

## THE LOCAL GOVERNMENT SYSTEM IN

## NAMIBIA



## 1 INTRODUCTION

The Republic of Namibia is a unitary state located in south-western Africa. It borders Angola to the north, Botswana to the east, South Africa to the south and the Atlantic Ocean to the west. Its area is 825,418 sq km and population 2,055,080.<sup>1</sup> The capital city is Windhoek.

Namibia's head of state is the president. The president is elected by direct, universal adult suffrage. To be elected as president a person must receive more than 50% of the votes cast. The necessary number of ballots is conducted until such a result is reached. The president's term of office is five years with one person being allowed a maximum of two terms.

The parliament of Namibia consists of two houses: the National Assembly and the National Council. The National Assembly has 72 elected seats. The president has the constitutional discretion to appoint up to six additional members without voting rights, so a full assembly can contain 78 members. The

National Council consists of 26 members, two from each of the country's 13 regions. It has limited powers to review legislation from the National Assembly.

The National Assembly's 72 elected seats are distributed among the competing parties in proportion to the share of the vote they receive. The term of office for members of the National Assembly is up to five years.

The National Council members are elected by each of the country's 13 regional councils. Each regional council is represented by two members in the National Council elected by the regional councillors from amongst themselves. The term of office for members of the National Council is six years.

Namibia is divided into 13 regions, namely: Caprivi, Erongo, Hardap, Karas, Khomas, Kunene, Ohangwena, Okavango, Omaheke, Omusati, Oshana, Oshikoto and Otjozondjupa. There are 48 local authorities made up of municipal, town and village councils.

Local government's contribution to GDP in 2003 was 0.5%.

## 2 POLITICAL AND ORGANISATIONAL STRUCTURE OF NAMIBIA

Namibia has been involved in reform of local government since independence in 1990, with the aim of making it more democratic. In 1992 the new Namibian government passed the Regional Councils Act 1992 and the Local Authorities Act 1992 as the legal framework for institutionalising decentralised government through regional and local bodies.

In 1996 the Ministry of Regional and Local Government and Housing (MRLGH), which is spearheading decentralisation, consulted various stakeholders to determine whether decentralisation was on course. The consultations revealed that decentralisation was not delivering as had been expected. A policy dialogue among various stakeholders ensued on what it was realistically possible to decentralise further, in what timeframe decentralisation should take place, and with what resources it should be effected.

The policy dialogue culminated in a decentralisation policy which was approved by cabinet in December 1996 and by the National Assembly in September 1997 and officially launched on 30 March 1998. The document identifies functions to be decentralised and lays down implementation guidelines, resource strategies and the choice of the form of decentralisation.

The document outlines various stages of decentralisation to devolve functions and powers to regional councils and local authorities as independent entities. It is designed to phase in by region or local authority, by functions and within functions. Some functions were to be decentralised immediately and others in the intermediate term or long term. The implementation of the policy was to be kick-started through a delegation phase as an interim measure. It was envisaged that by 2002 the bulk of the activities currently undertaken by government would have been decentralised to regional and local authorities. Unfortunately this has not been the case. Progress has been slow and halting since the decentralisation policy was launched and as yet most of the preparatory

Table 1. Distribution of local authorities

Region	Number of authorities				Population	% rural	% urban
	Part I municipality	Part II municipality	Town council	Village council			
Caprivi			1		79,826	72	28
Erongo	2	3	2	1	107,663	20	80
Hardap		1	1	6	68,249	72	28
Karas		2	1	6	69,329	69	37
Khomas	1				250,262	7	93
Kunene		1	2	1	68,735	75	25
Ohangwena			1		228,384	99	1
Okavango			1		202,694	72	28
Omaheke		1		2	68,039	72	28
Omusati			1		228,842	99	1
Oshana			3		161,916	69	31
Oshikoto		1			161,007	91	9
Otjozondjupa		3	1	2	135,384	59	41
<b>Total</b>	<b>3</b>	<b>12</b>	<b>14</b>	<b>18</b>		<b>65</b>	<b>35</b>

work is far from complete.

For instance, most of the line ministries affected by immediate decentralisation of functions have not made any substantial progress towards the completion of their action plans.

To facilitate implementation of the decentralisation policy, the government in 2000 enacted the following:

- Regional Councils Amendment Act 2000
- Local Authorities Amendment Act 2000
- Decentralisation Enabling Act 2000
- Trust Fund for Regional Development and Equity Provisions Act 2000.

The object of the decentralisation policy is to consolidate further democratic governance in the regional and local spheres as well as to promote sustainable development.

Namibia's most recent general election was held in November 2004. In the presidential election Hifikepunye Pohomba of the incumbent South West Africa People's Organisation (SWAPO) won with 76% of the vote. In the National Assembly elections SWAPO won 55 seats, Congress of Democrats five, Democratic Turnhalle Alliance four, United Democratic Front three, National Unity Democratic Organisation three, Monitor Action Group one and the Republican Party one seat.

The Ministry of Regional and Local Government and Housing is responsible for guiding, supervising and controlling regional and local governments. Although regional and local governments are autonomous, the minister has general oversight responsibilities over them. For instance, the legislation gives the minister the following specific powers and responsibilities over regional and local government:

- Prescribing a code of conduct for members
- Granting approval for local authorities or regional councils to receive money or donations from outside the country
- Granting permission to construct water-works, close/divert streets etc
- Removal or suspension of local authorities that fail to discharge their duties and functions (except for Part I municipalities)
- Making regulations relating to the establishment and composition of local and regional tender boards.

In 2003 and again in 2004 the minister had to suspend councils for financial mismanagement.

Namibia is divided into 13 regions, each of which is run by a regional council. Regional councils also have powers under the Regional Councils Act to advise the president and central government on matters relating to the region as well as ancillary powers of administration and financial management.

The political head of a region is the governor. Regional councillors elect the governor from amongst themselves. When elected, the governor serves in that position for three years and must then stand re-election.

### 3 LEGAL BASIS FOR LOCAL GOVERNMENT

#### 3.1 Constitutional provisions

The position of regional and local government is enshrined in the national constitution. Chapter 12 of the constitution provides for a system of regional and local government in the country. Article 102(1) specifically provides for structures of regional and local governments. It states that 'for purposes of regional and local government, Namibia shall be divided into regional and local units which shall consist of such regional and local authorities as may be

determined by an Act of Parliament'.

Local democracy is guaranteed in the constitution. Article 102(3) states that: 'Every organ of regional and local government shall have a Council as the principal governing body, freely elected in accordance with this Constitution and the Act of Parliament referred to in Sub-Article (1)...'

#### 3.2 Main legislative texts

The main legislation dealing with local government is:

- Local Authorities Act 1992
- Regional Councils Act 1992.

Other important legislation includes:

- Decentralisation Enabling Act 2000
- Trust Fund for Regional Development and Equity Provisions Act 2000.

The fundamental legislative texts have been amended several times as part of the ongoing decentralisation process.

## 4 LOCAL GOVERNMENT ORGANISATIONAL STRUCTURE

#### 4.1 Main divisions

Regional and local government is divided into regional councils, municipal councils, town councils and village councils. Local government areas have municipal, town and village councils. The municipalities are further subdivided into Part I and Part II municipalities within the law. There is no upper or lower tier in local government.

There are five spheres of regional and local government, one at regional level and four at the local level. Whereas local authorities provide various services to residents in their areas of jurisdiction, regional councils do not.

4.2 Distribution of local governments and population

The average population for regional councils is 148,265, for Part I municipalities 99,784, Part II municipalities 10,488, town councils 12,784 and village councils 2,789.

By population, Omaheke with a population of 68,039 is the smallest region, Swakopmund with a population of 23,808 is the smallest Part I municipality, Usakos with a population of 2,926 is the smallest Part II municipality, Uutapi with a population of 2,640 is the smallest town council, and Grunau with a population of 800 is the smallest village council.

By population, Khomas with a population of 250,262 is the largest region, Windhoek with a population of 233,529 is the largest Part I municipality, Otjiwarongo with a population of 19,614 is the largest Part II municipality, Rundu with a population of 44,413 is the largest town council and Gibeon with a population of 6,000 is the largest village council.

Just over one in three people, 35%, live in urban areas.

5 DEMOCRATIC AND POLITICAL STRUCTURES IN LOCAL GOVERNMENT

Local councils are elected through a party list system of proportional representation. The term of office for local authority councillors is five years. Councillors elect the mayor from amongst themselves annually.

There are statutory consultative development committees that operate at regional and local levels. They are focused on the region, the regional constituencies, the local authority, village and settlement. Although each is composed differently, they are constituted to involve elected members, traditional authorities, representatives of NGOs and community based organisations (CBOs), youth, women and people with disabilities.

The management committee of the council reports to the full council.

Women make up 8% of regional councils, 40% of Part I municipalities, 32% of Part II municipalities, 45% of town councils and 55% of village councils. Of the 13 regional governors, three are female. Of the total 30 mayors for municipal and town councils nine (30%) are women.

5.1 Local councils

The only committee required by law is the management committee. The council may from time to time establish such committees as it may deem necessary to advise it on the exercise of any of its powers.

Ceremonial mayors are elected annually by councillors from amongst themselves. At the first meeting of the council nominations are

received from councillors for the position of mayor, followed by elections. Although the mayors are political leaders of their councils, they are ceremonial in the sense that they do not have executive powers. The executive powers reside in the council as a collective body.

The municipal councils of Part I municipalities are free to remunerate and provide allowances as they deem necessary. The municipal councils of Part II municipalities and town and village councils may only do so with ministerial approval.

The management committee is the executive and comprises the mayor and deputy mayor plus three, four or five other councillors according to the size of the council. In all cases the executive constitutes a majority of the full council.

5.2 Local government staffing

Local authority staff are recruited by the respective local councils, which retain powers to discipline and dismiss. No staff are deployed to local authorities from central government.

Chief executive officers are the only officers required by law. These are referred to as chief regional officers in the regional councils, town clerks in the towns and village secretaries in the villages.

In towns and municipalities, the town clerk is the head of the administration and typically has a number of heads of departments reporting to him or her. The number of departmental heads depends on the size of the authority.

5.3 Independent scrutiny

There are three independent scrutiny bodies with responsibility for local government, namely the Office of the Ombudsman, the Auditor General's Office and the Namibian Financial Institutions Supervisory Authority (NAMFISA). These are legally empowered by the Namibian constitution and specific legislation relating to the creation and/or operation of such bodies.

6 DISTRIBUTION OF SERVICE DELIVERY COMPETENCE

Local councils are responsible for water and sanitation, refuse management, environmental protection, electricity, economic promotion and tourism. Regional councils do not provide services directly.

7 FINANCE

7.1 Revenue

The estimated total aggregate revenue for local government for the year 2004/2005 was N\$1.8bn (US\$315.8m) of which N\$160m is from central government.

The main sources of revenue were:

1. Rates	30%
2. Electricity supply charges	30%
3. Water rates	30%
4. Other	10%

The local council is responsible for the raising and collection of local rates.

7.2 Revenue-sharing

The policy is that local governments should be self-funding or move towards that. However, the central government provides subsidies to village councils, regional councils and about four town councils which do not have a sufficient revenue base. Central government also gives some capital grants for infrastructure upon application. These subsidies are for capital and operational expenses. All capital support grants are project-specific, while operational grants are general.

There is no ministerial overview of locally raised taxes.

The Local Authorities Act provides that a local authority must transfer 5% of its rate income to the regional council.

7.3 Expenditure

The estimated aggregated expenditure of local government for the year 2004/2005 was N\$1.8bn (US\$315.8m). The main items of expenditure were:

1. Salaries	30%
2. Water and electricity (rechargeable)	40%
3. Other	30%

Local councils are not permitted to set deficit budgets.

8 ORGANISATIONS OF LOCAL GOVERNMENT

There are three associations operating in the local government sphere:

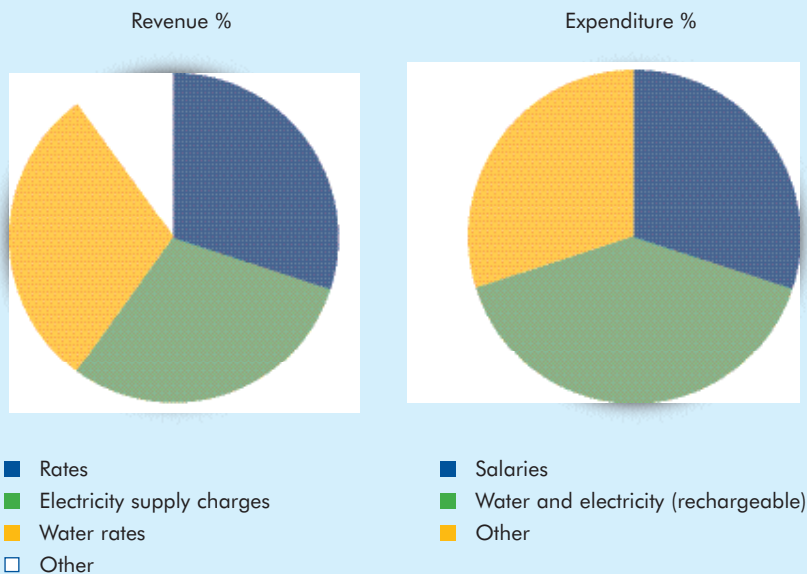
- Association of Local Authorities of Namibia (ALAN)
- Association of Regional Councils (ARC)
- Namibia Local Administrators' Organisation (NALAO).

All three are voluntary bodies and are not recognised by law; each is funded through membership subscriptions.

The objectives of ALAN are to:

- Protect, safeguard and enhance the image, interests and rights of the local authorities
- Act as liaison between the central and local authorities in all matters of common interest

Figure 1. The financial structure of local government in Namibia



to its members

- Strive along constitutional lines for the promotion of all local authorities to the status of independent local authorities with democratically elected councillors.

While ALAN is mainly representative of local authorities at a political level, NALAO (Namibian Association of Local Authority Officers) operates at an administrative level.

NALAO's role is to represent the interests of the administrative branch of local authorities in terms of advancing a culture of professionalism and ethics in local government. It serves as a platform for exchanging ideas and experiences, and plays a critical role in creating opportunities for further professional development and training opportunities for its members – chief executive officers, treasurers and other senior officers.

ARC is a coordinating body for regional government with a significant role to play in enlightening regional councillors on their roles and responsibilities, and in forging strong working cooperation between regional councils and local authorities to deal with matters such as regional development planning coordination.

## 9 INTERGOVERNMENTAL RELATIONS

The Namibian administrative system is a three-tier system with three spheres of responsibility: central, regional and local. This makes the design of appropriate intergovernmental relations complex and critical. One important element lacking in the Namibian decentralisation policy is a common platform and formal procedures for communication, consultation and participation of the different stakeholders in the decentralisation process. The communications and consultations that take place are *ad hoc* and irregular, occurring

only at the discretion of the parent ministry.

Both the Regional Councils Act 1992 and the Local Authorities Act 1992 contain provisions which require communication between a regional council and the local authorities in its region. The main provisions are:

- A local authority must submit to the regional council copies of the relevant agenda, supporting documents and minutes within seven days of a meeting
- A regional council can enter into an agreement with a local authority to act as agent for the local authority on any power, duty or function of the local authority. The agreement can also provide for a local authority to perform the functions of the regional council
- The management committee of the local authority must consult with the regional council before preparing its annual budget or a supplementary budget
- A regional council must consult with the local authority when compiling its regional development plan
- A regional council may make recommendations to MRLGH concerning the minister's use of powers with regard to a local authority in the region
- A regional council may assist any local authority in exercising its powers, duties and functions.

The relations between local authorities are not governed by any legislative requirements but are left to the discretion of the local authorities. The same applies to relations between regional councils. It should be pointed out that local authorities and regional councils interact within their respective associations.

## 10 E-GOVERNMENT

Since 1990, the Namibian government has increased its efforts to adjust to the information society. At the national level, there is a nascent policy framework on ICT for national development as expressed in the Vision 2030 and the National Development Plan (NDP2). The technological infrastructure to support e-government is in place in the 13 regional councils and in many local authorities. While regional disparities are huge, it is most drastic between the major cities and remote local communities. Several local authorities make use of ICT for their administration and service delivery.

MRLGH is currently in the process of developing a sub-national e-government strategy. This was submitted to the cabinet in April 2005 for approval.

The priority issues for implementation are:

- Integrate the sub-national e-government strategy into the national e-government initiatives
- Address barriers to local and regional e-government
- Provide technical training
- Provide technical infrastructure to ensure availability of technical assistance for local e-government
- Investigate and provide necessary technical infrastructure for e-government to local and regional governments, including multiple and creative options
- Seek strategic partnerships in order to reduce service delivery costs and improve the quality of service delivery
- Implement a single helpdesk for all local governments.

In 2005 there were an estimated 75,000 internet users in Namibia, or 3.7% of the population.<sup>2</sup>

## 11 ENVISAGED REFORMS

Structural, administrative, organisational and performance deficiencies in the governance and administration of local authorities have become noticeable. Desired results and outputs are presently not achieved at local authority level. The need for a review and improvement of the institutional and organisational structures and the administrative processes at local authority level has become a matter of principle, as well as better work performance and credibility of local governance.

Intervention areas are:

- Consolidation of the legislative, regulatory and policy environment

- Structural, organisational and administrative adjustment. Local government reforms will address such issues as the status, structure and administrative systems of local authorities
- Human resources development issues
- Promotion of democracy and quality governance
- Financial management issues
- Infrastructure and service delivery
- Promotion of local economies
- Cooperative government
- Institutionalisation of ALAN.



## 12 MISCELLANEOUS

### 12.1 Traditional leaders

Traditional leaders have no specific role apart from advising government and giving support to the policies of the local councils. They are expected to refrain from any act that undermines the authority of local councils.

Traditional leaders are involved in various types of development committees.

## 13 SUMMARY

Namibia is a small state due to the size of its population. The dispersed nature of its population makes it unique. This is reflected in its local government arrangements, which are relatively complex with the size of local councils ranging from a population of 800 for the smallest village to 234,000 for the largest city.

There is an ongoing reform and decentralisation programme that is being modified to ensure that implementation takes place in accordance with needs.

### References

1&2 CIA World Factbook 2007.

Service	Delivering authority			Remarks
	Central	Regional	Local government	
<b>GENERAL ADMINISTRATION</b>				
Police	●			
Fire protection			●	
Civil protection			●	
Criminal justice	●			
Civil justice	●			
Civil status register	●			
Statistical office	●			
Electoral register	●			
<b>EDUCATION</b>				
Pre-school	Private			
Primary	●			
Secondary	●			
Vocational and technical	●			
Higher education	●			
Adult education	●			
<b>SOCIAL WELFARE</b>				
Kindergarten and nursery	Private			
Family welfare services	●			
Welfare homes	●			
Social security	●			
<b>PUBLIC HEALTH</b>				
Primary care	●			
Hospitals	●			
Health protection	●			
<b>HOUSING AND TOWN PLANNING</b>				
Housing	●		●	
Town planning	●			
Regional planning	●	●		
<b>TRANSPORT</b>				
Roads	●			
Transport	●			
Urban roads	●			
Urban rail	●			
Ports	●			
Airports	●			
Other			●	Aerodromes
<b>ENVIRONMENT AND PUBLIC SANITATION</b>				
Water and sanitation			●	
Refuse collection and disposal			●	
Cemeteries and crematoria			●	
Slaughterhouses			●	
Environmental protection			●	
Consumer protection			●	
<b>CULTURE, LEISURE AND SPORTS</b>				
Theatre and concerts			●	
Museums and libraries			●	
Parks and open spaces			●	
Sports and leisure			●	
Religious facilities			●	
<b>UTILITIES</b>				
Gas services	n/a			
District heating	n/a			
Electricity	●		●	
Water supply	●		●	
<b>ECONOMIC</b>				
Agriculture, forests and fisheries	●		●	
Economic promotion			●	
Trade and industry	●		●	
Tourism	●		●	
Other economic services	●		●	