

2020 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX

NAMIBIA
OCTOBER 2021



USAID
FROM THE AMERICAN PEOPLE

ICNL
INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

fhi360
THE SCIENCE OF IMPROVING LIVES

2020 CIVIL SOCIETY ORGANIZATION SUSTAINABILITY INDEX

For Namibia

October 2021

Developed by:

United States Agency for International Development

Bureau for Democracy, Conflict and Humanitarian Assistance

Center of Excellence on Democracy, Human Rights and Governance

Acknowledgment: This publication was made possible through support provided by the United States Agency for International Development (USAID) under Cooperative Agreement No. AID-OAA-LA-17-00003.

Disclaimer: The opinions expressed herein are those of the panelists and other project researchers and do not necessarily reflect the views of USAID or FHI 360.

ACKNOWLEDGMENTS

A publication of this type would not be possible without the contributions of many individuals and organizations. We are especially grateful to our implementing partners, who played the critical role of facilitating the expert panel meetings and writing the country reports. We would also like to thank the many CSO representatives and experts, USAID partners, and international donors who participated in the expert panels in each country. Their knowledge, perceptions, ideas, observations, and contributions are the foundation upon which this Index is based.

LOCAL PARTNER

INSTITUTE FOR PUBLIC POLICY RESEARCH (IPPR)

Graham Hopwood
Dietrich Rimmert
Salmi Shigwedha

PROJECT MANAGERS

FHI 360

Michael Kott
Eka Imerlishvili
Alex Nejadian

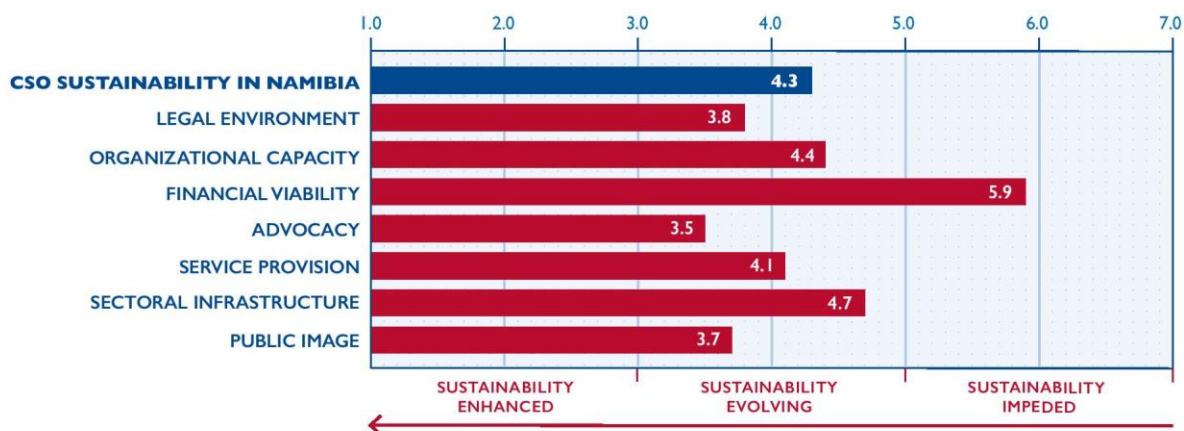
INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW (ICNL)

Catherine Shea
Jennifer Stuart
Marilyn Wyatt

EDITORIAL COMMITTEE

Xoliswa Keke, Irene Petras, Kellie Burk, Christina Del Castillo, Julie Snyder, and Lynn Fredriksson

OVERALL CSO SUSTAINABILITY: 4.3



The 2020 COVID-19 pandemic had a tumultuous effect on Namibian society. After the first case of the virus was detected in March, the government imposed a state of emergency, which lasted until September. Fundamental freedoms such as the right to move around the country and hold public gatherings were suspended or limited, and a night-time curfew was imposed for much of the year. However, the rights to freedoms of expression and of the press were not seriously affected, and Namibians continued to protest publicly over a variety of issues while following health guidelines. The government introduced a short-lived emergency grant for the unemployed along with a number of measures to help businesses. The private sector assisted in the roll-out of these and other pandemic-related programs, but CSOs were not directly involved. In general, CSOs adapted well to the restrictions—for example, by organizing socially distanced demonstrations and limiting attendance at gatherings. Many CSOs quickly switched to holding internal staff meetings and public engagements online after the lockdown was introduced in March.

Continuing corruption scandals, combined with an economic recession that began in 2016, led to a loss of popular support for the ruling SWAPO party in local and regional elections in November 2020. No single opposition party emerged to challenge SWAPO. The Independent Patriots for Change did well in the coastal settlements of Walvis Bay and Swakopmund and the Landless People’s Movement took control of the Karas and Hardap regions in the south of the country. For the first time since independence, SWAPO lost its majority in the capital, Windhoek, when an alliance of opposition groups assumed control of the city council.

The Fishrot corruption case, revealed at the end of 2019 in reports by media outlets such as Al Jazeera, Wikileaks, The Namibian newspaper, and the Icelandic public broadcaster, continued to dominate the headlines in 2020. Seven suspects, including the former ministers of fisheries and justice, remained behind bars awaiting trial on charges of receiving at least \$10 million in bribes to ensure that fishing quotas went to an Icelandic fishing company. At least some of this amount was transferred to entities linked to SWAPO. The high-level nature of corruption in Namibia was underlined when the Supreme Court ruled in April 2020 that the former minister of education could not appeal her conviction for corruption after she was found guilty of favoring her relatives in the allocation of social housing. CSOs led by the ACTION Coalition, which is composed of organizations working in the governance sector, continued to press for Namibia to operationalize its 2017 whistleblower protection law, especially after the Fishrot case underscored the importance of whistleblowers in rooting out corruption.

Namibia retained its top spot as the freest media environment in Africa in the 2021 World Press Freedom Index of Reporters Without Borders. However, the country’s reputation as an open society was undermined by police clashes with demonstrators protesting sexual and gender-based violence (SGBV) in October. More than twenty protesters and journalists were arrested, but the charges were later dropped.

The Namibian economy shrank by 8 percent in 2020, according to the Bank of Namibia. At the end of year, the Ministry of Labor confirmed that more than 12,000 people—probably an underestimate—had lost their jobs as a

result of the pandemic. A survey commissioned by the Namibia Employers Federation that was released at the end of October 2020 found that 19 percent of responding businesses had closed, while 26 percent had reduced their staff and 39 percent had imposed wage cuts. The Bank of Namibia said that pre-COVID-19, Namibia had received more than 40,000 tourists a month but between September and December 2020 received a total of only 6,700 tourists. The economic gloom was lifted slightly by an exceptional rainy season, which ended a four-year drought in most of the country and replenished the country's dams.

CSOs' overall sustainability was unchanged in 2020. The legal environment deteriorated moderately as government bodies made a greater effort to monitor the sector and posed bureaucratic obstacles to registration. Pandemic-related restrictions complicated CSOs' strategic planning and internal management, causing the sector's organizational capacity to deteriorate slightly. The sector's financial viability was slightly weaker as the pandemic disrupted and diverted international funding streams. CSO service provision was also weaker because of declining funding coupled with pandemic-related restrictions. Advocacy was moderately stronger as CSOs actively engaged in social justice issues and played an important, often successful role in influencing policy and public opinion. The public image of CSOs improved slightly thanks to increasingly favorable coverage of CSOs. CSOs' sectoral infrastructure did not change.

No recent official data are available on the size of the CSO sector in Namibia. At the end of 2020, 220 active CSOs were listed on the website of CIVIC +264, a voluntary association that serves as an information-sharing network for CSOs.

LEGAL ENVIRONMENT: 3.8



The legal environment for CSOs deteriorated moderately in 2020 as CSOs observed more concerted efforts by government bodies to monitor and control the sector. In particular, CSOs felt threatened by the Financial Intelligence Center (FIC), which seemed to regard them as a major risk for money laundering and the financing of terrorism. CSOs also complained of worsening bureaucratic obstacles during registration.

CSOs register as trusts with the Master of the High Court or as companies not for gain with the Business and Intellectual Property Authority. CSOs offering health-care or educational services must also register with relevant line ministries, and organizations involved in child protection activities must comply with additional registration requirements. Both trusts and companies not

for gain continued to face delays and red tape when seeking to register, update details, or deregister in 2020. For example, smaller organizations such as the Eoolo Permaculture Initiative struggled to gain clarity from the authorities about regulation requirements, and the Namibian Media Trust (NMT) encountered difficulties while trying to gain national certification for its media-related training courses, which would establish NMT's eligibility for the state subsidy scheme.

CSOs felt pressured in 2020 by ongoing attempts to revive a government-civil society partnership policy and create an umbrella body for the whole of civil society. A foreign development agency acting on behalf of the Ombudsman's Office was widely seen as the main driver of the initiative. CSOs saw the agency as forcing the issue and were concerned that they were not involved as equal partners and the effort was overly rushed. The agency ignored a request for a meeting from the ACTION Coalition and set what CSOs believed were unrealistic deadlines for the agreement to be finalized and the umbrella body to be established. The initiative petered out at the end of the year.

As the FIC, which is attached to the Bank of Namibia, prepared for a review of Namibia by the Financial Action Task Force in 2021, it maintained that civil society posed a significant risk for money laundering and terrorism financing. Some CSOs disputed the FIC's proposed requirement that all nonprofit organizations register with it under the Financial Intelligence Act 13 of 2012. Other CSOs subscribed to the overall aim of preventing money

laundering and terrorism financing but questioned why the FIC was targeting civil society when Namibia’s major money-laundering scandals concerned government-linked bodies, private companies, and politicians. By the end of the year, the FIC was still consulting with CSOs, including churches, in an effort to persuade them to register with it and supply financial information. Some CSOs also found it difficult to meet the more stringent compliance requirements imposed by their banks in 2020, usually under anti-money laundering regulations. For example, the requirement to file many mandatory forms posed a heavy administrative burden on CSOs with little capacity. The bank serving the Namib Desert Environmental Education Trust (NaDEET) threatened to close the CSO’s account when it had not filled out certain forms by a set deadline.

A long-standing dispute over the constitutionality of the Research, Science, and Technology Act of 2004 continued to drag on in the High Court in 2020. Three organizations—the Legal Assistance Center (LAC), Institute for Public Policy Research (IPPR), and The Namibian newspaper—have challenged the law and its regulations, claiming that it imposes draconian controls on bodies conducting any kind of research. Government attorneys have offered to revise the law but still had to come up with acceptable amendments in 2020. The Access to Information Bill, which CSOs see as crucial for opening up the information landscape, was finally presented in the parliament in early 2020 but then stalled after going to a standing committee. CSOs hope that the law will be passed in 2021.

A peaceful demonstration by the #ShutItAllDown movement in October 2020 was disrupted by security forces, who detained twenty-three protesters and three journalists. Although the charges against the detainees were later dropped, the police and government responses to the demonstrations came across as ham-fisted and uncaring. The incident followed several cases of heavy-handed policing in several special operations, including one in which civilians were assaulted and some lost their lives.

There are no legal controls on foreign funding of CSOs. CSOs may compete for government contracts and engage in income-generating activities but rarely do so.

All CSOs pay pay-as-you-earn tax on permanent employees’ salaries. CSOs are exempt from value-added tax (VAT) except when they provide services or sell products for commercial purposes. In 2020, several CSOs, including the Society for Family Health, complained that the government took too long to refund VAT payments and the delays were undermining their financial viability. Charitable, religious, and welfare organizations are exempt from taxes on income, including funds from donors. After the minister of finance proposed taxing any income that charities derive from commercial activities, the government began to draft relevant legislation in 2019 and continued in this effort in 2020.

Private legal services are available to CSOs but are costly. LAC normally provides legal advice to CSOs on a pro bono basis. In 2020, its capacity to provide legal advice was severely strained when its office was closed during the lockdown.

ORGANIZATIONAL CAPACITY: 4.4

CSOs’ organizational capacity deteriorated slightly in 2020 as pandemic-related restrictions complicated their strategic planning and internal management. These strains were intensified by the ongoing challenges of limited financial and human resources.

Pandemic-related restrictions on travel and public gatherings disrupted CSOs’ operations in grassroots communities in 2020. Workers for health-care CSOs, such as the Society for Family, could not travel from region to region for a period of several months, while state health-care workers moved more easily. NaDEET was unable to transport school children for educational sessions because of occupancy restrictions on public transport and the high cost of hiring private buses.

CSOs that could not move their activities online had to curtail or delay activities, especially during the most extreme lockdown from March to May. Contacts with the



government were also limited by pandemic restrictions. For example, the newly established civil society coordination hub, CIVIC +264, found it hard to reach government officials during the lockdown since many of them were working from home with limited connectivity. However, some organizations found that they actually had better access to constituents via online platforms. For example, IPPR had a productive discussion with the minister of finance and his senior staff about budget transparency using Zoom. NMT successfully moved its training courses for journalists online and provided course attendees with data on their mobile devices so that they could attend various webinars from home.

Some CSOs neglected their core mandates in 2020 to pursue whatever funding was available so that they could maintain their operations. The search for funds became urgent for some organizations. Donors increasingly demand internal documents such as strategic plans, vision statements, and detailed monitoring and evaluation reports. Given their limited resources, many CSOs find it difficult to produce these documents, which constrains their ability to apply for funding successfully.

Many CSOs continued to be hamstrung by weak boards in 2020. Few professionally qualified and experienced Namibians are willing to serve on CSO boards, given the challenging circumstances and lack of remuneration. Once appointed, board members often display a lack of commitment to their organizations.

Given ongoing financial shortfalls, CSOs continued to struggle to hire, train, and retain competent and experienced staff in 2020. For example, NaDEET, NMT, Eloolo, and the Namibia Development Trust (NDT) all experienced capacity challenges, and some of these organizations had to lay off staff in 2020. Few organizations have the resources to fill permanent positions, and most CSOs operate with a limited number of employees hired only for the duration of funded projects. Staffing constraints limit CSOs' capacity to bid on funding opportunities, especially at smaller organizations, and their ability to hire support and administrative staff is severely constrained. To mitigate staffing gaps, many CSOs make use of local and international volunteers, who pose administrative challenges such as the need for supervision and training, legal obligations, and mandatory recruiting guidelines.

Many CSOs lack core funding for office costs. Some government ministries and institutions allow CSOs to access basic office space. Many organizations had to unexpectedly invest funds in digital technologies in 2020. Several CSOs, such as NMT and IPPR, made use of online tools such as livestreaming and podcasts to conduct activities more effectively and more cheaply. Panel discussions and consultations via online services such as Zoom were also increasingly prevalent. The Namibia Institute for Democracy (NID) was able to broadcast regular panel discussions on human rights and democracy-related issues via Facebook Live. Smaller CSOs found it harder to switch to online operations.

FINANCIAL VIABILITY: 5.9



The financial viability of CSOs in Namibia deteriorated slightly in 2020 as the pandemic diverted international funding streams and disrupted CSOs' relationships with donors.

Namibian CSOs are dependent on foreign donors. Most donor funding is allocated to government institutions. While exact levels of foreign funding are difficult to obtain, many CSOs experienced a decline in funding in 2020. Among the hardest-hit organizations, NMT experienced shortfalls for its work in media development and the promotion of freedom of expression. Some donors made funding available for pandemic-related activities instead of existing projects. For example, DW Akademie and the Hanns Seidel Foundation provided financial support to IPPR's fact-checking project, which

actively countered disinformation related to the pandemic. Few local CSOs have the capacity to absorb and manage sizable, multi-year funding opportunities, such as those offered by the European Union (EU).

The decline in tourism affected CSOs in the usually resilient environmental conservation sector. NaDEET, for example, experienced a marked decline in financial support as the local tourism industry collapsed and private-sector donations dried up. Community conservancies were also deprived of income because of the lack of tourists.

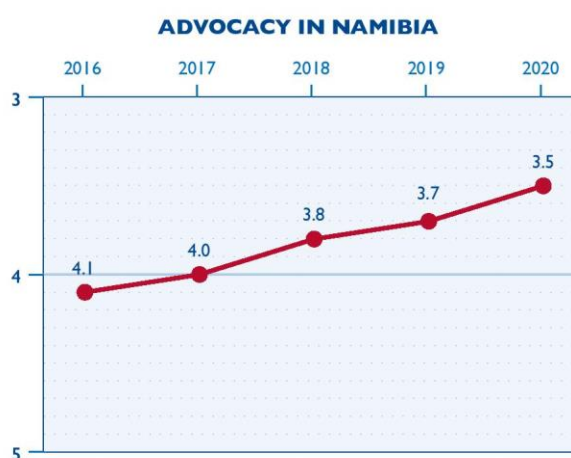
Government support for civil society has always been limited. With the country's fiscal crisis worsening, the government did not release any funds to CSOs in 2020. As many activities were limited by the pandemic, CSOs found it very difficult to expand opportunities for earning their own income during the year. The depressed local economy also minimized private-sector support.

Since most Namibian CSOs are very small and operate on a project-to-project basis without core funding, they find it difficult to develop their financial management systems. Very few CSOs publish financial information.

ADVOCACY: 3.5

CSO advocacy improved moderately in 2020 as CSOs were actively involved in social justice and policy issues, including SGBV, police brutality, corruption, poverty, illegal timber harvesting, and cross-border tensions with Botswana.

Namibian CSOs play an important and often successful role in influencing policy and public opinion, in part because of the rise of vocal social movements, which are often driven by young activists disillusioned with the government's failure to address the country's socio-economic challenges. CSOs cooperated with the government on drafting policies and legislation in 2020. For example, LAC worked closely with the Ministry of Justice on the new Child Care Protection Act and its regulations. NDT took part in policy formulation on forestry-related issues with the Ministry of Environment and Tourism. President Hage Geingob appointed CSO representatives to the national governing council for the African Peer Review Mechanism, which will assess Namibia's governance standards. CSOs also served on a commission looking at ancestral land claims that delivered its report to the president in July. The government used CIVIC +264 as a contact point for identifying and contacting CSOs to participate in various policy initiatives in 2020.



Growing public anger over the country's high rates of SGBV led to the #ShutItAllDown initiative in October. A loose coalition of activists and organizations coordinated protests in a number of towns that attracted hundreds of participants. In addition to protesting specific high-profile cases of violence against women, the #ShutItAllDown movement challenged a culture of toxic masculinity and political lethargy. The activists effectively used social media, especially Twitter, to promote their cause and coordinate their activities. The protesters met with government officials towards the end of the year but failed in their calls to have the minister of gender removed from office.

Protests also took place in Katima Mulilo and Windhoek against the killing of four Namibian fishermen by the Botswana Defence Force on Namibia's north-eastern border. The protests were organized by a new group called Zambezi Lives Matter.

On December 23, more than 2,000 employees of the large Shoprite, Checkers, and Usave retail chain went on strike over low wages and poor working conditions. The Namibian Food and Allied Workers Union called on consumers to boycott the shops, a move that the Labor Ministry supported. The strike ended one month later with most of the workers' demands met.

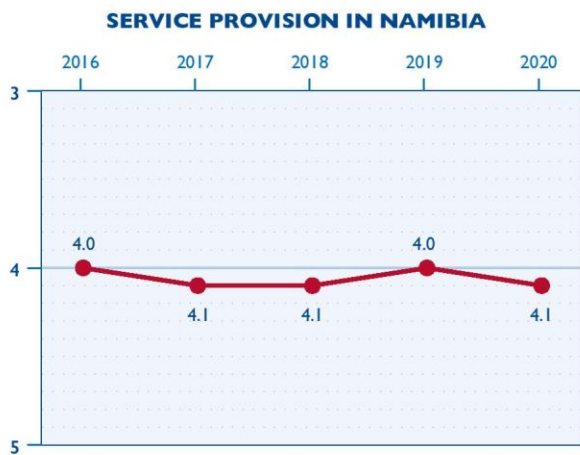
The revival of the Basic Income Grant (BIG) coalition in 2020 brought together a range of human rights, labor, and religious groups to pressure the government to roll out a monthly universal grant for all citizens. The government responded with a more targeted, short-lived emergency income grant to help households with incomes below the tax threshold during the pandemic.

LAC objected to a plan put forward by the Judicial Service Commission to make it easier to hold court hearings in secret. The proposal raised fears that hearings and court documents referring to sensitive political cases could be kept away from the public eye. As of the end of 2020, this issue was still unresolved.

CSOs led by the ACTION Coalition were able to push the Access to Information Bill to the parliament. The bill was then stalled by a dispute over the composition of the parliamentary committee, and no further progress was made on it during the year. CSOs such as IPPR urged the government to operationalize the Whistleblower Protection Act without success. At the end of the year, the law remained unimplemented three years after it was passed by the parliament.

There were no attempts by CSOs to reform the legal framework for the sector in 2020, although inconclusive talks held under the auspices of the Ombudsman’s Office addressed the linked issues of a possible partnership agreement with the government and the official registration of recognized CSOs. Ultimately, several leading CSOs lost trust in the process after they felt they were being pressured to finalize an agreement with unrealistic speed.

SERVICE PROVISION: 4.1



CSO service provision deteriorated slightly in 2020 as a result of declining funding coupled with pandemic-related restrictions. For example, LAC was unable to provide some litigation services and legal advice during the lockdown. Similarly, NaDEET was unable to offer educational sessions on the environment as schools and colleges closed or operated on a limited basis. Because of poor connectivity in many communities, online learning was not a viable substitute for many students.

The Shackdwellers Federation of Namibia continued to build affordable houses for low-income earners around the country, while the Society for Family Health provided health services at the grassroots level. Few organizations directly re-oriented their work to meet needs related to the pandemic. One exception was Development

Workshop Namibia, which provided hands-free urban sanitation units known as tippy taps to informal settlements to reduce the infection rate among poor communities. IPPR devoted much of its fact-checking service to countering COVID-19 disinformation.

CSOs and communities often come together to organize activities aimed at helping the poor and marginalized. For example, when a fire in an informal settlement in the coastal town of Walvis Bay left more than 1,000 people homeless, CSOs, the government, businesses, and local communities assisted with tents, food, and other supplies. CSOs also helped establish community-based initiatives to supply basic necessities such as food and toiletries for poor and vulnerable communities most affected by the pandemic. A new organization, Co-Feed Namibia, helped collect donations from businesses, churches, and private individuals and distribute goods to orphanages, schools, soup kitchens, and households in need. However, CSOs’ overall ability to offer services responding to community needs during the pandemic was limited. Partly because of its own financial problems, the government did not fund CSOs’ community work in 2020.

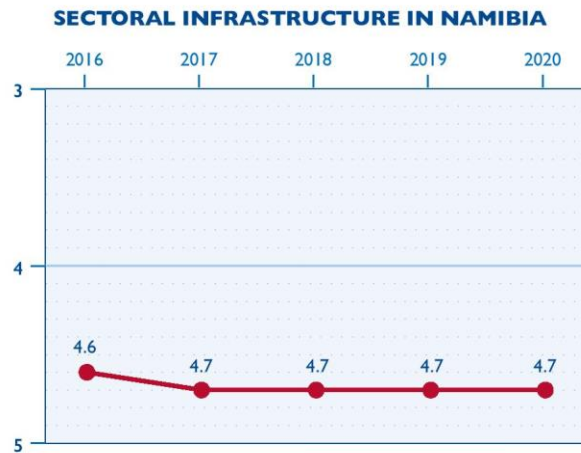
Most CSOs do not seek to generate income from their services, since they serve mostly poor communities.

Despite its lack of financial support, the government displayed a more tolerant attitude to CSOs in 2020 and recognized their contributions to the pandemic response.

SECTORAL INFRASTRUCTURE: 4.7

The infrastructure supporting CSOs did not change in 2020. In general, the infrastructure is limited, and CSOs make do with little infrastructural support.

The only general resource center offering capacity building or operational space to CSOs in Namibia is the House of Democracy, which, outside of the lockdown period, provided office facilities to a number of CSOs, including NID, IPPR, Economic Association of Namibia, and CIVIC +264. During the lockdown, many CSO offices were closed, with staff working from home and engaging with each other online. The House of Democracy, with support from the Hanns Seidel Foundation, invested in online tools such as Zoom, which could be used by its partners for internal meetings and engagements with the public.



Coordination between CSOs is intermittent and fragmented, particularly since no umbrella body coordinates joint undertakings for the sector as a whole. The Namibia Non-Governmental Organizations Forum (NANGOF) continued to exist in 2020 mostly as a legal entity rather than an active body. CIVIC +264 focuses on networking and information sharing for CSOs but is not an umbrella organization and does not speak on behalf of civil society. Some organizations working in the same sector cooperate effectively. For example, in 2020, the ten members of the ACTION Coalition advocated for better access to information, and CSOs acting together under the #ShutItAllDown banner successfully focused public attention on SGBV. The health sector was negatively affected by its umbrella organization's loss of status with its main funder, the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

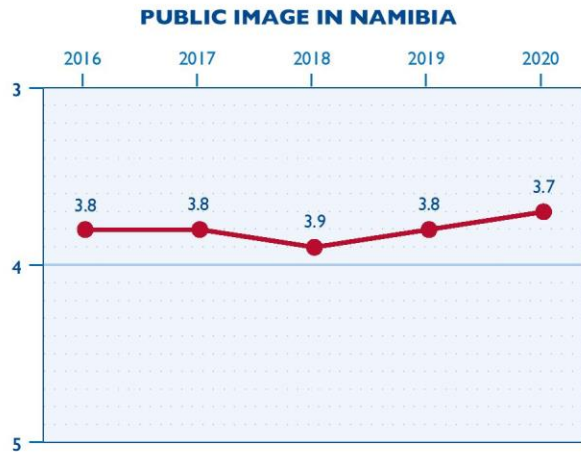
Donors occasionally offer project- or sector-specific workshops to their civil society partners. For example, the Hanns Seidel Foundation offered training on project management to its partner CSOs in 2020. The EU's five-year capacity-building program, Enhancing Participatory Democracy in Namibia, which was launched in 2019, was limited to a couple of preliminary activities, such as briefings for parliamentary staff, because of pandemic-related restrictions.

Cooperation between civil society, the private sector, and the government was limited in 2020. Areas of joint interest include the prevention of wildlife crime, which brings together environmental CSOs, community conservancies, security services, and the Ministry of Tourism and the Environment for regular discussion and coordination. CIVIC +264 helped smooth interactions between the government and the sector as a whole by providing a clear point of contact for government officials. CIVIC +264 also acted as a conduit of information from government ministries and other bodies that wished to consult with CSOs on policy development. The National Planning Commission, for example, was able to identify CSO stakeholders through CIVIC +264.

PUBLIC IMAGE: 3.7

The public image of CSOs improved slightly in 2020 as CSOs received favorable media coverage and improved their use of social media platforms.

Reporting about CSOs' activities in traditional media such as newspapers, television, and radio was largely positive in 2020. In Namibia's open media environment, many publications and broadcast channels use civil society experts as commentators on current affairs and regularly approach CSOs engaged in research to take part in television and radio talk shows. These media include independent newspapers and private radio and television stations as well as state-controlled media. The Namibian Chamber of Environment is often asked to comment on proposed environmental regulations, while IPPR representatives are asked to participate in public discussions on corruption and the economy. In 2020, civil society activists made regular appearances on the Namibian Broadcasting



Corporation’s COVID-19 update programs to talk about issues such as the public health response, countering disinformation, and the state of emergency legislation.

The public reacted positively to CSO initiatives in 2020. Public approval of CSOs was especially evident on social media.

Unlike in previous years, government representatives rarely attacked CSOs publicly in 2020. Although the relationship between some media houses and the office of the president deteriorated, CSOs were able to communicate constructively with the government and voice criticism of its actions. This more tolerant attitude on the part of the government probably resulted in part from its recognition of CSOs’ contribution to the pandemic response.

There were very few announcements of private-sector support for CSOs in 2020.

CSOs have become more adept at using social media platforms to highlight their work and promote their causes. Co-Feed maintained an active Facebook page detailing donations, recipients, and sponsors. The #ShutItAllDown initiative received coverage in international media and expressions of solidarity from many organizations thanks to its extensive use of social media. With the pandemic severely limiting public engagements, CSOs depended more on the media for coverage of their programs and key messages in 2020. For example, ACTION Coalition members spoke to a range of community radio stations across the country about the meaning of an access to information law for ordinary people. NMT effectively used its YouTube channel for short broadcasts and discussions of access to information and media-related issues. NID organized a series of online discussions on issues such as mental health, the Sustainable Development Goals, and SGBV, which were broadcast live on Facebook. The launch of the CIVIC +264 website in November provided a much-needed public interface for civil society and facilitated contact with CSOs by members of the public and government officials. There were indications that Zoom-type public events hosted by CSOs were well attended.

There were no attempts by CSOs to self-regulate in 2020. Only a small number of CSOs published annual reports including financial details. IPPR was ranked fifty-third among the world’s think tanks for its quality assurance and integrity policies and procedures in the 2020 Global Go To Think Tank Index Report produced by the University of Pennsylvania.

Disclaimer: The opinions expressed herein are those of the panelists and other project researchers and do not necessarily reflect the views of USAID or FHI 360.

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

www.usaid.gov