

Namibia

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Introduction

The Constitution of the Republic of Namibia of 1990 established a three-tier system of government, comprising of the central government, regional councils and local authorities, the latter being the focus of this chapter.

While decentralised government is provided for in the constitution, and the existence of sub-national levels of government is guaranteed, the model applied in Namibia is relatively weak. The national government retains a great deal of power over local government and its set-up, and in addition, the system of intergovernmental finance is rudimentary. Capacity issues remain problematic, as do funding, bureaucratic constraints, political constraints and communication and information issues (Tsamareb 2005; Shaningwa 2102). These constitute significant barriers to local democracy flourishing in Namibia. On the other hand, the existence of democratic principles and institutions provide potential for local democracy to succeed.

About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

This report is part of a publication series that investigates local democracy in the 19 countries where the ICLD municipal partnership programme operates.

This report covers events up to 31 May 2019. Events occurring after this period are not considered.

General country analysis

Article 111 of the Constitution deals in extremely cursory fashion with local authorities. It provides that the boundaries of local authorities, elections, revenue-raising, remuneration of councillors and all other matters concerning or incidental to the administration and functioning of local authorities, shall be determined by act of parliament. Hence the structure and affairs of local authorities are left largely almost entirely in the hands of the national legislature.

Pursuant to Article 111, the Local Authorities Act was enacted in 1992 and provides for the establishment, powers, duties, functions and other related matters of local authority councils. Section 2 of the Act provides for three types of local authority council: municipalities, towns and

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villages. The minister in the national government responsible for local government may declare any area to be a municipality, a town or a village. Municipalities are further sub-categorised as Part I and Part II municipalities. The allocation of a local authority to a particular category or sub-category depends to a large extent on the capacity of the local authority to perform the functions associated with each category and its capacity to finance its operations.

The affairs of each type of local government are governed, in terms of section 6 of the Act, by a council. The head of a municipal or town council is the mayor, and of a village council, the chairperson. These office bearers are elected by the councillors from among their number. Municipal councils and town councils also elect management committees from among their number.

The constitution does not specifically define the relationship between the national government and local government; it is clear, however, that local government is subordinate to national government and local government's structure and functions exist at the behest of the national government.

Fiscal decentralisation

Powers and functions or spending responsibilities of local government in general are set out in section 30 of the Local Authorities Act. These cover a wide range of activities, including the provision of water, sewerage services, road maintenance and other services that are usually associated with local authorities. The actual powers and functions exercised or performed by individual authorities depends on their classification as municipalities (Part I or II), towns or villages. Local government does not have any responsibility for health or education. It should be noted that in addition to the powers and functions provided for in the Local

Authorities Act, the minister in the national government responsible for local government may in terms of the Decentralisation Enabling Act 2000 decentralise to any regional council or local authority council any function carried out by the national government.

Part I municipalities generally have a relatively solid financial basis and relative autonomy with regard to finances. Part II municipalities, towns and villages have a more fragile financial basis and are subject to control by the national government (Commonwealth Local Government Forum 2018). Most of the councils rely on substantial financial transfers from the central government or donors. Their financial autonomy is further limited as the intergovernmental transfers are allocated on an ad hoc basis, with no guarantee or predictability of national government support. Local authorities may charge fees for the provision of services. They may also levy property rates on immovable property.

Part I municipalities may borrow money from Namibian sources, and Part II municipalities, towns and villages may do so with the approval of the national government. Local authorities have the authority to prepare their own budgets, after consultation with the regional council in whose area the local authority in question is situated. Budgets are, however, subject to approval by the relevant minister in the national government and no expenditure may be incurred without such approval. Local authority budgeting power and spending autonomy is therefore considerably limited.

Political decentralisation

Members of local authority councils are elected by general election. Elections must be held at intervals not exceeding five years. Council members are elected from party lists on a

proportional representation basis; accordingly, there is no provision for independent candidates.

The constitution does not explicitly recognise the legislative and executive power of local authority councils; the Local Authorities Act does, however, state that the local authorities are to be governed by their councils. There is explicit provision in the legislation for national government to interfere in cases of maladministration.

To make provision for the direct involvement by the community, the government of Namibia has established the Statutory Development Committees, which operate at regional and local levels. They are constituted to involve elected members, traditional authorities and representatives from NGOs and interest groups. Other accountability mechanisms include audits by the Auditor-General and public meetings. Provision is also made for national government oversight and intervention if a local authority fails to perform its functions. As was shown above, the national government has considerable latitude to influence local governance.

Conclusion: possibilities and barriers for municipal partnerships

The existence of a legal framework for decentralisation in Namibia provides opportunities for partnerships, but the barriers to local democracy mentioned in the introduction apply equally to partnerships. Another potential barrier is that the roles and experiences of decentralised units in any given partnership may be so different as to limit the usefulness of a partnership.

References

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Legislation

- Constitution of the Republic of Namibia 1990
- The Local Authorities Act 1992