private actors wishing to seize control of decentralised resources (Brosio 2000:4). Where devolution significantly reduces the accountability of local administrations to the central government, local elites may simply become accountable to themselves rather than attending to the needs of their constituents.
- 2. Re-Centralisation** – An absence of genuine political will from the national government can give the ostensible appearance of decentralisation where in fact the “real goal ... [is] to consolidate [centralised] power” through alliances with local elites, the control of local power bases or in some cases, to neutralise regional ethnic challenges” (Smoke 2003:12). Weak central commitments can also produce uneven policy application where selected administrative functions are devolved but the central government remains unwilling to let go of the financial resources required to carry out these responsibilities with any real effect.
- 3. Inefficiency** – If subnational authorities possess weak institutional and human capital capacities, decentralisation can actually increase inefficiency where officials are not able to perform their responsibilities effectively. For example, even if financial resources are successfully devolved, local officials may not possess the know-how to “monitor and account for how these finances are being utilised” (Tjirera and Haimbodi 2012:2)
- 4. Policy Disorganisation** – If policy stakeholders in the central government, line ministries, the coordinating ministry, local and regional councils, traditional authorities, and NGOs are at odds with one another, decentralisation is likely to yield uneven outcomes as without strong intergovernmental linkages stakeholders are less likely to be on the same page about policy progress. This increases the possibility that some reforms will be implemented too quickly for the state of subnational institutions and the preparedness of personnel on the ground.
- 5. Increased Regional Inequity** – Decentralisation can usher in “greater inequalities and rivalries between regions based on the holding of different resources” which can in turn invite “a race to the bottom” as regions become inclined to weaken their resource regulations “to attract more business and capital” than their neighbours (Haimbodi and Tjirera 2012:8).
- 6. Increased Oppositional Politics** – Increased equity and more responsive policy-making can, on the one hand, help to satisfy the needs of a broader pool of constituents and avoid any one group’s grievances snowballing into secessionist sentiments. On the other hand, “the inclusion of new oppositional groups in the political process ... increases the potential of institutional deadlock between different layers of government” (Crawford and Hartmann 2008:176).
- 7. Start-Up Costs** – Given the larger number of paid officials needing to be employed at various newly empowered tiers of government, the start-up costs of decentralisation are substantial. Indeed, “decentralisation involves more, not less costs including

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those of new institutions, staffing, procedures and training" (WHO 1997, quoted in Olowu 2001:18). This is especially problematic for those developing countries that do not possess the financial resource base to cover the initial costs of decentralisation reforms, irrespective of whether such an investment is likely to pay off later.

The above discussion testifies to the fact that decentralisation is "not a monolithic concept and is not inherently positive or negative" with respect to policy outcomes (Smoke 2003:8). Rather, the advantages or disadvantages of these outcomes depend on multiple factors including "the type of public service concerned, the detailed design of decentralisation, the way in which it is implemented, the capacity of the various individuals and organisations involved, and wider economic, social, and political environment" in question (Conyers 2007:20). It follows that the specific form that any given decentralisation policy should take will inevitably vary according to the idiosyncratic history, traditions, and political backdrop of the country in question. Thus, the next section is dedicated to outlining the historical backdrop of decentralisation in Namibia specifically.

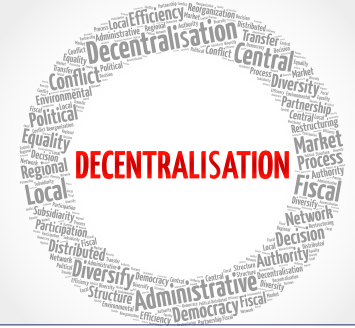
3. HISTORICAL BACKGROUND

At the beginning of the twenty-first century, a number of African states including Ethiopia, Ghana, Nigeria, Mali, Senegal, Uganda, South Africa and Namibia possessed "constitutions that were explicitly pro-decentralisation" in their formal recognition of local governance (Ribot 2002:1). However, while rhetorical commitments to the principle of decentralisation have become widespread across the continent, practical policy implementation has been less pronounced.

Devolution of powers has often been substituted by the deconcentration of administrative functions, with an aim to extend central state control rather than bringing participatory democracy and greater control over local development closer to the people. The limited implementation of decentralising policies tends to be particularly acute with respect to fiscal decentralisation, as shown by the fact that in 19 out of 30 African countries analysed as part of a 2003 World Bank study, "local governments controlled less than 5% of the national public expenditure". In the case of Namibia, this limited policy implementation is partially attributable to the country's painful history of colonialism and apartheid, which has continued to inform contemporary understandings of decentralisation in some post-independence governing circles.

From Bantustanisation to Decentralisation

While land seizures and the forced removal of peoples to so-called 'native reserves' began in earnest during the German colonial era (1884 – 1915), the practice was not formally institutionalised until the onset of South African colonial occupation. The Bantustan policy was first imposed in South Africa with the passage of the Apartheid Act of 1948 and the Group Areas Act of 1950 and 1986. The establishment of the Odendaal Commission in 1962 produced recommendations which culminated in the Self-Government for Native Nations in South West Africa Act of 1968. This Act extended the Bantustan policy to present day Namibia, mandating the spatial division of its population into 'homelands' constructed along racial and ethnic lines with 'governments' ruled ostensibly by tribal chiefs and headmen. The homelands system was eventually replaced with the establishment of eleven ethnic administrations in 1980, each with their own legislative assemblies "dominated by political parties such as the Democratic Turnhalle Alliance (DTA), which would become the official opposition" a decade later (Hopwood 2005:4).



Bantustanisation has been characterised as “a form of decentralisation with a different focus” (Sinvula 2005:iv). Bantustans were theoretically empowered with various governing responsibilities and resources, were given their own budgets by the central government and had their own executive committees for policymaking purposes. However, Bantustans was ultimately a broader policy calculation of the apartheid government, providing only for “pseudo self-determination” and “separate development” as a guise for the systematic “marginalisation of indigenous populations ... political segregation aimed at divide and rule ... [and] the geographical isolation of non-white groups” (ibid:iii). By contrast, the decentralisation policy advanced after independence has sought to distribute centralised responsibilities to regions drawn up exclusively on the basis of geographical as opposed to ethnic and racial considerations.

Decentralisation also differs from Bantustanisation in that it was formulated on the constitutionally enshrined foundation of the “sovereign secular, democratic and unitary state” (Republic of Namibia 2002:1). This means that the national government retains full responsibility and oversight over the decentralisation of powers which it may revoke from subnational tiers of government at any time. It is the singular “prerogative of the state to decentralise or not to decentralise and how far to decentralise” (Iyambo 1997:13). The concept of the unitary state also represents a “broader strategy ... [for] creating a stable political dispensation in the post-conflict setting” by reconciling and unifying the Namibian population to facilitate “economic growth and the building of social capital” after independence (Crawford and Hartmann 2008:245). Thus, decentralisation within the paradigm of the unitary state was adopted with the aim of addressing the deep-rooted racial inequalities stratifying the Namibian population at independence “by providing for a more efficient distribution of services and creating new, strong municipalities” comprised of “racially mixed neighbourhoods” (ibid).

Despite the existence of these key conceptual differences, some segments of the ruling Swapo Party and the Namibian citizenry more broadly have continued to harbour suspicions about perceived parallels between regional governance, decentralisation, and the much-despised Bantustan system. This distrust was most explicitly expressed by then Minister of Higher Education Nahas Angula in an exchange with the former Minister of Regional, Local Government and Housing in September 2002. During a National Assembly parliamentary debate on a proposed amendment to the Regional Councils Act No. 22 1992, Minister Angula stated the following:

“This subject of regionalisation [reminds me] of AG8 [an apartheid proclamation which gave ethnic groups powers to run some of their own affairs] ... if you are ... using laws to undo the spirit of unity, I’m not sure you are patriotic. You are moving further and further towards creating homelands ... I can see a prescription for ethnicity coming” (Amudpahi 2002).

Constitutional Compromises

The above sentiments demonstrate the extent to which Namibia’s painful history of apartheid has continued to inform some political understandings of regional government and decentralisation of powers in the post-apartheid era. Unsurprisingly, therefore, the passage of legislation making way for the establishment of regional councils after independence has tended to be more a product of compromise than political consensus.

The decision to establish regional councils was reached during the sittings of the Constituent Assembly (CA) between late 1989 and early 1990. The majority of CA

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discussions centred around whether Namibia would have a unicameral or bicameral parliament, proportional representation (PR) versus single-member constituencies, and the creation of an executive presidency. On these matters, Swapo disagreed with opposition parties who preferred a bicameral system, PR, and limited presidential powers. The question of regional councils was largely side-lined until the point that a compromise was reached and a PR electoral system along with a bicameral parliament were adopted in exchange for a strong executive presidency. On 31 January 1990, “the CA passed the section of the Constitution dealing with local and regional government with little discussion” (Hopwood 2005:6). The establishment of Regional and Local Governments gave effect to the decentralised governance system in Namibia. Chapter 12 of the Constitution instructed on the establishment, structures, composition, administration, and election of subnational government. It also provided for the establishment of a Boundaries Delimitation and Demarcation Commission (Article 104) which was tasked to divide the country into geographic regions that in no way re-produced the ‘homeland’ structures of the apartheid era. Noticeably missing, however, were provisions for how regional councils should function and the powers they should exercise, the details for which were both left up to future Acts of Parliament (Hopwood 2005:6).

4. LEGAL FRAMEWORK

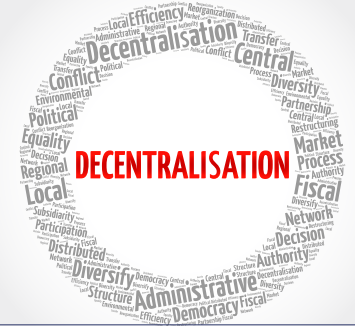
A key accomplishment of the central government has been the creation of a comprehensive legal framework to establish, enforce and regulate decentralisation using a range of instruments including constitutional provisions, specifically Chapter 12 thereof, Acts of Parliament including the Regional Councils Act (No. 22 of 92) and Local Authorities Act (No. 23 of 2000), the Decentralisation Policy of 1997, and the Decentralisation Enabling Act (No. 33 of 2000), as well as the empowerment of the MURD to coordinate and guide policy implementation on behalf of the central government. In theory, this should have provided regional councils, local authorities, and line ministries with an informative road-map to follow in order to make decentralisation a political reality.

Constitutional Provisions

A vision for decentralisation was initially provided for in the first SWAPO Election Manifesto which states that under a Swapo Party government, “democratically elected local authorities” would be established “both in rural and urban areas, in order to give power to the people at the grassroots level to make decisions on matters affecting their lives” (1989:18). This policy was ultimately agreed upon in the multi-stakeholder proceedings of the CA in the same year, ensuring the inclusion of a number of articles providing for decentralised governance in the Constitution. The establishment, composition, election, and administration of regional councils is outlined in Chapter 12. Several of the most relevant constitutional provisions for the realisation of decentralised regional governance are outlined below:

Article 102: Structures of Regional and Local Government

“Namibia shall be divided into regional and local units ... The delineation of the boundaries of regions and Local Authorities ... shall be geographical only, without any reference to the race, colour or ethnic origin of the inhabitants ... Every organ of regional and local government shall have a council as the principal governing body, freely elected ... which shall carry out all lawful resolutions and policies of the Council, subject to this Constitution and other relevant laws” (Republic of Namibia 2002:60).



Article 105: Composition of Regional Councils

"Every Regional Council shall consist of a number of persons determined in accordance with [the determination of the President on the recommendation of the Boundaries Delimitation and Demarcation Commission] ... and who are qualified to be elected to the National Council" (Republic of Namibia 2002:61).

Article 108: Powers of Regional Councils

"To exercise for the region within which they have been constituted such executive powers and to perform such duties ... as may be assigned by an Act of Parliament [or] as delegated by the President ... to raise revenue or share in the revenue raised by the central government" (Republic of Namibia 2002:62).

Article 109: Management Committees

"Each Regional Council shall elect from amongst its members a Management Committee which shall be vested with executive powers ... shall have a Chairperson to be elected by members ... and shall preside at meetings of his or her Regional Council" (Republic of Namibia 2002:63).

In 1991, the First Boundaries Delimitation and Demarcation Commission, established in accordance with Article 104 to determine regional boundaries and the borders of local and regional governments, delivered its report to the President and his Cabinet. The report, which was accepted by the Cabinet in July 1991, proposed that Namibia be divided into 13 regions and 96 constituencies which would actively dispense with the ethnic partitions of apartheid and establish boundaries based on neutral factors such as economic dispensations and transport links with regions named for their geographic markers such as the Khomas Highland mountains.

The Namibian Constitution provides an important foundation for the eventual realisation of decentralisation through its provisions for the establishment and workings of regional and local government. However, while Articles 68 to 77 "call for the institutionalisation of decentralised power and authority" in the form of the National Council, the Constitution does not "explicitly indicate the degree of power and authority" to be held by regional government vis-à-vis the central government" (Riruako 2007:129). Instead, the parameters of subnational powers and the form of decentralisation to be implemented were left for the determination of forthcoming Acts of Parliament.

The Decentralisation Policy

Having been approved by the Cabinet in November 1996, Namibia's decentralisation policy entitled 'Decentralisation, Development and Democracy' was presented by the then-named MRLGH for adoption by Parliament in 1997. In his introductory address, Minister Dr Nickey Iyambo characterised the provisions enclosed in Chapter 12 of the Constitution as "requiring parliament to pass laws to implement ... the type of decentralisation which constitutes the extension of democracy and participation for development to the furthest corners of the country (1997:7). This marked the initial indicator that the type of decentralisation being advanced was the most expansive variety of devolution. With frank acknowledgment of the lingering effects of a "colonial over-centralisation of power and the Bantustan policies", however, it was conceded that decentralisation would likely need to pass through "the other two stages ... of deconcentration and delegation" first (ibid:15).

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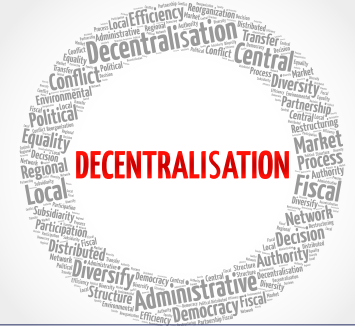
The policy further envisioned that devolution should be “phased in systematically ... according to each party’s state of readiness ... but once started, should be continuous” (ibid:9). As such, functions were categorised based on projected plans for immediate, medium, or long-term decentralisation. Minister Iyambo laid out the following functions for immediate decentralisation from line ministries to Regional Councils’ control:

- Community development and early childhood development;
- Administration of villages and settlement areas;
- Rural water development and management;
- Management and control of communal lands;
- Primary healthcare;
- Pre-primary education;
- Forest development and management;
- Physical and economic planning (inc. capital development projects);
- Emergency management;
- Resettlement and rehabilitation;
- Regional council personnel responsibility; and
- Agency services to towns, villages, and settlements.

Meanwhile, the functions earmarked for immediate decentralisation to Local Authorities comprised the following:

- Traffic control;
- Vehicle testing and licensing;
- Community development;
- Responsibility and accountability for electricity distribution;
- Town planning schemes within the framework of approved master plans;
- Emergency management;
- Business registration;
- Housing provisions;
- Liquor licensing;
- Environment and conservation;
- Social service schemes (orphanages, street children and disability programs);
- Youth, sports and recreational activities;
- Collection of assessment rates and some form of taxes, excluding income tax, general sales tax, and additional sales levy; and
- Traffic control of aerodromes.

It was determined that the MRLGH would be the “leading agency” driving the policy implementation and coordination process, necessitating the building of ministerial capacity and the expansion of budget allowances (ibid:44). The roles of the Prime Minister’s Office, the Ministry of Finance (MoF) and the National Planning Commission were also deemed essential for supervision over and assistance with regional and local planning. However, while the envisioned roles of these various stakeholders and the details of how decentralisation should proceed were outlined extensively, no time frame through which to measure policy progress was provided for. In fact, questions regarding “how much decentralisation is contemplated ... and at what pace it should proceed” remain largely absent from the policy framework itself, effectively leaving such considerations for “the domain of the executive” to decide (Hopwood 2005:7).



Acts of Parliament

The Namibian Parliament has also passed numerous other supporting acts to guide the implementation of the government's decentralisation policy. The key Acts of Parliament passed include the Regional Councils Act (No. 22 of 1992), The Local Authorities Act (No. 23 of 1992), the Traditional Authorities Act (No. 25 of 1995), the Regional Councils Amendment Acts (2000 and 2002), the Trust Fund for Regional Development and Equity Provisions Act (No. 22 of 2000), and the Decentralisation Enabling Act (No. 33 of 2000). Two of these Acts deserve further mention for their particular relevance to the progress of decentralisation at the regional level.

The **Regional Councils Act** was legislated "to give effect to the constitutional provision" for decentralisation by establishing regional councils to initiate and manage development at the regional level (Iyambo 1997:15). The general makeup of each regional council consists of ordinary members resident within the constituency for which they are elected to hold office for a period of five years, as well as a chief regional officer (CRO) and a management committee consisting of a chairperson and two or three other members elected by fellow council members. The chairperson is regarded as the "political head" responsible for initiating, formulating, supervising, and monitoring the implementation of developmental planning policies and joint business ventures while the management committee must ensure that council decisions are executed efficiently, and monetary expenditures and revenue estimates are properly accounted for (Government of Namibia 1992:16). CROs are appointed by regional councils "in consultation with the Minister" with responsibilities for the "administration of the affairs of the regional council" (ibid:21).

Each regional council is tasked with catering to the developmental needs of all areas within their region excluding municipalities, towns and villages. Key responsibilities held by councils consist of socioeconomic and developmental planning; the establishment and management of settlement areas; making recommendations to the MURD on Local Authority matters and otherwise assisting Local Authorities within their regions as well as advising the President and any minister on regional issues. During the preparation period for the annual national budget, regional councils may also make recommendations to the Minister of Finance insofar as the budget relates to their region (Töttemeyer 2010:131) and make their own submissions to the Cabinet and/or other Ministries on any other matter of concern to their region. In addition, regional councils are empowered to establish development committees which, serving as linkages between the council and the community, are aptly positioned to advise the former on how best to execute its powers in accordance with the latter's needs. Development committees are regarded as particularly important in making sure community needs remain central to the considerations of constituency development proposals, plans and capital projects (Tsamareb 2005).

In practice, however, the roles and scope of responsibilities wielded by regional councils, and, by extension, development committees are mostly vague and advisory in nature. Development committees have so far proved to be of limited utility in galvanising community engagement due in part to their status as non-legalised bodies, with no mentioning in the Regional Councils Act and thus no formal access to budgetary allocations (NID 43). This lack of legal recognition has created issues surrounding a lack of "transport and sitting allowances for members who are not civil servants", making it difficult for committees to effectively advocate the needs of their communities to regional councils (Oshikoto RC, IPPR Questionnaire:2021). Meanwhile, the "lowly status" of regional councils seems, at least initially, to have been enshrined under Article 107

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of the Constitution which allowed only for "remunerations and allowances" rather than salaries for council members while a ministerial ruling in 1993 sought to classify councillors as merely "part-time politicians" (Hopwood 2005:7). These markers of inferiority were only formally amended with the passing of the Namibian Constitution Second Amendment Act, (No. 7 of 2010).

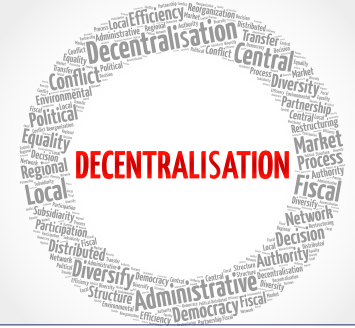
The **Decentralisation Enabling Act** was enacted to provide a legal framework for decentralisation and the institution of regulatory standards to facilitate the smooth passage from centralised control to delegation and, ultimately, to devolution. The Act defines the two key phases of decentralisation in the following ways:

- **Delegation:** "the transfer ... of a function from a Line Ministry to a regional council or to a local authority council ... to empower and enable the regional council or local authority council ... to perform the function as an agent on behalf and in the name of the Line Ministry (Government of Namibia 2000:2).
- **Devolution:** "the transfer ... of a function from a Line Ministry to a regional council or to a local authority council ... to empower and enable the regional council or local authority council ... to perform the function for its own profit or loss" (ibid).

A key principle underpinning this Act is that "every function that is decentralised should be followed by resources and personnel" (New Era 2008-02-28). Under delegation, this means that selected functions must also be accompanied by budget allocations, with both income and expenditure accredited to a separate account for regional or local authority council use only. In addition, secondment of line ministry staff to the regional level must also be provided for. Under devolution, regional councils and local authorities assume total administrative and financial control over decentralised functions such that property, income, and human capital harnessed in relation to these functions should be transferred from the ownership of line ministries to regional councils. However, while budgetary responsibilities may have been fully reassigned to regional and local actors, these and other powers can still be withdrawn by the Minister if, for example, audit reports reveal that they are not fulfilling their financial responsibilities as subnational governments.

As yet, no central government functions have been fully devolved to regional councils. However, available Government Gazette records indicate that the following functions have so far been decentralised in line with the delegation phase of the Enabling Act:

- **Ministry of Works and Transport:** Provision of Rural Water, Electricity and Sewerage services; Upgrading of Government Buildings and Infrastructure; Provision of Technical Advice to User Ministries; Annual Contract Tendering; Functional training; Regional asset management; Quality control on Capital Projects (Government of Namibia 2009:6)
- **Ministry of Information and Communication Technology:** Audio Visual and Print Media Productions (Government of Namibia 2015:3)
- **Ministry of Land Reform:** Management and Administration of Resettlement Farms; Management and Control of Communal Lands; Land Acquisition and Land use Planning; Provision of Valuation Service and Advice; Cadastral Survey and Mapping (Government of Namibia 2016:2)
- **Ministry of Agriculture, Water and Forestry:** Rural Water Supply and Sanitation Coordination (Government of Namibia 2018b:2)
- **Ministry of Gender Equality, Poverty Eradication and Social Welfare:** Community Development; Early Childhood Development; Gender Equality and Research; Child Welfare Services (Government of Namibia 2018c:2)
- **Ministry of Education, Arts, and Culture:** Primary and Secondary Education as provided for in the Education Act, 2001; Adult Education; Library and Informa-



tion Services (Government of Namibia 2009:4) Promotion of Arts and Culture for Sustainable Development (Government of Namibia 2019a:4)

- **Ministry of Health and Social Services:** Disease Prevention and Health Promotion; Disease Control; Community-based social welfare services; Curative services; Pharmaceutical services; Capital project Management; Human Resources development and management; Information Communication Technology services; Efficient and effective implementation of Hospitals and Health Facilities Act; Resource Management (Government of Namibia 2020a:2)

The absence of devolved functions and the limited number of functions earmarked for delegation over the span of more than two decades indicates a degree of stagnation in the decentralisation process that has strayed from the legal framework provided for in the Enabling Act. Rather than passing through the prescribed stages of delegation followed by devolution, some line ministries have instead opted to pursue deconcentration wherein their own staff are decentralised “to carry out their regular functions closer to the people” but all major policy and budgetary decision-making processes continue to be concentrated in Windhoek (New Era 2008-02-28).

National Plans

Decentralisation, Regional and Local Government in Namibia’s National Plans	
Vision 2030 -	<p>“The people of Namibia make their own decisions and do so at their own level (national, regional, local, community) regarding political, cultural, economic, and social development matters; they are empowered to set their own priorities, plan, implement, and monitor their development programmes within the context of national development policies” (p. 17).</p> <p>- “Local communities and regional bodies are empowered ... they actually formulate and implement their respective development plans, while the national government, working hand-in-hand with civil society organisations, provides the enabling environment (laws, policies, finances, security etc.) for effective management of national, regional and local development efforts ... the central government empowers regional and local authorities by providing adequate technical and financial support ... for all functions, matters of operation are the responsibility of regional councils and local authorities. Line ministries list all matters of operations in respect of delegated functions and provide guidelines on them (including the professional technical standards to be attained) to regional councils and local authorities” (p. 51).</p>
NDP5	<p>- “Empower and build capacity in regional and local authorities: improve delivery of services ... strengthen project planning at all levels and stages, including stakeholder engagement and resource allocation and project selection... Accelerate the decentralisation of all 14 functions earmarked for regional councils” (p. 96).</p> <p>- “Design and implement a Decentralisation Implementation Plan: articulate the roles of all stakeholders and the timelines in the implementation of the Decentralisation Policy. Educate and sensitise all stakeholders on the policy in respect of its content objectives, and the benefits of decentralisation” (p. 96).</p>

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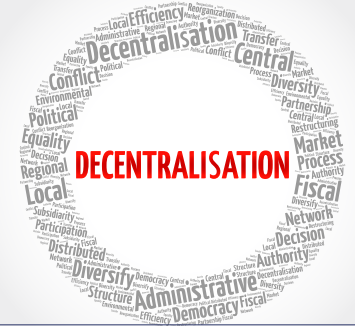
HPPI -	<p>“Annual Citizen Satisfaction Survey: All Offices, Ministries, and Agencies, regional and local government structures will be rated annually on how they treat citizens and the results of the survey will be made public” (p. 20).</p> <p>- “Subsidisation of Local Authorities: to expedite servicing of land, government will subsidise some Local Authorities where there is a big influx of people to service land” (p. 42).</p>
HPPII -	<p>“Improved Performance and Service Delivery will be achieved through... assessing the national status of decentralisation; develop and implement a Decentralisation Implementation Plan (DIP)... accelerating the roll-out of key e-governance services at national and regional levels, including functional e-procurement, e-learning, e-health, e-business, social protection and civil registration and identification systems” (p. 17)</p> <p>- “Embedding a high-performance culture will be critical during HPPII, particularly in strengthening and extending the Performance Management System (PMS) to Regional Councils and Local Authorities” (p. 22).</p> <p>- “Implement measures to improve innovation and to enhance productivity in the Public Service ... [by] strengthening the institutional capacity to rollout PMS at Regional Councils and Local Authorities” (p. 23).</p>

The above table displays all references made to decentralisation as well as more general prescriptions for subnational tiers of government in each of Namibia’s most recent National Plans including Vision 2030 (2004), Namibia’s 5th National Development Plan (NDP5, 2017), as well as the Harambee Prosperity Plan I and II (2016 – 2020 and 2021 – 2025). Vision 2030 addresses the anticipated workings of the government’s decentralisation policy and the actions required of each policy stakeholder for its successful implementation. NDP5 refers to the need to design and implement a Decentralisation Implementation Plan as well as plans to build regional capacities for the improvement of service delivery. HPPI makes little direct reference to decentralisation though it does mention improving the accountability of regional governments to their constituents by conducting citizen satisfaction surveys. Lastly, HPPII again mentions the need to develop a Decentralisation Implementation Plan as well as improving service delivery through, amongst other things, the roll-out of e-governance services and the extension of Performance Management Systems to the regional level.

The Role of the MURD

The **Ministry of Urban and Rural Development (MURD)** consists of five directorates including Regional and Local Government and Traditional Authority Coordination; Housing, Habitat, Planning and Technical Services Coordination; Rural Development; Finance, Human Resources, Administration and Information Technology and Decentralisation Coordination. Each department plays at least a supportive role in the effective coordination and management of decentralisation, whether in terms of capacity-building, administration, or service delivery. The Ministry is responsible for decentralisation policy coordination, monitoring and subnational governmental mentoring and development. It also serves as the primary medium between central, regional, and local governments tasked with the communication and resolution of issues such as budgetary needs and allocations.

According to the MURD (IPPR Questionnaire:2021), some of its most important capacity-building measures at the subnational government level consist of:



- (i) Facilitation of annual training and capacity building forums for CROs, regional planners, development committee members, and technical personnel from line ministries on key areas pertaining to decentralisation, regional development planning, project management and administration;
- (ii) Training for Trainers and Regional Development Planning for Planners programmes, hosted in collaboration with the United Nations Centre for Regional Development;
- (iii) Installation of PASTEL Premier Accounting System, upgraded to PASTEL Evolution in 2010, to facilitate proper financial management and accountability at regional councils;
- (iv) Directing the adoption of the International Public Sector Accounting Standard by all regional councils and Local Authorities to improve financial resource management and reporting, with accompanying training interventions;
- (v) Creation of IT units and additional posts of Statisticians in Developmental Planning Directorates of each regional council.

The **Directorate of Decentralisation Coordination (DDC)**, established after the passing of the Decentralisation Enabling Act, is especially central in conducting several key functions necessary for the decentralisation policy to progress, including:

- Legal review and harmonisation of laws and regulations with decentralisation principles;
- Providing guidance on council and committee work, including the introduction of good governance principles, political and administrative roles;
- Finance management procedures and training for regional councils and local authorities;
- Human resource development at regional and local levels;
- Organisation and restructuring assistance to regional councils and local authorities;
- Co-ordination of sector ministry input to decentralisation services in accordance with decentralisation principles; and
- Direction of policy information, sensitisation, and training (Tsamareb 2005).

In 2001, the then-named MRLGH developed its **Decentralisation Implementation Plan (DIP)**, which was revised and updated in 2004, to provide a comprehensive guide for each stage of the policy preparation and implementation process as well as the designation of responsibilities to each of the various stakeholders. With oversight from the **DDC Implementation Committee (DDIC)**, the DIP also established a Strategic Plan as an additional policy monitoring instrument for the MRLGH as well as **Line Ministerial Strategic Plans** to guide each of the other ministries in “the restructuring and transfer of functions, resources, capacity [and] ... the actual handing-over” process to the lower levels (ibid). The DDC also encouraged the formulation of operational work plans by line ministries as a supplementary tool to both keep implementation targets on track and keep the DDIC in the loop on policy progress. Lastly, **Cross-Ministerial Task Forces** were established in the realms of finance, personnel, training, legislation, development planning, housing and administration tasked with the drafting of guidelines on aspects such as financing, budgeting, and legislative harmonisation (Sinvula 2005:65).

These measures demonstrate the special strategic attention paid by the DDC to the role of line ministries in its overall efforts to implement the government’s decentralisation policy. This is due to the slow progress of some line ministries in taking the necessary steps to prepare for the complete transfer of functions, personnel, and budgetary provisions stipulated under the devolution phase of decentralisation. While

“While questions surrounding political will cannot be ignored, concerns have also been raised over whether line ministries possess adequate technical capacity to draw up action plans for decentralisation.”

questions surrounding political will cannot be ignored, concerns have also been raised over whether line ministries possess adequate “technical capacity to draw up the necessary action plans for decentralisation” (Tsamareb 2005). Consequently, the DDC has endeavoured to make extra provisions “to support line ministries ... in transforming from service delivery institutions ... to policy formulating and monitoring institutions” instead (ibid).

5. ANALYSIS AND DISCUSSION

A Note on the Lack of Regional Field Research

It was originally anticipated that this paper would focus primarily on case studies through the gathering of responses to distributed questionnaires from CROs and Chairpersons of selected regional councils. However, despite the researcher’s multiple attempts to encourage participation from ten of the fourteen regional councils (Zambezi, Kavango East, Kavango West, Omusati, Oshikoto, Kunene, Erongo, Otjozondjupa, //Kharas and Hardap) over the course of several months, few regional officials were either able or willing to make themselves available, with the exception of the Chairperson of the Kavango East Regional Council Damian Maghambayi and CRO of Oshikoto Regional Council Christella Mwenyo.

While it is not possible to pinpoint any single cause for this widespread unresponsiveness, a variety of factors may have contributed to this unfortunate outcome. In several cases, CROs were on long-term leave (e.g., on suspension or travelling in other regions) and Acting CROs – sometimes on a rotating basis – felt unqualified or were otherwise hesitant to provide feedback. On other occasions, the researcher was directed by the Office of the CRO to contact other departments such as the Office of Public Relations, Chairpersons, or the Directorate of Planning before being instructed to once again contact the CRO. At other times, it seemed administrative staff forgot to communicate participation requests to superiors or, in the event of staffing changes, that no handover protocols were in motion. Another common response was that CROs were simply too busy with other responsibilities to attend to the researcher’s requests.

Though difficult to pass any definitive judgements due to limited contact with regional officials themselves, the aforesaid interactions suggest that some regional councils are not operating at optimal efficiency with the result being that high-ranking officials are largely inaccessible to the public. Alternatively, the extremely busy schedules that reportedly prevented some officials from participating in the study may indicate that delegated responsibilities to councils are not being matched with the required personnel and technical resources to ensure that all requests are attended to in a timely manner. Equally, the deleterious effects of the COVID-19 pandemic on public sector operations should not be understated. The research period of this study coincided with the third wave of coronavirus infections in Namibia, and this undoubtedly had a negative effect on the researcher’s ability to contact regional officials, as many offices were closed with staff working from home during the peak infection period.

Nevertheless, the researcher was successful in acquiring questionnaire responses from the MURD as the chief institutional coordinator of the government’s decentralisation policy as well as Oshikoto and Kavango East regional councils, the content of which is integrated with desk research findings in the remainder of this study. The following section provides a more in-depth analysis of some of the key themes to arise from the research process and their wider implications for the policy future of decentralisation in Namibia.



The below table provides an important entry point for this discussion by laying out current public perceptions of regional councillors according to the three most recent sets of national survey responses curated by Afro Barometer.

Public Perceptions of Regional Councillors in Namibia		
2014	2017	2019
<ul style="list-style-type: none"> • 77% said they had never contacted a regional councillor about an issue or to express their views. • 9% said they did not at all trust their regional councillor while 23% said they only trusted them a little bit. • Only 33% expressed lots of trust in their regional councillor. • 25% thought most or all regional councillors were corrupt versus just 15% who thought none were implicated in corruption. • 28% thought regional councillors never listen to what the people have to say versus 38% who said they listen only sometimes. • Only 14% reported that their regional councillor always listens to what the people have to say. • 28% believed that all or most regional councillors were corrupt versus 59% who said some were and 4% who said none were involved in corruption 	<ul style="list-style-type: none"> • 77% reported having never contacted a regional councillor about an issue or to express their views. • 18% said they did not at all trust their regional council versus 26% who only trusted them a little bit. • 25% reported high trust in their regional councillors. • 10% thought no regional councillors were corrupt and 29% thought most or all regional councillors were implicated in corruption. • 30% thought regional councillors never listened to the people, 35% thought they only listened sometimes. • 26% thought regional councillors always or often listened to what the people have to say. 	<ul style="list-style-type: none"> • 76% of respondents reported having never contacted a regional councillor about an important issue or to give their views. • 48% reported that they did not at all trust or only trusted their regional council a little bit. • 15% said they trusted their regional councillors a lot. • 41% reported disapproving or strongly disapproving of their regional councillors' job performances versus 51% who approved or strongly approved. • 76% reported that their regional councillors never or only sometimes listened to what the people say. • 20% reported that regional councillors always or often listen to the people. • 4.6% reported that none of their regional councillors were corrupt while 60% said some were corrupt and 27% said most or all regional councillors were involved in corruption.

Source: AfroBarometer Data [Namibia, Rounds 6-8, 2014, 2017, 2019].

Available at: <http://www.afrobarometer.org>

The data contained in the above table also corroborates with earlier findings from the IPPR which suggested that few Namibians knew their regional or local councillors and that many paradoxically felt closer to national rather than subnational representatives and thus did not attempt to seek contact with their representatives at the regional and local levels (Keulder 2001:1). This has likely contributed to the downward trend in public trust for regional councillors as well as perceptions that regional councillors do not listen to their constituents. Moreover, an increasingly larger number of respondents are of the belief that regional councils engage in corrupt practices.

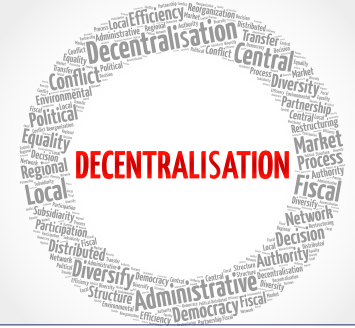
“An increasingly larger number of Afrobarometer respondents are of the belief that regional councils engage in corrupt practices.”

Weak Institutional, Human Capital Capacities and Performance at the Regional Level

Regional government institutions were the targets of substantial developmental efforts after the passing of the Decentralisation Enabling Act in 2000, which should in turn have assisted with the building of each regional council's institutional and human capital capacities. In order to support those regions not yet fully prepared for decentralisation, the national government provided training in areas including financial management, administration, and leadership, going as far as to send regional officials to “countries such as Uganda and Tanzania to study the challenges faced by decentralised governments” in other political contexts (Tsamareb 2005). Moreover, regional councillors were formally promoted to salaried, full-time politicians in 2001 while 13 Chief Regional Officers (CROs) were appointed in 2003 along with 13 Directors of General Services, 26 Deputy Directors of Finance and Personnel, and six Directors of Development Planning (Hopwood 2005:11). Secondment of central government staff was also instituted to support this expanded pool of officials employed directly by regional councils to harmonise local development planning with that of the National Planning Commission.

However, expanded staffing numbers have not necessarily produced a higher quality of regional competency in terms of developmental planning, implementation, and the improvement of service delivery. The lower levels of the decentralised governance structure seem to exhibit particular weakness in these respects due in part to a “a lack of cooperation” between some government agencies, ministries, and subnational bodies (Larsen 2003:10). According to the CRO of the Oshikoto Region, for example, “there is really no integrated planning ... [between the various] offices, ministries, and agencies” involved in the regional development process and as such plans are often implemented in isolation of one another (Oshikoto RC, IPPR Questionnaire:2021). The effectiveness of regional governments has also been undercut by a “serious lack of housing, office and transport facilities” to accommodate personnel as well as a shortage of suitable pre-existing building structures to purchase and limited regional funds to build the required structures anew (Tsamareb 2005). This finding is corroborated by another study on rural service delivery in the Oshana region which argues that regional councillors are unable to effectively consult with community members on how to improve service delivery due to lacking the necessary travel options to reach the rural areas of their constituency (Helao 2005). The MURD also cites “inadequate physical infrastructure and accommodation” for seconded staff members as one of the key obstacles to the successful implementation of decentralisation at the regional level (IPPR Questionnaire:2021).

On the one hand, these findings suggest that regional authorities have not been proactive in maintaining the standards of their own governance systems, operations, staff performance and accountability mechanisms. Instead, many councils stand accused of fostering a “dependency complex ... [in] looking to the central government for answers, actions, and bailouts” (Tjirera and Haimbodi 2012:1). This speaks to the role of regional councils themselves in delaying the successful implementation of the final devolution stage of decentralisation. Indeed, even in cases where resources have been properly delegated from the centre to implement development plans, some regional councils continue to underperform with respect to service delivery. For example, despite being given “N2.5 million by the MURD for the Build Together Programme [a government initiative for the large-scale provision of low-income housing]” it was recently reported that “not a single house was built by the Gobabis municipality or the Omaheke regional council” over a year after receiving funds to do so (*The Namibian* 2021-08-03). Considering the results of the 2020 Regional and Local Authority elections which saw opposition parties take control of three regional councils, it is interest-



ing to postulate whether these weak managing performances have been affected by recent changes in the political composition of regional councils. In the case of the //Kharas region, for instance, where the Landless People's Movement (LPM) now holds a majority, Swapo regional coordinator Mathew Mumbala has publicly blamed the opposition for the "mess" in the region after it failed to hold a single council meeting or formulate a full management committee for several months following the 2020 elections (*The Namibian* 2021-02-22).

Regardless of changing patterns in party dominance at the regional level, in order to access the full devolution of powers necessary to resolve these seemingly widespread trends of subnational government inefficacy, each regional council must first demonstrate sufficient competence and accountability in managing their present responsibilities in accordance with the delegation phase of decentralisation. This would entail, for example, establishing "exemplary financial accountability" practices such that each council's accounting records and financial statements are correctly reported on and can be regularly audited by the Auditor-General (Hopwood 2005:2). Indeed, according to available records from the Office of the Auditor-General, three regions (Zambezi, Kavango West, Omaheke) are presently between three and five years behind in the submission of financial statements for auditing while the most current reports available for the remaining regions date back to 2017/2018 and 2018/2019 financial years respectively. Furthermore, of those financial reports that have been received by Auditor-General Junias Kandjeke from regional councils in recent years, "the majority [have produced] negative audit reports due to ... common faults including the non-reconciliation and disclosure of bank accounts, poor record-keeping, non-submission of supporting documents ... unexplained expenditure, lack of budget controls, [and] the understatement of financial statements" (*The Namibian* 2018-01-05).

On the other hand, the weakness of regional government institutions may also be partially attributable to central government reluctance to fully devolve powers and responsibilities before adequate capacity has been demonstrated. While this position might appear sensible to avoid wastage of state resources, without access to these powers "there is no basis on which local authorities can gain the experience needed to build capacity" and thus, "no basis on which they can demonstrate [to the central government] that capacity has been gained" (Ribot 2002:49). If the central government is unwilling to implement significant regional empowerment measures, there is a tangible risk that the decentralisation policy will recede into deconcentration. In this scenario, the limited capacities of regional bodies "still grappling with the technicalities of public policy" to manage policy implementation is likely to make "executive dominance" over subnational administrations a foregone conclusion (Crawford and Hartmann 2008:15). To avoid such circumstances, the central government should engage collaboratively with regional bodies to frankly identify where institutions are weakest and where shortages of qualified staff are most prevalent so as to provide targeted "trainings and re-trainings ... for the development of professional and technical expertise" at the regional level (Ekpo 2008:11). Further investment in training would thereby help to create a more enabling environment for regional governments to easier define and attend to their own needs. However, these measures are likely to prove insufficient without the concomitant capacitation of each of the regions with the "legal authority ... to raise their own revenue" in order to support institutional and other expenditure responsibilities independently in the long-term (ibid:13).

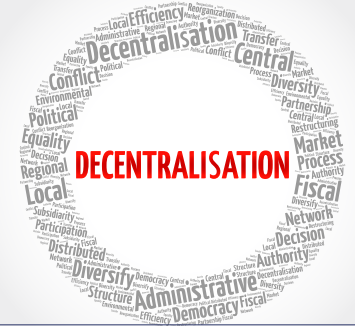
**“Line ministries
have also
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to work
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with regional
councils on the
coordination of
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projects.”**

Centralism and a Lack of Political Will from the Centre

The ruling Swapo Party has tended to champion a more centralised approach to post-independence governance. While the 1989 Swapo Election Manifesto professed the party’s intent to establish subnational government structures, practical steps towards decentralisation have often been bounded by the party’s historically centralist ideological commitments. This centralist orientation was initially employed as an antidote to the previous ethnic partition of Namibia under apartheid. However, this overriding commitment to bolstering national unity has also encouraged the dissemination of some distorted understandings of decentralisation as being antithetical to these ends. Consequently, decentralisation is often understood as a “zero-sum power game” in which subnational actors “gain at the expense of the centre” as opposed to a “positive sum game” where “all players ... gain over time” (Olowu 2001:17). These suspicions have paved the way for a somewhat paradoxical political dynamic whereby the implementation of the government’s decentralisation policy risks becoming more of a political than technical exercise with near total oversight from above (Crawford and Hartmann 2008:236).

Another practical consequence of this centralist orientation has been the reluctance of some line ministries to fulfil their responsibilities in keeping with the decentralisation legal framework. As affirmed by Oshikoto CRO Christella Mwenyo, the ongoing extension of the delegation phase beyond “only a certain number of years [shows that] ... line ministries are not following the Decentralisation Implementation Guidelines” (Oshikoto RC, IPPR Questionnaire:2021). This disinclination has proven especially problematic for the devolution of human resources. While some staff secondment from the national to regional level has occurred, regional councils wield no practical authority over these personnel who continue to report to their respective line ministries in Windhoek. Furthermore, the types of personnel being transferred often lack the necessary skills, expertise, and experience to meaningfully assist regional governments with their delegated responsibilities. This may be partially due to the fact that higher qualified public servants are more “reluctant to move to rural areas ... [away] from the relative security of a centralised career structures to a less certain future under the authority of a local government service” (Olowu and Wunsch 2004:19, quoted in Crawford and Hartmann 2008:9). As a consequence, it often proves difficult to “recruit and retain personnel with specialised and scarce skills at the regional level” (MURD, IPPR Questionnaire:2021).

Beyond the secondment of sectoral staff, some line ministries have been less willing to apportion other types of resources to regional councils. This has made it difficult for regional governments to expand the number of staff on their own payrolls, which in turn undercuts their capacities to consult with local residents for the improvement of service delivery. Without the capacity to employ secretaries at constituency offices, for example, regional councillors are often forced to close their offices to the public while travelling outside or to more rural areas of their constituency (Helao 2005). Line ministries have also shown a level of unwillingness to work collaboratively with regional councils on the coordination of development projects in each region. For example, in the early 2000s the Ministry of Home Affairs embarked on the construction of new police stations in the Hardap region “without any consultation with regional or local councils to ensure that stations were situated in line with local needs” (Tsamareb 2005). Moreover, according to the Chairperson of Kavango East, line ministries regularly instruct regional councils to “draft and submit our development plans and project proposals” but fail to make provisions for “funding and resources to put plans into action” (Kavango East RC, IPPR Questionnaire:2021). These instances speak to the way in which executive action from line ministries is having a negative impact on the improvement of service



delivery which necessarily requires effective coordination and strong relations of accountability between stakeholders in the service delivery chain. Also suggested is that some line ministries either misunderstand or actively reject the underlying purpose of decentralisation, namely, to capacitate regional and local bodies to manage their own development independently. In fact, the implementation of a "bottom-up approach to [developmental] planning" has not been well received by all line ministries with some exhibiting little "enthusiasm" for decentralisation which effectively requires them to coordinate the cessation of their own powers to other agencies (Tsamareb 2005).

It is also pertinent to note that the MURD wields “no special powers to force ministries to comply with cabinet decisions about decentralisation” because these enforcement mechanisms are held exclusively by the Cabinet and the President himself (Siyanga 2007:70). The role of the MURD is limited to the coordination and support of regional councils, facilitating the actualisation of the hand-over of functions and monitoring the execution of decentralised functions (MURD, IPPR Questionnaire:2021). This begs the question of why executive powers have not already been exercised to mandate line ministerial cooperation and to expedite the implementation of Namibia’s decentralisation policy after over two decades delay.

Poor Adherence to the Legal Framework and Limited Policy Internalisation

Another issue obstructing the passage of devolution to regional councils is the lack of harmonisation surrounding the various components of the decentralisation legal framework. This has tended to confound the roles of policy stakeholders and effective coordination between them – an effect that has been further amplified by the sheer multiplicity of central government agencies, subnational governing bodies and both public and private sector actors involved. According to the MURD, the coordination of these multiple actors requires enhancement “to minimise conflicts and duplications” regarding national and subnational powers and responsibilities (IPPR Questionnaire:2021). Furthermore, “many stakeholders [still] ... do not have a clear understanding of the policy and legislative framework” underpinning decentralisation (Tsamareb 2005). A lack of sufficient dissemination of information in this regard has resulted in a low degree of policy internalisation amongst stakeholders. This has especially been the case within regional bodies where a “tendency for [educational] workshops to be held [only] for top officials ... [has left] many junior officials and grassroots [actors] behind” (ibid). Indeed, according to one study on the impact of decentralisation on educational service delivery in the former Okavango region, “seventeen out of nineteen” research participants from the region’s Education Directorate had not received any training on decentralisation, compelling individuals to seek out further policy information online on their own initiative (Shaningwa 2012). Responses from the CRO of Oshikoto region also indicate that “guidance and support in terms of decentralisation from the MURD has been very minimal ... only provided on request ... [with] significant room for improvement” (Oshikoto RC, IPPR Questionnaire:2021).

Deviations from the legal framework have had additional deleterious effects on the progress of policy implementation. Only a handful of additional responsibilities have thus far been delegated in accordance with the decentralisation policy framework. Acquired questionnaire responses from the MURD (2021) confirm that the following functions have been delegated to regional councils:

- 1. Ministry of Urban and Rural Development:** regional and local government functions related to housing, collection of assessment rates and taxes, water and refuse service collections and informal trading licenses in urban areas and proclaimed settlements.

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- 2. Ministry of Education, Arts and Culture:** Primary and Secondary Education, Adult Education and Library services.
- 3. Ministry of Works and Transport:** Maintenance and annual Tender Management.
- 4. Ministry of Information and Communication Technology:** Print Media and Audio-Visual Production.
- 5. Ministry of Agriculture, Water, and Land Reform:** Management and Administration of Resettlement Farms, Planning, Provision of Valuation Services and Advice, Cadastral Survey and Mapping, Rural Water Supply and Sanitation Services.
- 6. Ministry of Gender Equality, Poverty Eradication, and Social Welfare:** Early Childhood Development, Child Welfare Services, Community Development and Gender Equality Research.

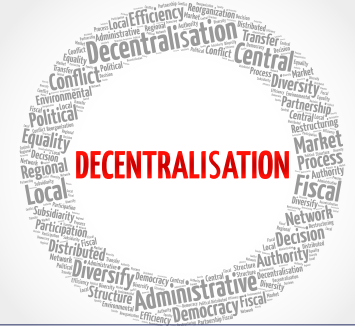
Meanwhile, the following functions have reportedly been approved by the Cabinet and gazetted for delegation to regional councils during the course of the year 2021:

- 1. Ministry of Health and Social Services:** Disease Prevention and Health Promotion, Disease Control, Curative Services, Pharmaceutical Services, Implementation of Hospitals and Health Facilities Act, Resource Management.
- 2. Ministry of Labour, Industrial Relations and Employment Creation:** Case Management, Employment Services such as Job Seekers Registration and Placement, Workplace Inspections, Career Counselling, Psychometric Testing and Stakeholder Assistance (Affirmative Action Monitoring).
- 3. Ministry of Gender Equality, Poverty Eradication, and Social Welfare:** Provision of Old Age Grants, Disability Grants and Funeral Grants.
- 4. Ministry of Agriculture, Water, and Land Reform:** Agriculture Extension Services including generic services, plant/crop production advisory services, plant health, engineering services, and project support.

The importance of these delegated functions and functions anticipated for forthcoming delegation notwithstanding, decentralised powers continue to preclude arguably more essential responsibilities such as “primary healthcare, rural electrification, social services, youth development and nature resource management” which have yet to be decentralised (New Era 2020-11-17). Most notably, none of the above decentralised functions have so far progressed beyond the delegation stage to make the full devolution of centralised powers provided for in the legal framework a reality. In the absence of clarity around the division of responsibilities between regional councils, the central government and other stakeholders, policy implementation efforts will be subject to continued delays and the tangible benefits of decentralisation left unrealised. A lack of policy internalisation at both the national and subnational level may also yield outcomes more akin to deconcentration where “central government control over local service provision” is expanded rather than curtailed in keeping with the final devolution stage of the legal framework (Crawford and Hartmann 2008:14). Evidence of this development is explored further in the next section.

Deconcentration as a Substitute for Decentralisation

In Joshua Forrest’s seminal work, *Namibia’s Post-Apartheid Regional Institutions: The Founding Year*, the country’s regional governance system is described as “decentralisation reform with a strongly centralist character” (1998:57, quoted in Hopwood 2005:8). While this approach may have been successful in safeguarding the integrity of the unitary state, it has tended to encourage a style of decentralisation where centralised powers are more likely to be deconcentrated than devolved to regional councils. Under deconcentration, line ministries can simply opt to second their own



staff to regional levels, allowing for closer contact with the citizenry and the supervised delegation of responsibilities to subnational actors without compromising central control over how these responsibilities are carried out. However, deconcentration has been less effective in promoting participatory democracy in decision-making on regional development issues such as the improvement of service delivery. Instead, it has produced “a tension between downward accountability and resource flows” whereby central government ministries are “happy to devolve accountability downwards but are loathe to let go of vital revenue streams” (SLSA Team 2008:16). In this way, regional governments have essentially been rendered “extensions of central government” with little access to funding aside from that which is transferred from the centre “for operating expenditures, and subsidies for particular services such as traffic control ... and loans for capital projects” (Sinvala 2005). This demonstrates the weakness of deconcentration as a form of decentralisation which can ironically do more to extend the influence of the central government than to empower the various regions to independently manage their own development.

Amendments to the roles and powers of regional governors exemplify the development of deconcentration in place of devolution in the Namibian context. While not legally enacted until 2010, the amendment that transformed regional governors from democratically elected to centrally appointed officials was foreshadowed as early as 1989 during the meetings of the CA. During discussions on the future workings of regional councils, Founding President Sam Nujoma, though never an official member of the CA, spoke out regarding the “need for a governor to be appointed from Windhoek to the regions ... to interpret the laws as they are passed in parliament to the regions” (Republic of Namibia 1990:325). This demonstrates the ruling party’s longstanding preference for a style of decentralisation that continues to permit oversight from above. Consequently, shortly prior to the 2010 Regional and Local Authority Elections, the Swapo Party leadership passed the **Regional Governors Appointment Amendment Act (No. 15 of 2010)**, legislating the appointment of regional governors to replace their previous selection by and from regional councils, followed by the **Second Regional Councils Amendment Act (No.16 of 2010)** which distinguished the powers of regional governors from chairpersons of each regional council. This legislation was then incorporated to reflect in the Namibian Constitution with the passage of the **Third Amendment Act (No. 8 of 2014)** which states:

‘The President shall appoint regional governors as political heads of each region ... [who] shall serve at the pleasure of the President ... [and] oversee the exercise of any executive function of government in the region ... [serving as] the link between the central government and the regional council’.

During an address to the National Assembly in October 2010, then Swapo Vice President Dr Hage Geingob insisted that regional governor appointments would “strengthen the unitary nature of the state and make a positive contribution to the concept of taking government to the people” (Shejavali 2015:7). However, these claims did not prevent an onslaught of criticism of the amendment for walking back the expansion of participatory democracy supposedly at the heart of the decentralisation project. According to Professor Gerhard Tötemeyer, a former Deputy Minister of the MURD and key architect and advocate of decentralisation, the appointment of regional governors “could be considered a set-back to democratic practices ... contradictory to the substance of the decentralisation policy” and reflective of the “deconcentration of authority” (ibid:2). This is because allowing for the expansion of central government powers to make partisan appointments simultaneously undermines the powers of regional councils, and particularly those where the ruling party does not hold a majority, to independently manage their own development plans. Criticism has also been voiced by opposition party figures such

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as the LPM’s Operative Secretary Edson Isaacks who maintains that the “appointment of regional governors should be done away with ... [because] it is contradictory to the values of democracy ... and dictatorial [on the part of Swapo]”, and rather replaced with a new system whereby the position of governor “can be snapped up by any party that gets the most votes in a particular region” (New Era 2021-02-05).

Such critiques effectively call into question who really runs the regions, as well as what the true purpose of appointing officials at the service of the President to work at the regional level is intended to be. Indeed, with “no voting powers on the regionals councils” but total access to all council meetings and deliberations with duties to “report back to the President”, one could be forgiven for interpreting the role of regional governors as something of an “invisible hand” of the central government over decentralised decision-making (ibid:13). To be sure, such concerns have not been corroborated by the Kavango East and Oshikoto regional councils that took part in this study, representatives for whom both reported a positive and highly collaborative working relationship with their respective regional governors (Kavango East & Oshikoto RCs, IPPR Questionnaire:2021). However, it is also pertinent to note that the ruling party holds comfortable majorities in both of these regional councils, a fact which is likely to influence the views of council members on the issue of the central government appointing governors towards whom they are bound to harbour less political contention.

Limited Fiscal Decentralisation

With the passage of the Decentralisation Enabling Act in 2000, policy funding infrastructure was expanded to accommodate staffing increases and capacity-building to prepare for devolution. In 2004, the Regional Development and Equity Provision Fund was established, and a board of trustees appointed “with the aim of financing equitable development across the regions” while Regional Tender Boards were also set up to help regional councils procure goods and services to effectively manage their own capital projects (Hopwood 2005:11). More recently in 2014, the Constituency Development Fund Bill was tabled by the National Council “as a means to empower local communities ... [through the decentralisation] of resources to design and implement development projects that have a positive impact on each community” – though this initiative has not come into law yet (New Era 08-06-21). Despite these notable developments, decentralisation has not progressed as expected due in part to the limited resource allocations and revenue-generating powers devolved by the central government to match the transfer of administrative functions. In fact, as relayed to the researcher by representatives from both the Oshikoto and Kavango East Regional Councils, “the transfer of functions without adequate human, material, and/or financial resources” represents “the main obstacle” to decentralisation becoming a political reality in each of these regions (Oshikoto RC, IPPR Questionnaire:2021).

While regional councils are accorded the opportunity to submit their developmental and operational funding needs to the MURD on an annual basis, many continue to operate at a revenue deficit with respect to local taxation powers, block government grants, and fixed apportionments of state revenues (Ribot 2002:40). In fact, any subsidies that are made available to regional councils are entirely conditional on the “overall budget ceiling allocated to a given line ministry by the MoF for each fiscal year” (MURD, IPPR Questionnaire:2021). Moreover, the majority of intergovernmental transfers currently being made tend to be quickly “used up for administrative purposes, such as salaries” and other recurrent expenditures, leaving little room “for tackling other societal issues” (New Era 08-06-21).

A Comparison of Estimates of Revenue, Income & Expenditure Data in Recent Fiscal Years

	2015 - 2016 (Actual)	2016 - 2017 (Actual)	2017 - 2018 (Actual)	2018 - 2019 (Actual)	2019 - 2020 (Actual)	2020 - 2021 (Estimate)	2021 - 2022 (Estimate)
Subsidies to Subnational Bodies/ Government Organisations	N\$872,981,000	N\$961,323,000	N\$0	N\$808,771,000	N\$797,054,000	N\$793,325,000	N\$767,947,000
Subsidies to the Regions	N\$508,272,384	N\$0	N\$768,228,610	N\$716,150,000	N\$652,598,000	N\$681,055,000	N\$670,000,000
Employees in Regional, Local Government Coordination Division*	Established Positions: 808 Positions Filled: 727	Established Positions: 808 Positions Filled: 727	Established Positions: 821 Positions Filled: 747	Established Positions: 821 Positions Filled: 747	Established Positions: 821 Positions Filled: 747	Data unavailable	Data unavailable
Employee in Decentralisa- tion Division **	Data unavailable	Established Positions: 15 Positions Filled: 13	Established Positions: 18 Positions Filled: 14	Established Positions: 18 Positions Filled: 14	Established Positions: 15 Positions Filled: 13	Data unavailable	Data unavailable
Total Funding for Decentral- isation	N\$9,527,000	N\$8,679,000	N\$9,081,000	N\$11,152,000	N\$10,201,000	N\$11,615,000	N\$12,117,000

Data Available at: <https://mof.gov.na/estimates-of-revenue-income-expenditure>

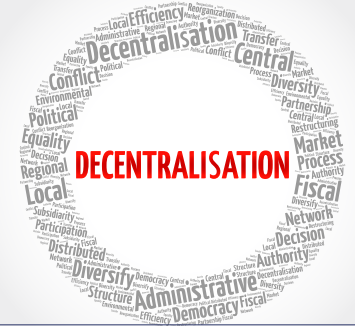
* The main objectives of the **Division (03) of Regional, Local Government and Traditional Authority** are listed as follows: to coordinate Local Authority and Regional Council affairs and to provide financial assistance for their services. To provide Town and Regional Planning to Regional Councils and Local Authorities in accordance with the Regional Councils Act.

** The main objectives of the **Division (04) of Decentralisation** are listed as follows: to accelerate decentralisation, enhance policy and legal framework to create an enabling environment. To promote and improve good governance, improve instructional capacity for sub-national government and enhance public participation.

Key takeaways from the above fiscal policy data can be summarised as follows:

- Allotted subsidies for subnational bodies have declined from a high of N\$961,323,000 in 2016/17 to the current projected low of N\$767,947,000 for the 2021/22 fiscal year.
- Allotted subsidies for each of the regions have been gradually declining over the last five years from a high of N\$768,228,610 for 2017/18 to a projected N\$670,000,000 for 2021/22.
- The number of staff in the Regional and Local Government sub-sector of the MURD slightly increased from 808 established positions and 727 filled positions in 2015/16 to 821 established and 747 filled positions in 2017/18. Staffing sizes remained constant throughout 2018/19 and 2019/2020, though no data is currently available for the 2020/21 or 2021/22 fiscal years.
- The number of staff positions in the Decentralisation sub-sector of the MURD have decreased from 18 established and 14 filled in 2017/18 to 15 established and 13 filled for 2019/20. However, no data is available on staffing numbers for 2020/21 or 2021/22 fiscal years.
- Funds allotted for the advancement of the government's decentralisation policy have fluctuated from a low of N\$8,679,000 for 2016/17 to a high of N\$11,152,000 for 2018/19 before declining again to N\$10,201,000 in 2019/20. However, funding was projected to increase again in the years following and is now estimated at N\$12,117,000 for 2021/22.
- Regional councils and other subnational bodies are not currently allocated funds to implement Decentralisation programmes independently.

On the one hand, the above data and analysis underscores the need for the central government to make targeted improvements to the fiscal aspects of its decentralisation policy. One way of achieving this would be to establish more comprehensive and standardised disbursement mech-



anisms. In its responses to this study's questionnaire, the MURD cited an Intergovernmental Fiscal Transfer Policy, currently in its final drafting stages, which could potentially fit the bill. The envisaged policy would allocate and transfer resources to subnational governments through a Recurrent and Development Grant System on a formula basis so as to "enhance subnational discretion to plan, prioritise and allocate funds in a manner that balances locally defined needs and national priorities" (MURD Questionnaire:2021). The grant system would be comprised of sectoral recurrent transfer schemes including Regional Education, Health, Water Supply, General Purposes, and Rural Services Grants, supplemented by cross-sectoral development grant schemes to be executed by subnational governments themselves so as to integrate local needs into national planning priorities (ibid). It is also advisable for the national government to actually begin the process of devolving rather than continuing to merely delegate centralised powers and resources in order to make its decentralisation policy a more meaningful reality across the regions. Devolving greater control over natural resource management, for example, could help to "empower and legitimate local governments" with decision-making responsibilities over "resources that affect the daily lives of their constituents" while also providing an excellent source of revenue to fund regional development and other regional government actions (Ribot 2002:28).

On the other hand, "large infusions of central grants to regional governments" risks exacerbating already lacking subnational revenue-raising capacities by undermining incentives for regional councils to tap into other potential sources of funding such as "property rates, user charges and urban investment" (Olowu 2001:33). While no primary data could be attained on the current capabilities of regional councils to raise their own revenue, it could be discerned from the fact that many councils are unable to fulfil their core financial accounting requirements to the Auditor-General that they also lack the institutional capacities to raise additional funds independently. Thus, although fiscal decentralisation is undoubtedly a requirement to facilitate equitable development across all regions, reliance on the centre for resources could end up discouraging regional councils from taking the initiative to expand their own resource pools by, for example, forming innovative partnerships with the private sector so as to improve service delivery and ultimately achieve economic self-sufficiency in the future.

6. CONCLUSION

This study has determined that the devolution of centralised powers and functions, as envisioned in the national government's decentralisation policy, has not yet been meaningfully implemented in Namibia. Where decentralisation has occurred in its more limited forms of delegation and deconcentration by line ministries, it has often been unevenly implemented such that regional councils are encumbered with more administrative responsibilities without being given access to greater resources and authority to perform their duties effectively. Continued institutional oversight from the centre, such as through the appointment of regional governors by the President, has also impeded regional abilities to pursue local development measures independently. This has not boded well for improving local service delivery, which has in turn made it difficult for regional councils to "gain legitimacy or engage local populations in public action" (Ribot 2002:55).

Yet, as affirmed by the MURD, capacity-building to prepare each region for the final devolution phase of decentralisation must ultimately be understood as a "continuous undertaking" (IPPR Questionnaire:2021). To avoid continued delays in policy progress, the national government must re-commit to exercising its political will to relocate more human, technical, and financial resources to regional governments, particularly through fiscal decentralisation. Crucially, this will require direct engagement with those line ministries

“To avoid continued delays, the government must re-commit to relocating more human, technical, and financial resources to regional governments, particularly through fiscal decentralisation.”

who have so far been unwilling to prioritise decentralisation in their own strategic plans and budgetary provisions or to actively coordinate with their regional counterparts. However, the success of these efforts will depend on their reciprocation by regional officials who must also take action to build local revenue streams and improve financial management and overall accountability protocols. Without such commitments from all stakeholders, the government’s decentralisation policy is unlikely to deliver on its espoused benefits including greater efficiency, service delivery, democratic participation, and sustainable development.

To be sure, the passage of decentralisation will continue to require a strong central government “to regulate and monitor policy progress, to provide an overall framework to manage the re-allocation of responsibilities and resources in a transparent way, and to assist local governments in ... capacity building” (Tsamareb 2005). At the same time, this does not give central governments actors licence to implement deconcentration as a substitute for devolving control over regional development to regional councils. Indeed, while regional councils undoubtedly “hold the most potential ... of all the country’s political institutions ... to be closest to the citizens and their aspirations”, this ‘closeness’ will be of little consequence if councils are not given “perceptible powers to effect improvements for their communities” by way of devolution (Ekpo 2008:13).

Recommendations

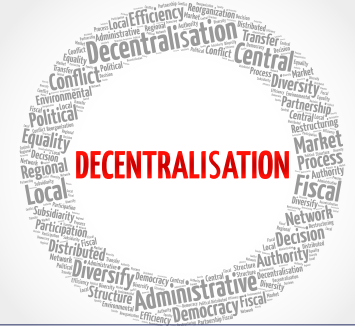
- Harmonisation and integration of existing legislation pertaining to regional and local authorities with the government’s decentralisation policy framework.
- Completion and implementation of current drafting of financial disbursement mechanism by the Ministry of Finance from the central government to regional and local authorities.
- Enlistment of civil society actors to collaborate with the MURD and the Association of Regional Councils in conducting national civic education campaigns on decentralisation.
- Construction of more substantive linkages between civil society actors and the various tiers of regional development committees.
- Application of additional pressure to relevant line ministries to prioritise decentralisation in their strategic plans, including the use of timelines and/or deadlines, by the Office of the Prime Minister.
- Annual assessments of the state of decentralisation by the MURD, line ministries, and regional councils, thereby improving coordination between key stakeholders.
- Strengthening of regional government accountability through regular, performance-related monitoring of financial performances of all regional councils.
- Extension of legal status to development committees in order to improve their functionality and operational powers to meaningfully contribute to the resolution of key regional development issues such as poor service delivery.
- Targeted input of seconded and transferred staff from line ministries to those regional governments most struggling to improve their management capacities.

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APPENDIX

REPONSES BY THE MINISTRY OF URBAN AND RURAL DEVELOPMENT TO QUESTIONS SUBMITTED BY IPPR ON DECENTRALISATION IMPLEMENTATION IN NAMIBIA

Introduction

The decentralisation process in Namibia is premised on and guided by the following legislative framework: The Constitution of the Republic of Namibia, specifically Chapter 12 thereof, under Articles 102 and 103, the Regional Councils Act, 1992 (Act No. 22 of 1992) and Local Authorities Act, 1992 (Act No. 23 of 1992), the Decentralisation Enabling Act, 2000 (Act No. 33 of 2000) and the Decentralisation Policy of 1997. The establishment of Regional and Local Governments give effect to a decentralised governance system and these subnational governments serve as conduits for public service delivery and people-centred sustainable development.

It is recognised that the effectiveness of the subnational governments in terms of service delivery depends largely on among others the administrative and decision-making powers that they have. As such, the transfer of service-oriented functions and related decision-making powers from the centre to sub-national governments is critical.

tralised by delegation to regional councils:

- a) Ministry of Education, Arts and Culture: Primary Education, Secondary Education, Adult Education and Library Services (2009).
- b) Ministry of Works and Transport: Maintenance and Annual tender management (2009).
- c) Ministry of Information and Communication Technology: Print Media and Audio- Visual Production (2016).
- d) Ministry of Agriculture, Water Land Reform:
 - Land Reform: Management and Administration of Resettlement Farms, Planning, Provision of Valuation Services and Advice, Cadastral Survey and Mapping (2016).
 - Rural Water Supply and Sanitation services (2018).
- e) Gender Equality, Poverty Eradication and Social Welfare: Early Childhood Development, Child Welfare Services, Community Development and Gender Equality and Research (2018).

3. In addition to the above, the following functions have been approved by Cabinet and gazetted for decentralisation (delegation) and are to be handed over to Regional Councils during the course of this year, 2021:

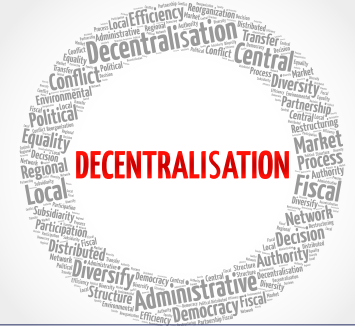
- (a) Ministry of Health and Social Services: Disease prevention and health promotion, Disease control, Curative Services, Pharmaceutical Service, Efficient and effective implementation of Hospitals and Health Facilities Act, Resource Management.
- (b) Ministry of Labour, Industrial Relations and Employment Creation: case management System, Employment services such as Job Seekers Registration and placement, Workplace inspections, Career Counselling, Psychometric Testing and Stakeholder Assistance (Affirmative Action Monitoring), among others.
- (c) Ministry of Gender Equality, Poverty Eradication and Social Welfare: Provision of old age grants, Disability grants and Funeral grants.

4. Moreover, the Ministry (MURD) in collaboration with the Ministry of Agriculture, Water and Land Reform undertook high-level consultations with regional councils and relevant regional staff, recognised Trade Union, during 2020/2021 in preparation for the decentralisation of the Agriculture Extension Services functions. The key functions involved include the extension services, generic services, plant/crop production advisory services, plant health, engineering services and project support.

Question 2: Are consultation procedures in place regarding subsidies for regional and local authority councils? Are there any funds specifically earmarked within these subsidies to facilitate the decentralisation process?

Answer:

- Subsidies to cover operational and capital expenses by regional and local authority councils are budgeted for under the budget vote (17) of MURD. We confirm that, on an annual basis, regional councils and local authorities are accorded the opportunity to submit their developmental and operational funding needs. The actual subsidies that are made available to the councils by the line ministry depend on the overall budget ceiling allocated to the ministry by the Ministry of Finance in a given fiscal year.
- At a general level, the funding provided for purposes such as construction of offices (council and constituency offices) and related supportive facilities has helped to create the requisite enabling environment for sub-national governments to operate and effectively execute their mandate.
- Budgetary allocations to sub-national governments under the national development budget enable them to deliver actual good and services to enhance the welfare of the communities that they are serving.



- MURD also use to budget for and carry out decentralisation capacity building activities.

Question 3: Is there currently an operable disbursement mechanism from central to subnational levels of government in place?

Answer:

The disbursement to Sub-national Government is done as follows:

- MURD issue budget circulars to RCs and LAs and budget consultations are held with them on budget executions and budget estimates.
- MURD propose subsidy allocations to respective RCs and LAs based on available funds and these are approved by Minister. In this respect, considerations include budget deficits at RCs/LAs or previous year's allocation, LAs categories such as VCs and newly proclaimed LAs as well as ongoing commitments and requests for financial assistance.
- RCs and LAs budget estimates are scrutinised and approved by Minister. Once the Minister has given the approval, the subsidy allocations are communicated to beneficiary RCs and LAs.
- Subsidies are transferred on a monthly basis to RCs upon submission of a formal request accompanied by accountability reports for funds transferred during the previous month.
- In the case of LAs, subsidies are transferred on a quarterly basis and/or when requested upon submission of a formal request accompanied by accountability reports.
- Accountability reports from RCs and LAs are scrutinised and the findings and recommendations are communicated accordingly.

Although the foregoing highlights the current disbursement practice/approach, the Ministry (MURD) in collaboration with other key stakeholders is pursuing the finalisation of the draft Intergovernmental Fiscal Transfer Policy as the ideal approach going forward. The envisaged policy will guide the introduction of specific formula-based mechanisms to ensure that the allocation of resources to subnational governments in Namibia is done in a manner consistent with the following key policy objectives:

- The Recurrent and Development Grant System shall allocate and transfer funds to sub-national governments (SNGs) on a formula basis in order to ensure equity, efficiency, transparency and predictability;
- It shall promote sustainable development and improve the quality of service delivery by SNGs; and
- It shall enhance SNGs' discretion to plan, prioritise and allocate funds in a manner that balances locally defined needs and national priorities.

The anticipated structure of Namibia's grant system will be composed of sectoral recurrent transfer schemes, supplemented by a cross-sectoral capital development grant scheme. The recurrent grant system in Namibia is envisioned to provide for five recurrent grants, namely Regional Education Grant, Regional Health Grant, Regional Water Supply Grant, Regional General Purpose Grant and the Regional Rural Services Grant. For each of the sectoral recurrent grants, a detailed formula, which includes relevant allocation factors and corresponding weights, will be elaborated for allocating funds to SNGs.

On the development side, it is proposed to have one cross-sectoral Development Grant that will follow policy guidance regarding national development planning priorities, but executed by SNGs to reflect their development needs as well.

Question 4: Some critics have suggested that the Directorate of Decentralisation would have been more suited to operate under the Office of the Prime Minister instead of the MURD. What is your view on this? Do you feel that the Directorate possesses adequate management and institutional capacity to successfully facilitate the decentralisation process from Windhoek?

Answer:

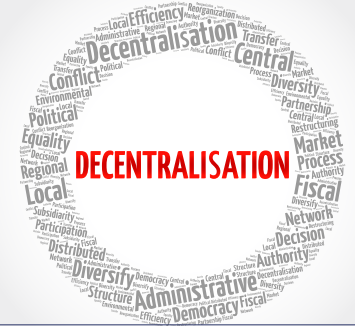
Firstly, any needed changes is a matter and the preparative of the high office(s) that originally decided on the mandate and housing thereof, and it is not for MURD to pronounce on. The implementation related functions is the responsibility of MURD, as coordinator, as well as the decentralising line Ministries (DLMs) and Regional Councils (RCs) who are taking over the decentralisation functions. The main role of MURD is coordination and support to DLMS and RCs as well as facilitation of the actualisation of the handing over of functions and monitoring of the execution of decentralised functions in partnership with DLMS. Thus far, MURD through its Decentralisation Coordination Directorate has been up to the task. The challenges being experienced are largely external and not internal to MURD (financial, human and technical capacity, etc).

Question 5: In your view, are the various regions and local authorities adequately prepared and capacitated for the final devolution phase of decentralisation to be implemented in the near future? Why or why not?

Answer:

The regional councils and local authorities are prepared and continue to be prepared to ensure a state of readiness at all times. It has to be noted however that the preparedness and level of capacity is in relative terms and may vary among various councils. At a general level, the state of preparedness and capacity are satisfactory while taking into account that capacity building is a continuous process. Below are some of the intervention/measures to build capacity at sub-national government level:

- (i) Training on Regional Development Planning and Management Practices: Noting that regional development and planning is one of the primary responsibilities of Regional Councils, the Ministry of Urban and Rural Development facilitates annual training and capacity building forums for Chief Regional Officers, regional planners, members of the development committees, and identified technical personnel from decentralising line ministries, in key areas pertaining to decentralisation, regional development and planning, project and general management as well as administration.
- (ii) The Ministry, in collaboration with the United Nations Centre for Regional Development, also hosted Training of Trainers Programme, in Regional Development Planning for planners from regions and the decentralising line ministries.
- (iii) The Ministry facilitated the installation of PASTEL Premier, an Accounting System, with the aim of facilitating and ensuring proper financial management and accountability at regional councils. The system was upgraded to PASTEL Evolution during 2010, and our training interventions thereon are ongoing.
- (iv) Furthermore, during 2020 the Ministry directed the adoption of the International Public Sector Accounting Standard by all regional councils and local authorities to ensure Improved management of financial resources and financial reporting. Several training interventions in this respect have been undertaken with subnational governments and the transition process, especially among regional councils, is on course.
- (v) The Ministry periodically reviews the organisation and establishment of regional councils to ensure that the requisite institutional capacities including the provision of personnel are planned for and in place. A notable provision that has been made relates to the creation of IT units, additional posts at constituency level, and additional posts of statisticians in the planning Directorates. These staffing provisions were aimed at enhancing the capacity of Regional Councils in particular to carry out their mandate and to effectively execute decentralised functions.
- (vi) Other ongoing capacity building interventions include the following:
 - Capacity building to DLMs and RCs as well as regional and local structures such as local and constituency development committees;
 - Development of a decentralisation implementation plan, with time lines through the various interventions undertaken and being pursued by MURD to address identified,



namely Inducting/ orienting DLMs on the approved guidelines and mandatory requirement; and

- Assisting DLMs to set up requisite structures to steer the decentralisation process.

Question 6: In your experience, what has been the biggest obstacle to the successful implementation of decentralisation across the various regions/local authorities? For example: poor cooperation from line ministries/lack of training and local knowledge/financial constraints/ weak institutional capacities at the subnational level.

Answer:

Decentralisation is generally a complex and yet necessary governance reform process and involves multiple stakeholders. Therefore, the implementation process thereof is not without challenges of its own, and such challenges are not insurmountable. Some of these challenges are highlighted here below:

- Although most of the DLMs have included decentralisation among their priorities, the process couldn't move at a satisfactory pace due to budget constraints beyond their control;
- Inadequate planning for decentralisation of identified functions on the part of some LMs;
- Inadequate supportive physical infrastructure (offices and residential accommodation for seconded staff members of some ministries in some regions);
- Limited financial resources resulting from, among others, economic recessions hampers the optimal performance of decentralised;
- The need to sustain key stakeholders' and general public's understanding of the content and meaning of the decentralisation policy and their role in the implementation of the policy;
- The coordination of efforts of all the actors (LMs and RCs) in the implementation of the policy to ensure harmony and minimal conflicts and duplications needs to be enhanced;
- Difficulties in recruiting and retaining personnel with specialised and scarce skills (professionally qualified Engineers and Regional and Town Planners) at regional level;

In response to the various noted challenges, the following interventions are being undertaken or considered:

- MURD and DLMS have resolved to carry out annual assessments of the integration of decentralised functions within RCs as well as the impact of what have been decentralised;
- Development of an implementation plan with time lines for each function to be decentralised, so as to fast track the process while on the other hand, consolidating the gains/ progress made thus far;
- Continuous sensitisation of decentralising Line Ministries to prioritise decentralisation in their Strategic Plans and Annual plans with timelines;
- Continuous awareness and civic education on decentralisation, both at central and subnational government level in order to improve understanding of its benefits;
- Strengthening of accountability systems at sub-national government level to ensure optimal execution of decentralised functions and use of resources linked thereto;
- Improve coordination between DLMs and RCs on service delivery; and
- Adequate planning and budgetary provision for decentralisation by DLMs.

In conclusion, successful decentralisation requires the unwavering commitment of all stakeholders in order for the nation to realise its intended benefits.

ABOUT THE AUTHOR

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