



The local government system in

# Namibia



## Key facts

**POPULATION (Census 2001):** 1,830,330**AREA<sup>2</sup>:** 824,268 sq km**CAPITAL:** Windhoek**LOCAL GOVERNMENT CONTRIBUTION TO GDP:** -**CURRENCY:** Namibian dollar (nad)**HEAD OF STATE AND GOVERNMENT:**

President Hifikepunye Pohamba

**FORM OF GOVERNMENT:** republic**PARLIAMENTARY SYSTEM:** bicameral**STATE STRUCTURE:** unitary**LANGUAGES:** English (official)

Afrikaans, German, Oshiwambo (recognised)

**NATIONAL ELECTIONS:** last: Nov 2009;

turnout: - next: 2014

**LOCAL ELECTIONS:** last: Nov 2010;

turnout: 38.6%; next: 2015

## SUMMARY

Namibia is a unitary democratic republic with three spheres of government: national, regional and local. Regional and local government are enshrined in Chapter 12 of the constitution and the main governing legislation consists of the Local Authorities Act 1992 and the Regional Councils Act 1992. There are 13 regional councils, and 52 unitary local authorities classified as follows: three 'Part I' municipal (city) councils, 13 'Part II' municipal councils, 17 town councils and 19 village councils. Both regional councils and local authorities are empowered to levy local taxes, each local authority must transfer 5% of its rate income to its regional council. In parallel, central government provides subsidies to village councils, regional councils and newly established town councils. Regional councils do not generally provide services directly, but local

councils' responsibilities include water and sanitation, waste management, electricity and economic promotion.

### 1. CENTRAL GOVERNMENT

Namibia is a democratic republic with a bicameral parliament. The head of state and government is the president, who is directly elected by universal adult suffrage. To be elected as president a candidate must receive more than 50% of the votes cast. The president's term of office is five years, with 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 which are distributed according to a system of proportional representation. The president has constitutional discretion to appoint up to six additional members without voting rights, such that a full

assembly can contain 78 members. The national council consists of 26 members, two each from the country's 13 regional councils, indirectly elected for a term of five years. It has limited powers to review legislation proposed by the national assembly.

### 2. LEGAL BASIS FOR LOCAL GOVERNMENT

#### 2.1 Constitutional provisions:

Regional and local government is enshrined in chapter 12 of the constitution. Article 102(1) 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' [...] 'Every organ of regional and local government shall have a Council as the principal governing body, freely elected'.



## 2.2 Main legislative texts:

The main legislation dealing with local government is:

- Local Authorities Act 1992 (amended 2000)
- Regional Councils Act 1992 (amended 2000).

Other important legislation includes:

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

## 3. STRUCTURE OF LOCAL GOVERNMENT

### 3.1 Local government within the state:

Namibia is divided into 13 regional councils and 52 unitary local authorities comprising 16 municipal, 17 town and 19 village councils. The municipal councils are further subdivided into three 'Part I' municipalities (cities) and 13 'Part II' municipalities.

### 3.2 Ministerial oversight:

The Ministry of Regional and Local Government, Housing and Rural Development (MRLGHRD) has responsibility for guiding and supervising regional and local governments. The minister is empowered to:

- Prescribe a code of conduct for council members
- Grant approval for local authorities or regional councils to receive money or donations from outside the country
- Grant permission to construct waterworks, close/divert streets etc
- Remove or suspend local authorities that fail to discharge their duties and functions
- Make regulations relating to local and regional tender boards.

### 3.3 Council types:

Local government is single-tiered with four types: Part I municipal (city) councils, Part II municipal councils, town councils and village councils.

**3.3.1 Regional councils:** Each regional council is headed and chaired by a chairperson.

**3.3.2 Unitary local authorities (Part I and Part II municipal councils, town councils and village councils):** The only sub-committee required for unitary local authorities is the management committee, which reports to the full council. The management committee is the executive arm of the council 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

**Table 1.** Distribution of councils and population (Census 2001)

Region	Number of authorities				Population (Census 2001)	% rural -
	Part I municipalities	Part II municipalities	Town Councils	Village Councils		
Caprivi	0	0	1	0	79,826	72
Erongo	2	4	1	1	107,663	20
Hardap	0	1	1	6	68,249	72
Karas	0	2	1	6	69,329	69
Kavango	0	0	2	0	202,694	72
Khomas	1	0	0	0	250,262	7
Kunene	0	1	2	1	68,735	75
Ohangwena	0	0	2	0	228,384	99
Omaheke	0	1	0	2	68,039	72
Omusati	0	0	2	2	228,842	99
Oshana	0	0	3	0	161,916	69
Oshikoto	0	1	1	0	161,007	91
Otjozondjupa	0	3	1	1	135,384	59
<b>TOTAL</b>	<b>3</b>	<b>13</b>	<b>17</b>	<b>19</b>	<b>1,830,330</b>	<b>67.2</b>

Source: Central Bureau of Statistics'

majority of the full council. The council may from time to time establish committees as it deems necessary to advise it on the exercise of any of its powers.

Non-executive mayors are indirectly elected annually from and by the council. 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.

### 3.3.3 Consultative development committees:

These are statutory bodies which operate at regional and local levels. They are focused on the region, the regional constituencies, local authorities, villages and settlements. Although each is composed differently.

## 4. ELECTIONS

### 4.1 Recent local elections:

The last regional and local authority elections were held in November 2010 with a voter turnout of 38.6%.

### 4.2 Voting system:

In regional council elections, candidates run in separate single-member constituencies using the first-past-the-post system.

For local authority elections, a proportional representation system is used. Parties present a different candidate list for each local authority, with voters from that municipality being able to choose between the different parties.

### 4.3 Elected representatives:

The term of office for local authority councillors is five years and councillors indirectly elect the mayor from the council members on an annual basis.

### 4.4 Women's representation:

In 2009, women councillors made 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 in 2009, three were female. Of the total 33 mayors for municipal and town councils nine (30%) were women.

## 5. SYSTEMS FOR COMMUNITY INVOLVEMENT

### 5.1 Legal requirement

The CDCs are constituted to involve elected members, traditional authorities, representatives of NGOs and community-based organisations, youth, women and people with disabilities.

### 5.2 Implementation:

The Decentralisation Enabling Act 2000 provides for stakeholder consultations and communication

### 5.3 E-government:

The IT infrastructure to support e-government is in place in the 13 regional councils and in many local authorities. While regional disparities are significant, they are most drastic between the major cities and remote local communities. All local authorities make use of ICT for their administration and service delivery. MRLGHRD has developed a sub-national e-government strategy which includes addressing barriers to local and regional e-government, providing infrastructure to ensure availability of technical



**Table 2.** Estimated aggregate revenue and expenditure for local authorities (2006/2007)

Estimated revenue	NA\$bn	Expenditure	NA\$bn
<b>Government transfers</b>	n/a	<b>Administrative and operational</b>	-
Rates	0.66	Salaries total	0.66
Electricity supply rate	0.66	Water and electricity (rechargeable)	0.88
Water charges	0.66		
Miscellaneous/other	0.22	Other	0.66
<b>TOTAL</b>	<b>2.2</b>	<b>TOTAL</b>	<b>2.2</b>

Source: Ministry of Regional and Local Government, Housing and Rural Development<sup>4</sup>

assistance for local e-government and implementing a single helpdesk for all local governments.

**6. ORGANISED LOCAL GOVERNMENT**

There are three associations operating in the local government sphere:

- Association for Local Authorities in Namibia (ALAN)
- Association of Regional Councils (ARC)
- Namibia Association of Local Authorities’ Officers (NALAO).

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

**6.1 National local government association:**

The objectives of ALAN are to protect, safeguard and enhance the image, interests and rights of local authorities, to act as liaison between central and local authorities in all matters of common interest to its members and to strive, along constitutional lines, for the promotion of all local authorities to the status of independent local authorities with democratically elected councillors.

**6.2 Other local government associations:**

ARC is a coordinating body for regional government which supports regional councillors in 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.

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 for its members – chief executive officers, treasurers and other senior officers.

**7. INTERGOVERNMENTAL RELATIONS**

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

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

- A local authority must submit to its 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 a local authority must consult with its regional council before preparing its annual budget or a supplementary budget
- A regional council must consult with its local authorities when compiling its regional development plan
- A regional council may make recommendations to the Minister concerning the minister’s use of powers with regard to a local authority in its region
- A regional council may assist any local authority in exercising its powers, duties and functions.

The decentralisation policy implementation committee created by the Decentralisation Enabling Act meets twice a year, is chaired by the secretary to cabinet and is attended by permanent secretaries of line ministries decentralising functions. Furthermore, there is

also a decentralisation focal persons committee chaired by MRLGHRD’s director of decentralisation coordination and attended by nominated focal persons from line ministries and regional councils. In addition, as part of the government’s decentralisation-plans, it is a policy requirement that every regional or local government subject to decentralisation measures be consulted, and also that staff to be decentralised be informed and consulted in the process.

**8. MONITORING SYSTEMS**

There are three independent scrutiny bodies with responsibility for local government:

- Office of the Ombudsman
- Auditor General’s office
- Namibian Financial Institutions Supervisory Authority.

**9. FINANCE, STAFFING AND RESOURCES**

**9.1 Locally raised revenue:**

Both regional councils and local authorities are empowered to levy local taxes. The rates vary between regional councils and local authorities. There is no ministerial overview of locally raised taxes.

**9.2 Transfers:**

The Local Authorities Act 1992 provides that local authorities must transfer 5% of their rate income to their regional council.

Central government provides subsidies to village councils, regional councils and newly established town councils which do not have a sufficient revenue base. The Ministry convenes budget consultation meetings with each village council and any newly proclaimed town councils, where they have to give feedback on the previous year’s spending and explain the rationale for their budgets. Central government also gives some grants for infrastructure upon application from councils. These subsidies are for capital and operational expenses. All capital support grants are project-specific, while operational grants are general.



Central government transfers funds to regional councils through electronic bank transfers.

### 9.3 Local authority staff:

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

Local authority employees are recruited by the respective local councils, which retain powers to discipline and dismiss. No members of 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

## 10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

Regional councils do not generally provide services directly, except in declared settlement areas within their areas of jurisdiction. Local councils are responsible for water and sanitation, waste management, environmental protection, electricity, economic promotion and tourism.

### References and useful websites

1. Central Bureau of Statistics, Namibia  
[www.npc.gov.na/cbs/index.htm](http://www.npc.gov.na/cbs/index.htm)  
Census 2001  
[www.npc.gov.na/census/index.htm](http://www.npc.gov.na/census/index.htm)
2. UN statistics  
<http://unstats.un.org/unsd/demographic/products/dyb/dyb2008/Table03.pdf>
3. IMF statistics [www.imf.org/external/data.htm](http://www.imf.org/external/data.htm)
4. Ministry of Regional and Local Government, Housing and Rural Development  
[www.mrlgh.gov.na](http://www.mrlgh.gov.na)
5. Government of Namibia [www.grnnet.gov.na](http://www.grnnet.gov.na)
6. UNDP Human Development Report 2010  
[www.hdr.undp.org](http://www.hdr.undp.org)
7. Association of Local Authorities in Namibia  
[www.alan.org.na](http://www.alan.org.na)



**Annex A.** Summary of service provision in different spheres of government

Service	Delivering authority			Remarks
	Central	Regional	Local Government	
<b>GENERAL ADMINISTRATION</b>				
Police	■		■	City of Windhoek only
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			
Water supply	■		■	
Electricity	■		■	
<b>ECONOMIC</b>				
Agriculture, forests and fisheries	■		■	
Economic promotion			■	
Trade and industry	■		■	
Tourism	■		■	
Other economic services	■		■	