

Working for Social Democracy in Namibia



Windhoek
Namibia

2014

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Foreword

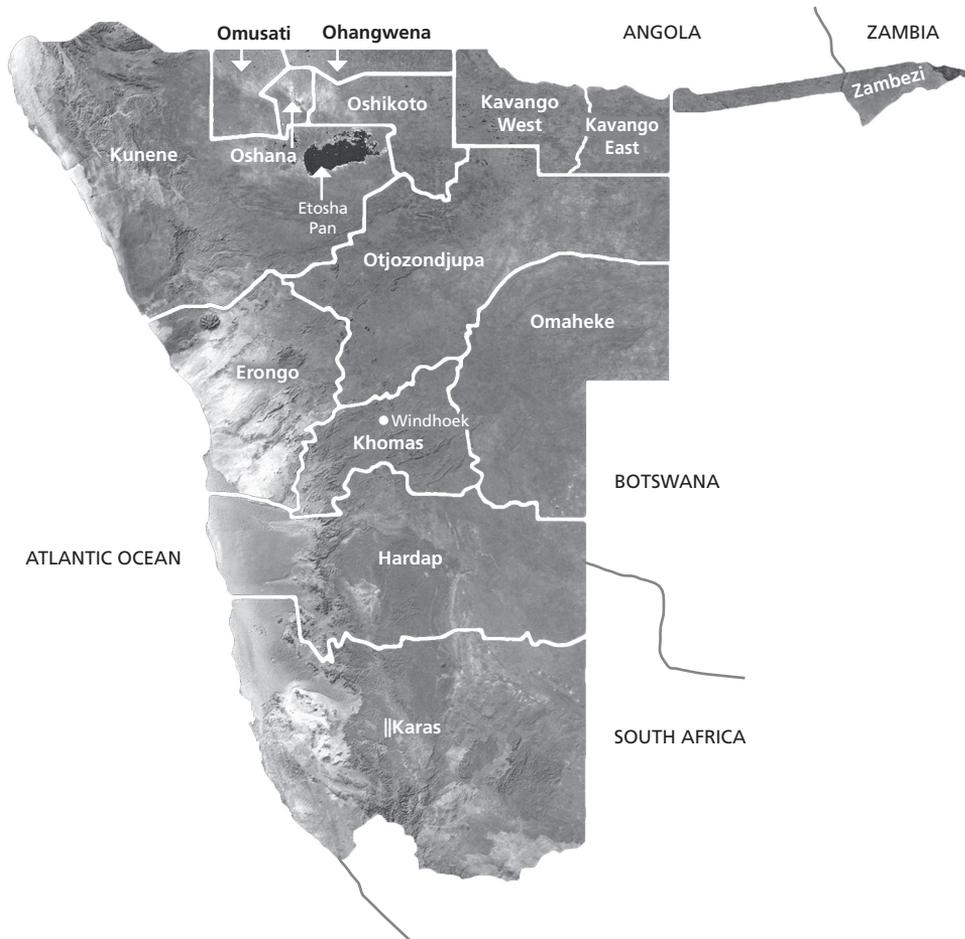
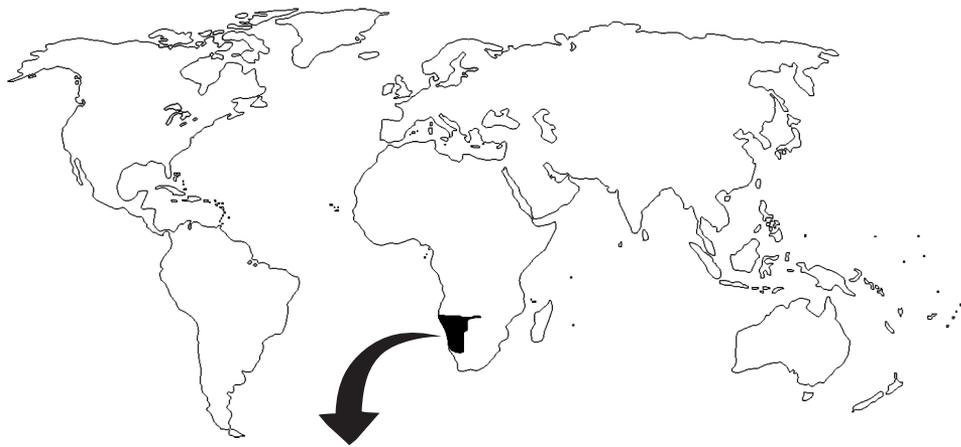
It is my pleasure to write the foreword to this collection of contributions marking the 25th Anniversary of the opening of the Friedrich-Ebert-Stiftung (FES) office in Namibia.

This event coincides with the 25th Anniversary of Namibia's attainment of independence (1990). This coincidence points to the fact that the FES stood with Namibia during the struggle for liberation from colonial rule; indeed the cooperation between the FES and the South West Africa People's Organisation (SWAPO) dates back to the mid-1970s. This joint anniversary celebration, and this publication, reinforce the good relationship that the FES enjoys with Namibia to date.

The papers in this collection were commissioned from Namibians of different backgrounds who have enjoyed a working relationship with the FES – in most cases a long-standing professional relationship – in their respective areas of interest. Though differing in scope, the theme or foundation of all of these papers is 'sustainable promotion of democracy and social justice through good governance'.

It is against this background that I congratulate the FES for its work in Namibia over the last 25 years. I also welcome and commend this publication which I believe will provide the reader with a broad overview of FES activities in the country, thereby enhancing and promoting the understanding of the role played by this international organisation in Namibia's development.

Hon. Peter H. Katjavivi, MP
Windhoek, November 2014



Preface

In November 2014, the Friedrich-Ebert-Stiftung (FES) celebrated the 25th Anniversary of the opening of its office in Namibia. Although the cooperation with Namibia's liberation movement dates back to the mid-1970s, FES and the South West Africa People's Organisation (SWAPO) agreed that an FES office should be opened only once the process for Namibia's independence had become irreversible. In autumn of 1989, following the elections for the Constituent Assembly, FES Headquarters appointed Peter Schellschmidt, who had been organising the FES support from Germany, as the first FES Representative in Namibia.

Very soon thereafter, the FES began to operate in Windhoek from a residential house in Heinitzburg Street and an enclosed complex in Burg Street, known as "The Forum". Still constrained by the conditions of apartheid (curfews, permanent police controls and so on), the FES organised regular public discussions at The Forum concerning Namibia's future. This very popular venue quickly became a 'liberation hallmark' and a place regularly frequented by SWAPO leaders and representatives of other societal groups.

Also, still prior to the formation of the first Government of Namibia, the FES commenced with training programmes for politicians, government executives, labour leaders and civil society organisations. The training portfolio included dialogues between Namibian and German delegations of politicians, which contributed greatly to a better understanding of the issues of the day. In addition, the FES extended the exchange between Namibian institutions and their counterparts in the Southern African Development Community (SADC).

The strong bond between Namibia and the FES was cemented further in 1996 when the founding President of Namibia, Sam Nujoma, during a state trip to Germany, paid his second visit to FES Headquarters in Bonn. He had first visited in 1985 as the leader of SWAPO.

Today the FES takes great pleasure in revisiting the countless records of activities conducted with and for its Namibian partners. The areas of FES activity in Namibia over the last 25 years include the following:

- Cooperation with political parties, the National Assembly, the SADC Parliamentary Forum, the labour movement (union federations and their affiliates), civil society organisation, the media, research institutions and youth leaders. Much of this cooperation included training.
- For more than 15 years, the FES has supported the promotion of a policy framework for Small and Medium Enterprises in close cooperation with the industry chambers.
- Decentralisation and training of local structures have constituted an area of work for more than 10 years.
- Since 1992, the FES Namibia office has been the Africa hub of fesmedia (the FES media project run in Africa, Asia and Latin America), supporting and guiding the continental debate on media freedom and the policy, legal and regulatory framework for Africa's media.
- Namibian experts are often invited to join international conferences on political, social and economic issues organised by FES offices elsewhere.
- The FES has awarded scholarships to qualified Namibian in various fields.
- In Germany the FES continually contributes to the dissemination of information about the democratic and modern Republic of Namibia.

The 25th Anniversary of the FES in Namibia closely coincides with the 25th Anniversary of Namibian Independence in March 2015. The FES therefore saw fit to produce an 'anniversary publication' which provides an overview of the most relevant developments since Independence in the main areas of work in which the FES is presently involved: democracy; the labour movement; economic development; civil society organisations; the media; gender; youth; and social protection. The articles in this publication are written by well-known Namibian experts in a style which, it is hoped, will attract young Namibians' interest in the developments of the last 25 years.

The FES is looking forward to the next 25 years of cooperation with its Namibian partners. For as long as there is demand for the social dimensions of democracy, the FES on the whole will continue to promote democracy and social justice, and will contribute to peace and security, and will work to make globalisation socially equitable.

Heiner Naumann

FES Resident Representative in Namibia

Windhoek, November 2014

The State of Namibia's Constitutional Democratic and Multiparty Politics (1990-2014)

By Phaniel Kaapama

“The wheels of democracy that we ourselves set in motion at independence continue to turn and have become the centrifugal force that powers our existence as a nation.”

H.E. Dr Sam Nujoma,
Founding President of the Republic of Namibia

1. Introduction

In 1990, after a century of colonial rule, foreign domination and white racial supremacy, Namibia finally gained its long-sought political independence. With independence came a neo-liberal constitutional dispensation, which received world-wide acclaim. The essence of engaging in the constitution-writing process was stressed by Okoth-Ogendo (2000: 33), who pointed to the increasing complexities of modern contemporary societies, especially when it comes to the organisation and regulation of the interrelationships between not only the various organs of state, but also those acting in the name of the state and the citizenry. In his view, these interrelationships can no longer be steered by age-old conventions and practices; today they require purposefully engraved systems of rules, norms and values.

However, as Erasmus (2002: 5) rightly cautioned, it is important for one to remain realistic about what a constitution can achieve, since it is not an independent and self-acting agent, but rather it is dependent on how it is used by those living and acting under its rules. This paper seeks to ascertain whether or not the wheels of constitutional democracy which the Namibian people embraced at Independence really continue to turn, and whether or not such democracy has become the centrifugal force that powers the existence of the Namibian State. This aim will be realised through a critical exploration of the fundamental question of whether the various Namibian political actors have fared well enough over the last quarter of a century, in terms of demonstrating sufficient acknowledgement of their avowed constitution as a living standard to which the conduct of public affairs must conform, and against which this conduct must be evaluated.

2. From colonial to constitutional rule

In the period 1884-1915, Namibia was a German colony named *Deutsch-Südwestafrika* (German South West Africa). German colonial rule came to an abrupt end at the start of the First World War (WWI), when the forces of the Union of South Africa as an ally of Britain invaded the territory and forced the Germans to surrender. By the acceptance of the Peace Treaty of Versailles of 25 June 1919, Germany formally relinquished its sovereignty over the territory at the end of WWI. In terms of Article 22 of the Covenant of the League of Nations (28 June 1919), the territory was considered to be inhabited by people who were not yet ready to stand by themselves under the strenuous conditions of the modern world, hence it was placed under Mandate C of the League of Nations trusteeship system. The sacred trust of civilization and the sovereignty of the duly renamed “Territory of South West Africa (SWA)” were placed under the mandate of the United Kingdom of Great Britain as a principal allied force in WWI, which in turn transferred the full powers of administration and legislation to the Union of South Africa as its associated allied force (Du Pisani 2000: 53, 54, 56).

South Africa, as the administering mandatory power, had intentions for SWA other than the pursuance of the principles of self-determination and trusteeship contained in the Covenant of the League of Nations. From the end of the Second World War (WWII), these intentions caused tremendous unease, and placed South Africa at loggerheads with the newly created

United Nations Organisation as the successor to the League of Nations. Eventually, on 21 July 1971, the International Court of Justice (ICJ) ruled in favour of terminating South Africa's mandate over SWA (Du Pisani 1985: 208). Following this milestone decision, South Africa increasingly found itself at the receiving end of various resolutions and motions of both the United Nations Security Council (UNSC) and the United Nations General Assembly (UNGA). According to Rich (1993: 78-79), these developments raised concerns among the dominant Western powers of their impending isolation on the matter of SWA – or “Namibia”, the name reportedly coined in 1961 – and these concerns led to the formation in 1977 of the Western Contact Group (WCG), comprised of the United States of America, Canada, France, Germany and Great Britain, to tackle the “Namibian Independence Question”. The WCG played a leading role in the drafting of, and later the negotiations around, UNSC Resolution 435 of 29 September 1978, which became the definitive framework for transition to independence. After a decade of delays, Resolution 435 came into force on 1 April 1989, paving the way to independence.

One of the objectives of Resolution 435 was the holding of free and fair elections, under the supervision and control of the United Nations Transitional Assistance Group (UNTAG), for the members of a Constituent Assembly, who would be entrusted with the drafting of the Constitution of an independent Republic of Namibia. Seven of the 10 political parties which contested these transitional elections secured seats in the Constituent Assembly: South West Africa People's Organisation (SWAPO) (41 seats); Democratic Turnhalle Alliance (DTA) (21 seats); United Democratic Front (4 seats); Aksie Christelik Nasionale / Action Christian National (3 seats); National Patriotic Front (1 seat); Federal Convention of Namibia (1 seat); and Namibia National Front (1 seat).

On 9 February 1990, just 80 days after the first sitting of the Constituent Assembly on 21 November 1989, the final draft of the Constitution of the Republic of Namibia was unanimously adopted. The adopted Constitution was signed by all members of the Constituent Assembly on 16 March 1990, and it came into force on the date of Independence, 21 March 1990. Over the last quarter of a century (1990-2015), the Constitution has been amended three times (1998, 2010 and 2014).

The Constitution (in Article 1) defines Namibia as a “*sovereign, secular, democratic and unitary State*”, which shall exercise its power subject to judicial review, and on the basis of an entrenched, comprehensive and

enforceable bill of “Fundamental Human Rights and Freedoms” (set down in Chapter 3 of the Constitution). In this regard, the Constitution explicitly provides for a political system of checks and balances, through, inter alia, the notions of constitutional supremacy, constitutional review by the judiciary, separation of powers and the rule of law (Erasmus 2002: 12).

Many of these constitutional features derived from the WCG-sponsored “1982 Constitutional Principles”, which, according to a number of observers, were deliberately imposed on Namibia’s Constituent Assembly for various reasons, such as the protection of Western political and economic strategic interests in this newly independent state (see for example Geingob 2004: 118; and Tsokodayi 2001: 93). However, it was SWAPO’s Theo-Ben Gurirab who moved for the adoption of the 1982 Principles, during the first sitting of the Constituent Assembly. From various accounts of the constitution-making process, it emerged that this move may have been precipitated by strategic considerations on SWAPO’s part, given that adherence to these Principles was in keeping with the essential requirement that the final Constitution had to be approved by the UNSC (see for example Nujoma 2001: 425; and Geingob 2004: 122-123).

The process and pace of constitution making in Namibia contrasted significantly with the later experience in neighbouring South Africa, where the legitimacy of the process hinged not only on an elected Constitutional Assembly, but also on an inclusive drafting process in which ordinary citizens were accorded opportunities to directly influence the process. This resulted in some 800 civil society bodies making close to two million formal submissions to the Constitutional Assembly, which were debated and infused into the final document (Powell 2010: 13).

3. The Executive

The Namibian Constitution makes provision (in Article 27) for a strong executive presidency. According to Hage Geingob (2004: 129) who served as Chairperson of the Constituent Assembly, by the time of the Assembly’s first sitting, it was already known that SWAPO President Sam Nujoma would be the first President of the Republic of Namibia, thus the debate regarding the presidency was not merely an ideological one; it was very much a debate about a known personality. In Geingob’s view, this was one reason for the Assembly’s ability to reach agreement on a strong executive presidency:

the drafters of the Constitution trusted the person who was going to become the first President.

Although the President is entrusted with the roles of both head of state and head of government, the Constitution explicitly states that the President “*shall in the exercise of his or her functions be obliged to act in consultation with the Cabinet*” (Article 27). Hence it provides for the joint exercising of the executive functions by the President and members of his or her Cabinet comprised of the Prime Minister and Ministers. All Ministers are individually accountable for the administration of their own ministries, and collectively for the administration of the work of the Cabinet, to both the President and the Parliament (Article 41).

On 31 July 2014, the Minister of Presidential Affairs, who concurrently serves as the Attorney-General, tabled the Namibian Constitution Third Amendment Bill, which Parliament passed on 27 August 2014. (The Namibian Constitution Third Amendment Act 8 of 2014 came into force on 13 October 2014, the date of its publication in *Government Gazette No. 5589*.)

The first amendment (section 1 of the Act) is the insertion of Article 27A which broadens the composition of the presidency to include a Vice-President, to be appointed by the President from the elected members of the National Assembly (one of the two Houses of Parliament, the other being the National Council). On being appointed, the Vice-President will cease to be a Member of Parliament, and will serve at the pleasure of the President.

Then, perhaps in a bid to preclude the duplication of functions and duties of the Vice-President and the Prime Minister, the Act effectively trims the Prime Minister’s functions by substituting Article 36 with the following Article (section 7 of the Act):

The Prime Minister shall be the leader of Government business in Parliament, shall co-ordinate the work of the Cabinet as head of administration, and shall perform other functions as may be assigned by the President or the Vice-President.”

The responsibilities of advising and assisting the President in the execution of the functions of government, which previously resorted under the office of the Prime Minister, have been shifted to the office of the Vice-President.

Two amendments are somewhat ambiguous, and thus could be deemed controversial. The first, amending Article 28, is the inserted Sub-Article 2C (section 2 of the Act):

“If the President-elect is unable to assume office due to his or her death, incapacity, disqualification or other reason, the Vice-President appointed by the President whose term is due to expire, shall ... assume the Office of President in an acting capacity until the assumption of office by the President elected in the subsequent presidential by-election”

Take a scenario where Party X fields the incumbent Vice-President (or any other candidate for that matter), but this candidate loses to the presidential candidate fielded by Party Y. In such a scenario, this new provision could augur ill for a smooth presidential succession, in that it could create the milieu for a coup d'état. The second ambiguity is the amendment of Article 32 by the insertion of Sub-Article 3A (section 4 of the Act):

“In the appointment of the Vice-President, the President shall have due regard for the need to obtain a balanced reflection of the national character of the people of Namibia.”

This new provision raises questions as to what the appointment would require in practice. For instance, would it require the President to identify a person who is not of the same race, tribe, political affiliation or sex as his or her own?

With the introduction of a Vice-President, the appointment of a Deputy Prime Minister is no longer mandatory in terms of Article 35, which is substituted by the following provision, among others (section 6 of the Act):

“The President may, if he or she considers it to be necessary or expedient, also appoint a Deputy-Prime Minister to perform such functions as may be assigned to him or her by the President, the Vice-President or the Prime Minister.”

Regarding the President's term of office, Article 29 (not amended) states that no person may hold this office for more than two terms of five years each (i.e. apart from the first President who held this office for three terms by virtue of the Namibian Constitution First Amendment Act of 1998, discussed further on). But now, the wording of Article 28(2)(b) on the election of the President has been substituted. The original wording was as follows:

“... no person shall be elected as President unless he or she has received more than fifty (50) per cent of the votes cast and the necessary number of ballots shall be conducted until such result is reached.”

Article 134 provided an exception in the case of “*the first President of Namibia*”, who was “*elected to that office by the Constituent Assembly by a simple majority of all its members*”. The formulation substituting the above is as follows (section 2(c) of the Act):

“... if no candidate received more than fifty (50) percent of the votes, a second ballot shall be conducted in which the two (2) candidates who have received the most votes in the previous ballot shall participate and the candidate who received the most votes in the second ballot shall be duly elected.”

Returning to the matter of the President’s term of office, according to Geingob (2004: 129), although SWAPO conceded to the two-term limit set down in Article 29, this was in spite of the party’s view that democracy does not require artificial limits, and that preventing a person from standing for election for more than two terms is tantamount to abridging not only that person’s natural rights, but also those of the voter who wishes to vote for that person more than twice. These views may provide some background to the Namibian Constitution First Amendment Act 34 of 1998, which amended Article 134 by inserting a third Sub-Article which reads, “*Notwithstanding Article 29(3), the first President of Namibia may hold office as President for three terms.*” Fifty-one members of the National Assembly voted in favour of this amendment and 13 opposed it (Shanghala 2010: 365). Among those who opposed it was Katuutire Kaura, then President of the DTA, who reasoned as follows:

“*The sine quo [sic] non for the amendment of any Constitution is public interest, not the interest of an individual. ... This proposed amendment to the Namibian Constitution, on the other hand, is immoral, illogical, myopic, self-serving and a lot of supercilious palaver.*” (Shanghala 2010: 367)

For his part, Geingob (Shanghala 2010: 366), as one of the leading proponents of this amendment, put forth a spirited defence of it, singling out “*the few minority newspaper editors, and professors who are engaging in sophistry*”,

who, in his view, had not cited any concrete fact to demonstrate that the proposal was in any way undemocratic, unconstitutional or illegal.

4. The Legislature

The legislative powers to pass laws are vested in a bicameral parliamentary system which comprises: the National Assembly, being the upper chamber, originally composed of 72 voting members elected directly on the basis of proportional representation, and six non-voting members appointed by the President by virtue of their special expertise, status, skills and experience; and the National Council, being the house of review, originally composed of two representatives of each of the country's 13 Regional Councils. The Namibian Constitution Third Amendment Act of 2014 has increased the number of elected members of the National Assembly to 96, and the number of non-voting members appointed by the President to eight. Similarly, it has increased the number of National Council members to three representatives per region – there being 14 regions as of August 2013. Moreover, the Namibian Constitution Second Amendment Act of 2010 *decreased* the limit of tenure of the National Council members from six years to five, the rationale being to align their terms of office with those of their counterparts in the National Assembly (Shanghala 2010: 367, 369).

Regarding the National Assembly, the Constitution stipulates (in Article 45) the following:

“The members of the National Assembly shall be representative of all the people and shall in the performance of their duties be guided by the objectives of this Constitution, by public interest and by their conscience.”

In terms of Article 35, in appointing the members of his/her Cabinet, the President may draw from the members of the National Assembly, but the Constitution is not explicit on the number of Cabinet Ministers. The number of National Assembly members appointed to full or deputy ministerial posts, and the posts of Prime Minister and Deputy Prime Minister, has fluctuated within the range of 45-62% of the total number of members of the National Assembly. Thus, undoubtedly, the Legislature has been totally submerged under the thumb of a strong Executive, which acts as player and referee simultaneously.

This lopsidedness has produced serious concerns regarding the potential infringement not only of the law-making function of the National Assembly, but also, most critically, of the important oversight and control functions, especially those relating to the review and evaluation of the activities of the Executive. These oversight functions are an integral component of the legislative process; they cannot be separated from law-making functions, because such oversight is meant to ensure that all government policies and programmes are implemented and administered efficiently and effectively, and in a manner consistent with the legislative intent.

Article 53 of the Constitution deals with the quorum requirement for a meeting of the National Assembly. Originally, at least 37 voting members (or 51% of all voting members) had to be present to constitute a meeting of the National Assembly for the exercise of its powers and the performance of its functions. On account of this provision, numerous sessions of the National Assembly have had to be shelved due to the lack of a quorum. The Namibian Constitution Third Amendment Act (section 12) seeks to address this recurrent challenge by providing that the presence of at least 26 voting members (or 27% of all voting members) shall suffice to constitute a meeting of the National Assembly when no voting on any matter is required, but at least 49 voting members (thus still 51% of all voting members) must be present to constitute a meeting when voting on any matter is required.

5. The Judiciary

The Judiciary comprises the Supreme Court, the High Court and the Lower Courts. Chapter 9 of the Constitution deals with their powers and functions. The primary functions of all Courts have to do with the implementation and upholding of the country's legal system, and the hearing and adjudicating of civil disputes and criminal prosecutions. However, of particular interest in the context of this paper is the *judicial interpretation role* of the Judiciary, as this constitutes a key source of reference for understanding the Constitution, including how the constitutional process impacts on the political process.

An independent and assertive Judiciary is deemed a critical component of a country's processes of constitutional democratic consolidation. Thus, in the performance of its functions for the administration of justice in Namibia, the Judiciary is supposed to be independent and subject only to the Constitution of the Republic of Namibia. Furthermore, as Article 78(3) provides:

“No member of the Cabinet or the Legislature or any other person shall interfere with Judges or judicial officers in the exercise of their judicial functions, and all organs of the State shall accord such assistance as the Courts may require to protect their independence, dignity and effectiveness”

Immediately after Independence, a number of government officials and members of the governing party complained about the ‘lilly-white’ bench, which raised the concern that the judges to be appointed to the bench were going to be more closely vetted by the Executive, in the hope of stuffing the bench with party loyalists and government apologetics. It was argued at the time that this would lead to the politicisation of the Judiciary, which would have held disastrous consequences not only for the administration of justice, but also for the state of constitutional democratic politics and the rule of law (Von Doepp 2008: 184; Tjombe 2008: 233). Despite the constitutional safeguards concerning the above, the issues of the integrity of the system for the appointment of judicial officers and the security of their tenure have raged on for the last quarter of a century.

The integrity of the system for the appointment of both permanent and acting judges of the High and Supreme Courts is safeguarded by Article 85, which entrusts the Judicial Service Commission (JSC) with the responsibility of recommending to the President suitable candidates for such appointment. However, as Tjombe noted (2008: 235), for more than a decade it appeared that the practice was to appoint *acting* judges of the High and Supreme Courts simply by way of the Judge President or Chief Justice making a request to the President. As this practice militated against the letter and spirit of the Constitution, it had to be rectified, and accordingly, since October 2003 all appointments have been based strictly on the recommendation of the JSC, in full compliance with the Constitution.

Regarding the security of tenure of judicial officers, which is generally considered to be an indispensable feature of the Judiciary’s independence, Article 82(4) of the Constitution provides such for all *permanent* judges:

“All Judges, except Acting Judges ... shall hold office until the age of sixty-five (65) but the President shall be entitled to extend the retiring age of any Judge to seventy (70).”

Article 82(2) provides for appointments of *acting* judges of the Supreme Court:

“At the request of the Chief Justice the President may appoint Acting Judges of the Supreme Court to fill casual vacancies in the Court from time to time, or as ad hoc appointments to sit in cases involving constitutional issues or the guarantee of fundamental rights and freedoms, if in the opinion of the Chief Justice it is desirable that such persons should be appointed to hear such cases by reason of their special knowledge of or expertise in such matters.”

And Article 82(3) provides for appointments of acting judges of the High Court:

“At the request of the Judge-President, the President may appoint Acting Judges of the High Court from time to time to fill casual vacancies in the Court, or to enable the Court to deal expeditiously with its work.”

Although the Constitution makes clear that the appointment of an acting judge of either Court is a measure for filling a casual vacancy, over the years there have been more acting appointments than permanent ones. And, as Tjombe has noted (2008: 229-230), despite the constitutional requirement of three judges to constitute a quorum in the Supreme Court, in the period 1990-2008 this requirement was not met even once. The fact that several acting judges had to be appointed to alleviate the acute shortage of judicial officers of the Supreme Court – being both the highest court in the land and the court of last appeal – raises a number of lingering questions, such as whether all such acting appointments were indeed made strictly to fill casual vacancies, in accordance with the Constitution. Another question is how to ensure that judges who are appointed in short-term acting capacities and who lack security of tenure do not become prone to deference to the other branches of government, especially the Executive, in order to secure reappointment for a few more acting terms or on a permanent contractual bases. Moreover, in some instances High Court judges have been elevated to the Court of Appeal to hear appeals of High Court judgements, which raises questions about the implications of this dual role of High Court judges – such as whether the Court of Appeal would be loath to overturn a judgement delivered by their colleagues at High Court level.

In an attempt to establish whether certain political factors do indeed yield an undue influence on the pattern of judicial decision making, Von Doepp

(2008: 177-178, 182, 192) undertook a statistical analysis of 247 individual decisions handed down by judges of Namibia's High and Supreme Courts as from Independence in 1990 until 2005. On the whole, he concluded that the Judiciary had performed admirably in terms of asserting its authority and independence vis-à-vis other branches of government, and that the extent of deference to the Executive during the period of investigation had been minimal. However, he tentatively suggested that the non-Namibian acting judges had somehow displayed a modest tendency to side with government, and that this became more apparent as from 2000 when the then Minister of Home Affairs, Jerry Ekandjo, publicly threatened to retract the work permits of such judges following their rulings against government in a number of contentious constitutional cases. Several functionaries of the ruling party as well as some segments of the general public echoed this threat at the time.

Tjombe (2008: 230-233) put forth a partial defence of the extant system of appointing acting judges as a not entirely negative one, emphasising that the system also has to be viewed from the perspective of fulfilling a number of useful functions. For example, it provides opportunities for assessing the suitability of individuals for possible permanent appointment, and it affords appointees tutelage for acquiring the necessary experience for the job. Also, crucially, the High Court case rolls attest to the fact that all of the judges appointed on an acting basis were kept very busy during their short tenure, which makes plain the significance of such appointments for alleviating the rather chronic shortage of judicial officers. Moreover, some of Namibia's landmark constitutional judgements have been delivered by acting judges. For instance, the late High Court Acting Justice John Oliver Munyarara (a Zimbabwean national) on two occasions took the bold measure of issuing an interim restraining interdict against the Ministry of Home Affairs – in the Sikunda case concerning this Angolan national's possible deportation from Namibia, and in a case involving a group of Congolese refugee musicians whose alleged crime was that of performing at an opposition political party's public rally. Another Acting Justice of the High Court, Elton Hoff, sitting with Justice Sylvester Mainga, convicted the then Minister of Home Affairs, Jerry Ekandjo, of contempt of court when he refused to obey an earlier court order to release Mr Sikunda from detention. When this case finally reached the Supreme Court, two of the three judges, Justices Bryan O'Linn and Fred Chomba (a Zambian national), were serving in an acting capacity, and the former took the lead in crafting a judgement which was more critical than the High Court had been of the Minister's defiance of the court order.

The challenges outlined here have been alleviated. First, the Namibian Constitution Second Amendment Act of 2010 subjected all appointments of non-Namibian judges to fixed-term contractual employment, and now, the Namibian Constitution Third Amendment Act of 2014 has affirmed the administrative autonomy of the Judiciary by inserting the following Sub-Articles in Article 78 (section 19 of the Act):

- “(5) The financial and other administrative matters of the High Court and Supreme Court shall be performed in such a manner that the independence of the Judiciary can be effectively and practically promoted and guaranteed by means of appropriate legislative and administrative measures.*
- (6) In accordance with the relevant laws, an accounting officer shall be designated who shall subject to the direction and control of the Chief Justice, perform the functions of an accounting officer as head of the administration of the Judiciary with the assistance of such other staff members designated from the public service for such purpose.*
- (7) The Chief Justice shall supervise the Judiciary, exercise responsibility over the Judiciary, and monitor the norms and standards for the exercise of the judicial functions of all Courts.”*

6. Electoral political contestation

The first democratic elections for the new republic’s governing party were held in 1989. After the fifth parliamentary elections, held in 2009, two clear major political trends emerged: on the one hand, a gradual drift towards the demise of the political opposition; and on the other hand, an inclination towards a significantly consolidated position of political dominance for the party which has governed since 1990. The following table attests to these trends, and shows that SWAPO Party – as both Namibia’s foremost former liberation movement and the ruling party – having started out in 1990 with a simple parliamentary majority of 41 of a total of 72 seats, has significantly consolidated its politically dominant position by attaining and retaining an absolute parliamentary majority as from 1994 to date.

NAMIBIA AS A SINGLE-PARTY-DOMINATED MULTIPARTY ELECTORAL DEMOCRACY						
Parties contesting in National Assembly elections	Seats in the National Assembly					
	1989	1994	1999	2004	2009	2014
All People's Party (APP)	–	–	–	–	1	2
Action Christian National / Monitor Action Group (CAN/MAG)	3	1	1	1	–	–
Christian Democratic Voice (CDV)	–	–	–	–	–	–
Communist Party of Namibia (CPN)	–	–	–	–	–	2
Congress of Democrats (CoD)	–	–	7	5	1	–
Democratic Turnhalle Alliance (DTA)	21	15	7	4	2	5
Democratic Party of Namibia (DPN)	–	–	–	–	–	–
Federal Convention of Namibia (FCN)	1	–	–	–	–	–
National Democratic Party (NDP)	–	–	–	–	–	–
Namibia National Front / South West Africa National Union (NNF/SWANU)	1	–	–	–	1	1
Namibian Democratic Movement for Change (NMDC)	–	–	–	–	–	–
Namibian Economic Freedom Fighters (NEFF)	–	–	–	–	–	–
National Patriotic Front of Namibia (NPF)	1	1	–	–	–	–
National Unity Democratic Organisation (NUDO)	–	–	–	3	2	2
Rally for Democracy and Progress (RDP)	–	–	–	–	8	3
Republican Party (RP)	–	–	–	1	1	1
South West Africa People's Organisation (SWAPO)	41	53	55	55	54	77
United Democratic Front (UDF)	4	2	2	3	2	2
United People's Movement (UPM)	–	–	–	–	–	1
Total seats*	72	72	72	72	72	96

* The Namibian Constitution Third Amendment Act 8 of 2014 increased the number of seats from 72 to 96.

Sources: Electoral Commission of Namibia; African Elections Database (<http://africanelections.tripod.com/na.html>).

The persistence of this pattern of political dominance can be explained from various perspectives:

- Firstly, the historical legitimacy of the liberation era. This, in the eyes of some commentators, bestows exceptional symbolic capital on SWAPO Party as the foremost protagonist in the nationalist struggle for the country's independence.

- Secondly, the resource and structural disparities supposedly prevailing between the governing party and the parties constituting the opposition. An example is the public funding of political parties, which is allocated in proportion to the distribution of parliamentary seats. Other concerns in this regard relate to the ruling party's enjoyment of the advantage of incumbency, in that SWAPO stands accused of according itself a free hand when it comes to the use of state resources as well as access to the public media (Kaapama 2005: 106-107).
- Thirdly, the so-called 'self-mutilation' tendency of the political opposition. This perspective cannot be overlooked. Many a time, opposition parties have not managed their inter- and intra-party factional and personality conflicts effectively, hence they have been characterised as 'their own worst enemies'. This tendency was confirmed in 2009 by the late Moses Katjiuongua, a leading figure in the opposition, in admitting – in effect taking the blame for his fellow opposition leaders – that they may not have been fully realising their role as a government-in-waiting, as they continued to preoccupy themselves with the objective of winning a few parliamentary seats rather than with plotting for the much bigger goal of wresting the governing power from the hands of the dominant party (*New Era* newspaper, 19 October 2009).

This experience resembles that of a number of other African countries, where not only do the ruling parties attain successive electoral victories, but equally, their defeat at the polls cannot be envisaged or is highly unlikely in the foreseeable future (Suttner 2006: 277). A suggested prognosis based on these common political trends is that the spread of multiparty politics on the continent since the democratisation wave of the late 1980s, through the 1990s and to date, has not translated into a meaningful consolidation of a vibrant democratic electoral political contestation, but rather replicates the politics of de facto one-party dominance. Scholars in comparative African politics have cast doubts on the democratic credentials and commitments of the African electorates in general and the ruling parties in particular, not least on the grounds that the latter have become well entrenched in power, to the extent of precluding the possibility of change in government in the foreseeable future. This view is eloquently encapsulated in the following preposition attributed to Herman Giliomee and Charles Simkins (scholars in South Africa) (Suttner 2006: 281):

“True protection for the citizens of a liberal democracy lies less in the separation of powers or Bill of Rights than in the actual use of elections to change bad and corrupt governments ... party competition is strong and electoral outcomes are uncertain with the alternation of ruling party constituting a real prospect. As a result rights are effectively protected and enjoyed, and corruption is kept within bound. Dominant party regimes in developing countries lack these features in significant ways. For a competitive democratic system to come about it is necessary for a dominant party to break up into a variety of organizations which represent the different interests and conflicts of a real country rather than of an idealized oppressed nation”

Similarly, Burnell (2007: 71, 72, 75) alluded to what he termed “political dysfunctionality”, in referring to how parties may undermine democracy, retard consolidation, reverse a transition to democracy, or erode political development. For other general overviews of this scenario, see Borgaards (2004) and Erdmann and Basedau (2008), and for a recent accentuation of the case of Namibia specifically, see Melber (2010).

It is important to point out that analyses of the dominant systems have come under criticism for construing the political arena in rather narrow terms – essentially fixating on electoral factors. Firstly, the system of party-based politics cannot be construed solely in terms of the number of effective parties and the alternation of their representation in government; rather it should be assessed broadly in terms of the parties’ respective abilities to effectively articulate the interests of their constituencies in the arena of public policy. Burnell (2007: 66, 67-68, 70) therefore posited that on account of the additional functions that political parties perform in the context of African democratisation, their respective roles may simply differ to those of parties in established Western liberal democracies. For instance, political parties in many post-authoritarian African environments are expected to shoulder a number of roles, such as providing responses to the challenges posed for the institutionalisation not only of the specific party but also the party system as a whole, and for the construction of a strong and capable state, and for the securing of national identities and nationhood. Moreover, it would be unreasonable to detach these challenges of political development from the other roles that parties may be required to play in processes of national development and transformation, and from the implications for the rise and fall of regimes, the establishment and decay of the most important

institutions of the political system, and the interrelationship between the political and social orders.

Pempel (cited in Suttner 2006: 279) therefore rightly cautioned that there are many ways in which the same institutional container – in this case a single dominant party – can hold quite different contents, depending on the numerous other conditions within the political system in which it is created. Moreover, the experiences of a dominant party in government may not always hold dreadful political consequences, nor is party dominance a political phenomenon exclusively confined to the African democratisation experience. Examples of notable ‘politically pleasant’ experiences are those of the Norwegian Labor Party, the Swedish Social Democratic Party, the Japanese Liberal Democratic Party, the Barisa National Coalition under the leadership of the United Malays National Organization (UNMO) in Malaysia, the India National Congress and the Botswana Democratic Party.

Another consideration is that fixation on the power alternations between political parties also diverts attention away from the roles of other sectoral organisations that may not necessarily be directly electorally oriented, but which are formed to meet particular social needs, aspirations and interests from below. As a result, while focusing on pluralism in the electoral arena, the dominant-party theorists neglect the wide notion of pluralism as broadly embodied in a concept of democracy. Therefore, according to the summation by Suttner (2006: 281, 283, 285), such stances not only epitomise an anti-popular hostility towards the presence of the masses in political development, but also they may represent an unfortunate diversion from programmatic and transformational processes for deepening and broadening democratic representation in national debates.

7. Constitutional and statutory good-governance institutional benchmarks

One of the most precarious tribulations confronting many of the developing constitutional democracies across the world and in Africa in particular are the effects of the triple evils of political clientelism, neo-patrimonialism and corruption. These three evils have spawned tremendous political paralysis and economic dysfunctionalities, through the misallocation of scarce public resources in accordance with narrow political, particularistic and personal interests.

The term 'political clientelism' refers to socially entrenched systems of political exchange through which political party bosses strive to prop up potential constituencies with particularistic and material benefits and privileges in exchange for their unwavering political support. Perhaps it goes without saying that this educes voluntary and entirely informal patron-client relationships and mutual obligations. Traditionally and commonly, clientelism is grafted onto an *economic* relationship (such as that between a landlord and his/her tenants), and involves a plethora of expectations of mutual assistance. In the context of the emerging constitutional democratic political dispensations, the conventional patrons and clients are replaced by politicians and voters, respectively. Accordingly, the respective political actions of the politicians and voters come to resemble a conventional market for the exchange goods and services, without regard for the welfare of the citizenry as a whole. Thus, for political parties operating in such a system, the primary goal becomes the acquisition and maintenance of state power, rather than a firm commitment to the generalised welfare and prosperity of the populace in whose name the state claims sovereignty (Kurer 1996: 646, 648, 653-655).

With reference to the specific context of post-colonial Africa, Mamdani (cited in Arthur 2009: 341-342) observed that the immediate challenge was the rectification of the legacies of colonial economic exploitation and social exclusion. This had to be facilitated through a set of economic and social policies which were deliberately crafted to locate state power at the centre of re-appropriating the economic power which had been unjustly taken away from the majority of the colonised indigenous people. Under the pretext of this political munificence, neo-patrimonialism and strongman politics found their roots, and grew to become the most salient characteristic of the African post-colonial state – building on experiments of the early 1960s to the late 1980s. In these ways, politics as an avenue for the struggle for state power, and for using and consolidating this power, came to be deeply embedded with personalised systems of patronage and clientelist relationships.

For its part, corruption in the political/government context is epitomised by the abuse of a public office for private gain and illicit self-enrichment. There are multiple causes of such corruption: a lack of ethics, morality, accountability and transparency; greed; excessive over-centralisation of economic and political power; inefficiency; etc. As many observers have noted, for example Kpundeh (2004: 121, 123), a scourge of corruption can yield severely deleterious effects on development, thus its ever-increasing proliferation is generally considered to pose one of the biggest challenges to

the establishment and consolidation of systems of democratic governance and national development.

In comparison with many others, the Namibian Constitution has gone much further in putting in place mechanisms for fostering an open and accountable political culture of transparency, certainty, predictability and justification of states actions. This commitment is particularly evident from the inclusion of a number of good-governance institutional benchmarks, which many deem to be rather technical provisions which traditionally do not automatically form part of the legal scope of a constitution (Erasmus 2002: 21-23). These benchmarks include the constitutional provision for the Office of the Auditor-General (Article 127), which is entrusted with the responsibility of auditing ministries' financial statements and records in respect of budgeted public funds, so as to ensure that public expenditure is effected efficiently and effectively, and in a manner consistent with the legislative intent. The duties of the Auditor-General are further expounded upon in the Public Finance Act.

Another milestone constitutional provision is that of the Office of the Ombudsman (Chapter 10, Articles 89-94), whose role is to assist with the protection of the rights of the members of the public against state action and/or inaction. This Office should provide less costly and less time-consuming avenues for conflict resolution – as opposed to the legally convoluted route of litigation through the courts of law.

In 2003 the Legislature passed the Anti-Corruption Act, which paved the way for the establishment of the Anti-Corruption Commission (ACC) two years later. This is a statutory body entrusted with the responsibility of fighting corruption and its menacing effects. The Namibian Constitution Second Amendment Act of 2010 removed all corruption-related matters from the purview of the Office of the Ombudsman, and inserted a new chapter in the Constitution, namely Chapter 10A, which provides for the elevation of the ACC from a statutory body to an independent and impartial constitutional body, headed by a Director and Deputy Director appointed by the National Assembly upon nomination by the President (Article 94A).

8. Regional Councils

Although Article 1(1) of the Namibian Constitution defines this country as a “*sovereign, secular, democratic and unitary State*”, Article 108 provides for Regional Councils, each of which may exercise executive powers within the

region for which it has been constituted, and may perform such duties as may be assigned to it by Act of Parliament. Furthermore, the Regional Councils have the power “to raise revenue, or share in the revenue raised by the central Government within the regions for which they have been established ...”, and to make such by-laws or regulations as may be determined by Act of Parliament.

The Namibian Constitution Third Amendment Act of 2014 has inserted an entirely new Article, i.e. 110A, which empowers the President to appoint Regional Governors as the political heads of the respective administrative regions. The Regional Governors will serve at the pleasure of the President, and will be tasked with overseeing the exercise of any executive function of government in their respective regions. Further, each Governor will serve as the link between the Central Government and the Regional Council, Local Authorities and Traditional Leaders in his/her region. Furthermore, once every year, each Governor shall attend a meeting of the Regional Council of the region under his/her jurisdiction, and there shall deliver an address conveying the state of that region and planned activities of the Central Government in that region, and shall report on the Central Government’s activities in the region during the previous year, and shall be available to respond to questions.

9. The civil society

Any analysis of democratic governance would be incomplete if it focused only on the formal aspects of political democracy – such as free and fair elections and multipartyism – as these aspects may not by themselves guarantee the quality, consolidation and sustainability of democratic governance. Bauer (1998: 1, 8) therefore advocated for the devotion of adequate attention to the analysis of the vibrancy of associational life, in particular the vitality of the various citizens’ social movements and other civil society entities. Citizens’ controlled associational avenues of this nature are deemed essential not only for giving a voice to the under-represented socio-political strata of society, and thereby creating potentially subversive spaces for the articulation of alternative norms to those of the existing state order, but also for providing checks and balances to the excesses of government institutions.

The Namibian Government’s vision of the role of citizen participation and civic engagement in the public spheres of democratic governance is

reflected in a number of policy pronouncements derived primarily from the Namibian Constitution. Of particular relevance in this regard is Article 95(k), which explicitly requires the government to adopt policies that promote the mass participation of the populace through their respective organisations, in all government policies and programmes. Moreover, the issue of citizen participation cannot be divorced from the constitutional provisions for associational and media freedoms, which form an integral part of the post-colonial liberal democratic constitutional dispensation. Considering these, it suffices to argue that the Constitution not only provides adequate bases for the engagement of citizens in processes for their own governance and development, but also obliges government to conduct its business in an open, transparent and participatory manner. It was against this background that, in 2005, the National Planning Commission unveiled the Government of the Republic of Namibia Civic Organizations Partnership Policy, which broadly describes the civil society as encompassing all public activities of individuals and their voluntary organisations, as well as the relationships among themselves and with governmental agencies.

Jones (2006: 3-4) alluded to the presumed role of the civil society in serving the interests of local people using more direct and legitimate models of participation and representation, which contrast with the traditional top-down structures and institutions of the state. As an arena representing the activities of organisations and associations which are autonomous from the state, the civil society is widely welcomed and celebrated as an indispensable player in the strengthening of constitutional democratic politics. However, as Moyo and Yeros (2005: 179) rightly observed, a number of scholars fall into the trap of what they termed the “*neo-liberal dichotomy between the spheres of the state and civil society*”. This observation acquires particular currency in the context of the ongoing neo-liberal globalisation crusade, in which the state not only serves as an institutional expression of capital-labour social relations, but has also generally become an active agent in civilization’s drive towards the requirement of capital. In this context it may not be pointless to deny the role that many states have come to play as local institutional expressions of the globalised capitalist world economic order. Although this dispensation appears to be formally anarchical, multi-lateral and founded on the principle of national sovereignty, in reality and substance it is imperialistic. Thus, it is posited that the breaking of the civil society with the state may not constitute a sufficient condition for autonomous expression, as compared to the challenging of the civility of capital.

Jones (2006: 3), who shared these concerns, also noted that the promotion of a depoliticised conception of civil society as a sphere of autonomous actors and organisations pursuing progressive social change through professional and technocratic reforms, is designed to better serve the furtherance of the political project of neo-liberal reform. This is particularly evident from neo-liberal reform's celebration of the sphere of the private individual against the abstractly conceived state, which serves to legitimise the dismantling of state services and public good. Drawing on the writings of Gramsci, Jones therefore advocated for a basic conception of civil society that rests on alternative underlying assumptions about the nature of society, which should be conceived more on the basis of structured social relations between different groups and classes whose interests are generally opposed. In this context it may be erroneous to think of the political society and civil society as merely equivalents to state and non-state, respectively, as these are in many instances mutually constitutive aspects of a single integral social formation of the modern bourgeois liberal state.

It is against this background that this section plays particular attention to membership-based social movements as one of the oft-overlooked pillars of the contemporary conceptualisation of the notion of civil society. Not only do these entities preserve and articulate the aspirations of the interest groups which they represent, but also they tend to yield a greater capability in the extensive and effective mobilisation of their collective actions. Therefore, social movements such as those of women, farmers and youth, as well as faith-based organisations, trade unions, consumer groups and so on, ought to be accorded greater recognition as important bearers of the mediations and political symbols necessary for the conferment of legitimacy upon the political regimes.

In Namibian, the civil society has its roots in the socio-political climate which prevailed during the illegal South African colonial occupation. In the aforementioned policy of the NPC (2006: 2), the anti-colonial nationalist liberation struggle is characterised as 'a movement of the civil society'. This was particularly evident from the role played by political formations such as SWAPO and the South West Africa National Union (SWANU), and by their respective allied social movements and non-governmental initiatives – including the National Union of Namibian Workers (NUNW), the Council of Churches in Namibia (CCN), the Namibian National Students Organisation (NANSO), the Legal Assistance Centre (LAC), *The Namibian* newspaper, Namibia Peace Plan (NPP) 435, and numerous others who were actively

engaged not only in prying open the closed colonial political system, but also in filling the vacuum created by the exclusionary doctrine of apartheid, through the provision of social protection and support to victimised groups and individuals. Besides providing platforms of political mass mobilisation with a view to bringing an end to the authoritarian apartheid rule, these civil society actors can also be credited with the laying of the political foundations for the inculcation of awareness among the general public, which later aided the consolidation of the post-transition democratic political environment.

With the attainment of independence, these entangled interrelationships between SWAPO as the party that ascended to state power and its erstwhile civil society allies presented both strengths and weaknesses. On the one hand, as recognised by Von Doepf for instance (2008: 183, 189), these convivial political relations fostered thoughtful and self-critical policy debates and consensus moderation, and accordingly, given Namibia's relatively strong historical record of human rights jurisprudence as well as the presence of effective and powerful human rights advocacy organisations such as the LAC and the National Society for Human Rights (NSHR), decisions of both the High and Supreme Courts have tended to be against the government. On the other hand, these relations posed challenges for the sustenance of the enthusiastic and at times revolutionary activism which characterised the activities of the civil society actors during the liberation struggle.

These challenges are epitomised by the classic case of the intricacies of the deep-rooted historical relationship between the trade union movement as represented by the NUNW and the now-governing SWAPO Party, which manifested in the political affiliation of the former to the latter. For instance, as Bauer has pointed out (1998: 3-4, 7, 8-9), the political ideological outlook of SWAPO Party as a former liberation movement which ascended to power, came to incline more towards the attraction of foreign investment capital, and many a time to date, the governing party has pursued this goal at the expense of the interests represented by organised labour, of which the NUNW remains one of the formidable players. At the same time it is imperative that the trade union movement remains one of the most important bearers of the mediations and political symbols necessary for the conferment of legitimacy upon both the governing party and the state in general, therefore SWAPO Party, for all intents and purposes, has not in any way relented in its effort to securely retain the trade union movement within its fold.

In contrast to the predicament confronting the NUNW, other civil society actors which were equally closely allied with SWAPO during the liberation

struggle made attempts to assert their own autonomous roles and identities, in line with the dictates of the new political dispensation. One example is *The Namibian* newspaper, which Herbststein and Evenson characterised (in Links 2006: 9, 12) as having maintained a close relationship and identification with the ideals and politics of the liberation struggle as represented by SWAPO. Prior to Independence, *The Namibian's* news coverage exemplified outspoken criticism of the colonial government and its local protégés. Then, at the dawn of Independence, the paper revisited and redefined these historical political ties, and subsequently adopted a more independent and critical tone. These acts of boldness did not go down well with the paper's former political allies, especially some of the emerging political elites, who orchestrated a ban of government advertising in the paper in 2001, which was lifted only in 2011.

The Namibian newspaper and many other media outlets together form a relatively vibrant nucleus of the country's independent and investigative media. They strive to be critical and objective in their search for the truth and their coverage of societal issues. As such, these media are undoubtedly an indispensable ingredient for the consolidation and sustenance of democratic governance. As providers of alternative information which serves to empower society to overcome the hegemonic tendencies of virtual news blackouts, in effect these media countervail government monopolies over the production and dissemination of public information.

Independent research institutions also play an important civic role in the publication and dissemination of specifically targeted opinion surveys and specialised information pertaining to public policy. The following four are examples of leading agencies which have been involved in the systematic scrutiny of socio-economic development and its associated policy trends: the Namibia Economic Policy Research Unit (NEPRU), established immediately after Independence as a partnership with government, aimed at providing socio-economic policy-related research – although, unfortunately, it wound up its operations in 2011 after a protracted financial crisis; the Institute for Public Policy Research (IPPR), an independent think tank established in 2001, which publishes regular policy briefings and opinion papers; the Labour Resource and Research Institute (LaRRI), which has a strong affinity with the trade union movement, hence its primary focus on providing research and training programmes imbued with a stronger bias towards labour; and the Legal Assistance Centre (LAC), a public-interest law centre established in 1988, which provides various law-related services including continuous research and training on matters of law and policy.

Also, like many other emerging democracies, Namibia has witnessed the emergence of a nascent issue-oriented developmental NGO sector, with NGOs ranging from local community-based organisations (CBOs) to large and well-funded international NGOs which act largely as service providers complementing government programmes. The fact that many of the CBOs are small grassroots-level self-help initiatives accords them a unique leverage which is evident particularly from their extraordinary insight into the needs and aspirations of disenfranchised masses.

10. Conclusion

The politics of constitution making in Namibia as from the drafting stage in 1989 through the adoption process in 1990 and the amendment processes of 1998, 2010 and 2014 exhibit a common, and worrying, characteristic: a top-down model of decision making.

Economic Development in Namibia in the Last 25 Years

By Leonard Kamwi

Abstract

Investigations of a society's development aim to trace the causal mechanisms behind patterns in wealth and poverty across societies. This article argues that to be productive, such investigations must be comparative, historical and political-economic in nature. Through these lenses, the country has certainly made remarkable progress since Independence in 1990. The incidence of poverty has declined, and the economy has deepened and broadened its base. Through this 25-year period, the government has not marginalised any ethnic group, and in fact has made significant progress in narrowing the economic divides. Moving forward, the rising concerns of accountability, transparency and good governance will be important – in the immediate future and for some years to come. As societies become politically mature and the degree of urbanisation reaches developed-country proportions, the articulation of such concerns becomes the order of the day.

1. Introduction

In 1776, Adam Smith famously asked why some nations are rich and others are poor. He later summarised the lesson from his enquiry from a comparative, historical and political-economic analysis as follows: "*Little else is requisite*

to carry a state to the highest degree of opulence from the lowest barbarism but peace, easy taxes and a tolerable administration of justice ...”¹ Daron Acemoğlu, a renowned author on the topic,² explains: “It’s really about human-made systems, rules, regulations, formal or informal that create different incentives.”³ This stresses the point that economic activities, economic behaviour, economic organisations and economic policy always exist within a broader social context and never in a vacuum.

Many others have tried to answer Smith’s question. Suffice it to say, the continued preoccupation with this question does not reflect an error in Smith’s answer, but rather it reflects the need for much unpacking of that answer – to understand the different shades of the causes and consequences of economic development.

To this end in the case of Namibia, this article reviews the country’s economic history from the beginning of its journey as an independent nation, i.e. from the early years of independence from South African colonial rule. The intention is not to provide a discourse on Namibia’s political economy, but rather, this review seeks to explain the nation’s development from a political-economic perspective. The main objective is to explain Namibia’s path to development – if such a path can be detected – by looking at: (a) the structure and challenges of the economy at the time of Independence (1990); (b) the core public and economic sector policies which have shaped or dragged the country’s performance; and (c) the Namibian way of doing business.

The following facts should be noted to conclude this introduction to the review:

- Although it is necessary to critique economic policies in terms of the incentives they created (rather than the goals they proclaimed), economic policies alone do not suffice to bring about development.
- Robust political-economic institutions are not easy to engineer, as the practice of politics does not permit ‘simulation engineering’ of policies. Engineers use computer-simulation technologies and programmes to model engineering projects, evaluate the risks and benefits in a

¹ As quoted in Dugald Stewart, *Account of the Life and Writings of Adam Smith LLD*, 1793.

² See, for example, Daron Acemoğlu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*, 2012.

³ As quoted by Adam Davidson, NPR Money Planet, interview March 2012, accessed at www.npr.org/blogs/money/2012/03/16/148680705/why-are-some-countries-rich-and-others-poor.

virtual environment, minimise costly errors, lower costs and work out the landscape of their research before actually starting the physical project, whereas politicians do not have such tools. In addition, political and economic institutions must cope with human ignorance, which is difficult to ‘get rid of’ and to measure.

- In theory, a nation/society philosophically speculates over what ends it should pursue, and then chooses the means to obtain the desired ends. In practice, however, a nation/society must instantiate its desired ends through institutions. Those institutions structure the incentives that individuals face, and control the flow and quality of information which individuals process in making choices. How individuals pursue their purposes (i.e. how they arrange means to obtain ends) is a function of the incentives faced and the information at hand. This framework permits us to see how and why adopted institutional arrangements have steered human behaviour in a particular direction.

2. Namibia’s 25-year development journey

At Independence in 1990, Namibian society had a higher ratio of poor and very poor individuals judged by income as a means to welfare. The majority of the population at that time resided in rural areas, and the incidence of poverty was highest in rural areas. The Namibia Household Income and Expenditure Survey (NHIES) of 1993/94 estimated the incidence of poor and severely poor individuals to be 69.2% and 58.9% respectively – probably these figures were slightly higher at Independence. The most recent NHIES, conducted in 2009/10, found a very different picture, the estimations of poor and severely poor individuals being 28.7% and 15.3% respectively.

Judged alone, cutting the incidence of poverty by more than half in a 17-year period as covered by surveys is a remarkable achievement by any comparison. However, looking at only one metric does not tell us much about the overall welfare of society during that period, and hides the disturbing fact that poverty remains severe and is even increasing in some communities. Policy interventions should not merely bring change; they should bring *equitable* change. Viewed from this perspective, and considering that the incidence of poverty is still high in some regions (e.g. 55.2% in Kavango, 50% in Zambezi and 44% in Oshikoto in 2009/10), points to some undesirability in the policy tools or their implementation.

TABLE 1: POOR: ESTIMATED POVERTY CHANGES BY LOCALITY							
Locality (urban/rural and regions)		Periods			Differences		
		A: 1993/94	B: 2003/04	C: 2009/10	B-A	C-B	C-A
Urban		39.0	17.0	14.6	-21.9***	-2.4	-24.3***
Rural	Urbanisation in 2004	81.6	48.7	37.4	-32.9***	-11.3***	-44.2***
Region							
Caprivi ⁴	29.3	81.3	36.5	50.2	-44.8***	13.7***	-31.1***
Erongo	83.8	43.6	14.3	07.1	-29.2***	-7.8**	-36.4***
Hardap	43.2	51.5	42.0	26.0	-09.6*	-16.0***	-25.6***
Karas	56.1	51.5	32.7	26.9	-18.8***	-5.9	-24.7***
Kavango ⁴	18.6	76.3	64.1	55.2	-12.2***	-8.9**	-21.2***
Khomas	94.2	26.8	08.1	10.7	-18.7***	2.6	-16.1***
Kunene	34.6	80.1	36.8	30.2	-34.4***	-6.6	-49.9***
Ohangwena	1.3	89.2	55.5	30.1	-33.6***	-25.5***	-59.1***
Omaheke	24.6	76.5	41.1	31.1	-35.2***	-10.3	-45.4***
Omusati	1.0	79.1	38.4	19.1	-40.7***	-19.3***	-60.0***
Oshana	32.7	80.5	25.7	19.4	-54.8***	-6.3*	-61.2***
Oshikoto	9.2	82.5	49.4	44.2	-33.1***	-5.2	-38.3***
Otjozondjupa	53.8	60.1	39.0	33.7	-21.2***	-5.2	-26.4***
National	34.6	69.3	37.7	28.7	-31.5***	-9.0***	-40.5***

* p<0.10; ** p<0.05; *** p<0.01. (Source: Namibia Statistics Agency, *Poverty Dynamics in Namibia*, 2012: 13.)

Table 1 shows that the lowest incidence of poverty in 2009/10 was found in Erongo Region, where only 7.1% of the population were poor compared to the national poverty rate of 28.7%. However, this table also shows that 7 of the country's 13 regions (i.e. Kavango, Caprivi, Oshikoto, Otjozondjupa, Omaheke, Kunene and Ohangwena)⁴ had poverty rates above the national rate of 28.7%, and in two regions (Kavango and Caprivi), more than half of the population were living in poverty. Even worse, this table shows that the gains may not be sustainable since poverty increased in Caprivi and Khomas by 13.7% and 2.6% respectively between 2003 and 2010.

The above brings us to the second important metric in assessing Namibia's economic development since the attainment of political independence in 1990: relative poverty, or income inequality as measured by the Gini coefficient.⁵

⁴ In August 2013, Kavango Region was split into two regions, namely Kavango East and Kavango West, thus Namibia now has 14 regions. At the same time, Caprivi Region was renamed Zambezi Region.

⁵ This is the most commonly used measure of inequality. The coefficient varies between 0, representing complete equality, and 1, representing complete inequality (one person has all the income or consumption while all others have none).

Similar to the measure of absolute poverty, communities' incomes were highly unequal at Independence, with a Gini coefficient in excess of 0.646. However, unlike the reduction in the incidence of poverty, there has been only a marginal decline in income inequality – a decline of about 5%, from a Gini coefficient of 0.646 in 1993/94 to 0.597 in 2009/10. Moreover, the rate of decline has been slowing down in recent years. Inequality is higher in urban areas, at 0.583 compared to 0.487 in rural areas. Inequality in rural areas shows a declining trend, whereas in urban areas it has fluctuated, declining between 1993/94 and 2003/04 and increasing slightly between 2003/04 and 2009/10.

To depict inequality in Namibia, it is expedient to touch on the extremely skewed land-ownership situation. In a nutshell: about 45% of the country – or specifically the Central Plateau Region – is occupied by about 6 500 freehold commercial farming units of an average size of about 5 800 hectares, while the majority of the national population are confined to the north on communally owned land which constitutes about 25% of the country's total land area but is shared by 60-70% of the national population. Unsurprisingly, land redistribution is a big political issue with a strong racial dimension since the minority white population control the above-mentioned 45%.

Although a reduction in the incidence of poverty is a great achievement in itself, it is not equivalent to economic development – a comprehensive term involving progress in aspects such as development of human capital, increasing the literacy ratio, improving important infrastructure, improving health and safety, and other actions aimed at increasing the citizens' general welfare. The most accurate method for measuring economic development is the Human Development Index (HDI),⁶ which takes into account literacy rates and life expectancy which in turn have an outright impact on productivity and could lead to economic growth.

⁶ The HDI is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life; access to knowledge; and a decent standard of living. A long and healthy life is measured by life expectancy. Access to knowledge is measured by: (a) mean years of schooling for the adult population, which is the average number of years of education received in a lifetime by people aged 25 years and older; and (b) expected years of schooling for children of school-entrance age, which is the total number of years of schooling that a child of school-entrance age can expect to receive if prevailing patterns of age-specific enrolment rates stay the same throughout the child's life. Standard of living is measured by Gross National Income (GNI) per capita expressed in constant 2005 international dollars converted using purchasing power parity (PPP) rates.

Poverty headcount ratio at national poverty lines (% of population)

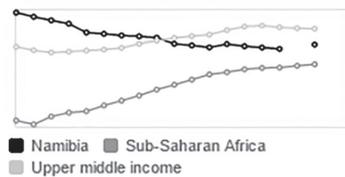
28.7%	2009
37.7%	2004
69.3%	1994

Improved water source, rural (% of rural population with access)

87%	2012
86%	2011
85%	2010
83%	2009
82%	2008

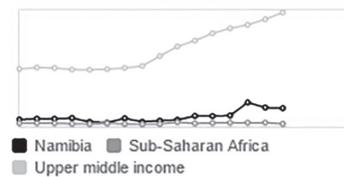
School enrollment, primary (% gross)

109% 2012



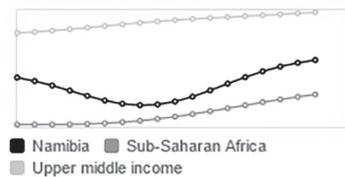
CO2 emissions (metric tons per capita)

1.5 2010



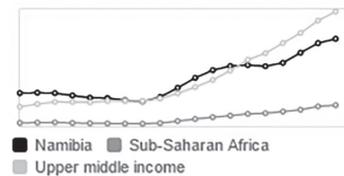
Life expectancy at birth, total (years)

64 2012

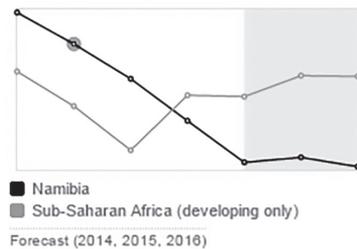


GNI per capita, Atlas method (current US\$)

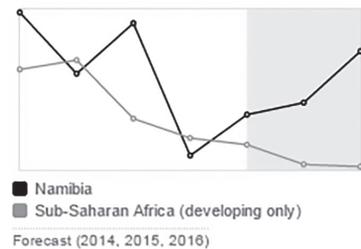
\$5,870 2013



Annual GDP Growth (%)



Current Account Balance, %GDP



A BASIC PICTURE: NAMIBIA DEVELOPMENT INDICATORS FROM THE WORLD BANK
(Source: <http://data.worldbank.org/country/namibia> – last accessed 23 December 2014)

Namibia's HDI value in 2013 was 0.624, which places the country in the medium human development category at position number 127 out of 187 countries and territories. Between 1990 and 2013, Namibia's HDI value increased from 0.569 to 0.624, which translates to an increase of 7% or an average annual increase of about 0.3%. A comparison with the growth in per capita GNI of 2.1% over the same period highlights the fact that developments in health, life expectancy and access to knowledge are more 'the drag' on human development than income.

Table 2 compares Namibia's development to that of a few other countries for each HDI indicator. Between 1980 and 2013, Namibia's life expectancy at birth increased by 4.7 years; mean years of schooling increased by 1.9 years; and expected years of schooling increased by 0.2 years. Namibia's GNI per capita increased by about 61.6% between 1990 and 2013.

TABLE 2: NAMIBIA'S DEVELOPMENT COMPARED TO OTHER COUNTRIES							
HDI rank	Country	Human Development Index (HDI)	Life expectancy at birth	Mean years of schooling	Expected years of schooling	Gross National Income (GNI) per capita	Human Development Index (HDI)
		Value	(years)	(years)	(years)	(2011 PPP \$)	Value
		2013	2013	2012	2012	2013	2012
1	Norway	0.944	81.5	12.6	17.6	63,909	0.943
3	Switzerland	0.917	82.6	12.2	15.7	53,762	0.916
6	Germany	0.911	80.7	12.9	16.3	43,049	0.911
63	Mauritius	0.771	73.6	8.5	15.6	16,777	0.769
109	Botswana	0.683	64.4	8.8	11.7	14,792	0.681
118	South Africa	0.658	56.9	9.9	13.1	11,788	0.654
127	Namibia	0.624	64.5	6.2	11.3	9,185	0.620
148	Swaziland	0.530	49.0	7.1	11.3	5,536	0.529
149	Angola	0.526	51.9	4.7	11.4	6,323	0.524
162	Lesotho	0.486	49.4	5.9	11.1	2,798	0.481
	Medium human development	0.614	67.9	5.5	11.7	5,960	0.612
	Europe and Central Asia	0.738	71.3	9.6	13.6	12,415	0.735
	Sub-Saharan Africa	0.502	56.8	4.8	9.7	3,152	0.499

Source: UNDP, *Human Development Reports*, Table 1: Human Development Index and its Components (<http://hdr.undp.org/en/content/table-1-human-development-index-and-its-components>).

The World Economic Forum's *Global Competitiveness Report 2013-2014* characterises Namibia as an “efficiency-driven economy” (as opposed to factor-driven and innovation-driven economies). Sadly, Namibia has a skills deficiency and lags behind other efficiency-driven economies with regard to health, primary education, higher education and training. The absence of an adequately trained workforce is Namibia's most problematic factor for doing business, let alone for creating businesses. The low level of education and the severe shortage of skills, especially in areas such as engineering, science, natural sciences and mathematics, have been cited as a key reason for the low level of diversification in the manufacturing sector. This is despite the fact that education receives the largest share of government spending. Every year, only about 50% of the Grade 10 learners proceed to Grade 11. Out of the other 50%, only about 3% gain entry to vocational training colleges, and only about a quarter of those who complete Grade 12 proceed to tertiary institutions. This means that over 85% of Namibia's learners do not make it to vocational or other tertiary institutions of learning. By any measure, this a gigantic problem.

3. The chosen path

Since Independence, the Government of Namibia has followed a market-oriented and open economic policy, based on acknowledgement of the fact that the problems of unemployment, poverty and inequality can be overcome only in the context of economic growth.

Industrialisation and evolution of industrial policy

Although Namibia did not have an explicit industrial policy until 2012, and the strategy for its implementation is still being considered, the government has always pursued industrial policy in the sense that it has continually tried to promote specific economic subsectors through selective policies. These policies have been laid out in sector policy documents, and even in specific laws, rather than in an overarching industrial policy document. These specific documents and laws include the following.

As early as 1992, the government adopted a White Paper on Industrial Development, the main objectives of which were: increased value addition in manufacturing by stimulating productivity, exports and import substitution;

increased diversification through increased economic growth and inter-industrial linkages; employment generation, especially for disadvantaged groups; and improved geographical distribution of industries.

In 1995, the government published the First National Development Plan (NDP1), which stated that “*Namibia must reduce its dependence on mineral resources over the medium term and increase output in other areas such as manufacturing*”.

In 1997, shortly before the mid-term review of NDP1, the government (Ministry of Trade and Industry) published the *Policy and Programme on Small Business Development*. This policy introduced several SME support programmes, and a number of regulatory reforms aimed at eliminating discriminatory apartheid practices.

In 1998, the government (National Planning Commission) published the *Poverty Reduction Strategy for Namibia*, which, like the 1997 policy, pointed to the potential for sustainable job creation within the more entrepreneurial, dynamic parts of the SME sector. However, unlike the 1997 policy, this strategy acknowledged that in the short-term, job creation in manufacturing was likely to be modest, due to the “*fundamental obstacles to an acceleration of export-oriented manufacturing*” posed by, inter alia, a lack of experience with factory-based production, a paucity of skilled workers, and weak support services. It therefore suggested focusing on import substitution (‘localisation’) of products that would provide initial learning opportunities, and in which Namibia might have latent comparative advantages.

In 2001, the government adopted NDP2, which affirmed a continued commitment to the goal of increasing the share of manufacturing in the economy, but was less detailed in respect of the targets. NDP2 stipulated that the SME sector should engage in industrial activities such as food processing, woodwork, textile and garment production and processing of agro-based products and petrochemicals, and it set the goal of increasing the share of employment in the manufacturing sector from 6.4% in 2000 to 20% in 2006, but this goal was underachieved, since by 2004 the sector’s share in employment had fallen to 6.2%. Ten years after the adoption of the White Paper on Industrial Development (1992), the stark contrast between goals and reality probably led to a more cautious and differentiated approach in the following years.

In 2003, the Ministry of Trade and Industry commissioned a research institute to conduct a comprehensive review of the 1997 policy. The outcome was the draft policy document entitled *Industrial Policy Beyond 2000*. This

document introduced a number of important new aspects. It acknowledged, among other things: the changes in the international environment in terms of trade liberalisation and their implications for policy making; the need for an Industrial Policy to be complemented by other sector policies such as education and science policies; the need for cooperation between the public and private sector and between line ministries; and the need for effective and efficient public institutions and ongoing monitoring and evaluation of them. It also called on government to directly promote linkages between SMEs and larger enterprises.

Parallel to these efforts of the Ministry of Trade and Industry, other line ministries, such as the Ministry of Fisheries and Marine Resources, the Ministry of Mines and Energy and the Ministry of Agriculture, Water and Forestry have come up with their own sectoral policies. The recurring policy goals within these policies are sustainable resource management, Namibianisation of the country's industry, empowerment of previously disadvantaged groups, and job creation through value addition.

Vision 2030

In 2004, the Government of Namibia published its *Vision 2030*, the main strategic goal of which is “*A prosperous and industrialised Namibia, developed by her human resources, enjoying peace, harmony and political stability*” (GRN 2004: 38). Increasing the share of manufacturing in the economy is seen as key to job creation and economic growth. This is to be achieved through diversification of the export base into exporting of processed raw materials, and through import substitution of manufactured goods.

4. Binding constraints and challenges

Namibia's development efforts score well in the areas of macro-economic environment, infrastructure, financial markets, good market efficiency and labour market. Property rights are well protected, the Judiciary is perceived as being independent from undue influence, and there is strong public trust of politicians. These strengths have earned Namibia a place among the top 100 in global competitiveness. In sub-Saharan Africa, Namibia is ranked in the top 10. The big challenge, however, is to address the constraints which inhibit Namibia from ‘take-off’ akin to that achieved in Mauritius.

Various reports have identified market size as a binding constraint, but it is the quality of skills and the lack of technological readiness, business sophistication and innovation which are dragging Namibia's development. A consistent mistake in policy design has been the assumption that an ill-trained workforce can venture successfully into manufacturing without a high level of technological transfers. It was envisaged that informal entrepreneurs would enter into manufacturing of simple goods, whereas formal small businesses would progress to technologically more advanced manufacturing of, for example, plastic, rubber and electrical products, thereby contributing to an increased share of small business activity in the manufacturing sector as well as to import substitution.

Entrepreneurship in rural areas involves mainly self-employment and micro-enterprise activity, driven by the need to boost household incomes, rather than by a desire to establish long-term economic activity. This type of motivation for business ownership is associated with what some writers have described as "proprietorship" rather than entrepreneurship, because of an emphasis on the use of any surplus for current consumption rather than for capital accumulation, affecting the dynamism and entrepreneurial potential of the applicable regions.

Developing entrepreneurship in Namibia's rural areas is a challenging prospect, particularly in traditional villages with small populations, because of a number of structural weaknesses. Research findings of the Namibia Chamber of Commerce and Industry suggest that the main barriers are: firstly, a low capacity for capital accumulation; secondly, a lack of capacity to adapt to changing market conditions; thirdly, underdeveloped supply chain linkages between agricultural producers, wholesale firms and food-processing firms; and fourthly, the education level of the rural population, which is significantly lower than that of their urban counterparts.

Technological readiness and innovation are other weak links in Namibia's competitiveness environment. The country should invest in research and development; an innovative system of research and development should be put in place. Human resource development is an important prerequisite for enhancing Namibia's capacity for research and development, inventiveness and innovation.

The land tenure system is another binding constraint. In communal areas people hold only user rights to land which is allocated and administered by traditional authorities and land boards. Despite several attempts at reform, land in communal areas is not transferable and thus is not recognised by

banks as collateral against a loan. Lack of capital significantly reduces both the incentive and the means for investing in agricultural production in these areas. As the northern part of the country has the highest rainfall levels in Namibia, the loss in agricultural productivity is particularly high. Commercial agricultural activity in these areas is further constrained by the lack of a supporting marketing infrastructure and by inadequate field extension services.

Besides the weak entrepreneurial spirit, weak institutional capacity to operationalise or implement policies is a binding constraint. The aforementioned SME policy of 1997 laid out five support programmes to support the development of small businesses, but most of these initiatives were not fully implemented. The policy sought to implement a Small Business Credit Guarantee Trust which was aimed at increasing SMEs' access to finance. This scheme was later replaced by an SME Bank, which later became another commercial bank. The SME policy also provided for an Entrepreneurship Development Programme, offering subsidised access to feasibility studies, business plans and generic business training. This programme is highly non-transparent in terms of the outputs and results achieved, and it is unclear whether it is operational at all. The Group Purchasing Scheme, conceived to constitute an integrated, comprehensive support package for SMEs, never came into existence, and the Vendor Development Programme has ceased to exist after only a short period.

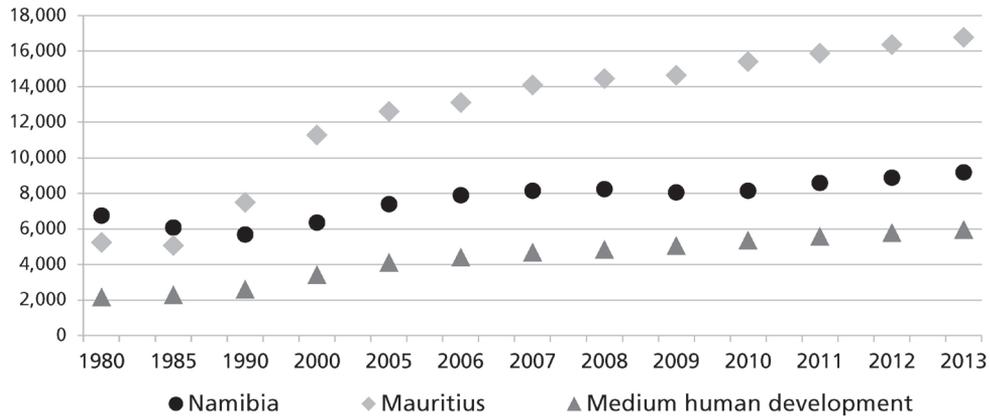
5. Developments in the structure of the economy

Due to Namibia's small economy and strongly dualistic economic structure, only a small number of large businesses are active in each economic sector. Nonetheless, the nominal dollar value of the economy has grown more than 14.5 fold (at current prices) in the space of 22 years, and indeed above trend over the past four years, albeit at a marginally declining rate. In contrast with conditions in other emerging economies, credit growth has been fairly strong, with government spending increasing at a pace exceeding 25% for three consecutive years. Trade deficit has also surged in line with both private and public consumption spending. Gross fixed capital formation has been steady at around 20-25% of GDP for the past 25 years.

Namibia has made remarkable progress since 1990, and the economy has deepened and broadened its base somewhat. Over this 25-year period,

the government has not marginalised any ethnic group through its policies, but rather has made significant progress in narrowing the economic divide.

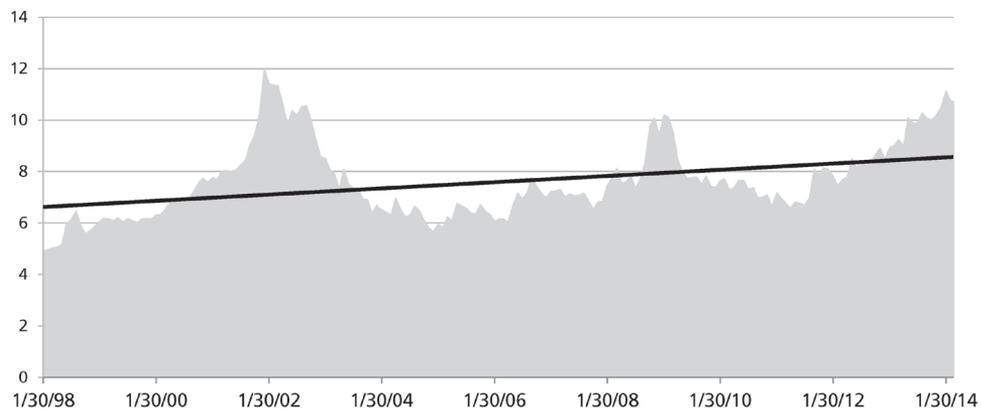
CHART 1: GNI PER CAPITA IN PPP TERMS (CONSTANT 2011 US\$)



Source: United Nations Development Programme.

Stepping forward in terms of growth is not the same as development, especially if hundreds of thousands of people are not being lifted out of poverty into the middle class, creating a brighter future for their next generations. While economic activity on aggregate and business confidence in general have been robust, unemployment has not improved and remains at an unacceptable rate. Nonetheless, Namibia is not on the verge of very hard choices!

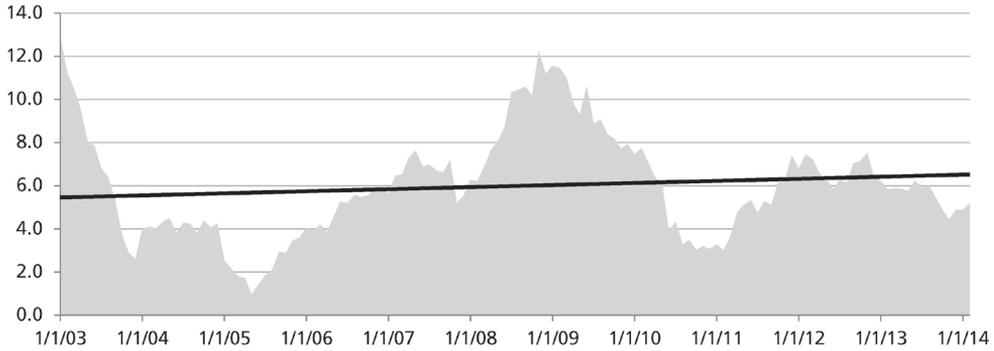
CHART 2: USD-ZAR EXCHANGE RATE



Source: Bloomberg.



CHART 3: CONSUMER INFLATION

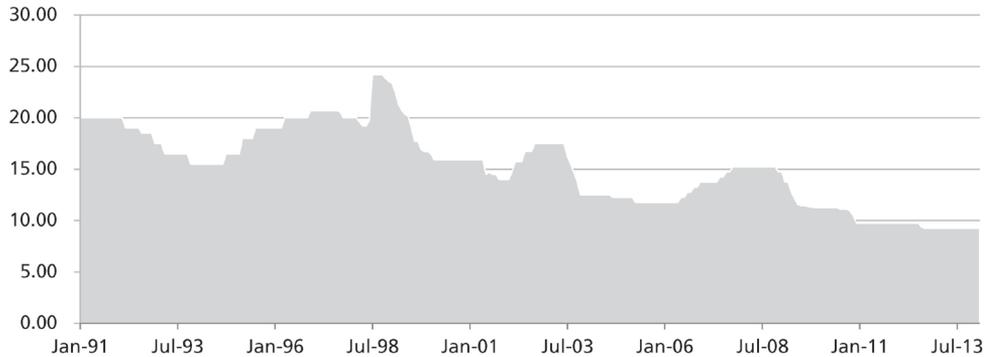


Source: Namibia Statistics Agency.

Interest rate

Despite inflation hovering around the upper rung of the 3-6% target band, interest rates have been on hold since the end of the financial crisis. However, the South African Reserve Bank began raising the policy interest rate in January 2014.

CHART 4: PRIME RATE



Source: Bank of Namibia.

Although the economy has deepened and broadened its base since 1990, diversification since 1990 has been limited. The relative share of primary activities in the economy shrank by some 5%, with 3% gained by the secondary activities (manufacturing, processing and construction) while services picked up the other 2%.



TABLE 3: GDP BY ACTIVITY (CURRENT PRICES – PERCENTAGE CONTRIBUTION TO GDP)						
Industry	1980	1990	2000	2010	2011	2012
Agriculture and forestry	7.4	6.9	6.1	4.1	4.3	4.1
• Livestock farming	5.6	4.5	3.0	2.2	2.5	2.3
• Crop farming and forestry	1.8	2.4	3.1	1.9	1.8	1.7
Fishing and fish processing on board	0.6	2.1	4.6	3.1	3.0	3.0
Mining and quarrying	33.4	14.8	9.9	8.5	8.2	11.5
• Diamond mining	19.4	7.6	7.1	5.0	6.0	8.5
• Other mining and quarrying	14.0	7.1	2.8	3.5	2.3	3.0
Primary industries	41.4	23.8	20.7	15.8	15.5	18.6
Manufacturing	8.4	10.3	11.7	12.7	11.6	11.6
• Meat processing	1.3	1.1	0.3	0.2	0.2	0.3
• Fish processing on shore	1.0	2.0	1.9	0.1	0.6	0.1
• Other food products and beverages	3.5	4.1	4.9	5.0	4.6	4.7
• Other manufacturing	2.7	3.2	4.6	7.3	6.2	6.6
Electricity and water	1.9	1.9	1.9	2.5	2.6	2.3
Construction	4.6	2.0	2.0	3.3	3.6	3.6
Secondary industries	15.0	14.3	15.5	18.4	17.7	17.6
Wholesale and retail trade, repairs	6.8	6.8	9.9	12.0	11.6	12.0
Hotels and restaurants	1.1	1.1	1.6	1.8	1.9	1.7
Transport, and communication	5.8	6.0	4.4	5.6	5.3	4.9
• Transport and storage	4.4	4.5	2.1	2.8	2.4	2.3
• Post and telecommunications	1.4	1.5	2.4	2.8	2.8	2.6
Financial intermediation	1.6	2.0	3.6	5.3	5.1	5.2
Real estate and business services	6.3	8.0	8.9	7.9	7.9	7.4
Community, social and personal service activities	0.5	0.7	4.1	3.1	3.1	3.0
Public administration and defence	6.1	11.5	9.8	10.1	10.2	10.1
Education	5.0	9.3	7.9	8.5	8.9	8.7
Health	3.2	6.1	5.2	3.4	3.3	3.2
Private household with employed persons	1.7	1.9	0.9	0.7	0.7	0.7
Tertiary industries	38.7	54.0	56.3	58.4	58.1	56.9
Less: Financial intermediation services indirectly measured	0.0	0.0	1.5	1.5	1.4	1.5
All industries at basic prices	95.0	92.0	91.1	91.2	89.9	91.6
Taxes less subsidies on products	5.0	8.0	8.9	8.8	10.1	8.4
GDP at market prices	100.0	100.0	100.0	100.0	100.0	100.0

Source: Namibia Statistics Agency.

Agriculture lost much of its share between 1990 and 2012. This may not be surprising, given that Namibia is the driest country in sub-Saharan Africa: the only perennial rivers are at the country's northern, north-eastern

and southern borders; rainfall fluctuates highly; and soils are of poor quality in most parts of the country. Consequently, this sector is characterised by high risk and low crop yields, although the biggest loss in the given period was in animal husbandry rather than crop farming – despite the fact that the historically ignored northern communal regions with their smallholder agriculture have realised increasing animal production at a rate of about 7.0% per annum. In the period 1990 to 2013, agriculture contributed an average of 5.2% of the GDP. The commercial agricultural zone and sub-sector have traditionally dominated the export markets in both large and small stock. This trend has been supported by strict disease control through exemplary disease management and exclusion programmes as well as generous subsidies and supportive credit programmes in the recent past. A strong transport and communication network has been an additional major factor. Cropping is still limited and restricted by the low and erratic rainfall (300-700 mm per annum) as well as high potential evapotranspiration rates. These climatic factors favour drought-hardy pearl millet and maize, which fare well in the area known as the Maize Triangle in north-central and north-eastern Namibia. Today Namibia also exports table grapes and dates grown under irrigation in the south of the country. Regarding investment in agriculture, the communal areas were virtually ignored, and very little irrigation takes place along the northern rivers – despite what one might expect in an arid country. In sum, negligible work has been done to promote arid-land agriculture in general.

Besides the non-traditional agricultural sector, the tourism sector offers strong competitive advantages due to Namibia's biodiversity, spectacular landscape and wildlife. However, despite these advantages and the success of communal conservation, the transformation of the tourism sector in such a way that would further benefit the upcoming non-white entrepreneurs and rural communities remains constrained by a number of factors. These factors are related to the insecurity of tenure in communal areas (which prevents investments), the non-availability of specialised financial products, conflicting legislation and a lack of coordination between government entities involved in land-use planning. These sectoral challenges as well as a host of other factors – including, inter alia, education and skill levels, labour market regulation and wage levels, quality of infrastructure, trade relations and trade preferences, the organisation of the market and competition, the effectiveness of public administration and the political system – make the beneficiation of local communities difficult.

6. Conclusion

On the whole, the country is generally recognised as having maintained a stable macro-economic environment since attaining political independence in 1990. Fiscal and monetary policies have been consistent and predictable. Despite enormous challenges to national development, the Government of Namibia has managed budget deficits, reduced inflation and interest rates, ensured exchange rate stability, maintained sustainable levels of domestic debt, and maintained peace – evidenced by the absence of war with any neighbouring country and the absence of civil unrest within. However, from a developmental perspective, these achievements do not represent the desired ends; rather, they represent the means to achieve the desired ends, or the necessary conditions under which development could take place.

Moving forward, the rising concerns of accountability, transparency and good governance will be important – in the immediate future and for some years to come. As societies become politically mature and the degree of urbanisation reaches developed-country proportions, the articulation of such concerns becomes the order of the day.

But, Namibia still has social imbalances due to the country's social and economic history and the consequent differing socio-economic endowments. The playing field is still far from level, thus total meritocracy (in its classic sense) cannot be practised yet. Namibia must move towards meritocracy and transparency if it is ever to become a developed country. The need to assist low-income groups and the traditional sectors of the economy is still dire. In rendering this assistance, the authorities will have to balance the needs of equity and efficiency. The latter may demand open competition and transparency in the awarding of tenders, and it will be imperative to ensure accountability of public actions and expenditures so that mismanagement is reduced to the minimum.

These concerns can be addressed by several means. There is no harm in assisting those sections of Namibian society who have traditionally been associated with low technology, low skills and low productivity as well as poor infrastructure. These groups should be given the assistance that they deserve, but this must be done with clear and transparent criteria. They must be targeted with scholarships, subsidies and margin preferences, but such exercises must be undertaken with transparency and accountability – they must withstand rigorous public scrutiny.

3

Namibia's Labour Movement After 25 Years of Independence

By Herbert Jauch

1. The situation at Independence – a brief history

The Namibian labour movement played a particularly prominent role in the country's struggle for liberation from colonial rule. Contract workers were a central component of the anti-colonial resistance, and formed the backbone of the South West Africa People's Organisation (SWAPO) in the party's formative years. Thus the history of Namibia's labour movement and its politics are closely intertwined. As Cronje (1979: 77) pointed out:

“Industrial action by black workers in defence of their rights has a long history in Namibia, despite the great risks to individuals and their families, inherent in a confrontation with the authorities. While being denied the right to organise themselves into trade unions, workers were united by their common oppression and, in the case of migrants from the north, their hatred of the demeaning contract. Strikes or threatened stoppages have occurred throughout the colonial period, although poorly documented or virtually ignored by the white population. As early as December 1893, workers went on strike at a mine operated by the South West Africa Company at Gross Otavi. An account of the events ... revealed that workers from different tribal groups joined together to make it effective.”

Strikes by workers during colonial rule were a reflection of the broader socio-economic struggles that the workers in what was then the Territory of South West Africa (SWA) waged for over a century. The contract labour system, known as *okaholo*, played a particular role in this labour history. In organisational terms, the plight of contract workers – most of whom hailed from the north of the country – was first taken up by the Ovamboland People’s Congress (OPC) founded in Cape Town in 1957, by students and intellectuals mainly. Among the migrant workers in the compounds in Namibia there was wide support for the OPC, which expressed their aspirations, and in 1958 was transformed into the Ovamboland People’s Organisation (OPO). The OPO’s key demand was to abolish the contract labour system. Its political demands for “*political, social and economic emancipation of the people*” reflected the needs of the workers in the compounds. Its message was also spread to the rural areas through returning migrant workers. In 1960 the OPO was transformed into a national liberation movement, namely SWAPO, whose aim was to establish a unified, independent and democratic Namibia, free from colonial exploitation and oppression (see Katjavivi 1988, Moleah 1983 and Peltola 1995).

After SWAPO’s consultative congress in Tanga, Tanzania, in 1969/70, several new departments were established within the party, including a Labour Department. Although the congress documents did not mention the formation of trade unions, a decision to establish the National Union of Namibian Workers (NUNW) in exile was taken on 24 April 1970. Its function was primarily to represent Namibian workers in international fora such as the International Labour Organization (ILO). Another aspect of its work in exile was to train trade unionists under the name of the NUNW in the Soviet Union and Angola (Peltola 1995).

The general strike of 1971/72

At the time it was virtually impossible to establish trade unions inside the country due to the extremely repressive conditions. This, however, did not prevent one of the most significant strikes in Namibia’s history – the famous “general strike” which shook the colonial regime and brought the plight of black Namibian workers to the attention of the outside world. It lasted from 13 December 1971 until 20 January 1972 and involved over 13 000 migrant workers. It brought the mining industry to a halt, and seriously affected farming, commerce, and the communications and transport systems. It

demonstrated the potential of Namibian workers to take organised action in defence of their rights.

The general strike was triggered primarily by the oppressive political and economic conditions that Namibian workers, especially the migrant workers from the north, were facing. Migrant workers were examined in a dehumanising way to determine their health and physical strength, and were classified accordingly by the colonial South West Africa Native Labour Association (SWANLA). Breaking a contract was a criminal offence, and workers were not allowed to bring their families with them. They had to reside under appalling conditions in the so-called “single-sex hostels”. The general strike was thus caused by the appalling working conditions, but it was also politically motivated as it expressed long-standing grievances against the contract labour system. In addition, there were three key events which contributed to the strike:

- 21 June 1971: The International Court of Justice declared South Africa’s occupation of Namibia to be illegal.
- 30 June 1971: Two of the largest churches in Namibia sent an open letter to the South African Prime Minister complaining about South Africa’s failure to uphold human rights in Namibia as declared by the UN in 1948.
- 15 November 1971: The Bantu Commissioner, Jan de Wet, denied the church leaders’ statement and described the contract labour system as “voluntary” (see Bauer 1998, Peltola 1995 and LaRRI 2010).

These developments fuelled workers’ anger against the continued colonial occupation, racial discrimination and the inhumane treatment of contract workers. Although the strike was not planned and organised by a trade union, it was aided by student activists in the north who had been expelled from schools due to their political activities. After their expulsion, these young SWAPO activists moved south, joining workers in Windhoek, Walvis Bay and elsewhere. They linked the workers’ resentment of the contract labour system to political demands for liberation (LaRRI 2010).

The strike occurred largely spontaneously under the slogan “*Odalate naiteke!*” (“Let’s break the wire!”). It started in Windhoek and then spread to Walvis Bay and further to workplaces throughout the country, involving about 13 500 workers (about 25% of all migrant workers), bringing 11 mines and 23 other workplaces to a standstill. Some estimates put the number of striking workers as high as 20 000.

When the striking workers were deported to “Ovamboland”, they engaged in running battles with the “security forces”. Angry workers destroyed about 80km of the border fence with Angola and they attacked collaborators of the colonial regime. The deported workers formed a “Contract Committee” and elected Johannes Nangutuuala as chairperson. A mass meeting of striking workers approved a pamphlet setting out their demands which included: the abolition of the contract labour system and freedom for workers to choose their own employment without police interference; the right to live with their families; payment of salaries according to merit and according to the work done, regardless of the person’s colour; abolition of the pass law system; sufficient payment so that workers could buy their own food, pay for their own transport and so on (LaRRI 2010).

The state responded with a dual strategy: it attempted to replace striking workers with scab labour from the southern and central regions of Namibia; and it resorted to increased oppression, bringing in additional police as well as the army from South Africa to suppress the uprising. A state of emergency was declared in “Ovamboland”, which was only partially relaxed in late 1977. The workers’ hostels in Katutura (in Windhoek) were put under siege by the police and detention camps were set up all over “Ovamboland” for those detained (and tortured) under emergency regulations (LaRRI 2010).

The biggest impact of the 1971/72 strike was the increased militancy and confidence among workers. They sent a signal that there would no longer be “business as usual”, and that they regarded their strike as being part of the wider struggle against colonial occupation and for national liberation. The general strike resulted in some (largely cosmetic) improvements in working conditions, and in the first public acknowledgement (by several businesses and the colonial state) of the need for trade unions for black workers. Some companies set up liaison committees to consult with their workers, and a few even supported the establishment of trade unions as bodies with which they could negotiate. Pressure to allow for the formation of trade unions also came from the ILO, and the colonial administration had to acknowledge that the plight of Namibian workers could no longer be ignored (LaRRI 2010).

The general strike set in motion a contradictory process of labour and political reforms alongside intensified war and repression. In 1976, for example, new and even tougher “security laws” were passed, and the emergency regulations were extended to the Kavango and Caprivi regions in north-eastern Namibia. A “shoot to kill” order was given in most areas of “Ovamboland” where arbitrary arrests, detentions and torture had become

the security forces' way of operating. On the other hand, the colonial regime used a strategy of labour and political reforms (e.g. the formal end of wage discrimination on the basis of colour and the adoption of the principle of equal pay for equal work) to appease the popular rebellion. In 1978, the interim government ("Transitional Government of National Unity"), which had no public support and legitimacy, changed the 1952 Wage and Industrial Conciliation Ordinance to expand the definition of "employees" to include black workers. This was the first legal basis for black Namibian workers to 'legally' form and join trade unions (Bauer 1998). However, unions were still prohibited from entering into political affiliations with political movements. Strong trade unions did not emerge inside Namibia until the mid-1980s when several industrial unions were launched under the umbrella of the NUNW.

Formation of unions inside Namibia

In 1985, the South African apartheid government was spending R3 million per day on the war in Namibia. During this time of repression, community activists started organising at grassroots level. Community organisations emerged in response to the crises in housing, employment, health, education and social welfare, and organising surged around these crises as from 1984. In the absence of trade unions, workers began to take their workplace problems to social workers at the Roman Catholic Church and the Council of Churches in Namibia (CCN). At that time, the umbrella of the churches provided a shield behind which political activists could start organising workers. Unlike trade unions, which had been crushed by the colonial state, churches were able to operate across the country. By 1985, workers and community activists had formed a Workers Action Committee in Katutura, which became the forerunner of trade unions (Bauer 1997).

The NUNW unions were formally established from 1986 onwards, and provided workers with an organisational vehicle through which they could take up workplace grievances as well as broader political issues, which were always seen as linked to the economic struggle. This occurred firmly within the SWAPO fold, as the NUNW unions openly declared their allegiance to the liberation struggle and to SWAPO as the leading organisation in that struggle. The exiled and internal wings of the NUNW were merged during a consolidation congress in Windhoek in 1989. At that time, the NUNW unions inside Namibia had already established themselves and were a formidable force among grassroots organisations. They enjoyed huge support even

beyond their membership, and played a critical role in ensuring SWAPO's victory in the elections of 1989 (Jauch 2007).

The NUNW played a prominent role during the liberation struggle, and its history is in many ways similar to that of the Congress of South African Trade Unions (COSATU), since both were key agencies in terms of mass mobilisation against colonial rule and apartheid. Like their sister unions in South Africa, the NUNW unions linked the workplace struggle with the broader struggle for political independence, and formed links with other social and political organisations such as women and student organisations. The NUNW understood its role to be that of a social movement, and one that could not address workers' issues separately from the issues affecting the broader community. Exploitation in the workplace was therefore linked to the broader struggle against racial and political oppression (Jauch 2007). Hence the trend in Namibia conformed to that observed in many African states where trade unions played a key role in the democratisation process. Sidibe and Venturi (1998) attributed trade unions' ability to play this role to three major factors: firstly, their long history of struggle; secondly, their massive potential for organisation and action; and thirdly, their expectation that democracy would benefit workers and trade unions.

For workers inside Namibia, the class struggle was intertwined with the struggle against racial discrimination and minority domination. The class struggle waged by workers was seen as one and the same as the liberation struggle waged by SWAPO (Peltola 1995). Thus class differences were blurred, and the NUNW unions (members and leaders alike) saw themselves less as representing a particular class than as being an integral part of a broader national liberation movement opposed to colonialism and apartheid. This partly explains why the unions outside the NUNW were rather insignificant at the time, and did not enjoy a comparable following. Some of them operated as "apolitical" staff associations, for example the Government Service Staff Association (GSSA) which was the preferred organisation for the colonial administration. Others, such as the white South West Africa Mineworkers Union (SWAMU), operated within a racist paradigm, and some smaller unions refused to join the NUNW due to its political link with SWAPO (Jauch 2004).

Colonial labour legislation

In terms of the legal provisions, a wide range of legislation regulated labour in Namibia. The major act affecting industrial relations was South Africa's

Wage and Industrial Conciliation Ordinance No. 35 of 1952. All domestic, farm and public service workers were excluded from this legislation, and it was only in 1978 that black workers were included within the framework of the legislation and were allowed to form registered trade unions for the first time. However, despite this legal provision, workers could still be prosecuted for union activities as Ordinance No. 35 still fostered a general imbalance between workers and employers, rather than encouraging formal collective bargaining (Jauch and Karuombe 2002).

The provisions of the Employment Act No. 12 of 1986 covered a range of matters concerning basic conditions of employment, but again, certain categories of workers were excluded from this legislation. Under this Act, labour inspectors were appointed to deal with complaints of workers, but a shortage of personnel and cumbersome enforcement procedures hampered their effectiveness. In short, the colonial legislation made it very difficult to assert and protect workers' rights, organise trade unions and challenge the autonomy and prerogative of management. While in theory the right to lawful strike existed, striking workers had no protection against dismissal and no right to picket at employer premises (Jauch and Karuombe 2002).

2. Changes after Independence: new government policies and social partnership

The achievement of independence in 1990 had a significant impact on the role that trade unions wanted (and were able) to play. The function of political mobilisation, which had taken centre stage for the NUNW in the years before Independence, was taken over by SWAPO, whose exiled leadership had returned to Namibia in 1989. Given the close structural links between the NUNW unions and SWAPO and their common history, there was a widespread expectation among workers that the SWAPO government would address workers' problems. A few years before Independence, leading SWAPO intellectuals such as Kaire Mbuende had still argued that the interests of workers and peasants constituted the dominant position in SWAPO (Mbuende 1986). However, the ideological shift in SWAPO in the 1980s, coupled with the collapse of the Soviet Union, led to the acceptance of a capitalist order once SWAPO became Namibia's ruling party. Notions of revolutionary working-class politics were simply dropped; the capitalist structure of the economy was maintained and the notion of social partnership was introduced into

labour relations. Trade unions were expected to define a new role within this framework, and although the NUNW had previously called for more radical change, it accepted the new framework with little resistance.

After Independence there was a gradual demobilisation of militant trade unionism, and decision-making power shifted decisively towards party structures. As the leaders of the liberation movement entered the corridors of state power, arranging themselves with the interests of both local and international capital, they encountered little resistance to their chartered course of establishing a stable environment for non-racial capitalism in an independent Namibia. The subordinate role allocated to trade unions and working-class interests was reflected in the way that tripartism became the cornerstone of labour relations after Independence.

The new government was determined to reform Namibia's colonial labour relations system and to move towards a new system of "social partnership" governed by the Labour Act of 1992. Tripartite consultations and collective bargaining were seen as the cornerstones of the new labour dispensation, with improved living and working conditions of workers to be brought about by a combination of successful economic policies and successful trade union engagement with the private sector. The government regarded itself as a kind of "referee", trying to create a level (and enabling) playing field for collective bargaining between business and labour (Jauch 2007).

Unlike in post-war Western Europe where social partnership was introduced as a class compromise, with workers granted improved living and working conditions in return for acceptance of the capitalist mode of production and industrial peace (Bergene 2005: 104), Namibia's version of social partnership was essentially a reward granted by the SWAPO government for the role played by workers in the struggle for independence. Labour did not receive a special status, as was already evident from the consultative process which culminated in the Labour Act of 1992: the government played the dominant role and decided on the scope of consultation with both business and labour. Unlike in a corporatist institutionalised arrangement where capital, labour and state jointly formulate socio-economic policies (Sycholt and Klerck 1997), social partnership in Namibia was (and still is) based on consultations only.

A new legal framework: the Labour Act of 1992

Following extensive consultation by the Ministry of Labour with employers and trade unions, Parliament passed the Labour Act in November 1992. It

constituted a significant improvement compared with the previous colonial labour legislation. It extended its coverage to almost all workers, including domestic workers, farm workers and the public service, but excluding the army, police service and prison service. It encouraged collective bargaining, entrenched basic workers' and trade union rights, set out the procedures for legal strikes and provided protections against unfair labour practices (Bauer 1993). However, the new Act fell short of some of the expectations of trade unions, which felt that employers had unduly influenced the law through "behind the scenes" lobbying. The Act did not make provision for minimum wages (as SWAPO had promised in its 1989 election manifesto), and did not guarantee paid maternity leave – the latter was introduced four years later with the Social Security Act of 1996. Other key demands of the NUNW not provided for in the Labour Act of 1992 were the 40-hour working week and 21 days of annual leave for all workers (Jauch 1996).

Although constituting a significant improvement for labour, the post-Independence labour legislation also served to reduce worker militancy by shifting the emphasis away from workplace struggles towards negotiations between union leaders and management. Bargaining issues in Namibia were (and still are) narrowly defined, usually dealing only with conditions of employment (Klerck and Murray 1997). The trade unions' main function was thus narrowed to being the representation of workers in a tripartite arrangement.

Trade union militancy certainly declined after Independence, and the envisaged improvement of living and working conditions through collective bargaining was enjoyed only by the well-organised industrial workers such as those in the mining and fishing industries and those in the public service. The vast majority of the working class – unemployed persons, informal-sector workers, casual workers, domestic workers and others – did not (and still do not) benefit significantly from collective bargaining, and hence continued to experience (and most still experience) high levels of poverty. Even in sectors where minimum wages were formally introduced – as in the cases of farm workers and security guards – workers remained (and still remain) exposed to highly exploitative practices (Jauch 2007). However, unions have managed to extend gazetted minimum-wage coverage to more groups of workers, namely those in the agriculture, security and construction industries, with the latter achieving the highest entry-level minimum wage of over N\$13 per hour. Following the report of a wage commission on domestic workers, the Cabinet is expected to announce a minimum wage for this sector in 2014.

The Labour Act of 2007

After several years of intense and at times heated debate, a brand new Labour Act (Act 11 of 2007) was finally passed and signed into law. The process of reforming independent Namibia's first Labour Act (Act 6 of 1992) had started in the late 1990s, and took the form of discussions within the tripartite Labour Advisory Council. It was then decided that instead of merely amending the 1992 Act, a completely new Labour Act should be drafted. This resulted in Labour Act 15 of 2004, which was signed into law but never fully implemented. Government, employers, unions and the ILO identified several shortcomings in the 2004 Act, hence debate continued, and a new Labour Bill was drafted and tabled in Parliament in 2007. This Bill became the Labour Act 11 of 2007, intended to guide labour relations and working conditions for one and all.

Given the different interests and perspectives at play, it was hardly surprising that it proved impossible to reach consensus on every aspect of the new law. Employers on the one hand and trade unions on the other represent very different constituencies with different interests. Therefore, whereas trade unions welcomed the Act's ban on labour hire, employers decided to challenge the constitutionality of the ban in court, with the result that the ban was overturned. Consequently, government introduced strict regulations for the use of labour brokers through the Labour Amendment Act of 2012, as discussed further on. However, consensus was reached on large sections of the Labour Act of 2007, such as those introducing a new system of dispute prevention and resolution. All parties (unions, employers and government alike) expected this new system to result in a better and faster resolution of industrial disputes.

Labour's influence on policy: export processing zones (EPZs) and state-owned enterprises (SOEs)

Trade unions found it increasingly difficult to influence broader socio-economic policies in favour of their working-class base in the face of the onslaught of the neo-liberal ideology which both business and government portrayed as the only practical policy option for Namibia's economic policy direction. When Parliament passed the Export Processing Zones (EPZ) Act in 1995, the government argued that both local and foreign investment in the first five years of independence had been disappointing, and that EPZs were the only solution to high unemployment. The EPZ Act offered a host

of special incentives to foreign investors, and went as far as suggesting that the Labour Act should not apply within the EPZs. The government expected that 25 000 new jobs would be created in the EPZs within five years, but a study by Namibia's union-based Labour Resource and Research Institute (LaRRI) found that only about 400 EPZ jobs had been created by the year 2000, despite millions of dollars having been spent on promoting the policy and developing infrastructure with public funds (Endresen and Jauch 2000).

The government argued that more time was needed for the EPZ regime to show the expected results. Reference was frequently made to the example of Mauritius which, in the 1960s and 1970s, had created thousands of jobs in the electronics and textile industries through its EPZ programmes. However, the particular circumstances of Mauritius and the global environment at that time were very different to those faced by other African countries since the 1990s. The Mauritian success could not be replicated anywhere else on the continent, and even those countries which managed to create a significant number of EPZ jobs for a couple of years (like Uganda) found it impossible to convert those jobs into permanent, decent jobs. The competitive pressures of a ruthless global economy in search for the most profitable low-cost investment locations proved an insurmountable hurdle. Thus it was hardly surprising that Namibia's EPZ policy had little success, with the case of Ramatex in particular showing the human and environmental costs associated with such a policy (see Jauch and Shindondola 2003, and Jauch 2008). However, policymakers largely ignored the views and concerns of workers and their trade unions.

Another example of unions' attempts to influence government policy is provided by the debate on SOEs. Namibia currently has over 70 SOEs, most of which are either regulatory or service-rendering, the remainder being self-funding or entirely reliant on state funding. They are governed by the State-owned Enterprises Governance Act (Act 2 of 2006), and the Namibian Government plays a multiple role as SOE owner and shareholder, policy-maker and regulator. By 2001 there was a proposal prepared by Deloitte & Touche which argued for the privatisation of several SOEs. In response, the NUNW met with President Nujoma and proposed the establishment of a single controlling board for all SOEs, consisting of representatives of all "social partners" to formulate policies to regulate SOEs and to monitor and evaluate service delivery and performance. The federation emphasised the importance of safeguarding affordable services for the poor, pointing out that the impact of commercialisation had been very harsh for the poor:

“We have seen that recently with Telecom Namibia which increased local calls by 80%. Namwater increases the water price by 20% each year and NamPost increase its rate by over 40% recently. This means that the services of these companies become unaffordable for the poor.”

The NUNW thus proposed tariff ceilings to be set by the overall controlling board in accordance with the social goals (NUNW 2001). In addition, for all SOEs involved in service delivery, the NUNW proposed a system of cross-subsidisation from the wealthy to the poor. It also suggested grouping SOEs into categories according to their functions and services:

“This will enable the drafting of guiding policies for each group of SOEs in terms of regulation, performance monitoring and service delivery. This is essential for the controlling board to ensure maximum public benefits from SOEs.” (NUNW 2001)

Further, the federation called for a review of management packages for the purpose of making them sustainable:

“Management packages need to be reduced while the management structures need to be streamlined ... The packages need to be performance based and in line with the economic realities of our country.” (NUNW 2001)

Furthermore, the NUNW called for transparency and accountability as basic principles according to which SOEs should have to operate. Thus, for one thing, the salary structures and financial reports of SOEs should be public documents. Lastly, regarding the question of privatisation as the answer to the SOE challenges, the NUNW proposed the following instead:

“... a thorough investigation to find out how the performance and efficiency of SOEs can be enhanced while retaining them under public ownership. Namibia cannot afford to leave socio-economic development to the market alone and we believe that it is government’s responsibility to direct development in favour of the poor.” (NUNW 2001)

As with the case of EPZs, the union proposals were largely ignored.

Labour hire

A more successful policy intervention on the part of Namibian trade unions concerns the issue of labour hire – specifically the use of labour brokers. This had been a topic of heated debate in Namibia since the late 1990s, when workers demonstrated against labour-hire companies in Walvis Bay. Research undertaken by LaRRI in 1999 provided a first picture of labour-hire practices in Namibia. It pointed to some of the reasons for companies using labour-hire workers, and to the conditions of employment offered at such companies. Trade unions and some politicians called for legislation to outlaw such companies, and during the NUNW congress in 2006, union leaders as well as President Hifikepunye Pohamba stated that labour hire was reminiscent of the colonial migrant labour system and should therefore be abolished.

Namibia's labour-hire practices conform with global trends to a large extent. The country's labour-hire industry is dominated by one large company, which originated in South Africa and now operates across Namibia. There are also several smaller labour-hire companies, most of which are limited to serving a few clients, mostly in one particular town. All of them supply mostly unskilled and semi-skilled workers to client companies in various industries, including mining, fishing and retail. Their clients include private companies but also SOEs. Almost all labour-hire companies retain a substantial portion (15-55%) of workers' hourly wages as their fee (Jauch and Mwilima 2006).

LaRRI's study revealed that companies use labour brokers primarily to reduce the impact of strikes, to cut costs and increase flexibility, to avoid having to deal with disciplinary cases, to be able to replace 'unproductive' workers easily, and to avoid having to deal with trade unions. The owner of one construction company stated the following:

“I started using labour hire because of the unreasonable requests and foolishness of the trade unions. You have to deal with unreasonable requests for very high salary increases. The problem with unions is that they don't request, they demand for these increases and they always want to have meetings... As a one-man business I did not have the time to sit in meetings with the unions all the time” (Jauch and Mwilima 2006)

Workers employed through labour brokers are paid significantly less than permanent workers, and they usually do not enjoy any benefits. Many

workers suffer violations of the Namibian Labour Act, and do not receive any paid leave, nor even severance pay if retrenched. Even if they work for the same labour broker and the same client company for several years, they have no job security and are employed on the basis of ‘no work = no pay’. Their employment contract with the labour broker is terminated as soon as the commercial contract between the labour broker and its client ends. Although the legal provisions on employment termination apply (in theory) to labour brokers too, the usual practice is to hire and fire workers at will. Client companies can request the labour broker to remove any worker at any time. The broker then provides a replacement which further advances the ‘commodification’ of labour as an easily exchangeable and replaceable commodity.

In the new Labour Act passed in 2007, lawmakers inserted clause 128 which states that, “*No person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party.*” Trade unions welcomed this clause while employers opposed it, arguing that the Act would outlaw not only labour hire but also other practices such as outsourcing and sub-contracting. The biggest labour-hire company in Namibia, Africa Personnel Services (APS), whose head office is in South Africa, went a step further by taking the Namibian Government to court, claiming that the ban on labour hire was an unconstitutional infringement of its right to do business. A High Court decision in November 2008 upheld the ban on labour hire, but in December 2009 the Supreme Court decided otherwise and declared the ban unconstitutional.

The Ministry of Labour then prepared amendments to the Labour Act with the aim of severely limiting or preventing labour-hire companies from operating in the country. The Labour Amendment Act of 2012 thus states that any employer who recruits staff through a labour broker may not offer employment conditions which are in any way worse than those offered to permanent staff in comparable positions. Also, all legal provisions regarding workers’ rights and retrenchment procedures have to be upheld, and labour brokers may not be used to replace striking workers. The government and unions hope that these strong legal requirements will deter employers from using labour brokers. Unions enjoyed full government and parliamentary support in the battle against labour hire. However, any new regulations will be only as effective as their implementation, and in an environment of mass unemployment and a severely understaffed labour inspectorate, the battle against labour brokers might not be over yet.

The Labour Advisory Council

Perhaps the most prominent statutory body allowing for some stakeholder participation is the tripartite Labour Advisory Council (LAC) established through the Namibian Labour Act of 1992. The LAC and its sub-committees have been the organisational expression of tripartism since the enactment of the Labour Act. Initially its main purpose was to advise government on labour legislation and other labour-related matters. While the composition and administration of the LAC have remained unchanged, its powers and functions have been extended to support the new dispute prevention and resolution system introduced by the Labour Act of 2007.

The LAC brings together representatives of government, employers and workers to investigate and advise the Minister of Labour and Social Welfare on labour-related issues, including, inter alia: collective bargaining; the prevention and reduction of unemployment; and issues arising from the ILO. The LAC has two permanent statutory committees, namely the Committee for Dispute Prevention and Resolution (CDPR) and the Essential Services Committee. In addition, the LAC may establish other committees to assist it, each of which must include at least two of its own members.

In recent years both business and labour expressed their dissatisfaction with the limited powers of the LAC. A study commissioned by the Trade Union Congress of Namibia (TUCNA) found that the LAC is inadequate for achieving a social contract, and that it has limited value in its current form, even as a mechanism for meaningful consultations between the Ministry and its social partners. The report (Koen and Bahadur 2013) notes that the LAC satisfies the technical requirements of ILO recommendations 138 and Convention 144 rather than the spirit and intent of these instruments. It also states that the advisory nature of the LAC and its focus on just one ministry undermine the social partners' chances of reaching consensus on broader socio-economic issues. Further, the LAC has failed to build greater trust and understanding between the social partners, and it suffers from a number of operational problems. The report thus recommends "strong interventions" to address the institutional and constitutional features of social dialogue in Namibia "*while at the same time facilitating stronger cooperation amongst and within the (social) partners*". The report urges government to take the lead, and to use the current challenges to deepen and better integrate social dialogue processes as enabling factors towards inclusive job-rich growth and pro-poor development (Koen and Bahadur 2013).

3. Unions and politics today

The NUNW maintained its links with SWAPO after Independence through an affiliation accord. Over the years, this link has provoked heated debates both within and outside the federation. Internally, the affiliation to SWAPO was debated at the 1993 and 1998 congresses, with some NUNW affiliates arguing for stronger union independence. The majority at both congresses believed that continued affiliation would be beneficial in that it would help the federation to influence policies. And, at both congresses, a strong emotional and rhetorical question was raised repeatedly: “SWAPO is the mother of our struggle; how can we divorce our mother?”

Those arguing for a different relationship between federation and party held the view that continued affiliation would undermine the independence of the labour movement, and would wipe out any prospects for trade union unity in the country. Trade unions outside the NUNW repeatedly expressed a fundamentally differing stance to the NUNW’s on the question of political affiliation, charging that the latter could not act independently and play the role of a watchdog over government as long as it was linked to the ruling party (Jauch 2007).

Divisions between the NUNW and other trade unions were already visible before Independence, but have grown more pronounced over time. In 1992, the Namibia Christian Social Trade Unions reconstituted themselves as the Namibia People’s Social Movement (NPSM) – an umbrella for five industrial unions with a combined membership of around 15 000. It received external support from the World Confederation of Labour (WCL) and the Democratic Organisation of African Workers Trade Unions (DOWATU) (Jauch 2004).

In 1998, the Namibia Federation of Trade Unions (NAFTU) was formed, consisting of five industrial unions with the bulk of their members drawn from the public service. In May 2002, the NPSM and NAFTU merged to form the Trade Union Congress of Namibia (TUCNA) (Jauch 2004). Today, TUCNA has 18 affiliated unions with a combined membership of over 40 000. TUCNA unions are strong in the public sector, the fishing industry and sections of the retail industry. Their core difference with the NUNW is the question of union independence from political parties.

In a public panel discussion on 7 August 2013, the fundamental differences on the question of unions and politics emerged once again as the dividing line between the NUNW and TUCNA. The TUCNA General Secretary, Mahongora Kavihuha, stated the following:

We are an independent block of trade unions. We write our own chapter. We walk our own path. We find our own ways to fulfil our own destiny. That is what I want to say, and that will underline my presentation. ... [B]efore independence we had one common enemy. That common enemy was the apartheid regime. We fought together until we attained our independence in 1990. From independence, many workers sat back and asked: what is our new role in independent Namibia? What is the best approach that we can take to tackle our issue head on? ... Many people say that when you become independent, you are against the government. You are against A, against B. What we're saying is that we are constituting our own identity. And I remember well: in issues that we worked closely with the government, we supported government." (Delgado and Jauch 2014: 71)

Alfred Angula, the Acting General Secretary of the NUNW at the time, defended his federation's affiliation to the ruling party as a strategy for influencing policies:

"The role of the federation is to address policy matters, be it economic, be it environmental, be it general politics. Now, if a federation does not address policies, it doesn't address the matter; if it shies away from this role, you are not a federation. ... Let us put an example: we say, the process of land reform in this country is very slow. We are always discussing this, but how do we change this if we are not at the fora where the policy can be changed? Now you want to be a spectator outside the field and you want to score goals, you can't! ... You have to be in the field to score that goal. That's why it's important for us to deal with politics, and you mustn't shy away from that" (Delgado and Jauch 2014: 72-73)

The divisions in the country's labour movement grew further following internal splits within the NUNW during the past decade. The federation's 2006 congress was overshadowed by the battle for the national presidential succession, as some unionists supported President Sam Nujoma and his chosen successor, Hifikepunye Pohamba, and others supported Hidipo Hamutenya. The divisions grew further and emerged again during the 2010 congress, with the dividing line drawn between those supporting NUNW General Secretary Evilastus Kaaronda and those aligning themselves with

Peter Nevonga, General Secretary of the NUNW-affiliated Namibia Public Workers Union (NAPWU). Kaaronda had strongly pushed for strong action on the dubious “write-off” of N\$650 million worth of loans given by the Government Institutions Pension Fund (GIPF), while Nevonga, as a GIPF trustee, had opposed any such move. A second key issue was the federation’s position on the proposed Basic Income Grant (BIG). The congress decided that the NUNW had to rejoin the BIG Coalition, and that the BIG should be part of a broader initiative to fight poverty and to effect structural economic transformation (Jauch 2010). The congress also elected a new leadership, but the infighting continued, virtually paralysing the federation. Towards the end of 2012, the NUNW Central Executive Committee suspended the elected President, Elias Manga, and dismissed the elected General Secretary, Kaaronda. In a subsequent arbitration case, this dismissal was found to have been unfair, and the NUNW was ordered to pay N\$700 000 in compensation (*The Namibian*, 9 September 2013; Jauch 2014). Kaaronda then established a new trade union federation named the Namibia National Labour Organisation (NANLO), which was registered in 2014.

4. International linkages and partners

Before Independence, and in the immediate post-Independence era, the NUNW unions received support from various international organisations which supported Namibia’s liberation struggle. These included the Italian trade unions which financed the complex in which the NUNW is still housed. The NUNW is affiliated to the Southern African Trade Union Coordination Council (SATUCC) as well as the International Trade Union Confederation (ITUC) and the Organisation of African Trade Union Unity (OATUU). All three international bodies provide support in the form of capacity-building programmes, targeting union leadership. At the time of writing in 2014, the NUNW seems not to have decided whether to align itself politically more with OATUU, which receives substantial support from China, or with ITUC, which is more influenced by Western unions.

Industrial unions, on the other hand, work mostly with Global Union Federations (GUFs) which support a host of programmes, including projects on women and youth, organising, leadership development, HIV/AIDS, etc. There are also bilateral relations and support programmes between sister unions – for example the Finnish metalworkers union and the Metal and

Allied Namibian Workers Union (MANWU), and the British public sector union, UNISON, and NAPWU. However, most support today is channelled through the GUFs to which Namibian industrial unions are affiliated.

One of the most remarkable examples of international worker solidarity occurred during the operations of the Malaysian textile company, Ramatex, in Namibia. Most of the company's workers had joined the Namibia Food and Allied Workers Union (NAFAU), which was affiliated to the International Textile, Garment and Leather Workers Federation (ITGLWF). The latter organised a workshop in 2003 to bring together shop stewards and union leaders from Ramatex's global production sites (in Malaysia, Mauritius and South Africa) to discuss strategies for jointly tackling the company and achieving common minimum conditions across the production sites. In addition, in early 2004, the ITGLWF head office wrote letters to the Namibian Government and Ramatex demanding that workers' rights and decent working conditions be respected. When news of the possible Ramatex closure in Namibia spread in 2006, the ITGLWF General Secretary wrote to the company again, urging it to rescind the decision to pull out of Namibia, and indicating that the ITGLWF would start procedures to place Ramatex on the list of dirty companies if it failed to meet workers' demands.

Other campaigns of Namibian unions collaborating with GUFs include the NAPWU and Public Services International (PSI) campaigns resisting privatisation and promoting quality public services, and the global campaign against the G4S security company organised by the Namibia Transport and Allied Workers Union (NATAU) with the International Transport Workers' Federation (ITF).

In addition, some international NGOs have supported particular unions in Namibia. For example, the Belgian Fund for Development Co-operation (FOS) has supported the Namibia Farm Workers Union (NAFWU) for over a decade, and the Rosa Luxemburg Foundation (RLS) has supported the trade unions' research and education institute, LaRRI, for the past 15 years.

Before the merger which led to the establishment of TUCNA, the NPSM received support from the WCL and DOWATU for educational activities (Jauch 2004). Once in place, TUCNA received support from the Christian Trade Union Federation in the Netherlands and the Christian Trade Union Federation in Brazil (Iipumbu 2009). Today TUCNA is affiliated to SATUCC, ITUC and ITUC Africa, and fully participates in their activities, including leadership development programmes. TUCNA also received some project-specific support from the former German Development Service (Deutscher

Entwicklungsdienst – DED), and in recent years from the German Society for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit – GIZ) which replaced the DED (M. Kavihuha, personal communication, 6 August 2014).

Inside Namibia, very few organisations support trade union activities. One is the FES Namibia office, which supported mostly educational activities and several seminars and conferences of the NUNW unions between 1990 and 2011. Initially the FES focused exclusively on the NUNW, but in recent years has broadened its focus to include programmes for industrial unions generally, thus including TUCNA.

During the last few years, GIZ has worked with the NUNW generally, MANWU specifically, and TUCNA, on programmes dealing with HIV/AIDS in the workplace. These programmes have included developing training materials and holding workshops across the country, two focal topics being how to develop workplace programmes and how to incorporate HIV/AIDS-related matters into collective bargaining.

The organisations which usually support Namibian trade unions have their own priorities and are thus focusing on particular aspects. Similarly, the support rendered by GUFs to their Namibian members is in line with global priorities – for example strengthening women and youth in the trade unions. Namibia’s labour movement thus needs to align its own activities with those of its cooperating partners, but can also still implement its own particular programmes independently through the use of its own resources, derived largely from membership fees.

5. Challenges and perspectives

Workers’ control and labour’s ideology

As the political conditions changed in Namibia, so did the character of the country’s labour movement. The trade union activists of the 1980s who organised workers under extremely harsh conditions – including threats to their lives – were gradually replaced by union leaders who regarded trade unionism as a career option, or as a springboard to ‘greener pastures’ in the government or the private sector. Notions of worker democracy, worker control and social transformation which emerged in the late 1980s but had not yet developed into a coherent concept within the labour movement by

the time of Independence were gradually replaced by more hierarchical and bureaucratic forms of organisation in the post-Independence era. This trend weakened accountability and workers' control of their organisations. Unions also focused increasingly on workplace issues only, and played a far less prominent role in addressing broader socio-economic issues. Today, there are signs of some unions beginning afresh to address burning social and economic issues affecting their members. For example, MANWU has expressed itself on the housing crisis, and TUCNA is developing its own proposals on key socio-economic policy matters.

Ideologically, Namibia's labour movement seems to have accepted its role as a social partner with little resistance. However, the notion of social partnership as advanced by the Namibian Government is more an ideological construct than a reflection of the country's social and economic balance of power. The threat of a socialist revolution certainly does not exist in Namibia at present, thus there is no need for capital to make substantive concessions to labour. Referring to global experiences, Wahl (2004) pointed out that capital pursues an increasingly confrontational policy towards labour once the foundation for the class compromise disappears. Any hope for a national 'social pact' under such conditions is illusory and based on a lack of a proper understanding of the current power relations (cf. Bergene 2005). In Namibia, as elsewhere, an increasingly neo-liberal approach to economic policy is reflected in supply-side economics, free trade and intense competitiveness. Indeed, economic growth and competitiveness have become the key goals while social progress (including employment creation) has been relegated to a 'trickle-down' position. Thus Namibia conforms to Bergene's observation that policies are often driven by business interests, or in other words, by the rationale of ensuring competitiveness and profitability rather than the general welfare of the population (Bergene 2007).

To effectively counter this new dominant discourse, Namibia's labour movement will have to develop its own coherent positions based on ideological clarity, but this seems to be a major challenge at present, as there are signs of deep-seated ideological contradictions. Sentiments of radical nationalism and liberation – for instance on the land issue – have been mixed with an acceptance of neo-liberalism as the ideology of the 'free market'. This contradiction was sharpened when union leaders entered company boards as part of a poorly defined union investment strategy. Consequently, their views (and interests) increasingly converged with those of government and business. Hence there is a lack of clarity regarding the working-class base

whose interests the labour movement is meant to serve. Nationalist and ‘populist’ sentiments are dominant, and trade unions hardly advance their own positions based on a coherent class analysis.

Namibia’s labour movement hardly debates the question of economic systems any longer, and hence does not challenge the principle of private property. Trade unions’ economic struggles are thus confined to collective bargaining within a capitalist framework. Such an approach, however, is insufficient to address the country’s huge socio-economic inequalities, and there is currently no material or political base from which to win significant concessions for labour through the existing social-dialogue arrangements.

Who do trade unions represent?

Namibia’s labour market presents particular challenges for trade unions. Table 1 conveys the present picture of employment by economic sector and by formality and informality of employment.

TABLE 1: EMPLOYMENT BY ECONOMIC SECTOR AND FORMALITY OF EMPLOYMENT		
Sector	Total number employed	Percentage in <i>informal</i> employment
Agriculture and Fishing	215 311	83.4
Mining	13 558	*
Manufacturing	32 769	23.5
Utilities	4 743	*
Construction	47 859	23.1
Trade	105 051	39.0
Transport and Communications	5 591	*
Hotels and Restaurants	36 767	39.7
Financial Services	14 609	*
Real Estate and Business	42 941	8.9
Public Administration, Education and Health	90 320	*
Other Services	17 952	48.0
Total	685 651	47.1

Source: Namibia Statistics Agency (NSA), *Namibia Labour Force Survey 2013 Report*.

About half of all employed persons in Namibia are in informal employment, and this is particularly pronounced in the agriculture and services sectors which are characterised by the employment of women predominantly. The Labour Force Survey of 2013 indicated that 64% of all employed women are informally employed, and that informal employment is predominantly a rural phenomenon (Namibia Statistics Agency (NSA) 2014). Workers in informal employment have hardly been reached by trade unions, which are focusing their recruitment activities on about 280 000 workers in formal employment. Based on the available union membership figures, there are about 130 000 unionised employees, which translates into a unionisation rate of around 46% among employees in formal employment.

Another group of poorly unionised workers consists of those in precarious forms of employment. Like trade unions elsewhere, Namibia's unions were confronted with the threat of dwindling membership bases due to increasing 'casualisation' of work, increased 'flexible' forms of employment and growing informalisation of the economy. In an attempt to cut labour costs and to curb trade union influence, employers in various economic sectors – including retail, fishing, mining, hospitality and manufacturing – resorted to temporary and casual-work contracts for low-skilled workers. The emergence of labour-hire companies (labour brokers) in the late 1990s in particular, highlighted the threat of 'casualisation' to workers' incomes, job security and benefits.

Available statistics as conveyed in Table 2 show that since 2004, 11-15% of Namibian employees have been affected by precarious forms of employment, with women far more affected than men. The year 2013 saw the lowest rate of precarious forms of work, and workers in the services sector are significantly more affected than those in manufacturing, and even those in agriculture.

TABLE 2: WORKERS IN PRECARIOUS FORMS OF EMPLOYMENT (TEMPORARY, PART-TIME AND SEASONAL) – PROPORTION (%) OF ALL PAID EMPLOYEES, 2004-2013

	2004	2008	2012	2013
Male	8	10	11	8
Female	20	22	18	15
Urban areas		14	11	10
Rural areas		18	20	13
Agriculture	10	14	13	9
Manufacturing	4	7	8	4
Services	16	17	16	13
Total	13	15	14	11

Source: Labour Force Surveys of 2004-2013 (Ministry of Labour and Social Welfare and Namibia Statistics Agency).

By 2006, over 12 000 workers had already been employed through labour-hire companies, which retained a significant portion of the workers' earnings as their fees, and deprived them of all of the benefits enjoyed by permanent workers. Due to the insecurity of these workers' contracts and their shifts between different workplaces, unions found it very difficult to recruit and represent labour-hire workers (see Jauch and Mwilima 2006). Hence union membership has become increasingly narrow in focus, covering permanent workers in 'traditional' sectors such as the public service, mining, fishing, construction and retail, with the unions unable to reach tens of thousands of workers in precarious working conditions on farms, in private households, at labour-hire companies and in the informal economy.

Namibia's labour market can be conceptualised as consisting of five layers:

- a small elite enjoying a standard of living comparable to that in first world countries;
- a significant group of formal-sector workers with permanent jobs and low to middle incomes;
- a growing group of casual workers and labour-hire workers who are the victims of a labour market that virtually forces them to accept any job under any conditions;
- a growing number of workers in the informal economy who are engaged in survivalist activities; and
- unemployed workers who turn to sex work and crime as a last resort.

Since the trade unions organise mainly among the second group of workers, in effect they represent only that section of the working class. High levels of union density exist in the public sector and the mining and fishing industries, whereas domestic workers, farm workers and those in the informal economy and precarious forms of employment are hardly unionised.

Youth unemployment

The recruitment of young workers poses a particular challenge for Namibia's trade unions. The membership records of most unions do not allow for a disaggregation by age and gender, but it is widely acknowledged among the unions that they struggle to convince young workers to join them. As Table 3 conveys, young workers, and especially young women, are the hardest hit

by unemployment. Regarding the unemployment data, the figures suggest a large reduction in unemployment between 2008 and 2012, but these figures, rather than being based on the creation of new jobs during that period, are due largely to methodological changes in the Labour Force Surveys over time, as Mufune (2014) has shown. The statistics clearly reveal that youth unemployment has remained very high over the last decade. In 2013, the overall unemployment rate stood at 29.6%, but reached 56% among those aged 15-24 years. Women in that age group were even more dramatically affected, with 62% unemployed.

TABLE 3: YOUTH UNEMPLOYMENT (BROAD DEFINITION), 2004-2013				
Age groups by sex and locality	2004	2008	2012	2013
Percentage aged 15-24 years				
Male	57	67	42	49
Female	71	77	58	62
Urban areas		62	50	55
Rural areas		79	50	58
Total	64	72	50	56
Percentage aged 25-34 years				
Male	25	32	17	23
Female	31	47	23	23
Urban areas		32	22	37
Rural areas		50	16	27
Total	28	39	20	23
Percentage aged 15-34 years				
Male	50	62	36	44
Female	64	72	51	56
Urban areas		59	42	50
Rural areas		74	41	49
Total	57	67	43	50

Source: Namibia Labour Force Surveys of 2004-2013.

Unions thus need not only to devise particular organising strategies to attract young workers – as MANWU has done with significant success – but also to engage much more forcefully in the economic policy arena around the question of job creation. Otherwise, Namibia’s labour market will continue to be shaped by business interests and the neo-liberal ideology which underpins the country’s economic policies to a considerable extent.

The price of division

The dilemma of a divided labour movement's ability to represent workers effectively is made plain by the large groups of workers (even in the formal economy) who are still not unionised and hence not covered by collective bargaining.

Service station workers may exemplify this problem. A LaRRI study of the working conditions of service station workers in 2008 revealed that they endured long working hours – in many cases significantly more than the Labour Act's stipulation of 45 'ordinary' hours per week plus 10 hours of overtime. Working days of 11-15 hours were common, and the requirements for overtime pay as set down in the Labour Act were often not adhered to. These workers enjoyed few benefits, and the matters of health and safety were not adequately considered. A total of at least five NUNW and TUCNA industrial unions were organising service station workers at the time of the study (LaRRI 2008). The wages paid at service stations differed significantly from one town to the next, ranging from about N\$300 to N\$2 000 per month. The amount was usually determined by the service station owner, based primarily on the rates paid at neighbouring stations, but also based on the specific station's turnover. Collective bargaining was virtually absent in this industry. The study also found that the multitude of trade unions organising in this industry was detrimental to the interests of the workers, hence the following conclusions and recommendations:

“A single, dedicated union to this industry seems to be the best vehicle to achieve centralised, industry-wide bargaining that will set minimum standards of employment. This should include a minimum wage as supported by all trade unions as well as hours of work and health and safety measures. Agreeing to one strong union for service stations would require an agreement between the unions currently organising the industry. This might prove difficult due to the entrenched divisions between various unions and their federations. Based on our research findings, we would still recommend that such trade union unity should be sought in the interest of workers at petrol stations. We hope that the relevant unions will show the necessary political will and maturity to find a solution in the interest of the workers they are meant to represent. In case ... trade unions cannot find sufficient ground to agree to one common union for the industry, they could negotiate as

a group of unions as was done by South Africa's public sector unions last year

Determining a minimum wage for an industry where payments and conditions of employment differ significantly is a challenge. Service station owners rely on the "dealer's margin" from the sale of petrol as their source of income from which they need to cover all their expenses. Thus their income is directly linked to the turnover, that is, the amount of petrol sold. Petrol stations with a large turnover are thus in a much better position to pay decent wages than those in outlying areas and those with small service stations where turnover is low. Most service stations have established shops and fast food outlets on their premises to diversify their income. Workers employed as petrol attendants and those employed in shops usually have the same employer and trade unions should thus cover all employees irrespective of the actual work they do.

An increase in the dealer's margins could pave the way for better wages and trade unions might use this link strategically. For example, they could support ASSO's call for a higher dealer's margins on condition that ASSO agrees to a national minimum wage for workers at service stations." (LaRRI 2008: 38-39)

As the trade unions have not thus far overcome their differences so as to negotiate jointly for an industry-wide bargaining agreement, service station workers have remained exposed to poor working conditions. In July 2014, the Namibian Fuel and Allied Workers Union (NAFAWU) announced a strike following failed negotiations over wages and working conditions with the Association of Service Station Owners (ASSO). The main bone of contention was what NAFAWU termed ASSO's "*deliberate refusal to negotiate in good faith with regards to a minimum wage*", which the union had proposed setting at N\$4 500 per month. Workers expressed their determination to continue with the strike until their demands were met (*The Namibian*, 23 July 2014), but the strike did not conform with the legal procedural requirements of a protected strike, thus the striking workers were exposed to disciplinary action and possible dismissals. At the end of July, ASSO and NAFAWU agreed to continue negotiations on the minimum wage (*Allgemeine Zeitung*, 28 and 29 July 2014), and in early August, several unions and ASSO agreed to form the

Namibia Fuel Retail Industry Labour Forum (NFRILF). This forum paves the way for a total of four unions from two federations to jointly negotiate with ASSO for better conditions of employment, including a minimum wage (*New Era*, 8 August 2014). This could be a breakthrough in terms of building unity of purpose around workers' common interests. Union mergers, on the other hand, are unlikely to occur in the years to come.

Social protection

Given the precarious nature of employment, Namibian trade unions would be expected to play a leading role in advocating for a comprehensive social protection system. In the aftermath of the global financial and economic crisis which commenced in 2008, social security systems have been widely recognised as important economic and social stabilisers. There is an emerging global consensus that social security as a basic human right is affordable and implementable even in developing countries. It is widely accepted that social security systems cannot be restricted to formal sector workers, but must be extended to all, including workers in the informal economy and the rural communal economy (Jauch and Kaapama 2011).

In recent years the ILO has developed the concept of a basic floor of social security benefits which are affordable also for developing countries, and this Social Protection Floor (SPF) Initiative is broadly supported by the various United Nations agencies. This initiative seeks to guarantee access to essential goods (defined in a national context), social services and income transfers. It is based on the logic that countries cannot unlock their full productive potential without basic social security systems, and that only people who are healthy, well nourished and educated are able to realise their productive potential. The effective poverty eradication (or at least significant poverty reduction) achieved through social protection programmes will enable people to move from the informal to the formal economy and thus migrate towards higher levels of productivity. There is also a direct and immediate local economic benefit from increased incomes in poor households: as these households tend to spend their income on basic consumer goods which are usually locally produced, the additional income circulates in the local economy, increasing the demand for essential goods and services. Therefore, effective social protection programmes not only lead to improved social conditions, but also they have an economic multiplier effect in terms of creating local demand and encouraging local supplies and production (Jauch and Kaapama 2011).

However, Namibia's labour movement has thus far not played a very prominent role in furthering social protection in the country. Besides the informal security networks located in extended families and communities, Namibia has a number of contributory and non-contributory social protection schemes (see Table 4), which include means-tested social transfers, food-for-work programmes and access-to-services programmes targeting certain vulnerable groups (Chiripanhura and Nino-Zarazua, 2013).

TABLE 4: SOCIAL PROTECTION SCHEMES IN NAMIBIA IN 2013/2014	
Contributory social protection schemes	Non-contributory social protection schemes
<ul style="list-style-type: none"> • Pension Funds (government and private) • MSD Benefit Funds (maternity and sick leave, and death benefits) 	<ul style="list-style-type: none"> • Basic Social Grant (old-age pension) • Disability Grant • Funeral Benefit • Place of Safety Allowance • Special Maintenance Grant • Maintenance Grant • Foster Care Grant • Veterans Grant

Source: Chiripanhura and Nino-Zarazua, 2013.

The contributory social protection schemes target mainly those employed in the formal wage economy. Many women fall outside the bounds of this category as homemakers, unemployed persons, informal-sector workers or traders, and communal farmers. Both the NUNW and TUCNA are represented on the board of the Social Security Commission (SSC) which administers the MSD Fund and is currently (2014) deliberating on its mandate to introduce a national pension scheme and a national medical benefit. The NUNW was also part of the Basic Income Grant (BIG) Coalition which advocated for the introduction of a national BIG in Namibia based on the encouraging results of a pilot project in Otjivero (see Haarmann et al. 2009). Overall, trade unions need to play a far more active and visible role if they want to push for more comprehensive social protection and further cash grants as instruments to fight inequality and poverty.

Union resources, capacity and investments

As membership organisations, Namibia's trade unions rely on membership fees to a significant extent. These fees are usually 1% of the members' basic wages, and they usually cover the union's core activities, such as running the

union office, providing shop-steward training and holding meetings of union structures (Jauch 2004). Most unions have found that the membership fees do not suffice to provide for all programmes which they want to implement, thus they are looking for additional resources to expand their operations. This is particularly urgent for those unions which face difficulties in having membership fees deducted by employers – for example in agriculture and domestic work.

With regard to strengthening labour's capacity to influence national policies, Namibia's labour movement established the Labour Resource and Research Institute (LaRRI) in 1998 to assist with policy-related research and other interventions which could serve this purpose. The institute was set up as a trust, with trustees drawn from some unions and other organisations. Since its inception, LaRRI has assisted the labour movement with research on EPZs, labour hire, privatisation, the uranium industry, and the working conditions of vulnerable workers such as farm workers, domestic workers, informal economy workers, service station attendants and others. LaRRI also collaborated with the Workers College in South Africa to develop a union leadership development programme, known as the Labour Diploma Course, which has been running in Namibia since 2002 and was officially accredited with the Namibia Qualifications Authority (NQA) in 2007.

As for direct material support, several Namibian unions are receiving financial support for specific activities from the sympathetic organisations already mentioned. During the past decade, some unions have also turned to union investments as a source of additional income. The first union to do so was the Mineworkers Union of Namibia (MUN), which established the Namibia Mineworkers Investment Company (NAM-MIC) in 1997, and in the same year the NUNW established its investment arm, named Labour Investment Holdings (LIH). NAM-MIC has since grown into a group of companies dealing in property, infrastructure development, engineering, mining, medical aid, communication, travel and transport, catering and financial services. And today, several other NUNW affiliates have their own investment companies or are NAM-MIC shareholders. Dividends declared by the union investment companies are paid to the respective investment trusts, and then are divided up according each trust's objectives. The trusts use such dividends to cover, for example, bursaries for members and their families, training, community projects, and housing and health programmes (Sakaria 2009). TUCNA and its affiliates currently have no investment arms, but they have resolved to establish such structures in the near future.

However, unions face several dangers when they venture into investment activities:

- Firstly, as was demonstrated in the cases of Ongopolo, Ituyeni Transport and Ostrich Production Namibia, union leaders might defend company interests against workers' demands for better salaries, housing and other benefits.
- At times in Namibia, union investments have created the impression that investment arms are more important than the unions themselves. Union investment managers are paid more than union general secretaries, thus several key union leaders have preferred to venture into union businesses rather than build their respective unions further.
- Union leadership positions often facilitate access to boards of investment companies and pension funds as a means to earn extra income.
- Due to the absence of coherent policies on union investments as well as structures of accountability, union members are usually in the dark about union investments and how the money generated is spent. This has spawned suspicion that union leaders use the investment arms for their own benefit. The members are seldom informed of the reasons for investment decisions, and are not consulted before decisions are taken, and do not receive reports about union investments made in their name.
- Union investments tend to cement the acceptance of the existing socio-economic order, therefore they contribute to the ideological shifts and contradictions which are part and parcel of the status quo.
- Finally, union investments reduce unions' dependence on membership fees, thus they may undermine workers' control and accountability.

6. Conclusion

Namibia's labour movement is confronted by several challenges today. Despite having played a very prominent role in the country's struggle for liberation, its influence over policy direction waned after independence. Having to define their role in independent and market-oriented Namibia, coupled with organisational constraints and internal divisions, meant that trade unions did not enjoy a 'special' status. Instead, the labour movement was treated as merely one of the social partners, with government controlling tripartite arrangements and business controlling the economy. Labour's

demands for better protection of workers' rights and improved working conditions were only partly accommodated in the Labour Act, and labour's policy proposals were at times seen as not being in line with the 'national interest' as defined largely by business. Labour thus faces an uphill battle in its attempts to move beyond the current tripartite arrangement towards joint decision-making structures on labour and socio-economic issues as proposed by TUCNA.

Organisationally, the Namibian labour movement has been fragmented into almost 40 registered trade unions which collectively represent a total of around 130 000 workers in the formal economy. Although this represents almost half of all workers in formal employment, large sections of Namibia's employed population, including domestic workers, farm workers, informal economy workers and those in SMEs are still poorly organised. There are currently no prospects for greater trade union unity, and the question of whether a multitude of unions is in the best interest of Namibian workers has to be answered. With political independence and the adoption of the Namibian Constitution and the Labour Act, freedom of association became an entrenched fundamental right of Namibian workers, hence they have the right to freely form or join trade unions, and to participate in union activities without being victimised in any way by employers or government. This is an important right in view of the long history of repression of workers' rights and the exploitation of labour during the colonial era. However, whether a multitude of unions can effectively represent workers' interests at industrial and national level is an entirely different matter.

It can be argued that the competition between unions gives workers opportunities to leave a union if dissatisfied with how that union represents their interests. Ineffective unions and those with an autocratic leadership could thus lose members as there are other options open to workers. But other (far less progressive) reasons for the multitude of unions today have to be taken into account in considering whether this multitude is beneficial: some union leaders who lost out in leadership elections decided to form their own unions for purely personal reasons; other leaders refuse to merge with sister unions in the same industry for fear of losing their own positions; and some unions were formed as a result of political or leadership struggles which had little to do with workers' interests.

There are instances of several unions operating in a single company, each representing only a specific group of employees – Air Namibia being one such company. Such a multitude of unions often makes joint action difficult,

as a fragmented labour movement is likely to focus on particular workplace issues, and may not be able tackle broader issues affecting the working class as a whole – such as the issues of a living wage, unemployment, inequality and poverty. Also, small unions are unlikely to be financially self-sufficient, thus they may lack the ability to effectively represent their members across the country, and because small unions tend to be concentrated in specific towns or regions, they lack national influence. For all these reasons, the multitude of unions might ultimately undermine the strength of the labour movement and its ability to speak with a united voice. Workers themselves have to decide how greater unity of purpose can be built, and if a multitude of unions will be helpful in this regard. This is not a question of workers' rights; it is a question of identifying the best possible strategy for bringing about the desired social and economic changes.

To become an effective agent for social change, Namibia's trade unions will have to revisit their ideological orientation and articulate working-class interests beyond the workplace. This requires a dedicated cadre of activists and worker leaders who are rooted in their respective constituencies and are capable of developing effective strategies for countering business's dominant influence in the economic, political and ideological arena. Linking short-term demands with the long-term goal of social transformation could be a strategy for building solidarity between unionised workers and other working-class groups who are presently outside the labour movement's reach. The labour movement will have to consider forming strategic alliances with progressive organisations representing the interests of socially disadvantaged groups, with a view to building a stronger social bloc for advancing working-class interests in the years to come. After all, trade unions have structures all over the country and a still significant membership base, thus they still have the potential to move beyond collective bargaining and play the role of a pressure group to advance the cause of socio-economic justice.

Social Protection in Namibia: Towards Establishing the Floors

By Cons Karamata

1. Introduction

Social security has come to be globally recognised as playing an important role in people's social wellbeing. Consequently it is also now widely deemed to be a critical component of sustainable development, hence many countries have introduced social security programmes as part of their socio-economic development agendas.

A major international development in this regard has been the adoption by the International Labour Organization (ILO) of the *ILO Social Protection Floors Recommendation 202 of 2012* – i.e. concerning *national* floors of social protection. The adoption of this recommendation affirms that the human right to social security helps to overcome extreme poverty, reduces social inequalities, promotes equal opportunities and empowers people.

In Namibia, the provision of social security ought to be viewed in the context of the nation's high level of income inequality, high unemployment rate and an ever-increasing number of working poor who lack the means to respond adequately to shocks emanating from disability, illness, economic uncertainties, etc. Social security can play an important role in protecting the poor against destitution, and contributes to ensuring social stability.

Namibia's social security system consists of a range of interventions administered by various government ministries and by the Social Security

Commission (SSC). This paper will provide a general overview of various government interventions in the realm of social security, with a strong focus on schemes implemented by the SSC.

2. The situation at Independence

Namibia's history is characterised by racial, ethnic and gender divisions. At Independence in 1990, the area of social protection was similarly characterised by inequalities based on race and ethnicity, leaving the vast majority of Namibians – the black population – uncovered or inadequately covered by the existing social protection schemes.

The first national social protection scheme was the old-age pension introduced in what was then South West Africa by the South African colonial administration in 1949. Black Namibians did not benefit from this scheme until 1973, and even when the scheme was gradually extended to cover all citizens, black citizens continued to receive only a fraction of the benefit payouts received by whites until Independence.¹

Namibia's social inequalities at Independence existed amid high levels of poverty and unemployment. Early post-Independence surveys found that in 1994 about 69%² of the national population lived below the poverty line and 33%³ were unemployed.

At Independence, Namibia became one of the few African countries with the right to social protection enshrined in the Constitution. Thenceforth, the Government of Namibia actively undertook to address the nation's historical legacy of unequal access to social security by introducing a range of legal instruments which provide for a number of welfare programmes and for the contributory social security schemes administered by the SSC. Following is an overview of the legal framework providing for social protection as at the time of writing in August 2014.

¹ Whites received R382. Ten distinct non-white groups had been identified, each of which received a different amount of payment, ostensibly based on differences in standards of living. The lowest-paid ethnic group were the Kavangos, who received a mere R55. (Source: Devereux 2001.)

² *2003-2004 Namibia Household Income and Expenditure Survey – Main Report*, Central Bureau of Statistics, National Planning Commission, 2006.

³ *The Namibia Labour Force Survey 1997: Final Report*, Ministry of Labour and National Planning Commission, 2000.

3. The legal framework for social protection

To address social imbalances, and to affirm the constitutional commitment to social protection for Namibians, the government has enacted various laws to strengthen existing legislation and to regulate the introduction of new social protection programmes. Following is an overview of the legislative framework underpinning Namibia's social protection sector.

Constitution of the Republic of Namibia (1990)

Article 95 of the Constitution provides that “*The State shall actively promote and maintain the welfare of the people*” by adopting appropriate measures, such as policies aimed at ensuring, inter alia:

“that every Namibian has a right to fair and reasonable access to public facilities and services in accordance with the law;

... that senior citizens are entitled to and do receive a regular pension adequate for the maintenance of decent standard of living and the enjoyment of social and cultural opportunities; [and]

... enactment of legislation to ensure that the unemployed, the incapacitated, the indigent and the disadvantaged are accorded such social benefits and amenities as are determined by Parliament to be just and affordable with due regard to the resources of the State.”

National Pensions Act 10 of 1992

This Act provides “*for national pensions to be paid to aged, blind and disabled persons; and ... for matters incidental thereto*”.

The Ministry of Labour and Social Welfare administers the Basic Social Grant, which is a universal pension provided by the government to citizens or permanent residents who are 60 years of age and older.

The Ministry of Health and Social Services administers the Disability Grant, which is paid to persons whom a medical doctor has declared as disabled, including persons declared as medically unfit as a result of being infected with HIV.

Children's Status Act 6 of 2006

This Act provides for children born outside of marriage to be treated the same as those born within a marriage under Namibian law. It deals with matters of custody, access, guardianship and inheritance in relation to children born outside of marriage, and with matters pertaining to the best interests of all children.

The Ministry of Gender Equality and Child Welfare is responsible for addressing the plight of orphans and vulnerable children (OVC). An orphan or vulnerable child is a child under the age of 18 whose mother, father or primary caregiver has died, and who is in need of care and/or protection. (Namibian Government definition, 2002). Benefits extended to such children are administered under the category of Child and Family Allowances. The specific benefits currently available are the Maintenance Grant, the Special Maintenance Grant (for children with disabilities), the Foster Care Grant and the Place of Safety Allowance.

Veterans Act 2 of 2008

This Act provides for: the establishment of a Veterans Fund to assist veterans of Namibia's armed struggle for independence and their dependants; the registration of veterans and the dependants of living or deceased veterans; the establishment of projects to benefit veterans and their dependants; the integration of pension benefits for veterans; the constitution and functions of the Veterans Board and Veterans Appeal Board; and matters linked to the foregoing. The Ministry of War Veterans Affairs is the custodial ministry responsible for the War Veterans Subvention Grant which is provided on a monthly basis to Namibians who are formally recognised as having contributed to the struggle for independence.

Maintenance Act 9 of 2003

The Maintenance Act deals with the payment of child maintenance, and provides for the holding of maintenance enquiries and the enforcement of maintenance orders. Children in Namibia have a constitutional right to be maintained by their parents: Article 15(1) of the Constitution states that children have "... *the right to know and be cared for by their parents*", and this includes the provision of maintenance. Namibia has always followed

the basic principle that both parents should contribute to the maintenance of their child in accordance with their means. Child maintenance orders are enforced through the Ministry of Justice.

Motor Vehicle Accident Fund Act 10 of 2007

This Act provides for the establishment, administration and management of the Motor Vehicle Accident Fund as an administrative body to assist persons injured in motor vehicle accidents and dependants of persons killed in such accidents, and for incidental matters. The Motor Vehicle Accident Fund of Namibia (MVA Fund) is the institution mandated to design, promote and implement vehicular accident and injury prevention measures, and to provide the assistance and benefits envisaged in the Act. The MVA Fund operates on a 'no-fault' basis whereby all people injured in motor vehicle accidents – regardless of who was responsible – receive fair and reasonable benefits (subject to certain limitations and exclusions). Payments are made in accordance with administrative law principles.

Government Institutions Pensions Fund (GIPF)

The GIPF was established on 1 October 1989 as a statutory body to provide retirement and other benefits to civil servants and the employees of certain institutions established by Acts of Parliament. The operations of the GIPF are guided by the Pension Fund Act and the Income Tax Act. The GIPF is a *defined benefit pension fund*, meaning that it provides guaranteed benefits to its members, and should it ever be unable to fulfil its promise to its members, the employer (i.e. the government) will provide the benefits as promised. The benefits are defined in terms of the rules of the GIPF. The calculations of most GIPF benefits are based on final average salary and the number of years that the member has been employed by the government (or the statutory institution) and thus the number of years of contribution to the fund. The GIPF is controlled by a nine-member Board of Trustees drawn from the employer (the government), the private sector and organised labour.

Employees' Compensation Amendment Act 5 of 1995

This Act amended the Employees' Compensation Act 30 of 1941 (a South African Act previously known as the Workmen's Compensation Act) so as

to adjust its provisions in view of Namibia's independence. The Act of 1941 amended and consolidated the preceding laws relating to compensation for disablement caused by accidents and/or industrial diseases affecting workers in the course of their employment, or for death resulting from such accidents and diseases. The Amendment Act amends and repeals many provisions of the Act of 1941, and makes numerous new provisions regarding the conditions for compensation. However, not all workers are covered: certain income thresholds are set from time to time, and workers earning more than the threshold are excluded from the benefits set out in this Act.

Social Security Act 34 of 1994

This Act provides for: the establishment, constitution, powers, duties and functions of the Social Security Commission; the payment of maternity leave benefits and sick leave benefits to employees (and the establishment of the Maternity Leave, Sick Leave and Death Benefit Fund for that purpose); the payment of medical benefits to employees (and the establishment of the National Medical Benefit Fund for that purpose; the payment of pension benefits to retired employees; the funding of training schemes for disadvantaged, unemployed persons (and the establishment of the Development Fund for that purpose); and incidental matters.

4. The role of the Social Security Commission

Overview

Since its inception in 1995, the Social Security Commission (SSC) has made substantive inroads in providing a social protection 'safety net' for workers in Namibia and their dependants. In accordance with its core mandate, the SSC has provided protection for workers in respect of earnings replacement and/or medical cover due to contingencies arising from maternity leave, sick leave or death, and from work-related diseases and injuries. These efforts have led to substantial improvement in the social welfare of the working poor and their families. This has been achieved primarily through the two main SSC funds: the Maternity Leave, Sick Leave and Death Benefits Fund (MSD Fund); and the Employees' Compensation Fund (ECF). A third SSC fund, called the Development Fund (SSC-DF), is used for training

and employment schemes benefiting socio-economically disadvantaged persons who are unemployed.

The table below shows that in 2013, 77% of all employed Namibians were registered with the SSC under the two main funds, with more men covered than women (84.5% and 69.9% respectively). Therefore, although much has been achieved, more has to be done to extend social security coverage to the entire Namibian labour force.

Female			Male			Total		
Employed	Registered (SSC)	%	Employed	Registered (SSC)	%	Employed	Registered (SSC)	%
300 390	210 006	69.9	329 704	278467	84.5	630 094	488 473	77.7

Source: SSC database and *Namibia Labour Force Survey 2013 Report*, Namibia Statistics Agency 2014.

Maternity Leave, Sick Leave and Death Benefit Fund and Employees' Compensation Fund

The MSD Fund is a short-term social insurance fund covering maternity leave, sick leave and death, and the ECF provides benefits to members of the Namibian workforce who suffer occupational diseases and injuries.

In 2013 the SSC paid out over N\$168 million in benefits to its members and their dependants from these two funds.⁴ The MSD Fund alone paid out over N\$157 million (and N\$132 million in the previous year), and the ECF paid out N\$10.36 million (and just over N\$10.18 million in the previous year). The increase in payouts may be attributed to both increased public awareness of the services offered by the SSC and the SSC fulfilling its mandate to improve the welfare of the Namibian people. These benefits are a crucial form of social protection, especially for the working poor and their families.

Development Fund

In an effort to embrace preventive and integrative social security, the SSC operates a standalone Development Fund (SSC-DF) as a non-contributory fund. The SSC-DF focuses on preventing unemployment (predominantly among the youth) by affording people a chance to finance their tertiary education

⁴ US\$1 = N\$10.7 on 8 August 2014.

and thus improve their employability. The fund also assists in integrating unemployed people into the labour market – mainly those who are unable to gain admission into a college or university. This integration is preceded by the acquisition of new skills and the reinforcement of existing ones, as well as the use of employment services rendered by training providers. These ongoing interventions have resulted in a relatively high of unemployed people successfully transitioning into the world of work.

In addition, the SSC-DF has embarked on an ambitious drive to create opportunities for decent employment in rural areas of Namibia. This has been made possible by funds provided to third parties to assist communities in establishing livelihood ventures that will generate income and create and sustain jobs. In the first year of this intervention over 200 jobs were created and all employees were registered with the SSC.

In total the SSC-DF has spent approximately N\$85 million over the past five years to extend assistance to more than 2000 unemployed people (out of a total unemployed population of 290 000). Unemployment in Namibia continues to present a huge challenge to development, but the contributions of social protection entities such as the SSC do produce positive impacts and can help to bring unemployment levels down, especially if more institutional partners can be brought on board.

Extension of social security coverage

Namibia has made considerable progress towards universal provision of social security, but challenges remain. Chief among these is the exclusion of some sectors of the population from the existing social security programmes.

Current SSC activities remain limited in scope and need to be expanded to include more services in order to provide *holistic* social security. In response to this challenge, the SSC is planning to extend its social security provision in the following ways:

- **Extension of social security to the informal economy:**

In an effort to improve inclusivity and respond to calls from the ILO for the expansion of social protection floors, the SSC is in the process of extending social security coverage to vulnerable groups of workers such as those in the informal economy.

Due to the nature of the informal economy, coverage in this sector is currently very low. This situation calls for innovative approaches to

extending coverage, such as the introduction of separate schemes for different categories of workers. For example, market and street vendors could have their own scheme, and communal farmers a separate scheme. If such schemes are introduced, they should be flexible enough to cater for the specific needs of their members. For instance, the contributions made by farmers should be structured to suit their farming operations, with payments made at the times of year when they either produce or sell their stock. The SSC is in the process of exploring the most suitable strategies for carrying out this extension.

- **Introduction of two new funds:**

In line with its legal mandate, the SSC is in the process of introducing the National Medical Benefit Fund and the National Pension Fund. These funds are aimed at ensuring that all citizens of Namibia – including those from disadvantaged backgrounds – gain access to improved health care and maintain sustained levels of income throughout their lives.

- *National Medical Benefit Fund (NMBF):*

The Social Security Act makes provision for the SSC to establish a national medical benefit fund for payment of medical benefits to employees.

Namibia has some good (even excellent) healthcare facilities, but these tend to be expensive private facilities. Currently only 15% of the national population are covered by health insurance, therefore few people can access the generally superior services on offer in the private healthcare system; the vast majority use the state healthcare system. Although relatively widely accessible country-wide, state healthcare services are rendered in mostly overcrowded, resource-poor and understaffed facilities (hospitals and clinics).

The introduction of the SSC NMBF is aimed at providing better access to private healthcare services for those who are currently not covered by health insurance and who thus have no choice but to use public health facilities. In return for contributing affordable premiums, NMBF members would be able to use the facilities of the private healthcare system. This would ease demand at the overburdened public health facilities, which could then concentrate on offering better-quality services to those in the community who have no means to pay, such as the unemployed.

- *National Pension Fund (NPF):*

The Social Security Act also makes provision for a national pension fund to be established to provide income security for its members at retirement. This scheme would be contributory and would cover all employed Namibians who wished to join. The introduction of this scheme should reduce the burden on the government pension scheme as employed individuals would have an alternative means for drawing income at retirement.

- **Introduction of unemployment insurance:**

In view of the high unemployment rate in Namibia and the continuing global economic meltdown which leads to layoffs and increased poverty in the country, the SSC has resolved to explore the possibility of introducing an Unemployment Insurance (UI) system. It has been shown that UI can serve as a buffer against poverty and distress for retrenched workers and their families, providing financial help in straitened times and increasing employability. The SSC has therefore commissioned a feasibility study to explore the potential for introducing a UI system in Namibia.

- **Introduction of a return-to-work programme:**

Due to ever-increasing numbers of people affected by work-related injuries and diseases – and the associated pension costs – modern social security institutions have embraced a paradigm shift towards developing workplace accident prevention and rehabilitation programmes in addition to simply processing compensation claims. Rehabilitation programmes are aimed at ensuring a speedy recovery for injured workers as well as their reintegration into the labour market.

In line with these trends, the SSC has undertaken to introduce a rehabilitation programme along the lines of the Return to Work (RTW) model. Such a programme is an injury-management system aimed at providing the best possible response to workplace injuries and illnesses so that injured workers can either remain at work or return to work at the earliest possible opportunity.

Such measures are beneficial for social security agencies, employees and employers alike, with the latter benefiting from retention of a skilled workforce on a long-term basis: in this way, not only do RTW programmes provide much-needed social protection for workers, but also they are important active policy instruments for the labour market.

The SSC is in the process of commissioning the necessary research on the Namibian labour market and healthcare sector to inform the design and implementation of an SSC-run RTW programme.

5. Conclusion

This paper has briefly described how the provision of social protection helps to overcome extreme poverty, reduce social inequalities, promote equal opportunities and empower people generally.

In the context of Namibia's prevailing high levels of income inequality and poverty, social protection has played a major role in improving the social welfare of hundreds of thousands of Namibians since Independence. This has been achieved through various cash-transfer schemes as well as contributory funds administered by the SSC.

The SSC has made substantive gains in providing social protection floors for a large majority of Namibian workers and their families by paying out benefits for contingencies arising out of social and economic circumstances which result in temporary or permanent loss of income. And, through the provision of bursaries and study loans, the SSC has afforded the youth, in particular, a chance to acquire tertiary qualifications and hence to improve their employability. Furthermore, the SSC has facilitated the unemployed in establishing livelihood ventures which in turn generate income and create sustainable jobs.

These interventions have brought about substantial improvement in the social welfare of the Namibian working poor and their families, and have especially protected the poor against social and financial shocks that can result from a sudden loss of income.

To further improve its programme offering, the SSC is in the process of establishing new schemes and programmes as well as extending the benefits it is able to offer into the informal sector and other sectors of vulnerable workers. These efforts are aimed at providing dynamic social security in fulfilment of the ILO calls to establish national floors of social protection for all citizens.

The State of the Media in Namibia

By Gwen Lister

1. The situation at Independence

When the South African colony of South West Africa became the independent Republic of Namibia in 1990, the media landscape in Namibia changed immediately for the better, with a Bill of Rights guaranteeing freedom of speech and the press. Nearly 25 years later though, these freedoms remain as vulnerable and fragile as our democracy.

Emerging as the country did from under the jackboot of apartheid where there was little tolerance for the spirit of free, independent or pluralistic media or for those who believed in it, still a learning curve lay ahead for journalists in adapting to the new post-Independence dispensation. Prior to Independence, only a handful of journalists in the country braved bans and bombs to expose the cruel face of apartheid. Mostly in their reporting, the media – then all print-based apart from the South West African Broadcasting Corporation (SWABC) – had turned a blind eye to the excesses of the colonial regime. This was no surprise considering that only two of the approximately eight newspapers in existence at the time were independent, and several were politically affiliated to the Democratic Turnhalle Alliance (DTA), which in turn received support and funding from the colonial regime.

The newspapers in 1990 included: *The Windhoek Advertiser* (daily), *Die Republikein* (Afrikaans-language daily), the *Allgemeine Zeitung* (German

-language daily), all in the stable of Democratic Media Holdings (DMH) with a strong anti-SWAPO bias; and two independent papers, namely *The Namibian* (then a weekly – founded in 1985 to strive for the country’s self-determination and to expose atrocities under the South African apartheid regime), and *The Windhoek Observer* (weekly) under maverick editor Hannes Smith. There were also a few church-based community newspapers at the time, but the media landscape in general – and particularly the SWABC – was closely controlled by those sympathetic to the colonial government.

Before Independence, there was a distinct pro-South African bias in the media, most of which waged the anti-SWAPO propaganda war with vigour.

Journalists in both the print and broadcast media then were dominated by the presence of mostly white South Africans and expatriates, with only a handful of black Namibians in junior positions. In 1985, the founding of *The Namibian* saw the start of an in-house journalist-training project, from which a new breed of indigenous reporters began to emerge.

The media scene in then South West Africa mirrored that of South Africa to a large degree, with a predominance of media which either fully subscribed to the policies of apartheid or were ambivalent, and only a few independent publications, mostly donor-funded, which were banned and/or harassed by the authorities to varying degrees, their reporters jailed and their premises fire-bombed.

A swathe of draconian legislation – notably the Internal Security Act and the Terrorism Act – was also used to instil fear among media who dared to challenge the authority of the colonial power.

2. Post-Independence developments

The post-independence era of peace and democracy was ushered in with a model Constitution with a Bill of Fundamental Human Rights, against the background of which media had to review their reporting role in a largely free environment. It was widely recognised that while the country’s freedom had been attained, the hard work had only just begun, and that as crucial as the role of independent media was in the decolonisation of Namibia, it would become even more critical to consolidate democracy, and promote good governance and economic progress, in the years ahead.

By the 1980s and '90s, colonialism had received its comeuppance across the continent, but the winds of change which blew in as a result of its demise

did not necessarily herald instant democracy in Africa. Rather, scores of dictatorial regimes had become entrenched across the continent, and free speech and media freedom were not part of the vocabulary. Instead, in the wake of the New World Information and Communication Order (NWICO) – a '70s initiative which had attempted to redress the information divide between North and South – power over the media was largely consolidated in the hands of African governments which retained dominance and control over both radio and print.

Following the 1990 Namibian 'success story' which promised a new deal for press freedom, it was no coincidence that Windhoek, the country's capital, was selected to host the 1991 UNESCO-sponsored seminar to promote a free, independent and pluralistic African press. Attended by a wide range of journalists from across the continent – many of whose governments regarded them as 'enemies', and some of whom were released from jail to attend – the seminar scrutinised the state of the independent press in Africa, and the socio-economic parameters in which such media could not only survive but also thrive. It identified the need for training and human resource development, and examined whether the constitutional frameworks of the time could support the emergence of such media in the various countries.

The pioneering spirit of the so called 'guerrilla typewriters' of the 1980s, and the winds of both global and continental change in the '90s, inspired and gave impetus to the establishment of independent press across the sub-continent, and also provided the framework for a broader consensus among African journalists. At the heart of the seminar discussions lay a craving by a new wave of media to rid themselves of excessive controls by governments in the new spirit of freedom, as well as an affirmation that free, independent and pluralistic media are essential for the development and maintenance of democracy and for economic development.

Supported by a number of international agencies, including the Friedrich Ebert Stiftung, the seminar concluded with the adoption of the "Windhoek Declaration on a Free, Independent and Pluralistic Press for Africa". This declaration was a turning point for media on the continent: it empowered them to claim their rights to press freedom and free speech, and to demand that governments acknowledge these rights. It was a historic milestone for media in Africa generally, and in Namibia particularly, being the home of the declaration. Its significance also lay in the fact that it paved the way for media to embrace similar calls for freedom and independence in other parts of the world.

The acknowledged ‘architect’ of the Windhoek seminar, Alain Modoux, then UNESCO Assistant Director-General for Communications, emphasised the need to ensure that this event was 100 per cent “for Africans, by Africans”, and he described the subsequent declaration as a “gift to the international community”.

In addressing the seminar, Namibia’s then Minister of Information and Broadcasting, Hidipo Hamutenya, spoke of what he termed government’s relationship of “creative tension” with the media as being part and parcel of consolidating independence and democracy. This description probably still aptly describes the relationship between government and media in Namibia nearly 25 years later.

After 1990, the media situation in Namibia began to change dramatically, with a number of private publications – newspapers as well as magazines – rapidly appearing on the scene, encouraged by the new wave of media freedom that Independence had ushered in. Not to be outdone, government began to consolidate its own media assets: it quickly converted the SWABC into the Namibian Broadcasting Corporation (NBC), which included radio and television; brought the Namibia Press Agency (Nampa) into being; and established its own newspaper, *New Era*.

Namibia’s role in cementing an important declaration by Africa’s media was further expanded when the country became the venue for the founding of the Media Institute of Southern Africa (MISA), which came into being in 1992 (a year after the Windhoek seminar), to advocate for free and independent press in Southern Africa and to monitor media freedom violations. MISA decided to establish its headquarters in Windhoek as a gesture of support for the new dispensation which had broken with tradition on the continent to acknowledge the importance of press freedom and free speech.

The Bill of Fundamental Rights and Freedoms formulated by Namibia’s post-colonial democratic dispensation gives every person in the country the right to “*freedom of speech and expression, which shall include freedom of the press and other media*” (Constitution of Namibia, Article 21(1)(a)).

Namibia has been politically stable since Independence – there has been only one instance of instability in the form of a brief uprising of a Caprivi secessionist movement in the late 1990s – with a functioning democratic system and regular presidential, national, regional and local elections. The dominant South West Africa People’s Organisation (SWAPO) has ruled the country since 1990, with a simple majority initially and a two-thirds majority after subsequent elections. With a largely fragmented political opposition

and a weak civil society, it is generally accepted that the ruling party has developed a measure of arrogance, which has brought with it a measure of intolerance of both multipartyism and the vocalism of watchdog media.

Despite an irritation with outspoken media, it is significant to state that, unlike the situation in many of our less democratic neighbouring countries, since Independence no media outlet has been closed down or banned, and no journalists have been killed, beaten or detained for their work. This does not imply an absence of intolerance in the past and still today. Indeed, the intolerance brought about a measure of self-censorship as well as measures to stifle independent media in particular.

A blot on the freedom of Namibia's media landscape was a 10-year ban on government advertising in, and purchase of, *The Namibian* newspaper, initiated in 2001 by founding President Sam Nujoma on the grounds of the newspaper's alleged "anti-government stance". His successor, President Hifikepunye Pohamba, lifted the ban in 2011 as it had become something of an embarrassment for the government, some of whose senior ministers had begun to call for an end to the boycott, going as far as describing it as "excessive".

The publication of regular and popular "sms pages" in *The Namibian*, providing a forum for readers to air their views, also came in for parliamentary criticism as well as calls to ban this forum. This happened in the wake of the NBC state broadcaster suspending radio call-in programmes which were perceived to be giving voice to those too critical of government.

Apart from these two incidences, there has been relatively little overt interference with the private and commercial media in Namibia.

3. International influence

Perhaps because of the nature of Namibia's internationally sponsored peace settlement which came about in terms of United Nations Security Council Resolution 435, a number of foreign non-governmental organisations have been actively involved in various initiatives around, inter alia, media freedom, training and access to information campaigns.

The UNESCO-organised seminar in 1991 which saw the adoption of the "Windhoek Declaration" also involved international partners such as Nordic funders, the Friedrich Ebert Stiftung (FES), the International Federation of Journalists (IFJ) and the World Association of Newspapers (WAN).

Various NGOs as well as foreign embassy-based units (US and others) continue to work with the media in general, or with individual newspapers or radio outlets and journalism programmes at the two tertiary educational institutions, the Polytechnic of Namibia and the University of Namibia, with regard to training. The Open Society Initiative of Southern Africa (OSISA) funds a journalism summer school at the Polytechnic each year, which also brings in media from other regions.

The FES, primarily through its media project, fesmedia, remains closely involved with media in Namibia, through, inter alia, workshops on ethics in journalism, and printed publications such as the *Guidelines on Media Coverage of Elections in Namibia* (2014).

There is also strong international NGO support for the work of MISA, headquartered in Windhoek and working in most countries on the sub-continent on media advocacy campaigns such as the African Platform on Access to Information (APAI) campaign. The ACTION Namibia Coalition and campaign brought together like-minded organisations in civil society to promote access to information. Other MISA initiatives include work in Broadcasting and Information and Communications Technologies (ICTs), Internet Freedom, Media Regulation and Media Law, among others.

The Namibian Government's introduction of a Vocational Education and Training (VET) Levy on most companies in Namibia has spurred on training initiatives at various media houses. Namibia Media Holdings (formerly named Democratic Media Holdings), which has three daily newspapers in its stable – *Die Republikein*, *Namibian Sun* and *Allgemeine Zeitung* – has started its own in-house training academy, and the Namibia Media Trust (NMT) which owns *The Namibian* newspaper is also actively engaged in training as well as support for various media-freedom initiatives.

Also, the Namibian Editors Forum is beginning to be more active in youth training projects.

4. The situation today

Media pluralism and diversity received a significant boost in Namibia just after Independence, and again after 2000 when there was a new resurgence of media with new ownership patterns developing.

There was little tangible post-Independence support from media players in South Africa for the transition period, although big players there, such as

Media 24, were quick to try to gain a commercial foothold in Namibia, and through involvement in the DMH group, started the *Namibian Sun* newspaper – named after its South African equivalent.

Several new players in print as well as several community and privately owned radio stations emerged. Criticisms that existing media were mainly ‘white-owned’, led to the establishment of a number of new ‘black-owned’ newspapers, among others *Confidente* and *The Villager* (weeklies), while ownership of *The Windhoek Observer* also changed hands after the death of its founding editor, Hannes Smith. A few new tabloid newspapers appeared on the scene, including *Informanté*, owned by the Trustco Group, as well a monthly magazine, *Insight Namibia*.

The NBC continues to dominate the electronic media by virtue of a clutch of licences in its control, but Namibia’s airwaves are relatively free, and there is a second privately owned television outlet, One Africa, as well as a host of commercial radio stations and some community-based radio initiatives. The Communications Regulatory Authority of Namibia (CRAN) oversees the electronic media.

The situation is somewhat different with the government-owned media. After Independence, the new SWAPO government retained the status quo with traditionally government-run media. Reminiscent of the New World Information and Communication Order (NWICO) era of the ’70s, which saw government controlling most media in Africa under the guise of reversing the North-South information divide, SWAPO opted for a Ministry of Information when it assumed the reins of power in 1990. Perpetuating state ownership of media, in particular the NBC as the national broadcaster, the ruling party set up the Namibia Press Agency (Nampa) and a government-owned newspaper, *New Era*. SWAPO also started its own newspaper, *Namibia Today*, and later, *Southern Times*, a weekly newspaper and joint project of the Governments of Namibia and Zimbabwe, was added to the government stable.

Attempts to change the NBC from state to public broadcaster have fallen on deaf ears – even since the adoption of the African Charter on Broadcasting which came 10 years after the Windhoek Declaration – and it becomes a battleground in each election period as political parties compete for airtime.

Along with the burgeoning of traditional media, especially newspapers, came the onset of digital media – which have not affected newspaper sales and advertising as negatively as they have in other countries, such as South Africa. Social networking platforms such as Facebook and Twitter quickly gained popularity in Namibia and impart freedom of expression to a much

wider constituency. However, the result of particularly young people taking to these networks to freely express themselves, often being critical of the status quo in Namibia and in the ruling party, was immediate condemnation by party hierarchy, or the 'old guard', of internal SWAPO matters being aired in public fora like Facebook. But it wasn't long before some of the old guard themselves saw the advantages of a presence on Facebook and/or Twitter, and 2014 saw a sudden influx of leaders such as Prime Minister Hage Geingob and Rally for Democracy and Progress (RDP) leader Hidipo Hamutenya establishing a presence on both of these social networking sites.

So, as Namibia's independence opened up the playing field for private and commercial print and electronic media, government still emphatically clung to exerting control over its own media. Although attempts to convert the state-owned NBC into a public broadcaster have failed, it seems that the government is prepared to tolerate a fairly vigorous private media, as long as it retains the power to manage its own image on state-controlled radio and television. Despite the fact that most of the state-owned media have been loss-making enterprises since Independence, necessitating regular bailouts of taxpayer dollars, the government is clearly not prepared to relinquish its share of the media cake.

This stance has entailed no small measure of government interference, particularly in the NBC as far as coverage and content is concerned, and it has given rise to a worrying predisposition towards self-censorship on the part of journalists working for the national broadcaster. Several popular call-in programmes on NBC radio were halted at government's insistence due to political sensitivities, amid widespread public protest.

5. Government policies and legal framework

Although there are no government policies in place to specifically inhibit the operation of the private and commercial media, the Communications Act 8 of 2009 (dubbed the 'Spy Bill') raised the spectre of interception of communications making inroads into privacy, particularly with regard to online media, and certain old apartheid legislation still awaits repeal.

The post-Independence honeymoon with media was relatively short. It wasn't long before the SWAPO Government threatened to impose regulatory measures on the media, and this spurred on practitioners to initiate voluntary self-regulation. Although this process finally resulted in the formation of an

Editors Forum, adoption of a code of ethics and a Press Ombudsman, was dogged by largely apartheid-inherited dissension and deep divides between media houses and within the media fraternity itself.

The office of the Media Ombudsman consists of a Media Complaints Committee and an Appeals Chairperson. Although the public is encouraged to lodge complaints with this office – in the words of the Ombudsman, the system is more accessible, cheaper and quicker than the courts in dealing with complaints – lack of familiarisation and/or refusal to acknowledge the self-regulatory mechanism means that many aggrieved people still tend to turn to the country's courts for redress.

The response from editors to the eight complaints which the Ombudsman received between May 2012 and April 2013 was mixed: some fully complied with his inquiries or recommendations, whereas others continued to resist self-regulation. Counter-productive to self-regulation becoming entrenched among media in Namibia, this resistance also fuels government in its own attempts to institute statutory regulation in an effort to 'guard the guardians'. The threat of statutory oversight still looms over Namibian media, and the Law Reform Development Commission (LRDC) is in the forefront of these efforts.

In addition, new state-owned media were suspicious of what they perceived as political intent behind the formation of MISA, the Editors Forum and self-regulatory initiatives: these were perceived to be anti-government in nature.

Long-standing divisions between state and private media on the one hand, and largely inherited suspicions between pre-Independence progressive media and conservative media on the other, definitely impeded the resolving and progress of viable self-regulation, but appear of late to have dissipated to a large degree, perhaps partly due to a change in ownership patterns.

If not necessarily a strong and entrenched self-regulatory framework, many of Namibia's media now do subscribe to membership of the Editors Forum, and thereby also support a code of ethics and the institution of a Media Ombudsman. As from its inception, founders of the Editors Forum emphasised the need for the forum to 'go it alone' with financial support from local media and not foreign donors, as this would keep government pressures for a state-regulated body at bay as well as allay suspicions on the part of state-owned media, and would also show that the forum was not an initiative foisted on Namibian media by foreign interests.

The continental push to campaign for freedom of information acts spearheaded by MISA resulted in discussions and the subsequent drafting

of a freedom of information bill for Namibia, but this has not yet seen the light of day.

Namibia fortunately does not face the problem of criminal defamation laws, thus currently there are no statutes which impinge directly on the right to freedom of speech and thereby contravene the spirit of the Bill of Rights.

The arrival on the scene of digital media was a game changer. Computer ownership is still limited and internet bandwidth is expensive, thus internet access remains elusive for most Namibians, but the mobile phone industry has boomed. More and more Namibians have been going 'online', but chiefly to the social media sites – particularly Facebook and Twitter.

The Facebook phenomenon, particularly in respect of cadres of the ruling party and especially members of the SWAPO Party Youth League (SPYL) going online to 'air their dirty laundry' concerning inner party dissent, has sparked the ire of the mostly elderly ruling elite. This was evidenced by calls from various Parliamentarians on the SWAPO benches for legislation to 'police' sites such as Facebook and Twitter. It has also recently been reported that the Ministry of Information and Communication Technology has finalised a draft bill for governance of social media, to be known as the Electronic Transaction and Cyber Crimes Bill. A ministry official confirmed to local media that the intent was to provide legal recourse to 'punish' those posting graphic or sexually explicit images or audios on social networks. The draft is not yet available for public scrutiny, but it is presumed that it would make fairly wide inroads into free speech online.

In 2012, in keeping with the African Platform on Access to Information (APAI), MISA and other local and international partners across a broad societal platform initiated an "Action Access to Information Namibia" campaign to push the government to enact a law on access to information, which would seek to combat corruption, ensure good government and advance the rights of citizens across all sectors of society. The campaigners argue that without a law to guarantee access, the right to access information would remain a restricted one, not least because certain apartheid legislation, such as the Protection of Information Act of 1982, remains on the statute books. Unfortunately, despite widespread public interest at the time of the launch in 2012, the campaign has since become virtually dormant.

Challenges for Namibia's media remain, even as US Freedom House in 2014 rated the country as one of the few 'free' countries for media in Africa. This ranking, echoed by a similar prognosis on the part of the French-based

Reporters-sans-Frontiers (RSF), does not necessarily take into account some of the less-obvious restrictions on media development, such as the challenge of access to information – especially information held by government – and the fairly high degree of self-censorship and political controls in place at some of the state-owned media institutions.

6. Challenges and perspectives

According to the IREX Media Sustainability Index (MSI) of 2006/07, the media in Namibia remain largely unfettered, and since Independence there has been a flourishing in the pluralism of the media, including radio (both commercial and community), television and print media. The MSI study identified strengths, such as citizens' free and open access to media and journalists' freedom to report openly, but also weaknesses, including a lack of real unity among media, no functioning trade unions, and a lack of firm NGO support for independent media, due to civil society being weak in its support of issues surrounding media freedom.

Apart from some constraints in the external environment in which the Namibian media operate, they also faces challenges from within:

- An APAI survey of progress in Africa since the APAI Declaration of 2012 concluded that Namibia had a strong ranking in terms of press freedom, but a very low ranking of 1 out of 10 in terms of access to information. Namibia has no specific law nor any sectoral legal protections to support access to information, and no legal protections for whistleblowers. APAI concluded that “*Access to information in Namibia is limited and heavily dependent on the [type of] information sought and who it is requested from.*” (Report available at www.right2info.org/resources/publications/publications/ati-in-africa_odac_2013.)
- Despite Namibia having been a strong voice in the forefront of press freedom and independent press initiatives before and after Independence, the wider media fraternity and civil society do not involve themselves in the free speech and information access campaigns to any great extent, with the criticism sometimes levelled that the country's journalists in particular tend to take their freedom for granted.
- Although Namibia's media are fairly vocal and unfettered when it comes to political commentary and criticism, the tasks of enhancing standards

of professionalism and adherence to ethics, and giving more depth to investigative journalism, remain challenging. (Several media houses are cognisant of these deficiencies and are attempting to redress them – by way of, for example, in-house investigative journalism units and enhanced training efforts.)

- The self-regulatory framework for the media, though still relatively weak and under-funded, remains a mechanism which can be further built on by encouraging more widespread adherence among media houses and by publicising the efforts of the Ombudsman to a wider public audience.
- Journalistic standards remain an area of concern, thus training efforts should be underscored and better funded to improve on professionalism in the media. Such training should ensure a strong emphasis on ethics, multiple sourcing of stories and more intensive investigation – indeed in-depth reporting leaves a lot to be desired in Namibia in terms of both quantity and quality. Standards can be further strengthened by more emphasis as well as training in areas of data journalism and how to use social media to enhance reporting.
- There is no journalists union in Namibia – only the NBC staff belong to a union, i.e. the Namibia Public Workers Union (NAPWU). Perhaps the absence of a journalists union has to do with the fact that although not highly paid, reporters are better remunerated than many of their African counterparts.
- Ethical standards are an area of concern. Although most of the country's media houses and journalists subscribe to a code of ethics as well as self-regulation by virtue of their MISA membership or affiliation to the Editors Forum, most lack knowledge of the applicable document. It is important for Namibian journalists to rise to the challenge of maintaining ethical standards and journalistic excellence. A seminar organised by the FES in 2013 also drew attention to the rise in 'chequebook' journalism in southern Africa – in Namibia to a lesser extent because journalists here are generally better paid than in other countries (e.g. Malawi), but there is reason to believe that this phenomenon is gradually encroaching on the local media fraternity, and is exacerbated by the lack of awareness and training, and the 'juniorisation' of newsrooms.
- More widespread access by Namibians in general to speaking freely on social media platforms has also given rise to concerns about hate speech as well as incitement to violence, as many fail to realise that their rights end where those of others begin, and this too presents a learning curve

for those finding voice for the first time. A weak civil society results in a lack of awareness about ethics and the evils of hate speech. Hopefully MISA's access to information campaigns will include some campaigning on this front, for both traditional and online media.

The new sense of pluralism and diversity of media which has emerged since Independence has undoubtedly paved the way for more widespread acceptance of the importance not only of free speech, but also of access to information in a democracy. It is generally accepted that these freedoms are not just for journalists; they are also for 'the people', who are beckoned to use these freedoms to become active participants in the affairs of their country.

As the African media landscape changed to a certain degree in the wake of the Windhoek Declaration, so too did Namibian journalism. Nevertheless, though it is true to say that Namibian media are generally free, it remains critical that they consolidate the immediate post-Independence gains, because the battle for press freedom and access to information is never fully won! It is key that journalists be in the forefront of this battle, and that those in Africa broaden their vision to include cross-border solidarity – so vital for winning wider freedoms across the continent – and that they speak out wherever the fundamental right of free speech in the media is violated. In Namibia, institutions such as MISA, the Editors Forum, tertiary institutions and civil society organisations such as NANGOF can do more to awaken the public to its rights of self-expression and access to information, and most critically, to the responsibilities that accompany these rights.

After nearly a quarter of a century since journalists from Africa made history with the adoption of the Windhoek Declaration, it remains to be seen whether Namibia's media in particular can do so again with new campaigns to ensure, for example, widespread access to information – for democracy loses its meaning if the people are unable to inform themselves and are not kept informed, and if they do not effectively use the new tools provided to achieve these ends.

With continual and consistent improvement in the professionalism and quality of journalism, as well as more widespread commitment to ethics and self-regulation to guard against abuse, Namibian media can go a long way to ensuring that press freedom and free speech are cherished as a value that is worthy of widespread political, social and economic support from society at large.

Furthermore, it would be in Namibian journalists' interests to shake off complacency and familiarise themselves with the history of campaigning for media freedoms – a fight for which this country was once at the forefront – and to again find within themselves the euphoria, passion and determination of the 1980s, for the sake of the people whom they serve.

Although Namibia is arguably free for the media at present, this does not mean that the overall fight for democracy and freedoms has been won; in fact, quite the contrary, since with new media come new and innovative means effected by undemocratic forces to stifle the voices of criticism and dissent.

Organisations such as US Freedom House and Reporters-sans-Frontiers have out forth glowing tributes to Namibia as one of Africa's most 'free' countries vis-à-vis media freedom, but international and other efforts will have to be enhanced in areas of training in order to cement the progress achieved thus far.

To sustain a national movement to advance the cause of free speech and expression and all access thereto, Namibian journalism must rise to greater heights, raise its standards and make excellence its goal. With the loss of professional journalism, we will never be able to effectively hold those in power accountable. Nor can the media do this alone: in Namibia, home of the Windhoek Declaration, and elsewhere in Africa, an informed and involved civil society remains the most vital constituent in the democratic process.

Assessing the Role of Civil Society Organisations in Namibia

By Ivin Lombardt and John Nakuta

Namibian Non-Governmental Organisations Forum (NANGOF)

“During my next two years in office, I intend to pay particularly close attention to states’ relationships with, and treatment of, human rights defenders, journalists and other key members of civil society. Human rights will not improve much without the direct participation of a robust, free and independent civil society”

Ms Navi Pillay, High Commissioner for Human Rights, October 2012.

1. Introduction

‘Civil society’ is today recognised as encompassing far more than a discrete sector dominated by the non-governmental organisation (NGO) community: contemporary civil society includes an ever wider and more vibrant range of organised and informal groups as new civil society actors blur the boundaries between sectors and experiment with new organisational forms (World Economic Forum 2013: 5). In this regard, the CIVICUS *State of Civil Society* report of 2013 provides a working definition which aptly captures the dynamic, vibrant and influential nature of civil society organisations (CSOs):

“CSOs in all their forms – including non-governmental organisations, community groups, faith-based organisations, trade unions, informal groups (those without constitutions, boards and other organisational trappings), and many other associational forms, are part of civil society. Beyond this, individual activists, including online activists, artists and writers and human rights defenders, when they act in the public sphere to advance or defend a viewpoint that others may share, are part of civil society too. This definition suggests that the arena for civil society is fluid and dynamic: groups and individuals can move in and out of it, and be within civil society and other spheres simultaneously.” (CIVICUS 2013: 10)

This working definition and understanding of CSOs informed the writing of this paper.

Namibia has a diverse civil society, consisting of NGOs, community-based organisations (CBOs) and other civic organisations (COs) which play a variety of roles in the country’s socio-economic development. Being an important link between government and the community, CSOs contribute greatly to poverty reduction, promotion of good governance and constitutional democracy, and an increased respect for human rights.

2. The situation at and since Independence

Namibian CSOs emerged as a response to the discriminatory laws of the colonial apartheid administration, thus they focused at first on the struggle against apartheid and the liberation of Namibians from de facto South African rule. After Independence in 1990, they directed their activities towards ‘filling gaps’ left by the colonial administration – building schools and health facilities for instance. Today, with the transition from resistance in an oppressive society to development in a democratic dispensation not yet complete, most CSOs are still trapped in the role of filling gaps left by the government of independent Namibia. Their interventions remain elementary, confined mostly to providing social services such as home-based care and mobile health clinics, managing early childhood development centres and schools, and running community-based resource management centres.

It is our conviction, however, that in a democratic nation, civil society ought to take up a more proactive role in overcoming the socio-economic

challenges of the day. Therefore, CSOs in Namibia should be expected to advocate for policies that address the country's social ills, and which ensure that government, given the resources at its disposal, takes adequate care of the needs of *all* Namibians. For instance, civil society ought to respond to policies that address the current rampant unemployment in the country, and should even propose policies. The unacceptably high levels of poverty and income inequality in Namibia present another set of challenges which cannot be overcome without the active engagement of civil society.

Going forward, it would be pertinent to ask if Namibian civil society is in fact equipped to play this role effectively. Do CSOs have the capacity to take part in national dialogues on matters of development?

3. The legal framework

Namibia is a constitutional democracy based on, *inter alia*, the rule of law. This presupposes that CSOs must exist and operate within the confines of the law. This section briefly highlights the legal framework within which CSOs operate in the country.

The Namibian Constitution

The Constitution of the Republic of Namibia (“the Constitution”) guarantees an array of fundamental rights and freedoms which are crucial to the existence of CSOs. Key among these is the right to freely associate, as enshrined in Article 21(e):

“All persons shall have the right to freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties.”

Other constitutional human rights and fundamental freedoms which are directly relevant to free association include, *inter alia*: freedom of speech and expression, including freedom of the press and other media – Article 21(1)(a); academic freedom – Article 21(1)(b); and freedom of assembly – Article 21(1)(d). These rights are essential for the formation of civil society organisations. A cursory reading of Article 5 of the Constitution makes it clear that these rights are not mere abstract concepts: this article places an

affirmative obligation on all branches (executive, legislative and judicial) and all organs of government and its agencies to respect and uphold these rights, and indeed all rights guaranteed in Chapter 3 of the Constitution. These enshrined rights – and other related rights – have been upheld in numerous rulings of the country’s Superior Courts.

Article 95(k) of the Constitution arguably constitutes the most direct acknowledgement that it is both necessary and important for the government to engage with and involve CSOs in decisions affecting the general public. This article obliges the government to promote the welfare of the Namibian people by encouraging the population, through education and other activities and through their organisations, to influence government policies by debating its decisions. But, however noble in theory, this obligation amounts to very little in practice if read together with the provisions of Article 101, because the latter has the effect of relegating the directive principles of state policy (as set down in Chapter 11) to mere aspirations. Simply put, the directive principles of state policy are not enforceable rights. This is so because Article 101 states that all principles of state policy, such as Article 95(k), are not, of themselves, legally enforceable. At best a court may invoke these principles to assist it in interpreting laws based on them.

International human rights instruments

Currently there is no international instrument that explicitly guarantees or protects the commitment and work of CSOs (and NGOs). However, as the ACT Alliance¹ pointed out, the vast majority of UN documents of major importance since the 1990s promote the State’s engagement with CSOs. This does not constitute a legally binding obligation under international law, but it represents a de facto and accepted standard, particularly in the context of democracy, good governance and the rule of law (ACT Alliance 2011: 10).

The situation is strikingly different in Africa. For instance, as noted by Mangu (2005), the *African Charter on Human and Peoples’ Rights* (“African Charter”) empowers CSOs to make submissions to the African Commission on Human and Peoples’ Rights (“African Commission”) in cases of violations of the rights enshrined in the African Charter.² This is strengthened further

¹ The ACT Alliance is group composed of over 130 NGOs working together in humanitarian assistance, advocacy and development.

² See articles 56 and 56 of the *African Charter on Human and Peoples’ Rights*.

in the *Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights* adopted in 1998, which entitles NGOs to bring cases before the African Court against a state party subject to its prior declaration recognising the competence of the Court to deal with such applications.³ Furthermore, the Constitutive Act of the African Union established two organs which could work with CSOs, namely the Pan-African Parliament⁴ and the Economic, Social and Cultural Council.⁵ Both the New Partnership for Africa's Development (NEPAD) *Declaration on Democracy, Political, Economic and Corporate Governance* of 2002 and the African Peer Review Mechanism (APRM) *Base Document* of 2003 explicitly recognise the role of civil society in promoting and assessing governance in African Union member states, including Namibia. Lastly, the *African Charter on Democracy, Elections and Governance* ("African Charter on Democracy") requires state parties to create conducive conditions for CSOs to exist and operate within the law,⁶ and calls upon state parties to commit themselves to fostering popular participation and partnerships with CSOs.⁷

Apart from the African Charter on Democracy, Namibia has signed and ratified all the instruments listed above, hence all form part of the laws of the country in terms of Article 144 of the Constitution, which states:

"Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding upon Namibia under this Constitution shall form part of the law of Namibia."

The Namibian Government is thus obliged to respect, protect and fulfil the standards recognised and guaranteed in these instruments.

To date (2014) the Namibian Government has not heeded the African Commission's call to ratify the African Charter on Democracy. Although merely signing this instrument does not establish the State's consent to be bound by it, signing does impose an obligation on the country to refrain, in good faith, from acts that would defeat the charter's objective or purpose.

³ See articles 5(3) and 34(6) of the *Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights*.

⁴ See article 17 of the *Constitutive Act of the African Union*.

⁵ See article 22 of the *Constitutive Act of the African Union*.

⁶ See article 12(3) of the *African Charter on Democracy, Elections and Governance*.

⁷ See article 27(2) of the *African Charter on Democracy, Elections and Governance*.

Acts of Parliament

Under Namibia's current legal and regulatory framework, CSOs have the option to be registered and to operate as voluntary associations, trusts or foundations, or as Section 21 companies or welfare organisations. In certain cases registration and/or incorporation is also required within the framework of a specific Act of Parliament.

- **Voluntary associations:**

These associations are governed mainly by common law, with very few regulatory requirements (National Planning Commission (NPC) 2005). All voluntary associations have to be membership-based, and this must be reflected in their constitutions and by-laws (NPC 2005). It is generally believed that the largest group of civil organisations in Namibia belong to this category (Iheme 2009). Examples of voluntary associations are community-based organisations, faith-based organisations, student bodies, clubs and theatre groups.

For the governance of these associations, legally prescribed minimum standards are lacking. However, there is an important legal justification for their existence: they are needed for the protection of the fundamental right to freedom of association as guaranteed in Namibian Constitution (Iheme 2009).

- **Trusts and foundations:**

In Namibia these entities are governed by the Trust Moneys Protection Act 34 of 1934. A 'deed of trust' is a formal legal document which has to be registered with the Master of the High Court. Trusts are never membership organisations, but are governed by a Board of Trustees appointed by the trust. It is important to emphasise that registration does not confer legal personality on a trust: nothing in the Act changes the common-law position that a trust is not a legal personality, but the trust moneys and property are held in the name of the trustees for the benefit of the beneficiaries, thus registration confers legal protection to the beneficiaries in this respect. A trust is therefore registered but not incorporated. Interested members of the public are free to approach the office of the Master of the High Court to confirm the existence of a trust or to examine the deed of trust, as these are deemed to be public documents.

- **Section 21 companies or associations not for gain:**

In terms of Section 21 of the Companies Act 28 of 2004, a special type of privileged company limited by guarantee may be incorporated or formed for any lawful purpose other than commercial purposes. The purpose of such a company may be the promotion of religion, art, science, education, charity, recreation, or any other cultural or social activity or communal/group interest. Any profits must be used to promote the company's main objective(s), and the company must prohibit any payment of dividends to members. This is said to be the most widely recommended format for an NGO, as it gives both formality and clear accountability to the organisation. For Section 21 companies, more public reporting on company management and finances is required as compared to voluntary associations. For example, the accounts have to be audited each year, and must be available for public inspection. Section 21 companies are registered through the Ministry of Trade and Industry. Upon incorporation, the company acquires legal personality and is then obliged to file annual tax returns, including audited accounts.

- **Welfare organisations:**

Welfare organisations are governed by the Welfare Act 12 of 1979. The registration of such organisations falls under the remit of the Ministry of Health and Social Services – an arrangement which facilitates the specific recognition of an organisation as a 'welfare organisation', and also recognises its operation as a voluntary association, trust, foundation or Section 21 company (NPC 2005).

- **Other registration and/or incorporation:**

Certain Acts of Parliament require the registration and/or incorporation of certain CSOs. For instance, section 57 of the Labour Act 11 of 2007 requires trade unions and employer organisations to apply to the Labour Commissioner for registration.

The above makes clear that Namibia's legal framework permits CSOs to exist and operate within the confines of the law. And, by permitting CSOs to operate legally, Namibian law accords with the country's Constitution as well as its obligations under international law vis-à-vis providing significant and commendable protection for the fundamental freedoms of expression, association and peaceful assembly. In this regard, Namibian law closely

resembles that of South Africa, a country with which Namibia has close historic ties, whereas it differs to the position in other African countries, such as Tanzania, Zambia, Kenya and Uganda, where CSOs generally cannot exist lawfully if they are not registered (Itheme 2009).

4. Policy framework

National Development Plans and Vision 2030

Several of Namibia's national development plans, such as the Second and Fourth National Development Plans (NDP2 and NDP4) of 2002 and 2012, and Vision 2030 of 2004, acknowledge the need for government to engagement with CSOs. One of the major principles underlying Vision 2030 is 'partnerships', which are described as being forged between, inter alia, the government, communities and civil society (Government of the Republic of Namibia (GRN) 2004: 9). Further, Vision 2030 envisions a multi-party democratic Namibia where the principle of popular participation is well entrenched, civil society is vibrant, and the media are mature, investigative and free in their operations (GRN 2004: 17). Vision 2030 also acknowledges that sustainable development will require "*Namibians ... to work together and Government [to] facilitate and embrace the contributions of civil society*" (GRN 2004: 171). It is in this context that Vision 2030 emphasises the establishment and maintenance of partnerships between the government and civil society. NDP4, the most recent national development plan, essentially echoes these sentiments.

Namibia's Civic Organisations Partnership Policy of 2005

Namibia has no single registering authority for CSOs, which, as mentioned earlier, need to register with different ministries depending on their legal status and their activities. In 2005, however, Cabinet approved the Civic Organisations Partnership Policy, a major feature of which is its call for the formulation of a Bill that would eventually culminate in a Registration for Partnership Act. In the policy it is envisaged that such an Act would put in place a voluntary, parallel system of registration for CSOs wishing to enter into partnership with government (NPC 2005). Strikingly, even though the registration is described as being voluntary, the policy promises "*clear advantages to those organizations that do voluntarily choose to register*"

(NPC 2005). Another eye-catching provision of the policy, as correctly pointed out by Höhn (2010), is that the Registrar could refuse to list organisations or de-register them if they were deemed to be unaccountable. Höhn provides a succinct summary capturing civil society's reaction to the Registration for Partnership Bill of 2007. This eloquent summary warrants full quotation:

“The Partnership Bill was much discussed in all events NANGOF [the Namibian Non-Governmental Organisations Forum] organised in the first six months of 2008 and two events were entirely dedicated to the Bill, the Directors’ Forum and the National Consultative Conference on the Partnership Bill. The ‘Directors Forum’ was held in Windhoek in May 2008 and brought together a high number of heads of civic organizations. The plenary discussion at the beginning agreed quite quickly that the Partnership Bill was a veiled attempt by government to control the NGO sector and should be rejected. Participants felt that the entire rationale of the Bill was so against the interests of civil society that even a substantial redrafting would not lead to an agreeable outcome. They criticized that the Partnership Bill did not talk about partners but registration, and rendered all powers to the government to grant or refuse registration, which it could use to gate-keep organizations’ access to funding and recognition.” (Höhn 2010: 138)

It is worth noting that inasmuch as this proposed regulation of NGOs and CSOs can principally be understood from the viewpoint of good governance in terms of the stability and efficiency of state institutions and management, it can also easily be turned into an instrument to harass or silence dissenting voices (see World Economic Forum 2013). It is therefore easy to understand why CSOs would be suspicious of attempts to shrink their political space in this manner. Needless to say, any attempt to regulate NGOs and CSOs should be treated with caution since it would inevitably impact on some of the fundamental rights and freedoms accruing to these organisations.

5. Influence of international discussions and partners

The AU's Economic Social and Cultural Council (ECOSOCC) is a key body for enhancing coordination on the economic, social and culture-related work of the AU member states. ECOSOCC is mandated to promote continuous

dialogue between all sectors of the broader African community on issues concerning the continent and its future. ECOSOCC's overarching role is to support policies and programmes that promote peace, security and stability in Africa, and which foster the continent's development and integration, and advance and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms, and social justice. In carrying out this role, and particularly in promoting the participation of African civil society in the implementation of AU policies and programmes, ECOSOCC is tasked to forge strong partnerships between governments and all segments of African civil society, but especially with women, the youth and children, the diaspora, organised labour, the private sector and professional groups. It is also specifically tasked to promote, advocate for and defend a culture of gender equality, and to support and strengthen the institutional, human and operational capacities of African civil society.

6. Assessing the current situation

Namibian CSOs continually participate in national policy dialogues and policy formulation, albeit participation which is limited in scope and depth – not least because it is sometimes difficult for CSOs to gain entry to the fora where contributions can be made.

CSOs are an important link between the community and the government. Their contributions enhance government development efforts enormously, and have led to a substantial improvement in service delivery, especially to poor and marginalised communities in the country. Following is a summary of CSO involvement and development work in Namibia.

Healthcare provision

The country faces a number of serious health challenges, including high mortality rates, epidemics such as HIV/AIDS, malaria and tuberculosis, and a state healthcare system stretched to its limits. CSOs have not remained idle in the face of these challenges. They provide a number of healthcare services, including access to healthcare facilities, home-based care and mobile health units. There has been an especially strong NGO response to HIV/AIDS and the plight of orphans and vulnerable children (OVC). CSOs

deliver prevention, care and treatment services for people living with HIV/AIDS, and a substantial number provide care and support to OVC. Following are some specific examples.

- **Namibia Network of AIDS Service Organisations (NANASO):**

NANASO is a national network of service organisations and individuals working with persons infected with and affected by HIV/AIDS. The network supports and coordinates these 1 000 affiliates, contributing to training, advocacy, libraries, distribution hubs, community fora and networks, building communities' resilience to HIV/AIDS and bridging the gap between the national response and the local grassroots response. The diverse interventions of NANASO's members are geared to mitigate the scourge of HIV/AIDS, and as an umbrella NGO providing services to affiliates working with the pandemic at different levels, NANASO has adopted a range of strategies to enhance its response accordingly. These include building capacity, disseminating information, advocacy work, raising awareness, and training community workers who care for and support those infected with and affected by HIV/AIDS.
- **Church Alliance for Orphans (CAFO):**

CAFO is a national interfaith networking organisation affiliated with the NANGOF Trust. CAFO builds capacity, and empowers and encourages local churches and other faith-based organisations in Namibia to provide holistic care to needy OVC so that they may develop resilience and the ability to cope with the challenges particular to their circumstances. The support provided by CAFO largely comprises training in psychosocial support; advocacy and mobilisation; project and financial management; and providing grants and materials to members and their communities. Through these, CAFO provides support to OVC by addressing physical as well as social, spiritual, emotional and psychological needs.
- **PharmAccess Namibia:**

PharmAccess supports programmes and offers services in the areas of medical and administrative capacity building, health insurance, HIV/AIDS and healthcare workplace programmes, health investments and health awareness raising. Together with the Namibian Business Coalition on AIDS (NABCOA), PharmAccess helped to start the Bopohlo! wellness screening initiative and was the driving force behind the introduction

of low-cost health insurance to facilitate low-income earners' access to private healthcare. The organisation supports employers in HIV/AIDS education efforts, and runs a mobile health clinic under the Mister Sister initiative, which provides primary healthcare services to remote areas of the country.

Education

Despite the consistently high annual government budget allocations to the education sector, Namibia's education system remains beset by many challenges. To help improve the system, numerous CSOs are involved in providing various education services. They run schools and Early Childhood Development (ECD) centres, and are involved in programmes such as school governance training and out-of-school youth training schemes. More specifically, CSOs are involved in the following:

- **ECD centres:** CSOs finance and run ECD centres across the country. These centres help to build a strong foundation for Namibian children at pre-school level, which serves to improve efficiency in the education system at primary, secondary and tertiary levels.
- **Primary and secondary schools:** Schools financed and run by CSOs include church-built and state schools such as the Martin Luther High School, the Dobra High Schools, and the Jacob Marenga High School run by the Parenthood Association of Namibia. These schools serve to reduce the burden on government by providing Namibian children with basic education.
- **Training and mobilising parents and communities:** For the past decade, the Urban Trust of Namibia (UTN) has piloted school governance training and parent-community mobilisation modules under the Supporting Education through School Community Involvement and Training (SESCIT) Project. An evaluation of this UTN component of the SESCIT Project shows huge benefits and improvements, including increased parent and community involvement in schools (UTN 2002).
- **Skills training for youth:** Junior Achievement Namibia (JA Namibia) focuses on teaching the youth practical entrepreneurial, financial and life skills, and uses hands-on experiences to help young people to understand the economics of life. In partnership with business and educators, JA Namibia brings the real world to out-of-school youth, who are encouraged

to explore their entrepreneurial potential and acquire business skills that will help them to set up and run their own enterprises successfully.

Poverty alleviation and social protection

The most notable contribution of CSOs in the area of poverty alleviation was the initiation of a policy debate around the Basic Income Grant (BIG) and the piloting of the BIG in the settlement of Otjivero in Omaheke Region in eastern Namibia.

In 2004, concerned with the slow pace of poverty reduction in spite of many good initiatives and the Namibian Government's well-publicised commitment to reducing poverty, CSOs set up a coalition to promote a social grant for all Namibians. The BIG Coalition brought various umbrella bodies together, including churches represented by the Council of Churches in Namibia (CCN), trade unions represented by the National Union of Namibian Workers (NUNW), the NANGOF Trust and the Namibian Network of AIDS Service Organisations (NANASO).

In 2007, the BIG Coalition decided to implement a pilot project to move the policy debate forward and to produce real evidence of the benefits of a BIG. The project entailed providing each Otjivero inhabitant under the age of 60 with a monthly cash grant of N\$100 (around US\$12 at that time) without any conditions attached.

The pilot project showed tremendous results in improving the lives and livelihoods of the inhabitants of the impoverished Otjivero community. An impact assessment conducted in 2008 (i.e. a year after the implementation of the project), brought to light the following noteworthy developments: (Haarmann et al. 2009: 13-16):

- **Household poverty dropped significantly:** 76% of the residents fell below the food poverty line in November 2007, and this was reduced to 37% within one year of implementing the BIG.
- **The BIG greatly improved school performance:** between November 2007 and November 2008, the number of parents/guardians paying school fees more than doubled to reach 90%, non-attendance due to hunger or lack of finance dropped by 42%, and dropout rates fell from almost 40% to close to zero.
- **The BIG also improved healthcare:** it enabled residents to use the local clinic much more regularly to improve their health status.

Natural resource management

Many Namibian community-based organisations (CBOs) are involved in community-based natural resource management (CBNRM). The Namibian Association of CBNRM Support Organisations (NACSO) is an organisation comprising 15 NGOs and the University of Namibia (UNAM). NACSO provides quality services to rural communities seeking to manage and utilise their natural resources in a sustainable manner. The work carried out by NACSO on rural development projects in conjunction with NGOs – such as Integrated Rural Development and Nature Conservation (IRDNC), the Namibia Nature Foundation (NNF), the Namibia Development Trust (NDT), the Rössing Foundation and the Rural Institute for Social Empowerment (RISE) – has improved the livelihoods of rural communities by developing sustainable enterprises based on local tourism, crafts and natural products. This work contributes greatly to income generation and employment creation in the country's rural areas where unemployment is rampant.

7. Challenges and perspectives

Namibia has indisputably made significant strides towards institutionalising good governance, democracy and the rule of law since Independence. Many institutions have been established and policies and legal frameworks developed to promote and protect the realisation of human rights, especially political and civil rights. Challenges do remain though. For instance, women's participation in leadership and decision-making bodies remains generally low. There is also a growing apathy among citizens – in particular the youth – when it comes to engaging in issues of national concern. The decline in the voter turnout for the Presidential and National Assembly elections from 85% in 2004 to 68% in 2009 serves simply to illustrate this trend. Grinding poverty and the ever-widening levels of income disparity are also among the major challenges facing the country. The voice of the NANGOF Trust, needless to say, will have to become much more pronounced in addressing these and other issues confronting the nation. In charting the way forward, it is submitted that the NANGOF Trust should play a much more prominent role in advocacy to address the challenges confronting the nation. Such advocacy work should be centred around, at the very least, some of the following issues:

- **Poverty, unemployment and inequality:** It makes most sense to design CSO advocacy in the future around issues of redistribution of resources in favour of the poor. Practical issues would include: calls for introducing a BIG; participatory budgeting in favour of the poor; and advocating for rights-based approaches for the provision of housing, water, sanitation, healthcare, education and land, and for employment creation.
- **Allocations from the national budget:** The national budget is a critical instrument for articulating the government's short- and medium-term priorities for development. Key issues of concern in relation to national budget allocations include: financial resources for marginalised groups; poverty reduction efforts; the degree to which the national budget can be characterised as 'pro-poor'; and infrastructure development as a long-term sustainable solution to poverty reduction. Public participation in the national budget process has been minimal, yet international human rights law recognises and protects the right of every citizen to take part in the conduct of public affairs. The NANGOF Trust will thus have to do much more to secure its rightful public space to help ensure that the national budget indeed reflects the needs and aspirations of the people.
- **Democracy:** The handling of the wide range of constitutional amendments which were rushed through Parliament in 2014 raised serious concerns about a possible erosion of democratic governance in Namibia, and has pointed to the need to advocate for: improved citizen participation; an informed electorate at various levels of government; and increasing and evolving mandates for the political process. Further, linked to this issue of deepening democracy are the decentralisation issues of devolving power and access to decision making on resources to the regional and local levels.

Women's Empowerment in Namibia

By Lucy Edwards-Jauch

1. Introduction

There are contesting notions of women's empowerment. But regardless of specificities, women's empowerment is a multi-dimensional process that should ultimately give women access and control over resources as well as control over their own bodies. Crucial to any discussion of women's empowerment is the recognition that empowerment and disempowerment are connected on a continuum of unequal relations of power. The obvious question emerging is whether empowerment can occur without challenging existing power inequalities. Another is how or where to locate the causes and sources of disempowerment and inequality. Some regard empowerment as a personal journey towards self-fulfilment while others point to the structural economic, social, political and cultural systems that exclude different groups of women based on their different social locations. There is no doubt that since Independence in 1990, some women in Namibia have benefited from their improved legal status, land reform, social welfare policies, labour market policies, and education and training policies. However, many women remain extremely marginalised and excluded.

Women's empowerment is not a purely technical or politically neutral exercise. It takes place within a broader framework of patriarchy as well as racial, ethnic and class-based discrimination. Due to the intersections

between these different systems of oppression, certain groups of women have benefited more than others from the wide array of legal and policy changes. The disempowered status of a high number of women is reflected in the high levels of violence against women in Namibia. Women generally still face unequal participation in political and economic decision making. There are higher levels of poverty in female-headed households, and women are still concentrated in the lower echelons of the labour hierarchy in lower-paying, precarious work.

In Namibia the question of women's empowerment must be contextualised within the country's history of colonial, racial, ethnic, gender and class oppression. Most universalistic empowerment frameworks work on the basis of averages. Despite the many measures taken towards creating an environment conducive to women's empowerment, different systems of oppression intersect and affect different groups of women differently. The particular forms of exclusion, for example the situation of San women, may not be visible when averages are applied.

2. The situation at Independence

There is a historical trajectory that connects women's inequality from the pre-colonial period right up to the present. Despite the communal ownership of land, men controlled land use through gendered land-tenure and inheritance systems. The adult male received land from the chief (who acted as the custodian of communally owned land) and then in turn granted usufruct to his wife/wives, who provided most of the labour in the familial subsistence economy (Hango-Rummukainen 2000). Male control over key productive assets was the basis for male control over surpluses (Guy 1990 and Koopman 1995). Men could command the labour of women, controlling social surpluses produced by primarily female labour, and men could control women's sexuality as well as their fertility. The polygamous marriage afforded men the opportunity to control multiple female bodies, thereby increasing their wealth and status in the community (Guy 1990 and Koopman 1995). Various cultural practices reinforced this inequality (Jauch, Edwards and Cupido 2009).

During the colonial era, women's traditional subordination was retained and deepened through new forms of oppression. The migrant labour system in particular had a detrimental effect, for it forced them to take over tasks that

were traditionally performed by men. Women in horticultural communities had to cope with the burdens of child rearing, tending to subsistence crops and running extended households. Monetisation increased their dependence on remittances from their husbands. The system of patriarchal domination, which had been a feature of pre-colonial Namibia, was entrenched (Jauch, Edwards and Cupido 2009).

At the time of Independence, a large percentage of black women were employed as domestic workers, facing long hours of work, extremely low wages and a total absence of benefits and job security (SWAPO Women's Council 1988 and Becker 1995). This remains a feature of the current labour market situation of many women. Women did not have formal or substantive equality, nor did they enjoy freedom of movement. Prior to Independence, women were legally regarded as minors under patriarchal control. They could not enter into contracts in their own right (Hubbard 2007). A number of laws restricted the mobility of black people, especially black women and children, and stopped them from taking up co-residence with husbands and fathers in towns. The Native Labour Proclamation (1919), the Vagrancy Proclamation (1920), the Administration Proclamation (1922), the Native Passes Proclamation (1930), the Northern Natives Proclamation (1935), the Native Urban Areas Proclamation (1951) and the Aliens Control Act (1963) all controlled the movement of black people (Hishongwa 1991). These laws formed the basis of the colonial rulers' racist influx-control policies. Influx-control regulations made black people foreigners in urban centres, and black women and children had difficulty sharing common residences with their black husbands and fathers.

Women shouldered most of the productive responsibilities in the subsistence economies. Some argue that female labour in the subsistence economies subsidised cheap male labour in the capitalist economy and enabled super-exploitation of male labour, which in turn provided the basis for surplus accumulation during the early stages of the colonial capitalist economy (Wolpe 1978, as cited in Jauch, Edwards and Cupido 2009).

The migrant labour system weakened the conjugal relationships. Male migrant workers were considered to be part of their rural families and were still responsible for making key household decisions. However, they often entered into second or third concurrent relationships (formal and informal sexual unions) (Hishongwa 1991). Despite this, they remained the household heads of the rural homes from which they migrated, and still made the key decisions affecting the rural homesteads (Hango-Rummukainen 2000).

During their absence, their maternal relatives often controlled decision-making about their property, even when the wife/wives carried out most of the productive labour (Hishongwa 1991). The husband's maternal relatives also policed the sexuality of the wife/wives during his absence (Becker 1995). Labour migration increased women's workloads as female and child labour had to substitute migrant male labour. This often led to decreases in food production (Hango-Rummukainen 2000).

At Independence Namibia inherited a highly unequal society, with a Gini coefficient of 0.7 and 69% of the population regarded as poor. Women were particularly disadvantaged as they were subjected to discriminatory laws, harmful cultural practices, lower labour market participation rates, low incomes, high fertility rates, violence and restrictions on their movement (Jauch, Edwards and Cupido 2009).

3. Government policies that support gender equality and women's empowerment

As part of its domestication of various international protocols, the Government of Namibia has introduced various policies and programmes that support gender equality and women's empowerment – such as Vision 2030, the National Policy on Orphans and Vulnerable Children, the National Gender Policy and Plan of Action, and the National Plan of Action on Gender-Based Violence.

The National Gender Policy (2010-2016) sets the framework for the achievement of gender equality, in 12 priority areas: poverty and rural development; education and training; health, reproductive health, and HIV and AIDS; gender-based violence; trade and economic empowerment; governance and decision making; media, information and communication; environment; issues of the girl-child; peace-building, conflict resolution and natural disaster management; legal affairs and human rights; and gender equality in the family context. The policy also sets out the administrative systems and the gender machinery required for the implementation and monitoring of gender mainstreaming. The components of gender machinery introduced were: the Parliamentary Women's Caucus; Gender Focal Points in government departments; and Woman and Child Protection Units which deal mainly with gender-based violence. The Ministry of Gender Equality and Child Welfare is responsible for government gender and child policy formulation and programming (GRN 2010).

International protocols which Namibia has ratified

Namibia has ratified a number of international protocols which commit the country to the pursuit of gender equality and women's empowerment. Many of these protocols commit Namibia to legal and policy changes which end discrimination and bring about gender equality as part of the domestication process. These protocols include: the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Beijing Declaration and Platform of Action; the UN Convention on the Rights of the Child; the UN Convention on the Rights of Persons with Disabilities; the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa; the African Charter on the Rights and Welfare of the Child; the Protocol to the Convention Against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the SADC Protocol on Gender and Development (GRN 2012c).

4. Legal framework for the implementation of gender equality and women's empowerment

Constitutional articles supporting women's empowerment¹

- **Article 8** – confirms respect for human dignity and that no person shall be subject to torture, cruel, degrading or inhuman treatment or punishment.
- **Article 10** – a non-discrimination clause which grants all persons equality before the law and affirms that no person shall be discriminated against on the basis of sex, race, colour, ethnic origin, religion, creed, or social or economic status.
- **Article 14** – makes provision for men and women without limitation on race, colour, ethnic origin, nationality, religion, creed or socio-economic status to marry and found a family, and explicitly states that marriage can be conducted only with the free and full consent of the spouses (GRN 2012), thereby banning forced and child marriages.
- **Article 19** – affirms that constitutional rights are protected and the rights of one cannot override the rights of others.

¹ From *The Constitution of Namibia*, Legal Assistance Centre, 1998

- **Article 23** – acknowledges that women suffered particular discrimination and that they need to be encouraged and enabled to reach equality.
- **Article 66** – gives recognition to customary and common law marriages, confirming that those in force at the time of Independence are recognised as valid in so far as they are not in conflict with the Constitution.
- **Article 95** – commits the State to enact legislation which ensures equality of opportunity for women and enables their full participation in all spheres of Namibian society.

Legislation supporting women’s empowerment²

The following laws operationalise and further domesticate the constitutional provisions and policy frameworks for gender equality and the empowerment of women:

- **Local Authorities Act 23 of 1992** – ensures 30% women’s representation on party lists.
- **Social Security Act 34 of 1994** – makes provision for maternity benefits.
- **Traditional Authorities Act 17 of 1995** – calls for affirmative action in traditional leadership.
- **Married Persons Equality Act 1 of 1996** – seeks to bring about equality in marital powers.
- **Co-operatives Act 23 of 1996** – makes provision for women-only co-operatives and the participation of women in the management of any co-operative.
- **Affirmative Action (Employment) Act 29 of 1998** – seeks to bring about greater gender representativeness in the workplace and employment equity.
- **Combating of Rape Act 8 of 2000** – criminalises sex with minors and recognises marital rape.
- **Combating of Domestic Violence Act 4 of 2003** – sets out the forms of and protections against violence in domestic relationships.
- **Communal Land Reform Act 5 of 2002** – protects the rights of widows to land tenure, and seeks to prevent property grabbing and dispossession by relatives of the deceased husband.

² From *SADC Gender Protocol 2012 Barometer: Namibia*, Xoagus-Eises, Brown and Makaya, 2012.

- **Criminal Procedure Amendment Act 24 of 2003** – introduces special measures for vulnerable witnesses.
- **Labour Act 11 of 2007** – applying to all employees, makes provision for paid maternity leave and compassionate leave for death or serious illness, with a strong provision on sexual harassment.
- **Estates and Succession Amendment Act 15 of 2005** – makes the administration of justice more accessible to people, especially women, as it allows magistrates’ courts to settle disputes pertaining to small estates, and it seeks to remove racially discriminatory practices by giving the Master of the High Court the ultimate authority over all estates except in cases of intestate succession.

5. Influence of international discussions and partners

Defining empowerment

There are overlaps between the various definitions and concepts of women’s empowerment. The World Bank (2003) sees it as the process that enables “*individuals or groups to make purposive choices and to transform those choices into desired actions and outcomes*”. The World Bank identified four key areas for measuring women’s empowerment: access to information; inclusion and participation; accountability; and local organisational capacity. At a practical level this means that women are informed of laws, policies and measures which affect them, including the provision of government services and markets. In addition it means that women are able to participate in political and economic decision making, and are able to hold political and administrative leaders accountable (World Bank 2003).

The UN identified five components for measuring women’s empowerment: their sense of self-worth; their right to determine choices; their right of access to opportunities and resources; their right of power to control their own lives, both within and outside the home; and their ability to influence the direction of social change towards a more just social and economic order, nationally and internationally (UN Population Information Network (POPIN), undated).

The World Economic Forum (WEF) measures women’s empowerment by way of a Global Gender Gap survey which includes questions of inequality and unequal access to resources between men and women. It sets out four fundamental categories for measuring women’s empowerment (WEF 2006):

1. **Economic participation and opportunity:** This covers labour market participation rates (i.e. employment); remuneration gaps; advancement to managerial, technical and professional positions; and the quality of women's economic involvement. (Often women are concentrated at the lower rungs of the labour hierarchy in poorly paid, precarious and unskilled jobs with little possibility of upward mobility and poor working conditions. Women are also concentrated in certain caring professions such as teaching and nursing.)
2. **Educational attainment:** It is argued that access to educational and training opportunities will affect women's ability to access other resources, such as information, jobs, services, technology and income-generating opportunities.
3. **Health and survival:** There are differences between men's and women's abilities to access sufficient nutrition and healthcare, as well as sexual and reproductive health services. Women's safety and security are also threatened by high levels of gender-based violence, which in turn affect women's physical and psychological wellbeing.
4. **Political empowerment:** This encompasses the equitable representation of women in formal and informal decision-making structures which make laws, policies and programmes that affect them. Political empowerment is measured primarily by women's representation in political structures and state organs such as the legislature and the executive.

International debates on empowerment and social transformation

Crucial aspects of empowerment are power in itself and the need to transform unequal power relations. This brings into focus the political nature of power. Feminists take a more holistic and systemic view of empowerment, locating it in the context of relations of domination and subjugation. They challenge the oppressive use of power over women, and acknowledge the role that socialisation into patriarchal norms and values plays in the maintenance of the relations of domination and subjugation. Feminists argue that it is impossible to seek empowerment without challenging and transforming the dominant forms of power in society. This transformative approach to empowerment challenges the dominant economic structures and patriarchal cultural norms which reinforce women's subjugation.

Intersectionality Feminist theorists essentially point to the intersecting and interlocking systems of oppression which are based on gender, race,

class, ethnicity, nationality and sexuality. They take issue with universalistic approaches which assume that all women suffer oppression in the same way, which means that there is a need to recognise the particular exclusions suffered by different women, and a need for specific measures of redress to empower each marginalised group (Hill-Collins 1990).

To Page (1999), empowerment is a multi-dimensional social process that helps people to gain control over their own lives. Luttrell et al (2009) clarify some of these dimensions of empowerment as conveyed in Table 1.

TABLE 1: DIMENSIONS OF EMPOWERMENT	
Dimension	Components
Economic Empowerment	Ensuring appropriate skills, capabilities and resources to access secure and sustainable incomes and livelihoods.
Human and Social Empowerment	Gaining control over own lives and the ability to act on issues regarded as important to their lives.
Political Empowerment	Ability to analyse, organise and mobilise collectively to access rights and entitlements.
Cultural Empowerment	Redefining rules and norms and using culture as an entry point to focus on minority rights.

Source: Luttrell, Quiroz, Scrutton and Bird 2009.

African Feminist Sarah Longwe (2002) sees women's empowerment as a very political process which has the ultimate aim of women's control over resources and their own bodies. To Longwe, women's empowerment means overcoming the obstacles to gender equality in patriarchal societies. This means addressing the gender gap, i.e. the different socio-economic status of women in relation to men. The gender gap, however, cannot be addressed effectively if we do not tackle the question of systemic gender discrimination, which is society's different treatment of women in relation to men. Neither the gender gap nor gender discrimination can be addressed if we do not challenge the gender oppression that arises from patriarchal power and control within the home and in society. Empowerment is thus a process towards systemic transformation.

Longwe's Women's Empowerment Framework makes a very important contribution to policy discourse: it provides us with markers for measuring the extent to which women are empowered. Her framework also recognises women's own agency in their own empowerment process. This suggests that empowerment is something that women should struggle for and obtain themselves.

TABLE 2: SARAH LONGWE'S EMPOWERMENT FRAMEWORK (FIVE LEVELS OF EQUALITY)	
Level 1	Welfare: Women are seen as passive recipients of benefits to improve material welfare.
Level 2	Access: Access to resources within households and in the system.
Level 3	Conscientisation: Awareness raising or sensitisation of oppression suffered and the rejection of ideology that justifies gender discrimination as natural and unchangeable.
Level 4	Mobilisation: Collective action to remove discriminatory practices.
Level 5	Control: Decision making related to resource distribution, over own bodies and over own labour.

Source: Longwe 2002.

Liberal and liberating approaches to empowerment

There are several contradictions and paradoxes in the use of empowerment. Sardeburg (2008) distinguishes between *liberal* and *liberating* empowerment:

- Liberal empowerment depoliticises empowerment and focuses on its technical and instrumental aspects. It further privileges the individual over the group. This results in a rights-based approach that asserts individual rights and equality of opportunity. This liberal approach has grounded the interventions of multilateral and bilateral development agencies. It seeks to empower without challenging or transforming the nature of power itself.
- Liberating empowerment approaches seek to transform patriarchal power and structural inequalities that impede women's empowerment. Liberating empowerment narratives challenge patriarchal society and systems of social inequality such race, class, gender and ethnicity.

Understanding the structural inequalities based on race, class, gender and ethnicity helps to explain why some of the women's empowerment interventions thus far undertaken in Namibia have not substantially altered the situation of many poor, black and ethnically marginalised women.

International measures of women's empowerment in Namibia

There are a number of international benchmarks for measuring gender equality/inequality and women's empowerment in Namibia:

- **UNDP Gender Inequality Index (GII):** This index measures the percentage loss to potential human development suffered due to shortfalls in gender equality. UNDP introduced the GII as part of the Human Development Report in 2010. The GII is a composite measure that reflects inequality in achievement between men and women, with a number of indicators including maternal mortality ratios, adolescent birth rates, share of seats in parliament, secondary education and labour market participation rates. With a score of 0.450 in 2013, Namibia is ranked 87th out of 182 countries and territories in this GII (UNDP 2014).

- **UNDP Gender Development Index (GDI):** This index is a composite measure which is part of the Human Development Report and reflects disparity in human development achievement between women and men. It has three dimensions, namely health, education and living standards. There are a number of indicators under each of these dimensions, such as life expectancy at birth, mean years of schooling, expected years of schooling and per capita income. In this index Namibia fares much better than in the GII, with a score of 0.978 and a ranking of 36th out of 179 countries and territories (UNDP 2014).

- **WEF Gender Gap Index:** The WEF introduced this index in 2006. It rests on four pillars (WEF 2013a):
 1. Economic Participation, which includes labour market participation rates, remuneration gaps and women's advancement in managerial, technical and professional positions.
 2. Educational Attainment, which includes enrolment and literacy ratios.
 3. Health and Survival, which includes sex ratios at birth and life expectancy ratios.
 4. Political Empowerment, which primarily measures representation in political structures and organs of the state such as the legislature and the executive.

In 2013 Namibia ranked 44th out of 136 countries with a total score of 0.709 according to this measure (WEF, 2013b).

- **Millennium Development Goals (UNDP):** In September 2000 the United Nations General Assembly adopted the United Nations Millennium Declaration, which contains eight goals, of which two have a direct bearing on women's empowerment: the promotion of gender equality and

the empowerment of women; and the improvement of maternal health (UN 2000). The indicators for measuring women's empowerment are: the ratio of girls to boys in primary, secondary and tertiary education; the ratio of literate women to men; women's share in wage employment in the non-agricultural sector; and the proportion of seats held by women in national parliaments. Maternal mortality is measured by the maternal mortality ratio and the proportion of births attended by skilled health personnel (UN 2006). Out of the seven MDG targets for the achievement of gender equality, Namibia has already achieved three, namely pre-primary and secondary school enrolment ratios and literacy levels, and is on target for achieving two more, namely gender parity in primary education and women's 50% share in non-agriculture employment, by 2015. Targets which may not be achieved are parity in tertiary education and equal representation in parliament. With regard to improved maternal mortality, Namibia has already achieved the targets for skilled birth attendants (doctor, nurse or midwife) present at births. Namibia is also on target for reducing the unmet family planning need to zero, but is unlikely to achieve the 100% contraceptive and antenatal coverage or the reduction of maternal deaths to 56 per 100 000 live births (GRN 2013).

- **SADC Gender and Development Index (SGCI):** This index is an empirical measure based on 23 indicators in 6 sectors: governance; education; economy; sexual and reproductive health; HIV and AIDS; and media. The SGCI monitor the implementation of the SADC Protocol on Gender and Development in 15 countries. In 2012 Namibia ranked 5th out of the 15 countries (Xoagus-Eises, Brown and Makaya 2012).

Educational achievement

According to the SGCI, Namibia is one of the top five SADC countries in the education and training sector, with a score of 99%. There is no difference between male (85.4%) and female (85.1%) literacy levels (GRN 2013). In addition, girls perform better than boys at all levels of schooling (Xoagus-Eises, Brown and Makaya 2012). Net enrolment has increased from 89% to 99.6% since Independence. Between 1999 and 2004 there were 102 girls for every 100 boys in primary school. This figure decreased as from 2005 to 96 girls per 100 boys in 2013. However, there are regional variations in Namibia, ranging from the lowest female enrolment ratio of 92 girls to 100

boys in Oshikoto Region to the highest of 102 girls to 100 boys in Khomas Region in 2013. Girls also have higher promotion and lower repetition rates. This is reflected in a higher secondary school enrolment figure for girls, which stood at 112 females for every 100 males in 2013. Again there are significant regional variations, ranging from 91 girls for every 100 boys in Kavango to 119 girls to 100 boys in Ohangwena in 2013. Nationally girls represent 53.7% of all secondary school students (GRN 2013).

Ratios of females to males in education	Baseline	Latest status
Primary education (girls per 100 boys)	102 (1992)	96.4 (2012)
Secondary education (girls per 100 boys)	124 (1992)	112.3 (2012)
Tertiary education (girls per 100 boys)	162 (1992)	85.3 (2011)
Ratio of literate females (15-24 yrs.)	110 (1991)	103 (2011)
Pre-primary education (girls per 100 boys)	87.6 (2008)	101.2 (2012)

Source: Government of the Republic of Namibia, *Millennium Development Goals Interim Progress Report No. 4*, 2013.

In tertiary education the ratio of females is much lower than at school level (85:100), but here again there are institutional variances, according with the nature of the courses offered at different institutions. There is lower female enrolment in science, engineering, technology and agriculture. The enrolment differentials suggest gender biases and stereotypes with regard to curriculum access and choices (GRN 2013). At tertiary level women tend to conform to the stereotypical feminine fields of study, such as humanities, social sciences, nursing and teaching, while men dominate in engineering, agriculture and natural sciences (Xoagus-Eises, Brown and Makaya 2012).

Institution	Female enrolment (per 100 males)
University of Namibia	153
Polytechnic of Namibia	127
International University for Management	114
Zambezi Vocational Training Centre	82
Valombola Vocational Training Centre	61
Windhoek Vocational Training Centre	61
Rundu Vocational Training Centre	45
Okakarara Vocational Training Centre	39

Source: Government of the Republic of Namibia, *Millennium Development Goals Interim Progress Report No. 4*, 2013.

Although school enrolment rates are high, the retention rates for girls remain a problem. Girls drop out of school for various reasons, such as teenage pregnancy, early marriage, and domestic responsibilities and care work as a result of HIV/AIDS-related morbidity and mortality. Kavango, Ohangwena, Omusati, Oshikoto, Oshana and Zambezi Regions have the highest rates of teenage pregnancy. To mitigate the high dropout rates resulting from teenage pregnancy, the Namibian Government has adopted a policy which allows a girl to remain in school until four weeks before confinement, and to return as soon as she is ready after birth, provided that she and her child are healthy (Xoagus-Eises, Brown and Makaya 2012).

Higher levels of education and training should improve women's labour market participation rates. However, despite high budgetary allocations, the educational system has weaknesses which include low overall quality, inefficiencies and poor infrastructure in rural areas. Gender-based violence in schools and teenage pregnancies are stumbling blocks to girls' educational achievement. Therefore, more gender-responsive pedagogy in primary, secondary and tertiary institutions is called for (GRN 2013).

Women's participation in political decision making

There is a gender gap in men and women's participation in household (private sphere) and political (public sphere) decision making. Its accession to a number of international protocols commits Namibia to taking measures to promote women's representation in decision making, to eliminate barriers that restrict their participation, and to introduce targets and legislation to ensure gender parity in all areas of decision making. In the SADC Gender and Development Index, Namibia scored 58% and is ranked 6th out of 15 countries in the area of gender and governance. Although Namibia is above the regional average, it is still a long way from gender parity in political decision making (Xoagus-Eises, Brown and Makaya 2012).

Since 1999, civil society, under the auspices of the Namibian Women's Manifesto Network, has been campaigning for a 50-50 gender balance in politics and decision making (Frank 2005). It has also called for changes to the Electoral Act to bring about a 50-50 gender balance (!Khaxas and Frank, 2003). The first concrete step towards the realisation of 50% women's representation in political decision making was taken in 2013 when the ruling party, SWAPO, took the historic decision to elect 50% women to leadership positions in all party structures (Moses 2013). Since then, a number of other

parties have followed suit with their own zebra-style electoral lists, or at least have increased women's representation on the party lists. One can anticipate a substantial increase in women's representation in decision making at both national and regional levels after the national elections in November 2014. It is anticipated that the 50-50 zebra-style mechanism introduced by SWAPO and just one other leading party, the Rally for Democracy and Progress (RDP), will result in an increase to 43% women's representation in political decision making (Shejavali 2013). The SWAPO decision was not without controversy, however, as some members of the ruling party sought to block its implementation (Kaze 2014). Others called for the promulgation of a national law and constitutional changes that will compel all political parties to implement a 50-50 zebra-list mechanism (Hubbard 2014). The Namibian Non-Governmental Organisations Forum (NANGOF) has already made a formal submission to Namibia's Law Reform and Development Commission for such legislative change (Xoagus-Eises, Brown and Makaya 2012).

Office	Total number of Members/Councillors	Number of Women	Percentage of Women
Cabinet	26	5	19%
National Assembly	78	19	24%
National Council	26	7	27%
Regional Councils	107	13	12%
Regional Governors	13	3	23%
Local Authorities	323	135	42%
Mayors	30	8	27%

Source: Shejavali 2013.

Women's economic empowerment

Namibia scored 57% and is ranked 13th out of 15 countries in the SADC Gender and Development Index for women's economic empowerment and access to productive resources. This index measures participation in economic decision making, participation in the labour force, the male-female unemployment rate, the female share of non-agricultural labour and the length of maternity leave (Xoagus-Eises, Brown and Makaya 2012). This low ranking is no surprise in view of the following statistics which show gender gaps, unequal participation and unequal access in most of the aforementioned categories.

Women's participation in economic decision making

Women constitute around 21% of economic decision makers in key state and private sector positions (Xoagus-Eises, Brown and Makaya 2012). As Table 5 indicates, in the state sector women occupy only 21.4% of the top decision-making positions.

TABLE 5: WOMEN'S PARTICIPATION IN ECONOMIC DECISION-MAKING		
Position	Male	Female
Minister of Finance		x
Deputy Minister of Finance	Vacant	Vacant
Permanent Secretary of Finance		x
Minister of Mines and Energy	x	
Deputy Minister of Mines and Energy	x	
Permanent Secretary of Mines and Energy	x	
Minister of Trade and Industry	x	
Deputy Minister of Trade and Industry	x	
Permanent Secretary of Trade and Industry	x	
Minister of Lands and Resettlement	x	
Deputy Minister of Lands and Resettlement	x	
Permanent Secretary of Lands and Resettlement		x
Governor of the Bank of Namibia	x	
Deputy Governor of the Bank of Namibia	x	
Governor of the National Planning Commission	x	
Total	11	3
Percentage	78.6	21.4

Source: Adapted from Xoagus-Eises, Brown and Makaya 2012, and updated on 4 August 2014.

Table 6 (next page) shows that affirmative action legislation has not brought about equity in the top managerial positions in the private or public sector. It also shows the intersection between gender and 'race' as black women are the least represented in these positions. White men still dominate in the senior to middle-management job categories. Although black women have higher representation in the specialised skills categories such as teaching and nursing, these skills still do not translate into higher managerial and decision-making positions. The figures also show that black women, when employed, are concentrated in casual, temporary and seasonal work.

TABLE 6: WOMEN'S POSITION IN THE WORKFORCE, 2011/12										
Job category	BM	BW	WM	WW	MWDA	WWDA	NNM	NNW	Total men	Total women
Executive directors	156	68	346	80	6	1	79	18	587	167
Senior management	662	372	730	278	24	6	223	48	1639	704
Middle management	2799	3141	1208	754	41	22	338	78	4386	3995
Specialised / skilled / supervisory	4423	4557	1253	1027	50	23	471	160	6197	5767
Skilled	20283	20820	2052	1214	130	68	354	238	21819	22340
Semi-skilled	16552	11278	199	260	120	60	27	11	16898	11609
Unskilled	18636	13150	32	7	121	47	0	0	18789	13204
Total: permanent	63511	53386	4820	3620	492	227	1492	542	70315	57786
Casual / temporary / seasonal	17289	17885	253	241	25	10	141	47	17708	18183
Total	80800	71271	5073	3861	517	237	1633	589	88023	75969

Source: Employment Equity Commission, *Annual Report 2012*.

Key: BM = black men; BW = black women; WM = white men; WW = white women; MWDA = men with disabilities; WWDA = women with disabilities; NNM = non-Namibian men; NNW = non-Namibian women

Employment and labour market participation rates

Males in Namibia have a higher employment rate than females, and female unemployment is higher than male unemployment in both urban and rural areas. Key findings of the Namibia Labour Force Survey of 2013 include the following: unemployment is highest among young women in the 15-19 and 20-24 age groups; the number of women in the labour force increased by 74 715 between 2012 and 2013, whereas male employment increased at a much slower rate and by only 37 798 during the same period; the increase in employment occurred mainly in the rural areas; and male employment declined in the urban areas (NSA 2014).

The distribution of the labour force by sex (Table 8) shows that women are more represented in the trade sector (mostly informal-sector trading and retail), private households (domestic workers), the hospitality sector (hotels and restaurants), the education sector, and the health and social services sectors. These have traditionally been regarded as feminine and care-giving areas of work.

TABLE 7: FEMALE LABOUR FORCE PARTICIPATION AND UNEMPLOYMENT RATES, 2013		
Labour force participation – broad rate	Unemployment – broad rate	Unemployment – strict rate
Total: 73.6 Male: 74.5 Female: 72.0 Urban areas: 77.0 Rural areas: 70.3	Total: 31.0 Male: 26.7 Female: 34.9 Urban areas: 29.3 Rural areas: 32.9	Total: 20.1 Male: 18.1 Female: 21.9 Urban areas: 22.2 Rural areas: 17.5
Participation 15-64 years (%): 201		

Source: Namibia Labour Force Survey 2013 Report, Namibia Statistics Agency, 2014.

Of the own-account workers in the subsistence farming sector, males are more likely than women to have paid employees; women are more likely to be employed as unpaid family workers in the subsistence sector; unpaid family workers are more heavily concentrated in the agricultural-fishing sector (23 906) followed by private households (about 2 260); and women are more likely than men to be in precarious work (15% vs 8%) (NSA 2014). Thus, in addition to the question of whether or not women are employed is that of the *quality* of women's employment.

TABLE 8: EMPLOYMENT BY INDUSTRY AND SEX, 2013		
Industry	Female %	Male %
Agriculture and fishing	30.9	31.86
Mining	0.6	3.33
Manufacturing	3.1	6.44
Utilities	0.4	0.99
Construction	1.1	12.8
Trade	15.9	12.8
Transport and communications	0.7	0.93
Hotels and restaurants	8.0	2.72
Financial services	2.9	1.34
Real estate and business	5.8	6.74
Public administration	3.7	5.63
Education	7.9	4.31
Health and social services	3.5	1.39
Other services	2.8	2.4
Private households	12.5	4.33
Extraterritorial bodies	0.1	0.2

Source: Namibia Labour Force Survey 2013 Report, Namibia Statistics Agency, 2014.

Women and social reproductive labour

Eleven percent of Namibia's so-called "economically inactive" population are homemakers, of whom 78% (33 865) are female and 22% (9 774) are male. In both urban and rural areas, women are more likely than men to be considered "economically inactive". The term "economically inactive" is controversial, because the unpaid social reproductive work (domestic labour) carried out mainly by women is not acknowledged as work. In Namibia as elsewhere, this means that a large amount of social reproductive labour is invisible in the national income accounts system. Feminists have long called for an expanded notion of work to include this socially necessary reproductive labour – i.e. child rearing, caring for the sick and elderly, cooking, cleaning and other domestic responsibilities. Social Reproductive Feminists (SRFs) view care work as social reproductive work and argue that this work is crucial to the functioning of the economy and a prerequisite for production. Human needs exceed the purview of formal paid labour, and depend largely on labour which is informal and unpaid but socially necessary (Barbagallo and Federici 2011; S. Ferguson 2008). The call is therefore to eliminate the artificial separation between productive and reproductive labour, as social care is essential to human life and wellbeing (L. Ferguson 2013). SRFs see the struggle for society's recognition of reproductive labour to be at the heart of the struggle for social change. They call on society to allocate and distribute resources in recognition of this labour through the provision of a social wage for this reproductive work (Barbagallo and Federici 2011). A crucial factor to bear in mind is that, as female migration from rural areas to cities increases, the burden of reproductive labour falls disproportionately on elderly females (Folbre 2012).

Gender income gaps

The gender income gap generally reflects women's lower positions in the labour hierarchy. In Namibia, women earn less than men in every sector except the agricultural sector. In subsistence agriculture, women's labour is largely unpaid, but in commercial agriculture, women earn much higher incomes than men. It is also interesting that even in sectors where women have higher representation in the labour force, such as education, health and social services, men still earn more.

TABLE 9: MONTHLY MEAN WAGES (N\$) BY INDUSTRY AND SEX, 2013		
Industry	Female	Male
Agriculture and fishing	4 427	2 119
Mining	9 202	11 124
Manufacturing	4 719	8 319
Utilities	3 703	9 600
Construction	3 974	5 938
Trade	5 520	5 520
Transport and communications	16 158	19 723
Hotels and restaurants	4 790	4 790
Financial services	14 320	14 615
Real estate and business	6 065	6 141
Public administration	8 733	10 795
Education	9 494	15 235
Health and social services	8 749	10 735
Other services	3 374	23 693
Private households	970	844
Extraterritorial bodies	5 917	37 000
Total	6 125	7 315

Source: *Namibia Labour Force Survey 2013 Report*, Namibia Statistics Agency, 2014.

Women's health

- **Gender and HIV and AIDS:**

Since HIV testing started in 1992, Namibia has made a lot of progress in preventing HIV infection and providing treatment, care and support to persons infected with and affected by HIV and AIDS. The epidemic peaked in Namibia in 2002 when an HIV prevalence rate of 22% was recorded among pregnant women visiting state-run antenatal facilities (GRN 2012b). The epidemic in Namibia is “maturing”, meaning that HIV prevalence is neither increasing nor decreasing substantially (Kisting 2012). In 2012 the overall HIV prevalence rate among pregnant women was 18.2% (GRN 2012a), and prevalence in the general population was estimated at 13.5% (GRN 2012b). Although statistics cited may differ, there is general consensus that the number of new infections has declined significantly (GRN 2012b). The declines in morbidity and mortality are

attributed to the rollout of antiretroviral therapies and a very effective prevention of mother-to-child transmission (PMTCT) programme. In 2012 therapy coverage for PMTCT was at 97%, and Highly Active Antiretroviral Therapy (HAART) coverage was at 87% for children and 81.5% for adults (GRN 2012b). Although AIDS still accounts for about 18% of all deaths in Namibia (GRN 2012b), the number of annual deaths attributed to AIDS decreased from 10381 in 2002/3 to 5047 in 2011/12 – a decrease of over 50% (Smit 2012).

Key drivers of the epidemic remain: multiple and concurrent sexual relationships; inter-generational sex; transactional sex; inconsistent use of condoms; alcohol use and abuse; population mobility; gender inequality; and income inequality (GRN 2012b). Men are more likely than women to have multiple and concurrent partners; on average in Namibia, women will have 2.6 lifetime sexual partners whereas men will have 7.4 (GRN 2014).

HIV prevalence among women in the 15-24 age group has declined, and peak HIV prevalence has moved to older age groups, i.e. 30-34 years (30.8%) and 35-39 years (33.9%) (GRN 2012a). This shift is a result of the decline in death rates due to HIV-positive persons living longer, but it may also be an indication of new infections in these older groups (Kisting 2012), one reason for which could be non-use of condoms by married people or people in stable relationships (Nyangove 2013). In certain geographic areas in northern parts of the country there is a persistently high rate of new infections – Katima Mulilo 37.7%, Ohandjokwe 25.7%, Oshikuku 24.7% and Rundu 24.5% (GRN 2012a). The number of new infections is a matter of great concern (Nyangove 2013), not least because young women of reproductive age account for a large portion of newly infected persons (GRN 2012b).

The total number of orphans and vulnerable children (OVCs) in Namibia is estimated to be around 250 000, and generally women are the primary caregivers of these children (GRN 2012b). The 2011 Population and Housing Census report (NSA 2012a) indicates that 13% of Namibian children have lost at least one parent and 2.7% have no parents. The highest percentage (17%) of orphans is found in the northern regions of Oshana, Oshana and Oshana. The number of orphans in rural areas is almost double the number in urban areas. Female-headed households are more likely than male-headed households to take in OVCs. Generally the burden of care rests disproportionately on elderly heads of female-

headed households – in short the grandmothers (Sporton and Mosimane 2006). In many of the country's matrilineal communities, children are taken in by the maternal kin – most likely the maternal grandmothers, sisters or aunts.

- **Gender-based violence:**

Feminist theorists argue that women's bodily experiences reflect relations of social power (Harcourt 2002). Therefore it may be said that the high levels of gender-based violence (GBV) in Namibia are an indicator of high levels of inequality. Despite Namibia's impressive array of laws and policies, GBV remains all-pervasive and a blight on the country's efforts towards women's empowerment and gender equality.

The Namibia Demographic and Health Survey of 2013 found that: one in three or 32% of women aged 15-49 years had experienced some form of physical violence; married women are more likely than single women to be victims of violence; and women with less education are more likely to experience violence (GRN 2014). Statistics from 2010 show that 11 770 cases of GBV were reported countrywide, of which 85% were serious assault cases, 9% were rapes and 3% were murders (Smit 2013). The Legal Assistance Centre reported in 2012 that 36% of women in Namibia had experienced physical or sexual violence at the hands of an intimate partner (LAC 2012b: 16).

There is a pervasive silence about the violence and abuse. A World Health Organization (WHO) study found that 21% of physically abused women in Namibia did not disclose their experiences to anyone; and 67% did not approach any formal agency for any help – only 21% went to the police and only 22% visited medical facilities (WHO 2005).

Perpetrators act with impunity as the law is not always enforced, many cases go unreported, and many cases are withdrawn. Out of 811 reported cases of domestic violence in 2012, 788 were withdrawn by the female victims (Nyangove 2013). It is estimated that a third of all rape cases are withdrawn due to family pressure, fear of stigmatisation, shame and bribery. In some cases witnesses withdraw their statements. In the cases which go to court, there are low conviction rates (Coomer 2010). There is also a high level of societal tolerance of violence against women as demonstrated in Namibia's attitude towards wife beating. The Namibia Demographic and Health Survey (NDHS) of 2006-07 (GRN 2008) found that 35% of women and 41% of men agreed that wife beating is

justified in certain circumstances – for example when a wife burns the food, argues with her husband, goes out without telling her husband, neglects children, refuses her husband sexual relations or has sex with other men. In addition it was younger more than older men who felt that a man is justified in beating his wife.

- **Maternal health:**

The total fertility rate has fallen from 5.4 children per woman in the three years preceding 1992 to the current 3.6 children per woman. Fertility is linked to social class and educational levels. Contraceptive use ranges from 35% of women who have no education to 61% of women with more than secondary education (GRN 2014). The maternal mortality rate increased between 2000 and 2007 from 271 to 449 deaths per 100 000 live births (GRN 2014). Although this figure has since declined significantly to 200 deaths per 100 000 live births (UNDP 2014), it is still far from the MDG target of 56 per 100 000 live births. The main causes of maternal deaths are eclampsia, obstructed and prolonged labour, haemorrhage and complications of abortion. HIV and AIDS are the main indirect causes (WHO 2014). It is estimated that 20.7% of complications and 8.3% of maternal deaths stem directly from unsafe abortions (Xoagus-Eises, Brown and Makaya 2012). Relatively high maternal mortality rates and the inability to fully control fertility and reproduction impede women's control over their own bodies.

Gender and social security

Poverty remains a gendered phenomenon in Namibia. Forty-two percent of the country's households are headed by women, of whom 32% are likely to be poor. Women are 1.23 times more likely than men to be poor (NSA 2012c). Besides the informal security networks located in extended families and communities, Namibia has a number of contributory and non-contributory social protection schemes, including means-tested social transfers, food-for-work programmes and access-to-services programmes which target certain vulnerable groups (Chiripanhura and Nino-Zarazua 2013).

The contributory social protection schemes target mainly those employed in the formal wage economy, but often women fall outside this category as homemakers, unemployed persons, informal-sector workers, traders and communal farmers. There are entry criteria for these contributory schemes

– for example two days of continuous work for domestic and casual workers, and double contributions by the self-employed. Before members can access the benefits, they should have worked continuously for at least six months. This once again disadvantages informal-sector and casual workers. Data from the Social Security Commission shows that women draw more benefits from maternity and survivor pensions while men benefit more from sickness, disability and retirement claims – and the size of the claims is higher for men than for women (Keendjele and Mwilima 2006). The old-age pension officially known as the Basic Social Grant is the main source of income for 10.2% of all Namibian households. It is estimated that coverage of this grant stands at 95%. It is mainly households headed by elderly females which rely on this grant, and this grant is said to have the greatest impact on poverty reduction (Levine, Van der Berg and Yu 2009).

Namibia’s social security net allows for child welfare grants including a Maintenance Grant for biological parents (if the breadwinner has died or is incarcerated for more than six months), a Special Maintenance Grant for disabled children under the age of 16, and a Foster Care Grant for foster parents (Levine, Van der Berg and Yu 2009). Although there are many bottlenecks in grant administration, these grants are beneficial to women who are the primary caregivers of children.

Such social transfers are important for ameliorating economic hardship, but they do not place women in control of economic decision making and resources, which should be the aim of empowerment. In this sense the recently introduced Income Generating Activity Grant (IGA) administered by the Ministry of Gender Equality and Child Welfare holds more promise.³

TABLE 10: SOCIAL PROTECTION SCHEMES IN NAMIBIA (AS AT 2013)

Contributory social protection schemes	Non-contributory social protection schemes
<ul style="list-style-type: none"> • Pension funds (government and private) • Benefit funds (sick leave, death benefits, maternity) 	<ul style="list-style-type: none"> • Basic Social Grant (old-age pension) • Disability Grant • Funeral Benefit • Place of Safety Allowance • Special Maintenance Grant • Maintenance Grant • Foster Care Grant • Veterans Grant

Source: Chiripanhura and Nino-Zarazua 2013.

³ See <http://209.88.21.36/opencms/opencms/grnnet/MGECW/services/IGAFund.html>.

6. Assessment

Namibia's progress towards women's empowerment is mixed – ranging from tremendous in some respects to negligible in some.

The country has done extremely well at the level of formal equality and law reform, and has made great strides towards opening educational and training opportunities for women. However, the progress made in education and training has not yet translated into equality in political and economic decision making, nor in access to economic resources and control over those resources.

Significant progress has been made in establishing legal and policy frameworks for women's empowerment. However, as the laws and policies largely address questions of formal equality, they do not suffice to bring about substantive equality. Beyond legal reforms there are questions of structural transformation that need to be addressed. The impressive achievements in female male-female literacy ratios as well as primary and secondary school enrolment have not yet translated into equal participation in political and economic decision making and control over economic resources.

A substantial part of female labour is still not acknowledged, and thus is neither enumerated nor remunerated. The fact that women's work in the home and the subsistence economy is largely unpaid has a negative impact on their decision-making powers in the home and in society. Female vulnerability is linked to their lack of control over decent livelihoods. There is an urgent need to make the economy work for the majority of women as opposed to just the few. This requires a transformative approach to women's empowerment – one that takes into account the intersections between different structural dimensions of women's *disempowerment*. In the process of transforming existing relations of power, the social and economic systems that reproduce and sustain gender inequality and women's subordination should also be transformed.

Namibia has made good progress in reducing HIV infection rates, AIDS-related mortality rates and the prevention of mother-to-child transmission of HIV. However, women still lack bodily integrity. Their subordinate socio-economic status is reflected in their bodily experiences of gender-based violence, high levels of maternal mortality and insufficient control over their sexuality and fertility. To increase women's control over their own bodies, the uncomfortable questions of sexual diversity, abortion on demand, sex work and the culture of violence and silence have to be addressed.

The legislative and policy frameworks towards women's empowerment provide a good starting point, but there is a need to bridge the gap between policy formulation and intended outcomes. An important aspect is that of internalising the democratic values which underpin the legal and policy changes. Many of the legal and policy reforms were implemented from the top down, so as to uphold and domesticate commitments made through Namibia's accession to international protocols, hence the values of gender equality and non-discrimination have not sufficiently taken root among the citizenry. Perhaps the rub also lies in the fact that the policies in themselves do not go far enough towards transforming the unequal relations of power, and that the focus should now be on structural-level transformation towards women's empowerment.

7. Challenges and perspectives

Post-2015 Development Framework

In the light of criticisms of the liberal approach to gender equality, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) developed a Post-2015 Development Framework. This framework recognises the failure of the Millennium Development Goals (MDGs) to address the structural causes of gender inequality, and attributes the mixed results emanating from the implementation of the MDGs to the lack of policies addressing structural socio-economic inequalities (UNDP 2014).

This new framework commits to a transformative agenda for achieving gender equality and women's empowerment, with certain empowerment dimensions and related targets and indicators. These include: freedom from violence; capacities and resources; and voice in leadership and participation (UN Women 2013). This framework signals a departure from neo-liberal minimalist agendas, and acknowledges that macroeconomic policies have a direct impact on women's empowerment. It therefore proposes: more equitable and inclusive growth strategies; more labour market regulation to achieve decent work for women; and investments in services, infrastructure and social transfers towards social protection.

Namibia is likewise discussing additional goals for its post-2015 MDG agenda. These include: addressing inequality; promoting good governance; accelerating the decentralisation process; promoting sustainable development;

addressing climate change; and ensuring food security. Namibia has also stated its intention to intensify the focus on women, children, youth, the aged, people with disabilities and marginalised people (GRN 2013).

Outstanding legal issues

- **Formal and substantive equality:** There is still a big gap between formal equality and substantive equality (Hubbard 2007). The former is a precondition for the attainment of the latter, but is not sufficient to ensure it. Women are also subject to legal pluralism, and at local level customary law often outranks civil law in domestic relations and women's access to economic resources. De Vos (as cited in Hubbard 2007) argues that formal equality is blind to structurally entrenched inequality. It also ignores the actual socio-economic disparities between groups, and constructs standards which appear to be neutral but actually embody the experiences of privileged groups. This may explain why, despite legal reforms and the many government policies and programmes aimed at improving the position of women, gender inequality and marginalisation still persist.
- **Sexual diversity:** The Namibian Constitution does not explicitly mention discrimination on the basis of sexual orientation, thus it does not provide sufficient protection against discrimination for sexual minorities.
- **Sex work:** Sex work is still governed by the Combating of Immoral Practices Act 21 of 1980. Although it is not illegal in itself, sex workers can be prosecuted under a host of other laws. It is mainly women who are involved in sex work. The lack of a legal framework which speaks specifically to sex work undermines safe sex, and sex workers face abuse, violence and exploitation at the hands of clients as well as law-enforcement officers (Legal Assistance Centre 2002).
- **Family Law:** The Native Administration Proclamation 15 of 1928 makes marriage out of community of property the default system applicable to marriages contracted north of the "Police Zone". This law, which applies only to "natives" (indigenous Namibians), is unconstitutional because of its racist implications. Marriage out of community of property also affects the distribution of marital property in cases of divorce. The estate

is normally regarded as the property of the man, irrespective of the wife's contribution to it (GRN 2012d). Women married out of community of property cannot claim a stake in the marital property upon divorce, which leaves many women destitute upon divorce, and other women, for economic reasons, may remain locked in abusive marriages. In 2003 the High Court found that the proclamation should be amended or repealed because of its discriminatory nature (Xoagus-Eises, Brown and Makaya, 2012).

- **Legal pluralism:** There are also issues of legal pluralism with regard to marriage. There are no age requirements for customary marriages, thus pubescent girls can marry, in conflict with Article 14 of the Namibian Constitution. Customary polygamous marriage allows for polygyny but not polyandry, which is discriminatory towards women, but also polygamy provides less security for women. Customary marital practices also affect the inheritance and property rights of widows and children, by subjecting them to property grabbing by relatives. Customary marriage also permits levirate and sororate unions, which could also violate Article 14 of the Constitution (GRN 2012a).
- **Polygamy:** Polygamy is a contravention of a woman's right to equality with men. In view of the different customary marital regimes in Namibia, the Legal Assistance Centre has submitted proposals for law reform to create a unitary system in which the rules applying to civil marriages would apply to customary marriages as well. These rules include the consent of existing wives to subsequent customary marriages and the equitable distribution of marital property between all interested parties before subsequent customary marriages can be registered (Xoagus-Eises, Brown and Makaya 2012).
- **Reproductive rights:** Law reform in the area of reproductive rights has been slow. There are still many unplanned pregnancies, and two out of three births are unwanted (GRN 2008). The Abortion and Sterilisation Act 2 of 1975 severely restricts abortion. The law does not cater for unwanted pregnancy. It permits abortion only when there is a threat to the mother's life, or if the pregnancy is a result of incest or rape, or when there is a risk to the child's welfare or a risk of a mental or physical defect in the child. The restrictive abortion law should be weighed against the

maternal morbidity and mortality emanating from complications related to illegal and unsafe abortions. The Ministry of Gender Equality and Child Welfare has advocated for abortion to be legalised to prevent high levels of baby dumping as well as unsafe backstreet abortions which endanger women's lives (Hubbard 2007).

- **Law reform on political representation:** The Local Authorities Act 23 of 1992 and the Traditional Authorities Act 25 of 2000 promote women's representation in politics (Hubbard 2007), and the 2008 SADC Protocol on Gender and Development calls for 50% female representation in politics. However, despite Namibia's progress in increasing women's representation in politics, political parties are still under patriarchal control, with predominantly male leadership and patriarchal ideologies shaping their political culture. Some political parties do not have gender policies, and pay little attention to representativeness, and consequently still have only males in the top leadership positions and in parliament.
- **Enforcement:** There is a lack of enforcement of the array of laws which seek to promote gender equality. The persistently high levels of violence against women show that domestic violence and rape legislation is not enforced. It is estimated that successful convictions ensue in only one out of five alleged cases of rape. This increases impunity. There is also the question of access to legal services. People in households classified as poor have to travel an average distance of 24 kilometres to the nearest police station, which makes it difficult for them report cases of violence (Coomer 2010). The Communal Land Reform Act 5 of 2002 has improved the land rights of widows, but women are largely uninformed about their rights, and the provisions of the Act are not enforced. Consequently, women are still evicted from land which they have cultivated (Weidlich 2008).

8

Namibian Youth Ready for Change – “Viva the Future!”

By Peik Bruhns

1. Introduction

Today, youth are popularly referred to as “the beacons of hope” and “the leaders of the future”, and young people are perceived to be the sources of energy for renewal and change.

In Namibia, young people constitute the vast majority of the citizenry, and this was so at the time of Independence too. Yet, only in the Presidential and National Assembly Elections of 2004 – 14 years after Independence – did we see the first “born-frees” participate in elections. This means that the first generation not familiar with the liberation struggle is still very young.

All around the world, issues relevant to young people relate to education, health and employment, and more society-specific matters perhaps pertain to the availability of recreational opportunities and the levels of participation of young people in decision-making processes.

A valuable aspect of African culture is that of respecting and valuing knowledge and wisdom – and hence placing a high value on old age, in the recognition that old age denotes experience, knowledge and wisdom. At the same time, youth is similarly valued, because youth is associated with creativity, experimentation and action.

What do we mean by “youth”?

“Youth” is best understood as a period of transition from the dependence of childhood to adulthood’s independence and awareness of one’s interdependence as a member of a community. “Youth” is more a fluid category than a fixed age group.

However, it is easiest to define this group in terms of age, and particularly in relation to education and employment. Thus “a youth” is often defined as a person between the age at which he or she may leave compulsory education and the age at which he or she finds his or her first employment. This latter age limit has been increasing, because higher levels of unemployment and the cost of setting up an independent household place many young people in a prolonged period of dependency.

“Youth” can be defined differently for different purposes. For example, the UN, for statistical consistency across regions, defines “youth” as persons between 15 and 24 years of age, whereas for the purposes of the African Youth Charter (which applies in Namibia), “youth” means “every person between the ages of 15 and 35 years”.

Source: www.unesco.org

2. The situation at Independence, and government policies since

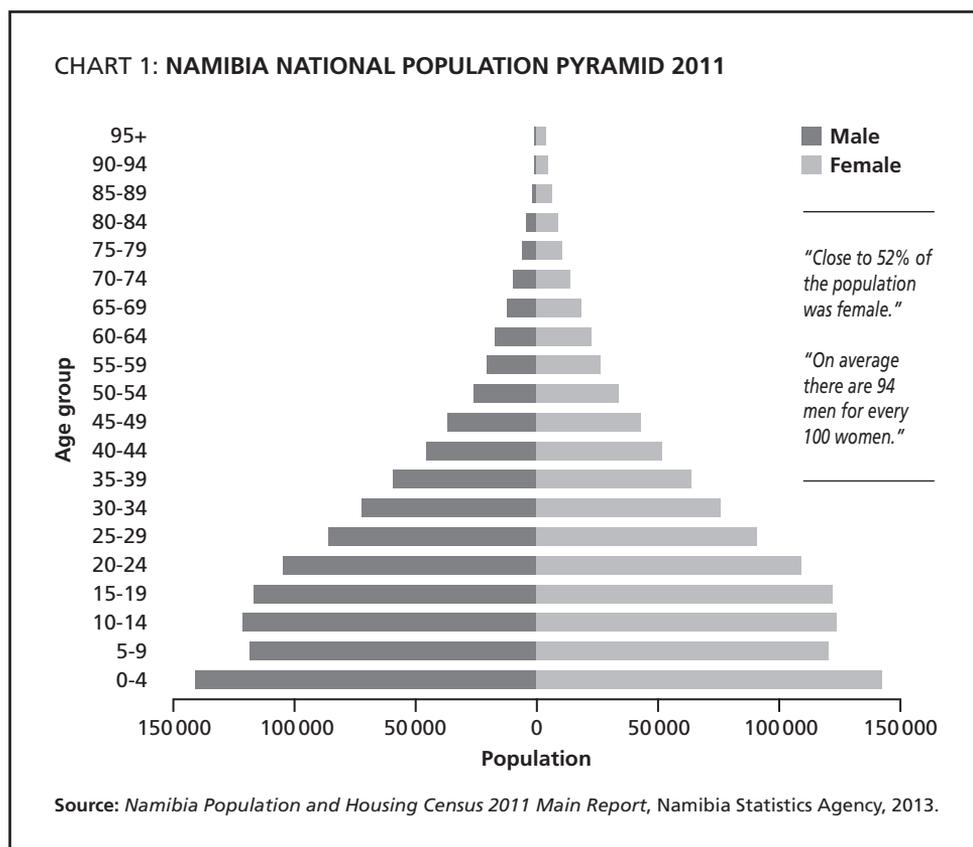
Young people, especially students, are heralded as important contributors to the liberation of Namibia – both individually, by boycotting various levels of apartheid, specifically “Bantu education”, and collectively through the Namibia National Students Organisation (NANSO).

NANSO was founded in 1984 as a non-racial, democratic and independent student (youth) organisation. NANSO had been organising from the basic understanding that there was a need for students, together with other strata of our society, to make education respond to the needs of the country and its people. Therefore, the formation of NANSO was a necessary development in the Namibian people’s struggle against colonialism and foreign domination. After Independence, however, the National Youth Council was formed as

a more broad-based approach to youth-relevant matters – but also in the wake of NANSO having gone through troubled times due to insufficiently adhering to corporate governance principles.

The National Youth Policy was formulated in 1993 and revised in 2006. The revised policy is “based on human rights and social justice while emphasising employment creation, financial support for young entrepreneurs and access to agricultural land”. It also deals with citizenship, disability rights, peace, security, education, environment and reproductive health (Weidlich 2006).

Africa’s population is said to be young, with 65% of the continent’s populace being under 35 years of age. In Namibia today, youth (age group 15-35) makes up nearly 40% of the ever-increasing population: in 1990 the population was 1.35 million, whereas the 2011 Population and Housing Census counted 2.2 million, of whom 38.2% were identified as “youth”, of whom 70% were under 30 years of age (Namibia 2011 Census Atlas, Namibia Statistics Agency, 2013).



Namibia's first post-Independence Minister of Youth, Pendukeni Iivula-Ithana, presided over the formation of the National Youth Council (NYC) in 1994, a result of the first National Youth Conference, during which the commitment to greater inclusion of youth in Namibian society was articulated and the National Youth Policy was introduced. The NYC is an umbrella organisation with affiliated youth NGOs and political-party youth leagues. It works together with government, civil and international bodies and the private sector. One of its key functions is to "*advise the Ministry responsible for youth affairs on youth matters*" (NYC official website). The National Youth Council Act 3 of 2009 converted this entity into a statutory body and provided the legal basis for the establishment of a youth forum in each of the country's regions. The NYC is a member of the Commonwealth Youth Council.

In 2002, President Sam Nujoma declared that "*education is a fundamental human right and all are entitled to receiving an education of good quality*" (*Education for All: National Plan of Action 2002-2015*, GRN 2002). This statement indicates how closely education is related to youth development, and while efforts have been made through the youth policy and the ministry to strengthen specifically the broad-based nature of youth development, education remains key to youth development.

Interestingly, although the majority of young learners are counted in the country's northern regions, the population of youth is by far the highest in the region where the capital is located. This is a clear indication that, upon completing their schooling, young people tend to migrate to the capital, leaving the rural areas.

It is also important to look at budget allocations. In 2013, *The Namibian* newspaper reported as follows:

"The Minister of Finance allocated N\$1.9 billion to the Ministry of Youth, National Service, Sport and Culture to be spent over a period of three years. This basically means an average of N\$635 million per year. What the nation needs to know and understand is that more than 87 percent of this budget allocation is spent on the ministry's personnel and operational expenses, which leaves less than 13 percent for the development of arts, sport and cultural activities for all Namibians. This situation, especially looking at the high unemployment among the youth, the unbalanced socio-economic environment and numerous challenges facing young people, is not sustainable in the long term." (Hangala, 26 March 2013)

Along the same line, Namibia's Vision 2030 includes a sub-vision for youth development:

“Namibia will be a just, moral, tolerant and safe society with legislative, economic and social structures in place to eliminate marginalization and ensure peace and equity and a conducive environment for child and youth development.” (GRN 2004)

Vision 2030 sets out two key objectives for youth development. These objectives point to the reality that youth development in Namibia is still very much under the influence of a most unequal society where the youth are the greatest sufferers. These objectives centre around levelling the playing field, firstly by creating opportunities for education and training – and in this context it must be appreciated that the national budget allocation for education has on average been higher than 20% of the total budget since Independence:

- *To ensure that all young men and women in Namibia are given opportunities for development through education and training, and motivated to take up entrepreneurial opportunities and are well equipped with skills, abilities and attitudes*
- *To ensure that children remain disciplined and have an inalienable right to survival.*

(Vision 2030, GRN 2004)

The second objective perhaps reflects a widely articulated underlying fear concerning a young educated population: “What if they become educated criminals?” This contemplation led to the formation in 2005 of another government organ tasked with youth development, namely the National Youth Service (NYS), which is discussed briefly in the next section of this paper.

3. The partners in youth development

The Ministry of Youth, National Service, Sport and Culture is the custodian of both the NYC and the NYS.

National Youth Council

In April 1994 at the University of Namibia, a national conference of youth called by the first Minister of Youth in independent Namibia, Pendukeni Iivula-Ithana, was attended by several youth and student formations, such as the Namibia National Students Organisation (NANSO), religious youth groupings, and youth wings of political parties. This was the platform which resulted in the resolutions to form the National Youth Council of Namibia (NYC). The primary purpose of the NYC then and to date is –

“... to address the challenges, opportunities and obstacles facing young people in Namibia and to foster among the Namibian youth a spirit of national identity, a sense of unity and self respect, as well as in depth awareness of social, economic, political, educational and cultural prospects and adversities.” (NYC official website)

The youth had played their role during the liberation struggle, and after Independence the discussion turned to how to develop the country, and how government should go about engaging the disenfranchised and diverse youth on matters of concern to them. The only way to do this was under one umbrella body that would cater for all of the youth.

The institution was to be non-governmental and free from government influence; it was to operate more or less like a parastatal, albeit receiving funding from government. The youth at the time of its formation demanded autonomy and non-interference from government, and its membership was diverse – composed of political-party youth leagues, traditional and cultural youth formations, sport and education bodies, and other civil organisations.

Contestation for control and leadership of the organisation grew. The first Secretary-General of the NYC was Phanel Kaapama (now a renowned political commentator and lecturer at the University of Namibia). He was succeeded by Pohamba Shifeta (now Deputy Minister of Environment and Tourism), followed by Juliet Kavetuna (now Deputy Minister of Youth), and then Mandela Kapere who is still serving, i.e. as Executive Chairperson of the Council and Chairperson of the Board.

In 2009 the NYC became a statutory body (established by the National Youth Council Act 3 of 2009), hence it lost its NGO status, but nonetheless has remained a largely membership-based organisation. Programmes run by the NYC are regarded as being much closer to the young people than other

development programmes in the country, not least because the NYC has a structure which enables it to reach the grassroots of society country-wide through its Regional Youth Forum Coordinators.

The NYC has been most successful in implementing its Youth Leadership Development Programme (with financial assistance from the Ministry), the goal of which is to close the gaps in society by providing specific needs-based training at local level in all walks of life.

NGOs such as Physically Active Youth (PAY) and the Young Women's Christian Association (YWCA) are important partners in the implementation of specific NYC programmes. International partners of the NYC have by and large focused on assisting in addressing the HIV/AIDS pandemic.

National Youth Service

The National Youth Service (NYS) was established by the National Youth Service Act 6 of 2005. Its mission and vision (NYS official website):

- *Mission: To deliver relevant national services and offer recognized skills training and personal development programmes to the youth through attaining the requisite institutional capacity while engaging in income generating ventures in line with national development goals.*
- *Vision: To be the dynamic sustainable youth service institution of choice contributing to socio-economic development.*

The NYS was conceived by Founding President Sam Nujoma, with a view to keeping the youth busy and providing them with career guidance and life orientation. It was developed as an instrument to give young people a stepping stone into independent life. The NYS receives large chunks of the budget allocated to youth development.

Critical voices state that more young people per year could be absorbed by this institution (a recent but undated brochure states that 2412 youth have been recruited into the NYS since 2008¹), and that it has started to function like an employment provider (e.g. by establishing a security company), thereby exploiting young people's passion and potentially competing with other companies operated by young people.

¹ *National Youth Service: Turning the Youth into Productive Citizens* (undated), accessed at http://www.nys.com.na/index.php?option=com_rokdownloads&view=folder&Itemid=79.

4. An assessment

Youth and education

Before independence, education in Namibia was characterised by inequality and fragmentation. Apartheid in education, training and culture led to differentiated access to employment and hence to wages. Learner-teacher ratios varied from 13 to 1 in schools under the “Administration for Whites” to 37 to 1 for schools under the “Administration for Ovambos”. Inadequate provision for teachers and buildings meant large classes, often in excess of 50 learners. Books and teaching aids were also in short supply. The result of such severe limitation was a high dropout rate and frequent repetition of grades.

Namibia’s education must thus be seen in a historical context whereby “Bantu education” largely shaped the knowledge base of today’s teachers, and educational infrastructure was predominantly available to “whites only”. Schools and classrooms had to be built, hence commitments to education in the national budget since Independence have always been above 20%.

Additionally as an automatism of liberation, elements which appeared to have functioned well during the colonial dispensation, such as physical and religious education, were discarded because they were just reminders of the ‘evil past’.

And, as World Bank surveys reveal time and again, the absence of regulated pre-primary education has had a vastly underrated detrimental impact on subsequent education. Fortunately the latter has been addressed in the meantime. Table 1 summarises available statistics which provide for a better understanding of the education situation of young people in Namibia.

Youth (15-24 years) literacy rate (%) 2008-2012, male	83.2
Youth (15-24 years) literacy rate (%) 2008-2012, female	90.6
Number per 100 population 2012, mobile phones	103
Number per 100 population 2012, Internet users	12.9
Secondary school participation, net attendance ratio (%) 2008-2012, male	46.5
Secondary school participation, net attendance ratio (%) 2008-2012, female	61.5
Use of mass media among adolescents (%) 2002-2012	86.3

Source: UNICEF Namibia, “Social Buckets” (accessed at www.socialbuckets.com), 27 December 2013.

The reading is promising, but statistics often tell only half the truth. The high literacy rate (near 100% for both sexes) is commendable, but the quality of education remains questionable, and has a great adverse impact on future opportunities. This is perhaps best substantiated by the statistic that 12.3% of all teachers were without any qualification in 2006 (Hanns Seidel Foundation Namibia 2010).

A major milestone for education in Namibia was the abolition in 2012 of the requirement that primary school learners attending government schools “contribute” to the School Development Fund (i.e. pay school fees). This means that the government has implemented the constitutional right of free primary education (Article 20 of the Namibian Constitution) – although in practice there are many other education-related costs which still pose a barrier for many children.

Mobile phone use is very widespread, thanks to fairly good network coverage across the country. However, this seems not to result in greater use of the Internet, which today can be regarded as one of the superior tools for education and self-education. This lack of access is due in part to very high costs for accessing the Internet, thus e-learning and related measures remain far from achievable in Namibia.

A health-conscious youth

A healthy nation can be a productive nation. One of the greatest challenges that the post-Independence government has had to face relates to health, in that the HIV/AIDS pandemic has posed a threat to the general social fabric. On numerous occasions Namibia has been singled out as a better-practice example in respect of tackling the pandemic, in view of the widespread access to antiretroviral (ARV) treatment facilitated by the public health sector. Prior to this positive development, Namibia featured among the countries with the highest prevalence of HIV/AIDS, especially among young people.

Life expectancy in Namibia dropped to as low as 47 years just after the turn of the century, but has now stabilised at well above 60. Although the fight against HIV/AIDS is far from over, this statistic can surely be regarded as one of the most noteworthy successes of the post-Independence era.

Basking in this success must not lower commitment: recently ARVs were not dependably available, and this can very quickly have massive impacts on any demographic statistics. The following statistics from Namibia’s latest Millennium Development Goals report confirm this: in the period 2000-

2008, the HIV prevalence rate declined in the 15-19 and 20-24 age groups, from 12% to 5.1% and from 20% to 14% respectively (GRN 2013).

More recently issues around gender-based violence and domestic violence have come to the fore – often dominating the news headlines. The relevant statistics are surely sobering, but the society as a whole is struggling to find solutions to a problem which cannot be treated with a medicinal remedy.

Table 2 suggests that domestic violence is still very much a cultural issue in Namibia, and one can assume from the high percentage of young people who justify this form of violence that the hierarchical domestic structures, which often allow the head of the household to lead in a threateningly coercive fashion (“my way or the highway”), are a significant contributor to this social-health-related challenge.

Also to be taken into account are the fast-changing power relations between men and women, whereby more and more women are ‘comfortable in their own skins’ and no longer regard themselves as mere appendages of men. This certainly also has an economic dimension: for the first time in the history of various Namibian ethnic groups, women can own their own property and their incomes can be higher than those of men.

Teenage pregnancy remains a health-related challenge country-wide, but especially in Kavango Region: a recent USAID study revealed that the teenage pregnancy rate in Kavango was more than double the national average, at 34% in the 15-19 age group, the national average being 15% (USAID 2011). The study found that 91% of teenage pregnancies were unwanted. Although 98% of young people were informed about contraceptives, only 8.7% used any. Although the national use of contraceptives by women stands at a fairly high rate of just over 55% (see Table 2), this cannot be said for young women in rural areas.

The suicide rate in Namibia is one of the highest in the world. Information gathered by Windhoek-based clinical psychologist Shaun Whittaker put the total number of suicides in 2013 at 473 (389 men, 69 women and 14 teenagers²) (Kisting 2014). Across the globe, the average suicide rate is 16 per 100 000 people; in Namibia it is 22.5 persons per 100 000. Interviewed by *The Namibian* newspaper, Whittaker stated that “*Suicide in Namibia is not decreasing,*” and the rate in Namibia is “*still amongst the highest in the world*” (Kisting 2014).

Lastly, after Independence Namibia was referred to as “the Land of the Brave”, in view of the arduous yet successful liberation struggle and

² One case is unaccounted for in these figures reported in *The Namibian* on 18 March 2014.

the harsh climatic conditions in this largely arid country. But today, many mockingly refer to Namibia as “the Land of Drunkards”. Abuse of alcohol and drugs may be an automatic consequence of the relatively limited social and socio-economic opportunities for young people, but nonetheless it is an enormous threat to the country’s social fabric. For a long time, alcohol-related businesses were perceived as the businesses flourishing the most, and little or nothing was done to curb the burgeoning of outlets. In most communities today, shebeens are the only recreational facilities found, and the centre of social life.

TABLE 2: HEALTH-RELATED STATISTICS, NAMIBIA 2013	
Justification of wife-beating among adolescents (%) 2002-2012, male	44.2
Justification of wife-beating among adolescents (%) 2002-2012, female	37.6
Justification of wife-beating (%) 2002-2012, male	40.8
Justification of wife-beating (%) 2002-2012, female	35.2
Comprehensive knowledge of HIV among adolescents (%) 2008-2012, male	58.5
Comprehensive knowledge of HIV among adolescents (%) 2008-2012, female	62.2
Contraceptive prevalence (%) 2008-2012	55.1
Total fertility rate, 1970	6.5
Total fertility rate, 1990	5.2
Total fertility rate, 2012	3.1
Under-5 mortality rate, 1970	97
Under-5 mortality rate, 1990	73
Under-5 mortality rate, 2000	73
Under-5 mortality rate, 2012	39

Source: UNICEF Namibia, “Social Buckets” (accessed at www.socialbuckets.com), 27 December 2013.

Economic development

Since the political liberation of this nation, the need for economic liberation and prosperity has been highlighted now and again. The importance thereof is best described by Namibia’s the screamingly high youth unemployment rate, which, according to the *CIA World Factbook* of 2012, is the second highest in Africa, at 42% – not far behind South Africa’s 51.5% – whereas Tanzania with 9% and Madagascar with 2% youth unemployment are doing justice to their youth by effectively addressing their need to be employed.

TABLE 3: UNEMPLOYMENT IN NAMIBIA (BROAD DEFINITION)					
Categories	1997	2000	2004	2008	2012
Overall unemployment	34.5%	33.8%	36.7%	51.2%	29.6%
Youth unemployment (age 15-35)	58%	67%	61%	75%	41%

Source: Namibia Labour Force Surveys of 1997, 2000, 2004, 2008, 2013.

There is a clear link between unemployment and educational attainment. Among those with no education, primary education and junior secondary education, the unemployment rate has reached 51%, and 67% among females. Unemployment rates among those with tertiary education are significantly lower – averaging at 5% (Namibia Labour Force Surveys 1997, 2000, 2004, 2008, 2013).

The potential explosiveness of the situation described by these statistics seems obvious: with living costs accelerating disproportionately, young people cannot afford to even start building a life for themselves, let alone build confidence around their professional capabilities. Hence they remain annexed to the parental cord for much longer periods, not fully experiencing the challenges of life.

Namibia's youth unemployment statistics reflect incapacity to create new jobs for young emerging employees – professional and semi-skilled. Many ask whether a youthful population is a risk or an asset,³ and in the case of Namibia this question is particularly pertinent: it seems that the current capacity of the Namibian economy poses a challenge for continuously absorbing sufficient numbers of school leavers and youth to prevent further deterioration of the situation of the country's young people.

Statistics indicate that the much-feared 'brain drain' of young people away from Namibia is still marginal, at 3%, but it is steadily increasing, and this poses a potential additional challenge. The question arising is whether a managed exchanged within a steadily globalising world is not actually beneficial to young people, in view of the scarcity of employment opportunities. If the seeking of 'greener pastures' for school leavers and young graduates results in their acquiring experience and additional skills, and simultaneously enables them to feed back into society, sending some young people into the rest of the world may not be a bad approach after all. The Caribbean may represent the best example of this approach: for a

³ See for example BBC News Africa, "Is Africa's young population a risk or an asset?", 29 January 2014, at www.bbc.com/news/world-africa-25869838.

very long time these countries have accepted that their young professionals strengthen systems around the world instead of remaining stuck in career channels back home – and their approach seems also to draw their people home once their professionalism has grown.

In many quarters in Namibia, self-employment is touted as the answer to unemployment, but those promoting it disregard the fact that not everyone is meant to be an entrepreneur – just as not everyone is meant to be a nurse or an academic. At the same time the small population makes for such a small local market that one wonders what businesses all the self-employed youth should venture into. Given that access to employment is so scarce, self-employment is certainly an important outlet for the few with the relevant inclinations, but it is not ‘the answer’ to unemployment in Namibia.

Similarly, in the more recent past, large foreign direct investment (FDI) opportunities were ventured into (such as the garment factory of Ramatex), but the lessons learnt are that the jobs created are not necessarily sustainable and the level of skills enhancement is minimal.

In this context the NYC’s Youth Enterprise Promotion Policy of 2004 must be singled out as a tool for curbing economic challenges faced by the country’s youth. Specific emphasis is placed on self-employment and the creation of small and medium-sized enterprises (SMEs), through a support programme which to date is promoted in collaboration with the Commonwealth Secretariat.

It is a great challenge to continuously improve the educational system so as to better prepare young people for the job market, and at the same time, the job market fails to offer entry opportunities to young people. This is even more the case in the rural areas, the result being rapid urbanisation and migration into urban centres (especially the country’s capital), which continuously increases the social pressures on the fast-growing urban centres.

The overall economic climate is increasingly conducive to the inclusion of youth in various spheres, hence a few young people are holders of fishing quotas, or owners or co-owners of Exclusive Prospecting Licenses (EPLs) or commercial farms and tourism ventures. Although this may not be an outcome of specific policy interventions, it is certainly an indication of a continuously growing commitment to empowering youth. However, the widely expressed fear is that only a selected few young people, such as those with the right surname or political connections, are beneficiaries of this economic-equality-enhancing development. Time will tell, but in any event, entities such as the Bridgehead Group (the commercial wing of the NYC) are challenged to ensure greater and broad-based participation in economic development efforts.

Participation – getting it right by listening to youth

Policies are more likely to succeed in moulding and serving tomorrow's citizens, decision makers and leaders if youth issues are well integrated into the national policy planning and implementation mechanisms. Giving young adults a good understanding of their roles and responsibilities in policy-making processes will serve to build their capacity to be responsible implementers in future.

Young people are the most important clients of decision making, so they should be consulted on any issue pertaining to their county's development, and openness to feedback from them is imperative. Since Independence, most of the Ministers of Youth have been elders, and this has produced an impression that young people's voices have not featured as prominently as necessary. The same impression emerged in the National Consultative Conference on Youth Development in 2010, as elders led the presentations and the youth were – more often than not – expected merely to comment.

Efforts to give young people a voice through mechanisms such as the Children's Parliament and youth councils at local authority level need to go beyond the tokenism of such efforts. Also, when attempting to clarify which parliamentary standing committee deals with youth-related issues, it must be recognised that these are cross-cutting issues.

There is a fear that a more participatory approach will result in youth hijacking decision-making processes, but with adequate planning this can be prevented. It is imperative to give young people genuine opportunities to express themselves and to raise their generational issues.

A common statement among young adults is that there is hardly a chance for a young person to rise through the ranks, as elders in those ranks are unwilling to give way. In a well-functioning society, generations build on each other's strengths, use each other's capacities and give space to each other.

5. Challenges and perspectives⁴

It can be concluded that there have been many very positive achievements since Independence regarding the development of Namibia's youth. At the same time, since the youth of any society are key to the future, and are the

⁴ As per the draft "Youth Agenda 2014-2020" developed by the NYC's Youth Leadership Development Programme (YLDP).

determining, decisive factor between success and failure, continued efforts are to be outlined.

The well-known youth activist and YLDP graduate, Mr Job Amupanda, recently offered an important perspective (in a telephonic conversation with the author on 15 September 2014):

“Youth Development has been an appendix in the overall development agenda as best reflected in NDP4 [Fourth National Development Plan], whereby specific, tangible and progressive ideas for the youth are rare. It has been problematic throughout that very often youth are not directly involved in developmental issues; more often than not consultants are hired to draw up development agendas, and youth positions are inserted as an appendix, as an afterthought. Generally speaking, youth development must not be seen in isolation, as it should form part of the overall developmental agenda!”

It appears to be urgently necessary that the youth themselves set out an agenda – as demanded by the Deputy Minister of Youth, National Service, Sport and Culture, Juliette Kavetuna. Perhaps then their voices can be better integrated into the overall developmental efforts which Namibia has so successfully undertaken since Independence.

Free quality education

- a. **Free education in all government high schools by 2018:** The laudable step of abolishing the requirement of paying school fees in government primary schools (as of 2012) has made primary education accessible to all, and pre-primary education (Early Childhood Development) is now integrated into the government structures. However, the costs of secondary and higher education remain prohibitive, and hence continue to divide society by condemning the poor to remain poor while the rich grow richer due to poor and good education respectively.
- b. **Build vocational training centres in all regions by 2020 to reduce youth unemployment:** The decay of the value of vocational training is tragic! Only recently has the entire nation become unwilling to work in any but ‘white-collar’ jobs. This this is destined to doom our economy. How will our society function without bakers, electricians, carpenters, farmers,

welders and mechanics? Students pursuing vocational careers are not celebrated, yet they are the backbone of productivity. Something has to be done to reverse this dooming development as a matter of urgency.

- c. **All eligible children must be in school by 2020:** Seemingly the number of children falling through the cracks is rising. Let us be conscious of the increasing number of orphans in our society, the high number of so-called “street children”, and children who live on the dumpsites. In some rural areas where nomadic people live, schooling has to be made still-more accessible. A question needing further interrogation is how true it is that primary education is offered in the child’s mother tongue.
- d. **Skilled professionals to teach and assist on social issues in schools by 2017:** Life skills, for example, should be taught as from a younger age. Many people in our society grow up traumatised. In newspapers we read every day about acts of brutality such as violence against women and children, which leave marks, not only on victims but also on witnesses, posing the risk of child witnesses being punished for the rest of their lives just by the impressions of violence imprinted on their minds – not to mention the risk of children growing up to be abusers themselves as a result of the example set for them. We have to urgently create space for acknowledging that human beings are social beings. Children are exposed to a host of life-related issues at a much younger age than they were just 20 years ago. We urgently have to review practices with a view to ensuring that children are adapting adequately to cope with life’s challenges in these fast-changing times.

Economic emancipation

- a. **Youth to have access to land and housing – a clear guiding strategy with step-by-step implementation by 2017:** Land and housing have become entirely unaffordable for the ordinary Namibian – including people with steady jobs and higher-than-average earnings. It is urgently important that young people, individually, are granted the basic human right of being connected to Mother Earth, but how can we fulfil this calling if we are denied access to her? As a first measure, a just approach to land access and affordable housing has to be agreed upon and then implemented.

- b. **Invest 40% of the education budget in entrepreneurship programmes for dropout/unskilled youth, rural-based youth and young professionals – including programmes to protect local SMEs:** Entrepreneurship is not a once-off event; it requires a range of support mechanisms to be fed in over time, but currently, more often than not it appears that only half-hearted support is provided. Young adults need to be trained to be confident enough to pursue their dream of being their own boss, and to open and succeed in running their own businesses. And then, such undertakings will be short-lived if opportunities to exercise what has been learnt are not created. Related to this is the matter of ‘mistakes’: some consider mistakes to be too costly to warrant further support, but if nascent entrepreneurs are not allowed to make mistakes, both an experiential learning journey and success are unlikely. Growth is a result of reflection, adjustment and courage.
- c. **Validation of existing employment registry mechanisms and inclusion of internship schemes by 2016:** In view of the staggeringly high youth unemployment rate, special avenues need to be created for guiding youth into employment. Often the reason cited for youth being unemployed is the absence of experience and exposure along with limited access to information. The employment registry and the recently established unemployment commission need to be advised on how best to reach young people and how to enhance systems to make young people prime beneficiaries. These entities could also devise and oversee a volunteer/workplace/internship attachment programme designed to bring the private sector and youth closer together. In this context, tax incentives for companies employing young people need to be investigated – a youth wage subsidy.
- d. **National skills survey every four years:** For as long as we don’t know what skills are currently available and what skills are needed for attaining our vision, we can’t plan. As Namibia has a relatively small population, it should be possible to assess what skills are available and where our focus in skills development should be in order to pursue specific plans. Once the skill gaps are identified, we can temporarily hire external capacity, but in the long run it is the young generation which should fill these gaps. This is the only way to prevent the ballooning of an already observed brain drain among Namibian young adults.

Youth participation ('full-ticipation')

- a. **Create a youth parliament by 2015 to give the youth a voice:** The current Children's Parliament is a commendable first step, but it has no teeth. A National Youth Parliament has to be established as a progressive voice of the future, and this platform has to be equipped with a proper mandate to advise on issues that the youth will be dealing with down the line.
- b. **Utilisation of existing youth centres NOW:** Problems are not solved by providing infrastructure and erecting nice-looking buildings. Youth centres have to be staffed by young people – ideally people educated in the area of youth development – and they should be places of vibrant activity, open after hours and on weekends. To achieve these aims for youth centres, the professionalised, holistic youth development approach must be taken, which has four components:
 - physical;
 - social;
 - emotional;
 - intellectual and creative.

The programmes (which may have to be offered by external service providers) should facilitate the following needs, activities and services:

- safe space to interact;
- youth-friendly health clinics;
- music and dance;
- cultural and intergenerational exchange;
- sports, physical exercise and play (i.e. games);
- reflection and learning;
- psychosocial support and training;
- business development services; and
- so much more.

Radical measures may be needed to make regional youth centres truly responsive to the needs of the youth, but whatever measures are needed, it is time for bold steps.

Youth health

- a. **Open and peer-based sex education:** Young people need to be allowed to acquire a genuine understanding of sexuality, especially seeing that most parents fail to provide support in this regard.
- b. **Rehabilitation and reintegration of young people caught up in alcohol/drug-related activities and/or who conflict with the law:** More and more young people are turning to drugs as a last resort, and drugs often lead to criminal activities. It is critically important to offer rehabilitation opportunities, and reintegration programmes for criminal offenders.

We will never beat the Americans at being American, the Europeans at being European, and the Asians at being Asian. But as Africans, we will always beat the rest of the world at being African – and we must excel as Africans. Africa needs to be *modernised* not westernised, on the solid foundation of *ubuntu*⁵ – only then can we help the world to become strong in the sphere of inclusive communities capable of combining peace, prosperity and freedom for all. For Namibia to attain this vision for itself as a first step, one thing *must* happen: the Namibian youth must speak with ONE VOICE, never divided by desire for money and power, but always united in showing one another the way to a prosperous future.

⁵ *Ubuntu* is an ancient African (Nguni) word meaning ‘humanity towards others’ or ‘human kindness’ or ‘human-ness’. It is an African worldview, which is usually explained this way: ‘I am what I am because of who we all are’, or ‘I am, because of you’, or ‘I am because we are’ – or in other words, it is the view that people can find fulfilment only through other people. Thus, *ubuntu* represents a spirit of kinship which unites all of humanity towards a common purpose; it connotes a universal bond of sharing that connects all humanity. (Information about *ubuntu* abounds on the Internet for those who wish to learn more.)

The Authors

(Profiles provided by the authors)



Paper 1: The State of Namibia's Constitutional Democratic and Multiparty Politics (1990-2014)

Phaniel Kaapama

Phaniel Kaapama is a lecturer in Politics, Governance and Development Studies at the University of Namibia. Previously he worked for Namibia's National Planning Commission, the Namibia Chamber of Commerce and Industry and the National Youth Council of Namibia.

He holds a Master of Science degree in Development Administration Planning from the University of Bristol. His primary areas of research are development theory and practice, the interface between transitional justice and politics, and agricultural land in post-conflict settings. He regularly provides commentaries on Namibian, African and global politics.



Paper 2: Namibia's Labour Movement After 25 Years of Independence

Leonard Kamwi

Leonard Kamwi has worked as an economic analyst for over a decade. His areas of expertise are investment research and management, policy analysis and economic costing. He studied Economics and Accounting, and is currently participating in the Chartered Financial

Analyst (CFA) programme of the CFA Institute. He has worked as an analyst at the Bank of Namibia, IJG Securities and Allan Gray, and is presently Head of Advocacy and Research at the Namibia Chamber of Commerce and Industry.



Paper 3: Namibia's Labour Movement After 25 Years of Independence

Herbert Jauch

Herbert Jauch has worked with the labour movement in Southern Africa for over two decades. He was a founder member of the Namibia National Teachers Union (NANTU) and served on its national Executive Committee as well as on various committees of the National Union of Namibian Workers (NUNW). For the past 18 years he has worked as labour researcher, carrying out research projects for the Southern African Trade Union Coordination Council (SATUCC) as well as Namibian and South African trade unions. He served as Director of the Labour Resource and Research Institute (LaRRI) from 1998 to 2007, and was LaRRI's senior researcher until January 2010. Since then he has worked as a freelance labour researcher and educator with various organisations in Southern Africa.



Paper 4: Social Protection in Namibia: Towards Establishing the Floors

Cons Karamata

Cons Karamata is a researcher on socio-economic issues with 10 years' experience. He holds a Bachelor of Economics degree from the University of Namibia, and post-graduate certificates in Economic Development and Free Trade Agreements, Social Protection Floors, and Social Health Care Financing (International Labour Organization, Turin). In Namibia he has worked for the Labour Resource and Research Institute (LaRRI), the Namibian Non-Governmental Organisations Forum (NANGOF), the United Nations Development Programme (UNDP), the Institute of Public Policy Research (IPPR) and the Social Security Commission.





Paper 5: The State of the Media in Namibia

Gwen Lister

Gwen Lister’s career in journalism commenced in 1975 with political reporting – at the height of South Africa’s occupation of Namibia. In 1985 she founded *The Namibian* newspaper, becoming the first woman newspaper editor in Southern Africa. As a strong and lifelong advocate of press freedom and free speech and expression, she co-chaired the UNESCO-sponsored conference in 1991 which authored the Windhoek Declaration on a Free, Independent and Pluralistic Media in Africa, and was a founder member of the Media Institute of Southern Africa (MISA) a year later. She is a recipient of a number of international and regional awards, including, among others, a World Press Freedom Hero Award from the International Press Institute (IPI) in 2000, and Courage in Journalism Awards from the Committee to Protect Journalists (CPJ) and the International Women’s Media Foundation (IWMF). After 26 years at the helm of *The Namibian*, Gwen handed over the reins in 2011. She remains active in media issues and journalism training, and currently serves as Chairperson of the Namibia Media Trust, which owns *The Namibian* (a non-profit newspaper) and also promotes media freedom as well as excellence in journalism in Namibia and further afield.



Paper 7: Women’s Empowerment in Namibia

Lucy Edwards-Jauch

Lucy Edwards-Jauch teaches in the Department of Sociology at the University of Namibia. She teaches a number of courses on gender and sexuality, sociological theory and social research methods at both under- and post-graduate levels. Her research interests include the socio-cultural aspects of HIV and AIDS, the gender aspects of HIV and AIDS, and the effects of AIDS-related morbidity and mortality on family structures. Other research interests include gender and economy, social equality, gender and sexuality, and gender-based violence.





Ivin Lombardt

Ivin Lombardt is the Chief Executive Officer of the Namibian Non-Governmental Organisations Forum (NANGOF) Trust. (NANGOF is a high-profile organisation which is widely considered to be leading the fight for social development and social justice in Namibia. It provides visionary and strategic leadership through well-established networks of NGOs to facilitate social development.) Over the years, Ivin has sharpened his skills and experience in various capacities, focusing on policy advocacy, organisational development, strategic thinking and leadership. In recent years his main area of interest has been international trade policy, and more specifically the issues of multilateral and bilateral trade policy, regional integration and tariff liberalisation. Prior to his work in Namibia's NGO sector, he worked at regional level – i.e. within the Southern African Development Community (SADC) – and with local authorities in Namibia.



John Nakuta

John Nakuta is the Director of the Human Rights and Documentation Centre (HRDC) of the Faculty of Law of the University of Namibia (UNAM). His academic responsibilities include lecturing in Human Rights Law, Administrative Law and Criminal Law. He holds post-graduate qualifications in Education and Law, and is a non-residential doctoral candidate (2015) at the University of Maastricht (in The Netherlands). John regards himself as a social activist, and is a regular writer on issues of human rights – particularly economic, social and cultural (ESC) rights – as well as constitutional law, democracy, elections and social justice. He also collaborates with government ministries and agencies, NGOs (local and international) and various UN agencies in his areas of interest.



Paper 8: Namibian Youth Ready for Change –
“Viva the Future!”

Peik Bruhns

Peik Bruhns worked for the first time at the age of 14 for a globally renowned fast-food chain, while living in Germany. After returning a few years later to his motherland, Namibia, he acquired a post-graduate degree in Systemic Organisation Development. His focus nowadays is on youth development, community development and training. Since 2006 he has been the principal designer of the Youth Leadership Development Programme (YLDP) initiated by the Friedrich-Ebert-Stiftung (FES) in partnership with the National Youth Council of Namibia. He operates mostly in Southern Africa. His list of clients is long – but stirring individuals’ hearts and minds is the impact he desires most from his work. He is passionate about his children and excited about them being ‘the future’.

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Abbreviations and Acronyms Used in this Book

AIDS	Acquired Immune Deficiency Syndrome	ECF	Employees' Compensation Fund
ACC	Anti-Corruption Commission	ECOSOCC	Economic Social and Cultural Council (AU)
APAI	African Platform on Access to Information	EPZ	export processing zone
APRM	African Peer Review Mechanism	FES	Friedrich-Ebert-Stiftung
ASSO	Association of Service Station Owners	GBV	gender-based violence
AU	African Union	GDI	Gender Development Index
BIG	Basic Income Grant	GDP	Gross Domestic Product
CAFO	Church Alliance for Orphans	GII	Gender Inequality Index
CBNRM	community-based natural resource management	GIPF	Government Institutions Pension Fund
CBO	community-based organisation	GNI	Gross National Income
CCN	Council of Churches in Namibia	GRN	Government of the Republic of Namibia
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	GSSA	Government Service Staff Association
CIA	Central Intelligence Agency	GUFs	Global Union Federations
COSATU	Congress of South African Trade Unions	HAART	Highly Active Antiretroviral Therapy
CRAN	Communications Regulatory Authority of Namibia	HDI	Human Development Index
CSO	civil society organisation	HIV	Human Immunodeficiency Virus
DMH	Democratic Media Holdings	ICJ	International Court of Justice
DOWATU	Democratic Organisation of African Workers Trade Unions	ILO	International Labour Organization
DTA	Democratic Turnhalle Alliance	IPPR	Institute for Public Policy Research
ECD	early childhood development	IRDNC	Integrated Rural Development and Nature Conservation

ITF	International Transport Workers' Federation	NANLO	Namibia National Labour Organisation
ITGLWF	International Textile, Garment and Leather Workers Federation	NANSO	Namibian National Students Organisation
ITUC	International Trade Union Confederation	NAPWU	Namibia Public Workers Union
JA Namibia	Junior Achievement Namibia	NATAU	Namibia Transport and Allied Workers Union
LAC	Legal Assistance Centre	NBC	Namibian Broadcasting Corporation
LaRRI	Labour Resource and Research Institute	NDP	National Development Plan
LRDC	Law Reform and Development Commission	NDT	Namibia Development Trust
MANWU	Metal and Allied Namibian Workers Union	NEPAD	New Partnership for Africa's Development
MDG	Millennium Development Goal	NEPRU	Namibia Economic Policy Research Unit
MISA	Media Institute of Southern Africa	NFRILF	Namibia Fuel Retail Industry Labour Forum
MSD	Maternity Leave, Sick Leave and Death Benefits (Fund)	NGO	non-governmental organisation
MSI	Media Sustainability Index	NHIES	Namibia Household Income and Expenditure Survey
MUN	Mineworkers Union of Namibia	NMBF	National Medical Benefit Fund
NABCOA	Namibian Business Coalition on AIDS	NNF	Namibia Nature Foundation
NACSO	Namibian Association of CBNRM Support Organisations	NPC	National Planning Commission
NAFAU	Namibia Food and Allied Workers Union	NPF	National Pension Fund
NAFAWU	Namibian Fuel and Allied Workers Union	NPSM	Namibia People's Social Movement
NAFTU	Namibia Federation of Trade Unions	NQA	Namibia Qualifications Authority
NAFWU	Namibia Farm Workers Union	NSA	Namibia Statistics Agency
NAM-MIC	Namibia Mineworkers Investment Company	NSHR	National Society for Human Rights
Nampa	Namibia Press Agency	NUNW	National Union of Namibian Workers
NANASO	Namibian Network of AIDS Service Organisations	NWICO	New World Information and Communication Order
NANGOF	Namibian Non-Governmental Organisations Forum	NYC	National Youth Council
		NYS	National Youth Service
		OATUU	Organisation of African Trade Union Unity

OPC	Ovamboland People's Congress	UN	United Nations
OPO	Ovamboland People's Organisation	UNAM	University of Namibia
OVC	orphans and vulnerable children	UNDP	United Nations Development Programme
PMTCT	prevention of mother-to-child transmission (of HIV)	UNESCO	United Nations Educational, Scientific and Cultural Organisation
RDP	Rally for Democracy and Progress	UNICEF	United Nations Children's Fund
RISE	Rural Institute for Social Empowerment	UNGA	United Nations General Assembly
RTW	Return to Work (programme)	UNSC	United Nations Security Council
SADC	Southern African Development Community	UNTAG	United Nations Transitional Assistance Group
SATUCC	Southern African Trade Union Coordination Council	USAID	United States Agency for International Development
SESCIT	School Community Involvement and Training (Project)	USD	United States Dollar
SGCI	SADC Gender and Development Index	UTN	Urban Trust of Namibia
SMEs	small and medium(-sized) enterprises	VET	Vocational Education and Training (Levy)
SOE	state-owned enterprise	WAN	World Association of Newspapers
SSC	Social Security Commission	WCG	Western Contact Group
SSC-DF	Social Security Commission Development Fund	WCL	World Confederation of Labour
SWA	South West Africa	WEF	World Economic Forum
SWABC	South West African Broadcasting Corporation	WHO	World Health Organization
SWAMU	South West Africa Mineworkers Union	ZAR	South African Rand
SWANLA	South West Africa Native Labour Association		
SWANU	South West Africa National Union		
SWAPO	South West Africa People's Organisation		
TUCNA	Trade Union Congress of Namibia		
UI	Unemployment Insurance (programme)		

