

NAMIBIA

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 14 regional councils and 57 unitary local authorities, classified as follows: three 'Part I' municipal (city) councils, 15 'Part II' municipal councils, 26 town and 18 village councils. Both regional councils and local authorities are empowered to levy local taxes. Following the 2015 local elections, 44.2% of councillors were women and in 2014/15, local government expenditure was 44.2% of total government expenditure. Each local authority must transfer five percent (5%) of its rate income to its regional council. In parallel, national 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. NATIONAL GOVERNMENT

Namibia is a democratic republic with a bicameral parliament.^{271a} 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 96 elected seats which are distributed according to a system of proportional representation. The president has constitutional discretion to appoint up to eight additional members without voting rights, such that a full assembly can contain 104 members. The National Council consists of 28 members, two each from the country's 14 regional councils, indirectly elected for a term of five years. It has limited powers to review legislation proposed by the national assembly. Following the 2014 national election, 42.3% of members of the national assembly and 23.8% of members of the national council were women.^{271b}

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

Regional and local government is enshrined in Chapter 12 of the constitution^{272a} 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 comprises:

- Local Authorities Act 1992^{272b} (amended 2000)
- Regional Councils Act 1992^{272c} (amended 2010)

Other important legislation includes:

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

2.3 Proposed legislative changes

No known proposed legislative changes.

2.4 National Urban Policy

No information available

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Namibia is divided into 14 regional councils and 57 unitary local authorities comprise 13 municipal councils, 26 town and 18 village councils. The municipal councils are further subdivided into three 'Part I' municipalities (cities) and 15 'Part II' municipalities.

3.2 Ministerial oversight

Ministry of Urban and Rural Development (MURD)^{273b} 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 approval for the disposal and acquisition of immovable properties
- grant permission to construct waterworks, close/divert streets etc.
- remove or suspend local authorities which fail to discharge their duties and functions
- make regulations relating to local and regional tender boards and procurement.



KEY FACTS

POPULATION (2017 estimate):
2,484,780

AREA (UN 2006):
824,268 sq km

CAPITAL:
Windhoek

CURRENCY:
Namibian dollar (NAD)

HEAD OF STATE AND GOVERNMENT:
President Hage Geingob

FORM OF GOVERNMENT:
republic

PARLIAMENTARY SYSTEM:
bicameral

STATE STRUCTURE: unitary

LANGUAGES:
English (official); Afrikaans, German, Oshiwambo (recognised)

NATIONAL ELECTIONS:
last: Nov. 2014 turnout: 71.8% next: 2019

WOMEN IN PARLIAMENT (2014):
MNA: 42.3%, MNC: 23.8%

LOCAL ELECTIONS: last: Nov 2015
turnout: 36.6% next: Nov 2020

WOMEN COUNCILLORS:
44.2% (2015)

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2014/15:
21.9%

Table 27.1a Distribution of councils and population

Region	Part I: municipalities	Part II: municipalities	Town councils	Village councils	Population Census 2011	Population 2017 est.	% rural 2011
Caprivi	0	0	1	1	90,596	na	69
Erongo	2	2	3	0	150,809	na	13
Hardap	0	1	2	5	79,507	na	40
Karas	0	1	3	5	77,421	na	46
Kavango E	0	0	1	1	115,447	na	71
Kavango W	0	0	1	0	107,905	na	71
Khomas	1	0	0	0	342,141	na	5
Kunene	0	1	2	1	86,856	na	74
Ohangwena	0	0	2	1	245,446	na	90
Omaheke	0	1	0	3	71,233	na	90
Omusati	0	0	4	1	243,166	na	94
Oshana	0	0	3	0	176,674	na	54
Oshikoto	0	1	2	0	181,973	na	87
Otjozondjupa	0	3	2	0	143,903	na	46
TOTAL	3	10	26	18	2,113,077	2,484,780	57

Source: MRLGHRD communication with CLGF and 2011 Census^{27.3a}

Table 27.1b Women councillors 2005 - 2015

Council type	2005		2010		2015	
	#	%	#	%	#	%
All councillors	na	-44	na	na	157	44.2
All female councillors	na	-56	na	na	198	55.8
All male councillors	na	100.0	na	100.0	355	100.0
Total councillors	na	100.0	na	100.0	355	100.0
Part 1 municipalities	#	%	#	%	#	%
Female Part 1 municipal councillors	na	-40	na	na	14	40.0
Male Part 1 municipal councillors	na	-60	na	na	21	60.0
Total Part 1 municipal councillors	na	100.0	na	100.0	35	100.0
Part 2 municipalities	#	%	#	%	#	%
Female Part 2 municipal councillors	na	-32	na	na	27	38.6
Male Part 2 municipal councillors	na	-68	na	na	43	61.4
Total Part 2 municipal councillors	na	100.0	na	100.0	70	100.0
Town councils	#	%	#	%	#	%
Female town councillors	na	-45	na	na	82	46.9
Male councillors	na	-55	na	na	93	53.1
Total councillors	na	100.0	na	100.0	175	100.0
Village councils	#	%	#	%	#	%
Female village councillors	na	-55	na	na	34	45.3
Male village councillors	na	-45	na	na	41	54.6
Total councillors	na	100.0	na	100.0	75	100.0

Source: MRLGHRD communication with CLGF

3.3 Council types

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

3.3.1 Regional councils: Each regional council is headed and chaired by an indirectly elected chairperson.

3.3.2 Unitary local authorities: Part I and Part II municipal, town 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 majority of the full council plus mayor and deputy mayor as ex-officio members. The council may from time to time establish such 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.

4. ELECTIONS

4.1 Recent local elections

The last regional and local authority elections were held in November 2015 with a voter turnout of 36.6%.^{27.4} The next elections will be held in 2020.

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 local authority area being able to choose between the different parties.

4.3 Elected representatives

The term of office for local authority councillors is five years. Mayors are indirectly elected from among the council members on an annual basis.

4.4 Women's representation

Namibia's political parties use a quota list system where 50% of candidates must be women as well as a 'zebra system' where if a mayor or chair is female, the deputy must be male, and vice versa. In 2015, 44.2% of councillors were female (see Table 27.1b).



5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement

The Decentralisation Enabling Act 2000 provides for stakeholder consultation and communication.

5.2 Implementation

Constituency Development Committees (CDCs) are statutory bodies which operate at regional and local level to involve elected members, traditional authorities, representatives of NGOs and community-based organisations, youth, women and people with disabilities. They are focused on the region, the regional constituencies, local authorities, villages and settlements. Each is composed differently.

5.3 ICT Use in Citizen Engagement

No information is available.

6. ORGANISED LOCAL GOVERNMENT

There are three associations operating in the local government sphere which are all voluntary bodies funded through membership subscriptions and are not recognised by law.

- Association for Local Authorities in Namibia^{27.6a} (ALAN)
- Association of Regional Councils (ARC)
- Namibian Association of Local Authority Officers^{27.6b} (NALAO)

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 national and local authorities in all matters of common interest to ALAN 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 by 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, namely chief executive officers, treasurers and other senior officers.

7. INTERGOVERNMENTAL RELATIONS

There is currently no legal empowerment for intergovernmental links, but this issue is being addressed. Local authorities and regional councils do interact within their respective associations. Relationships between local and national government are currently left to the respective organisations' discretion. The same applies to relations between regional councils. However, the Regional Councils Act 1992 and the Local Authorities Act 1992 do require communication between a regional council and the local authorities in its region. The main provisions include: a local authority must submit to its regional council copies of the agenda, supporting documents and minutes within seven days of a formal 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 discharge 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 ministry concerning the minister's use of powers with regard to a local authority in its region; and, a regional council may assist any local authority in exercising its powers or discharging its duties and functions. The decentralisation policy implementation committee created by the Decentralisation Enabling Act 2000 meets twice a year; it is chaired by the secretary to the cabinet and is attended by the permanent secretaries of line ministries with decentralising roles. Furthermore, there is also a decentralisation focal persons committee, chaired by MURD's director of decentralisation coordination and attended by nominated focal persons from line ministries and regional councils. In addition, 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 overseeing local government:

- Office of the Ombudsman
- Auditor General's Office
- Namibian Financial Institutions Supervisory Authority

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

In 2014-15 local government expenditure was 21.9% of total government expenditure.

9.2 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.

9.3 Transfers

The Local Authorities Act 1992 provides that local authorities must transfer 5% of their rate income to their regional council. National government provides subsidies to village councils, regional councils and newly established town councils which do not have an adequate revenue base. The ministry convenes budget consultation meetings with each village council and any newly proclaimed town councils, at which the councils must provide feedback on the previous year's spending and explain the rationale for their budgets. National 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.

9.4 Loans

No information is available.

Table 27.2a Estimated aggregate revenue and expenditure for local authorities (2014/15)

Estimated revenue	NA\$	Expenditure	NA\$
Government transfers		Administrative and operational	
restricted	524,068,364	staff	1,049,190,888
unrestricted	288,428,420	property	-
Locally raised revenue		Service	
property taxes	321,721,977	water	500,542,750
licences and fees	23,448,484	road maintenance	242,388,176
other	2,767,389,118	other	2,130,212,922
TOTAL INCOME	3,925,056,362	TOTAL EXPENDITURE	3,922,334,736

Source: MURD in communication with CLGF

Table 27.2b Local government expenditure as a percentage of total government expenditure 2012-2017

	2014/15 actual NA\$bn
Total government expenditure	17.8
Total local government expenditure	3.9
Local government expenditure as a percentage of total government expenditure	21.9%

Source: calculated by CLGF from table 27.2a and the national budget statement^{27.9}

9.5 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 their respective local councils, which retain powers to discipline and dismiss. No members of staff are deployed to local authorities from national 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

10.1 Overview of local government 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.

10.2 ICT Use in Service Development

MRLGHRD has developed a sub-national e-government strategy^{27.10a} which includes addressing barriers to local and regional e-government, providing infrastructure to ensure availability of technical assistance for local e-government and implementing a helpdesk for all local governments. The IT infrastructure to support e-government is in place in the 14 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.

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

The National Planning Commission^{27.10b} within the office of the Prime Minister has oversight and alignment of both the domestication process of the SDGs and over the Namibian Agenda 2063, the current national vision for development, and both have fed into the development of the fifth national development plan.

REFERENCES AND USEFUL WEBSITES

- 27.1a Government of Namibia www.grnnet.gov.na
- 27.1b Women in national parliaments. Inter-Parliamentary Union www.ipu.org/wmn-e/classif.htm
- 27.2a Constitution of Namibia www.superiorcourts.org.na/supreme/nam_constitution.html

- 27.2b Local Authorities Act 1992 (amended 2000) www.lac.org.na/laws/2000/2455.pdf
- 27.2c Regional Councils Act 1992 (amended 2010) www.lac.org.na/laws/2010/4543.pdf
- 27.3a 2011 Population and Housing Census <http://cms.my.na/assets/documents/p19dmm58guram30ttun89rdrp1.pdf>
- 27.3b List of municipalities and towns in Namibia www.alan.org.na/municipalities.html
- 27.3c Ministry of Regional and Local Government, Housing and Rural Development: <http://209.88.21.36/opencms/opencms/grnnet/MRLGH>
- 27.4 Electoral Commission www.ecn.na
- 27.5 No reference for this section
- 27.6a Association for Local Authorities in Namibia: www.alan.org.na
- 27.6b Namibian Association of Local Authority Officers: www.nalao.org
- 27.7 No reference for this section
- 27.8 No reference for this section
- 27.9 Based on the figure of NA\$3.9bn in table 2 and NA\$17.8bn government expenditure in the national budget 2014/15 www.mof.gov.na/budget-2015-2016
- 27.10a Sub-national e-Government strategy http://209.88.21.36/opencms/export/sites/default/grnnet/MRLGH/Documents/Sub-national_e-Government_Strategy_-_November_2008_Revision.pdf
- 27.10b Namibia domesticates the SDGs, NDP5 www.npc.gov.na/?p=889
- 27.11a UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
- 27.11b Commonwealth Local Government knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub
- 27.11c National Planning Commission www.npc.gov.na
- 27.11d UNDP HDR Namibia country profile <http://hdr.undp.org/en/countries/profiles/NAM>



Annex 27a Summary of service provision in different spheres of government in Namibia

Services	Delivering authority						Remarks
	National government	Regional councils	Municipalities part 1	Municipalities part 2	Towns	Villages	
GENERAL ADMINISTRATION							
Police	■		■				
Fire protection	■						
Civil protection	■						
Criminal justice	■						City of Windhoek only
Civil status register	■						
Statistical office	■						
Electoral register	■						
EDUCATION							
Pre-school (kindergarten and nursery)							
Primary		■					
Secondary		■					
Vocational and technical	■						Private
Higher education	■						
Adult education		■					
SOCIAL WELFARE							
Family welfare services	■						
Welfare homes	■						
Social security	■						
PUBLIC HEALTH							
Primary care	■						
Hospitals	■						
Health protection	■						
HOUSING AND TOWN PLANNING							
Housing			■	■	■	■	
Town planning	■	■	■	■	■	■	
Regional planning	■	■					
TRANSPORT							
Roads	■	■					
Transport	■	■					
Urban roads	■	■	■	■	■	■	
Urban rail	■						
Ports	■						
Airports	■						
ENVIRONMENT AND PUBLIC SANITATION							
Water and sanitation	■	■	■	■	■	■	
Refuse collection and disposal			■	■	■	■	
Cemeteries and crematoria			■	■	■	■	
Slaughterhouses			■	■	■	■	
Environmental protection			■	■	■	■	
Consumer protection			■	■	■	■	
CULTURE, LEISURE AND SPORTS							
Theatres and concerts			■	■	■	■	
Museums and libraries			■	■	■	■	
Parks and open spaces			■	■	■	■	
Sports and leisure facilities			■	■	■	■	
Religious facilities			■	■	■	■	
UTILITIES							
Gas services	na						
District heating	na						
Water supply	■	■	■	■	■	■	
Electricity	■	■	■	■	■	■	
ECONOMIC							
Agriculture, forests and fisheries	■		■	■	■	■	
Local economic development/promotion							■
Trade & industry	■		■	■	■	■	
Tourism	■		■	■	■	■	

■ sole responsibility service ■ joint responsibility service ■ discretionary service