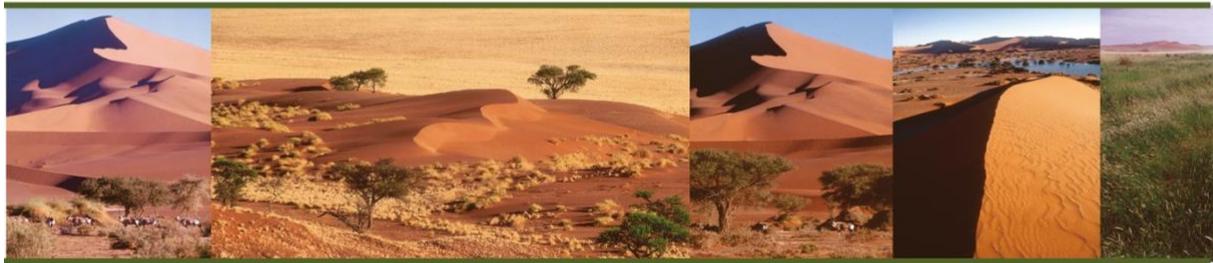




**Integration of Namibia
Local Authorities in the European Cooperation
Programming Process
2021-2027**

**COMPENDIUM
Of Key Reference Documents**



UCLG AFRICA
United Cities and Local Governments of Africa
Cités et Gouvernements Locaux Unis d'Afrique
CGLU AFRIQUE

Headquarters:

Association for Local Authorities in Namibia, Khomasdal Municipal Building- Borgward st. P.O. Box 2721 Windhoek

Contacts :

Telephone: + 264 61 2409 14 / 5 + 264 811 48 6505

Emails: alan@iway.na / mkambala@alan.org.na / jcoetzee@alan.org.na / mwiageorginah@gmail.com

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1. Introduction

The process of positioning local authorities of the Republic of Namibia for dialogue with the European Union (EU) delegation for its upcoming programming for the period 2021 to 2027 starts July 2020. It is envisaged that in the upcoming programming cycle, the LAs will for the first time participate as public actors alongside central/national governments, which have hitherto been the only public actors associated with the definition of priorities for EU cooperation. The purpose of this study is among others to create awareness among LAs about the new opportunities inherent in the upcoming programming process and to position them to play a meaningful role in the dialogue that will follow.

2. Background

Namibia gained her independence from the Republic of South Africa in 1990. Prior to her independence, the country was divided into Bantustans (homelands) created along tribal/ethnic lines. Moreover, during the epoch of the apartheid colonial regime, the divide and rule principle was applied as a system of government. This system of government did not only deny the indigenous people their inalienable rights and freedoms, but it favoured one race (whites) while disadvantaging the vast majority of the indigenous (blacks) Namibians. **Here we could add on the structures of Government**

There are three spheres of government – national, regional and local – provided for by the Regional Councils Act 1992 and the Local Authorities Act 1992. Regional and local government are enshrined in Chapter 12 of the constitution.

Namibia comprises 14 regions, each with a regional council. The 57 unitary local authorities comprise 13 city councils, 26 town councils and 18 village councils. Local elections are held every five years.

The regional councils and local authorities have revenue-raising powers, as well as receiving transfers from the national government. Regional councils do not normally provide services; the local authorities are responsible for such services as waste management, water supply, sanitation and electricity supply.

3. The methodology used for data collection

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Central to the assignment, a documentary research will be used with the following documents as critical source document for data collection. Analysis of the impact of decentralisation of functions to LAs in Namibia will be based on these documents as depicted by the practical reality. Other policy documents containing relevant information such as the CEE ratings and the National Indicative Programme will also be used. Additionally, the Association of Local Authorities in Namibia will play a major role in providing necessary information on level and nature of the participation of LAs in the national development process.

4. Abbreviations/Acronyms

ALAN:	Association of Local Authorities in Namibia
APR:	Annual Plan Review
EC:	European Commission
EU:	European Union
LA:	Local Authority
LRG:	Local and Regional Government
MTEF:	Medium Term Expenditure Framework
MURD:	Ministry of Urban and Rural Development
NALAN:	National Association of Local Authorities in Namibia
NDPs:	National Development Plans
NIP:	National Indicative Programme
APs:	Annual Plans
SDG:	Sustainable Development Goals
SPs:	Strategic Plans
TA:	Traditional Authority
TALD:	Territorial Approach to Local Development
TOR:	Terms of Reference
UCLG:	United Cities and Local Governments of Africa

5. The National Development Policies and Strategies:

Namibia has developed Vision 2030 a 30 year national vision envisioning the country to be at the level of a developed country at the end of 30 year period. Key to the vision is that the envisaged development process is citizen driven. One of the major principles upon which our Vision is based is 'partnership'. Partnership is recognised as a major prerequisite for the achievement of dynamic, efficient and sustainable development in the country. This involves partnership between government, communities and civil society; partnership between different branches of government, with the private sector (the business community), nongovernmental organisations, community-based organisations and the international community; partnership between urban and rural societies and, ultimately, between all members of Namibian society. While the principle of sustainable development is the cornerstone on which the strategies for realizing the objectives of Vision 2030 pivot, the driving force among the complex agents of our development comprises the following: • Education, Science and Technology • Health and Development • Sustainable Agriculture, and • Peace and Social Justice • Gender Equality

To be able to implement Vision 2030, priorities set in the vision are segmented in six (6) five year National Development Plans (NDPs) starting with NDP1, 2, 3, 4, 5 and 6. The first four NDPs have already been implemented, while NDP5 is currently underway. The implementation of NDPs are realised through five year Strategic Plans (SPs). These are the Sectoral Plans for all sectors of the economy such as Education, Health, Agriculture and Urban and Rural Development etc. The SPs are implemented through the Annual Plans (APs) detailing the objectives to be achieved on annual basis.

Apart from the NDPs, the central government formulate a Medium Term Expenditure Framework (MTEF), a document highlighting the annual financial allocation to all sectors for the three year rolling budget. All the APs are informed and based on the MTEF. The outcomes and milestones are done through the Annual Plan Review (APR) of the APs of each sector. Normally these reports are channeled through to the Office of the Prime Minister. Also, to ascertain whether accountability was ensured during the implementation of the AP, an Audit is conducted and made public to the Parliament. If any irregularities are noticed, the Parliamentary Committee on Public Account

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takes up the matter by conducting hearings with the concern sectoral institution for clarification on how the money were appropriated.

6. National Decentralization Policy

Namibia's Decentralisation Policy was adopted in 1997, but the idea of empowering communities through sharing power and responsibility between national and sub-national governments dates back to the time before Independence.

The introduction of decentralisation in Namibia should be viewed against the historical background of the un-democratic and discriminatory form of governance before Independence. At the time, the majority of people did not have the right to make decisions on matters that directly affected their lives, and were not given opportunities to determine their own destiny.

The liberation movement SWAPO saw decentralisation as a means of achieving local democracy and grassroots-level participation in government affairs long before the Independence in 1990. This is demonstrated in the 1988 SWAPO blueprint (UNIN) on governance in the independent Namibia.

At Independence, the concept of decentralisation was enshrined in the Constitution, the fundamental law of a sovereign and independent Namibia. The Constitution provides for the establishment of sub-national governments and a system of decentralised government within the confines of a unitary state and national policies, ideals and values.

The next step paving way for a decentralisation was the creation of sub-national governments. They came into being through the enactment of the Regional Councils and Local Authorities Acts in August 1992 and their governing bodies – regional councils, town councils, municipality councils and village councils – became operational after the first regional sub-national elections in December 1992.

In 1996, more than three years after the enactment of the Regional Councils and Local Authorities' Acts, the Ministry of Regional and Local Government and Housing instituted a review to establish whether decentralisation was on course. It indicated that progress was slower than expected, and that the reform needed a clear policy framework for its implementation.

This prompted the then Minister of Regional and Local Government and Housing, Hon Dr. N. Iyambo to develop a fully fledged and all encompassing decentralisation policy for Namibia. The policy was published in the booklet 'A Decentralisation Policy for the Republic of Namibia – Decentralisation, Development and Democracy', in November 1996, and sanctioned by Cabinet on 11 December 1996. (In 1998, the booklet was later followed by 'The Policy, Its Development and Implementation'.)

The Decentralisation Policy was tabled in the National Assembly on 30 September 1997 and unanimously adopted as a national policy for the promotion of equal economic, cultural and socio-economic development and improved public service provision across the country.

Decentralisation – the transfer of political, financial and administrative powers from central government to regional councils and local authorities – has great potential to foster sustainable development in Namibia. The main objectives of the Decentralisation Policy are listed below.

To extend, enhance and guarantee participatory democracy

In the context of government decentralisation, "participation" refers to community members exercising their rights and responsibilities through democratic processes. That is, community members participate in regional governance by voting for their elected representatives in regional government; and by involvement in government programmes and activities. It is the civic duty of the citizens to form civil society groups such as NGOs, rate-payers organisations and service clubs, which both initiate innovative self-help programs such as poverty alleviation projects as well as lobby government on behalf of their members

To ensure and safeguard rapid sustainable development. Sustainable development will only be safeguarded when people are given the opportunity to participate in decision making on issues that affect them. The strengthening of sub-national government structures creates more avenues for civil society organizations - interest groups, business associations, labour unions, the media, etc. – to be engaged and stimulate participation and also articulate local views and needs, thus enhancing sustainable development.

To transfer power to the regional councils and local authorities based on national ideas and values.

This entails transferring power and responsibility to a regional councils or local authorities to govern its own affairs. This would include provision of services based on its own priorities, in accordance with the aspirations of the people and in line with the relevant laws and Constitution of the Republic of Namibia. When the government powers are decentralized to Regional Councils or Local Authorities, this gives the citizenry a greater sense of belonging. In general, people tend to respond more positively to a government that is nearer and more tangible to them. This implies that people will be able to easily hold the regional and local councillors accountable for failure to deliver services or reward them for delivering good services.

To improve capacity of regional and local government councils to plan, implement, manage and monitor delivery of services for their constituents.

Political, administrative, financial and planning power will be transferred from central government ministries to regional councils and local authorities. By receiving the functions regional and local authority councils will become responsible for and get the authority to carry out planning, implementation, management and monitoring of service delivery at the regional and local levels. Based on the transfer, regional councils and local authorities are to be provided with continuous and formalised capacity building and training in essential fields to improve their service delivery. It is a requirement under the Namibian Decentralisation policy, that the delegating or devolving authority provides the required resources to build the required skills and equip the regional and local institutions.

The Decentralisation Policy identifies 28 functions (tasks) that should be decentralised (handed over) to regional councils and local authorities in the short term. These functions, listed below, are services that directly affect the life of the communities:

- community development and early childhood development;
- administration of settlements;
- rural water development and management;
- management and control of communal lands;
- primary health care;
- pre-primary and primary education;

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- forest development and management;
- physical and economic planning (including capital development projects);
- emergency management;
- resettlement, rehabilitation and housing;
- regional council personnel responsibility;
- vehicle testing and licensing;
- rural electricity distribution;
- town planning schemes within the framework of approved master plans;
- business registration;
- housing provisions;
- electricity distribution;
- liquor licensing;
- environment and conservation;
- social services;
- youth, sports and recreational activities;
- collection of assessment rates and some form of taxes, excluding income tax, general sales tax, and additional sales levies;
- libraries;
- agency services to towns, villages and settlements;
- traffic control;
- control of aerodromes;
- rural assets management; and
- small miners development.

Other functions identified in the policy document are intended to be decentralised either in the intermediate or long term.

The advent of the new government based on a three tiers of governance saw the enactment of the Decentralisation Enabling Act no.33 of 2002 and other relevant laws. Under this Act, decentralisation of functions from the line Ministries to the Regional Government and Local Authority Governments in Namibia is implemented. In the context of this compendium, decentralisation

refers to the transfer of authority and responsibilities of major government functions from central government to sub-national government. This include Regional Government, Local Governments, civil society and the Private Sectorⁱ. The rationale for this is to ensure economic efficiency, public accountability and empowerment of LAsⁱⁱ. Thus, taking services to the people. However, though this was a good government initiative to decentralise, the implementation of decentralisation of some functions was only made to the Regional Government, leaving the LAs out of the process.

7. Legal framework governing Decentralization

The Constitution of the Republic of Namibia is the supreme law of the Land. It provides the framework that recognises the inherent dignity and equal rights for all members of the human family as indispensable for freedom, justice and peace. The Constitution further provides for the establishment of the Republic of Namibia as a sovereign, secular, democratic and unitary stateⁱⁱⁱ. Under the article 102 to 111, the Constitution provides for the establishment of government structures composed of the Central/National, Regional and Local Authority Governments. Also, the Constitution provides for the enactment of Acts of Parliament to give effect to specific spheres of governance. Following are the subordinate laws applicable to the implementation of the decentralisation in Namibia.

I. Regional Council Act no. 22 of 1992;

This Act gives the mandates to Regional Councils to manage and administer the affairs of the Regional Councils in Namibia including management of the delegated functions to the RCs under the decentralization process.

II. Local Authority Act no. 23 of 1992;

As amended was enacted to give effect to the LA dealings. This Act gives the powers to the LAs to manage and exercise control over the operations of local authorities in Namibia. Although the LA Act is

silence on matters pertaining decentralization, it remains critical to the implementation of decentralization at local authority level.

III. *The Decentralization Enabling Act no. 33 of 2002;*

As amended, is the Act of Parliament enacted to give effect to the decentralization process in Namibia. The critical nature of this Act lies on the fact that all aspects of decentralization are run on the provision of the Act.

Trust Fund for

IV. *Communal Land Reform Act no.5 of 2002;*

As amended, defines the roles of government institutions (Central Government, Regional Government, Local Authority Government, and the Traditional Authority) in relation to land administration in Namibia. The Communal Land Reform Act is critical to the implementation of decentralization in Namibia in that gives the powers and autonomy to LAs to administer land within their areas of jurisdiction. In order for LAs to be able expand its boundaries and accommodate new foreseen development as they might be required, the provisions stipulated in this Act needs to be adhered to.

The central Government is responsible to oversee the performance of both Regional and Local Authorities. The country is demarcated into 14 regions administered by the Regional Councils (RCs). There are 57 LAs in Namibia and all of them are members of the ALAN. Given the fact that Namibia is a unitary state, the high fraction of the resources allocation to RCs and LAs come from the national government. However, the recruitment of staff members is done by RCs or LAs with minimum supervision from the national government. The fiscal resources of RCs are dependent on the allocation by national government. Whereas the LAs collect revenues from the members of the specific communities within their jurisdiction. Nonetheless, LAs get funding for major capital projects from the central government. The inability of LAs to collect rates and taxes from local residents pose a threat to self-sustainable.

Thus, it is indicative of the relevance of MTEF to the decentralization process because decentralization cannot be achieved without a sound financial provision.

Although there is high influx of Youth migrating from Rural –to- Urban centres in search for employment opportunities, there is no specific strategies to address issues of unemployment among the youth which is endemic in Namibia. Furthermore, there are no particularised national urban strategy and no implementation plan to fight climate change involving all three tiers of Governments.

Though Local Economic Development (LED) is implemented under the in terms of the LED policy made under the Local Authority Act no 23 of 1992, non-inclusion of LAs in the LED process, accompanied by lack of specific laws on citizen participation at the local level make it difficult to territorialise and internalise the development agenda. This is so despite the fact that the Decentralisation Enabling Act of 2000 encourages stakeholder consultation prior to any major local government decisions. Additionally, the country has no legislation on assessment of local governments' performance in the delivery of services.

8. Association of Local Authorities in Namibia

ALAN was established way back before the independence of Namibia. However, with the changing role of LAs, it became pertinent for ALAN to review its mandate, aims and objectives to that of being the dynamic, self-sustaining organization that plays an advocacy role on behalf of the LAs. The relevance of ALAN to decentralisation is that the association plays a major role of being the link between the central government, its members and other national and international organisations. Through this link ALAN is placed in a better position to promote and assist its members to address socio-economic challenges in a modern economic dispensation.

ALAN is composed of the Congress, the General Assembly, the Board and the Executive Committee. The Congress may delegate its powers, duties and functions to the General Assembly, Board, or Executive Committee or President. The General Assembly may similarly delegate its powers, duties and functions to the Board, Executive Committee or the President. While the Board may with the approval of the General Assembly, in writing delegate its powers, duties and functions to the Executive Committee. Lastly, the Executive Committee may with the approval of the Board, delegate in writing its powers, duties and functions to the President. However, lack of capacity and under staffing of the association present a challenge to effective and efficient service delivery to its clients as required.

9. Cooperation with the European Union (EU)

The Constitution of the Republic of Namibia provides for foreign relations¹. Under this provision, the state endeavour to ensure that it promotes international cooperation and maintains just and mutually beneficial relation among nations. In this regard, integration of LAs in the upcoming EU programming enjoys the Constitutional support.

The CEE ratings present the successes and failures in the implementation of decentralization in Namibia. The National Indicative Programme 2014 to 2020 in its current form is very limited to that the EU cooperation and financial instrument only apply to the Ministry of Education (Early childhood development and vocational training) and Ministry of Agriculture (covering small scale farming). In the nutshell the coverage by the EU cooperation covers a small fraction of the economic sector. These state of affairs call for the integration of LAs in the 2021 to 2027 cycle of the EU cooperation.

The EU's cooperation efforts in Namibia support the country's prosperity and stability and currently focus on 2 priority areas:

¹ Article 96 of the Constitution of the Republic of Namibia.

- **Agriculture** – We help Namibia to sustainably create more wealth from its agriculture, notably in the livestock sector, to create growth while also addressing issues of poverty and unemployment. We also help the country better link its rural primary producers to markets, by helping them adapt to climate change and enhancing the business environment for rural entrepreneurs.
- **Education and skills** – Namibia needs better qualified workers to meet its needs to develop value-adding economic activities that will create new jobs.

Additionally, we continue to support social peace and institutional capacity building, by supporting civil society organisations and promoting good governance, better public finance management, enhanced policy dialogue etc.

Our programmes

Bilateral cooperation

Our national indicative programme (NIP) under the 11th European Development Fund (EDF) for the period 2014-2020 for Namibia is in line with the country's national development plan and is implemented via budget support and a programme approach. It focuses on education and skills, and agriculture.

Regional cooperation

Since Namibia is part of the Southern African Development Community (SADC), it is also part of the EU-SADC economic partnership agreement.

Namibia also benefits from regional cooperation schemes in fields like natural resources management, wildlife conservation, private sector development, industrial modernisation, trade etc.

Thematic cooperation

Namibia benefits from thematic budget lines, notably regarding support to social protection systems, support to civil society organisations, water resources management, and migration, via instruments like the EU social protection systems programme, the Development cooperation instrument (DCI), the European instrument for democracy and human rights (EIDHR) or the ACP-EU migration action.

10. Conclusion

Although decentralisation of some government functions in Namibia is implemented to the Regional Governments, the process do not apply to the LAs in Namibia. This compendium reflect the policy documents critical to the integration of LAs of Namibia in the EU cooperation for the 2021 to 2027 cycle. The compendium further form the basis of analytical report to be presented to the UCLG Africa on the inclusion of LAs in the Cooperation.

10. Detailed Source

1. Constitution of the republic of Namibia^{iv}
2. Communal Land Reform Act no 2 of 2003 as amended^v.
3. Decentralisation enabling Act 33 of 2000^{vi}
4. Local Authority Act 1992, Act no. 23 of 1992^{vii}
5. Trust Fund Act (Bill)^{viii}
6. Article of Association of Local Authorities in Namibia^{ix}
7. Agenda 2063 ^x
8. European Union – Republic of Namibia National Indicative Programme 2014 - 2020
9. Medium Term Expenditure Framework (MTEF)^{xi}
10. National Development Plan^{xii}
11. Namibia Vision 2030^{xiii}
12. Sustainable Development goal 2030^{xiv}
13. UCLG Africa: Involving National Association of Local Authorities in the programming process of the EU cooperation for the 2021-2027 period. Orientation note to the attention of Africa NALAs and their members
14. Understanding the added value of LRGs and their NALAs in the development and cooperation agenda of Africa countries

ⁱ Articles of Association of Local Authorities in Namibia.

ⁱⁱ World Bank. Decentralisation. Obtain from www.worldbank.org.

ⁱⁱⁱ Article 1(1) of the Constitution of the Republic of Namibia provide for the establishment of the Republic of Namibia. On the other hand, Article 102 provides for the establishment of Regional and Local Authorities governments in Namibia.

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- iv The Constitution of the Republic of Namibia is critical to the assignment in that it provides under Article 102 for the establishment of the Local Authorities in Namibia. The Constitution further provide for the promotion of welfare of the people of Namibia
- v Communal land Act is equally important in the decentralisation and delegation of functions to both Regional and Local Authorities. The Act provides for the procedures to be followed on land acquisition from local to municipalities and Town Councils.
- vi The Act is critical to Regional and Local Authorities as it provides for the decentralization of functions from line ministries to the subnational governments. Though currently in Namibia decentralisation is not yet made to the Las, the Act remain relevant for it provide guidelines on the process of decentralisation.
- vii Section 6 of the Local Authority Act provide that every Town or Village in Namibia shall be governed by a municipal, Town or Village Council freely elected by members of such LA. Furthermore, Section 30 of the Local Authority Act 23 of 1992 as amended defines the powers and duties of Local Authority Councils. The Act further provide the definition of LA.
- viii The Trust Fund define decentralization “as the allocation of certain powers and functions by central government to Regional and Local Authority Councils by or under any law. Section 2 of the Bill provide for the establishment of a fund to be known as the Trust Fund for regional development and equity provision with the aim to provide sufficient financial resources for the development of the region and LAs, and for the implementation of decentralisation.
- ix The Article of Association of the Association of Local Authorities is a fundamental guiding instrument in the fulfilment of the duties of the LAs by members of the Association of Local Authorities in Namibia. The Article is further crucial in the implementation of the decentralisation as it highlight the manner in which LAs relates to the central government.
- x The Agenda 2063 presents the aspirations of African for 2063. As a united voice that paints a picture on what Africa want. These aspirations are for shared prosperity and wellbeing for unity and integration of the continent where the full potential of women and youth are realised. ([www.un.org/en/africa/osaa/pdf/au/agenda 2063](http://www.un.org/en/africa/osaa/pdf/au/agenda%2063). Accessed 06July 2020).
- xi The medium Term Expenditure Framework is the document that contain the financial resources allocation to each component of the government institution for the period of three years. It is on the basis of the MTEF that planned activities has to be carried out.
- xii The National Development Plan is a medium term Plan highlighting the national strategic intents for the coming five year period.
- xiii Vision 2030 envisage policy framework for long term National development. It envisaged Namibia to be an industrialised country developed by its own people by 2030. To achieve this, all strategic stakeholders need to actively participate in this effort. This is a perception for the future, with a goal to improve the quality of life of the people of Namibia.
- xiv Namibia recognizes the importance of the Sustainable Development Goals (SDGs). The country has integrate the SDGs into the National Development Plan 5 (NDP5). Further through this, Monitoring and evaluation of progress made regarding the implementation of SDGs, existing structure are utilised to ensure harmonized accountability and reporting.