

Namibia's trade union movement: an overview

History, Challenges and Achievements

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Abbreviations

BAWON	Bank Workers Union of Namibia
DWCP	Decent Work Country Programme
FES	Friedrich Ebert Stiftung
GUF	Global Union Federation
ILO	International Labour Organisation
ITUC	International Trade Union Confederation
LaRRI	Labour Resource and Research Institute
MANWU	Metal and Allied Namibia Workers Union
MMMC	Metal, Mining, Maritime and Construction Union
MUN	Mineworkers Union of Namibia
NAFAU	Namibia Food and Allied Workers Union
NAFAWU	Namibia Fuel and Allied Workers Union
NAFINU	Namibia Financial Institutions Union
NAFWU	Namibia Farm Workers Union
NAMIU	Namibia Music Industry Union
NANLO	Namibia National Labour Organisation
NANTU	Namibia National Teachers Union
NANU	Namibia Nurses Union
NAPWU	Namibia Public Workers Union
NASAWU	Namibia Seamen and Allied Workers Union
NASGAWU	Namibia Security Guard and Watchmen's Union
NATAU	Namibia Transport and Allied Workers Union
NBWU	Namibia Building Workers Union
NCCU	Namibia Cabin Crew Union
NCSTU	Namibia Christian Social Trade Unions
NEDLAC	National Economic Development and Labour Council
NFI&FWU	Namibia Fishing Industries and Fishermen Workers Union

NDAWU	Namibia Domestic and Allied Workers Union
NPCWU	Namibia Parastatals and Civil Service Workers Union
NPSM	Namibia People's Social Movement
NUNW	National Union of Namibian Workers
NWRWU	Namibia Wholesale and Retail Workers Union
OPC	Ovamboland People's Congress
OPO	Ovamboland People's Organisation
PSUN	Public Service Union of Namibia
SATUCC	Southern African Trade Union Coordination Council
SU	Solidarity Union
SWANLA	South West Africa Native Labour Association
SWAPO	South West Africa People's Organisation
TUCNA	Trade Union Congress of Namibia
TUN	Teachers Union of Namibia

Foreword

Namibia's labour movement has a long and rich history. Since its formation it has supported the liberation struggle and it has also shaped the economic and social development since independence.

The Friedrich Ebert Stiftung (FES), on behalf of the German trade unions, has accompanied and supported the development of the Namibian Labour movement in the last three decades through education and training activities as well as various consultancies and research on policy issues.

Given the important role that trade unions have played and continue to play, it is surprising that a comprehensive up-to-date overview of the history, structure and achievements of the Namibian Labour movement is currently not available. This publication aims to close this gap and it is our hope that it will be of interest for the activists in the labour movement, for interested academicians, the media, politicians and the general public.

Our gratitude goes to Herbert Jauch, the author of this brochure, who has been with the Namibian labour movement since the late 1980s and who has published widely on labour issues in Southern Africa.

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1. A brief history of Namibia's trade unions

The Namibian labour movement has played a prominent role in Namibia's liberation struggle. During the colonial rule by Germany (1884-1915) and through much of South Africa's rule (1915-1990) workers from Northern Namibia were only allowed to work in the colonial towns such as Windhoek, Swakopmund, Walvis Bay, Tsumeb, Luderitz etc. if they had a contract with a particular employer. Such contracts were for a specific duration (usually 6-12 months) and workers were not allowed to choose their workplace. The colonial labour agency, the South West Africa Native Labour Association (SWANLA), classified workers according to age and strength and then allocated them to specific workplaces in the mining and fishing industry or on farms. Namibian contract workers could not take their families with them and had to endure highly exploitative working conditions. It was therefore hardly surprising that there was a lot of anger amongst migrant workers over their treatment and they became 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 politics are closely linked.

Strikes by Namibian workers during colonial rule were a reflection of the broader socio-economic struggles that Namibian workers waged during colonial rule. The contract labour system, locally known as "*okaholo*", played a central role in Namibia's labour history. The colonial laws did not allow black workers to form their trade unions and early attempts by workers to organize themselves were crushed by the colonial regime. The plight of contract workers from northern Namibia was then taken up by the Ovamboland People's Congress (OPC) that was founded in Cape Town in 1957 mainly by students and intellectuals. Migrant workers in the Namibian compounds (at mining and fishing companies) supported the OPC, which expressed their aspirations and in 1958 was transformed into the Ovamboland People's Organisation (OPO). Its key demand was to abolish the contract labour system. The OPO's 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 known as SWAPO. Its aim was to establish a unified, independent and democratic Namibia, free from colonial exploitation and oppression. Due to the political oppression at the time, SWAPO activities were actively suppressed by the colonial regime and many SWAPO leaders had to flee into exile.

One of the first countries to grant Namibians refuge was Tanzania. SWAPO held a consultative congress there in Tanga in 1969/70 and established several new departments 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 at 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.

The general strike of 1971-72

In the early 1970s it was virtually impossible to establish trade unions inside Namibia 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 as well as communications and transport systems. It demonstrated the potential of workers to take organised action in defence of their rights.

The general strike was triggered 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 classified accordingly by the colonial labour agency SWANLA. Breaking a contract was a criminal offence and workers had to stay under appalling conditions in the so-called "single-sex hostels". The general strike expressed long-standing grievances against the contract labour system. In addition, there were three key events that contributed to the strike:

- 21 June 1971: The International Court of Justice declared South Africa's occupation of Namibia as 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".

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.

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 80 km of the border fence with Angola and they attacked collaborators of the colonial regime. The deported workers formed a "Contract Committee" and set out their demands in a pamphlet. These demands 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, an end to discrimination based on a person's colour; the abolition of the pass law system; sufficient payment so that workers can buy their own food and pay for their own transport.

The state responded with a dual strategy. It attempted to replace striking workers with scab labour from the southern and central regions of Namibia. The state also resorted to increased oppression and brought in additional police and the army from South Africa to suppress the uprising. A state of emergency was declared in "Ovamboland" (the central northern regions) which was only partially relaxed in late 1977. The workers' hostels in Katutura were put under siege by the police and detention camps were set up all over "Ovamboland" for those detained (and tortured) under emergency regulations.

Although the striking workers did not have the organisational strength to carry on the strike for more than 6 weeks, it resulted in some (although largely cosmetic) improvements in working conditions and in the first public acknowledgement (by parts of business and the colonial state) of the need for trade unions for black workers. Some companies set up liaison committees to consult with their workers. Some employers even supported the establishment of trade unions as bodies that they could negotiate with. 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 (ibid).

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 operation. 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 administration of "South West Africa" known as the "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. Unions were, however, still prohibited from forming links with political movements and 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 the grassroots level. Community organisations emerged in response to the crises in housing, employment, health, education and social welfare. Community organising surged inside Namibia from 1984 onwards, focusing on the crisis in housing, employment,

health, education and social welfare. 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 political activists with a shield under which they could start organising workers. By 1985, workers and community activists had formed a Workers Action Committee in Katutura, which became the forerunner of trade unions.

The trade unions under the umbrella of the **NUNW** 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 the fight for independence. The first industrial union to be established was the Namibia Food and Allied Workers Union (NAFAU) in 1986, followed by the Mineworkers Union of Namibia (MUN) in the same year, the Metal and Allied Namibian Workers Union (MANWU) and the Namibia Public Workers Union (NAPWU) in 1987, the Namibia Transport and Allied Workers Union (NATAU) in 1988 and the Namibia National Teachers Union (NANTU) in 1989. The exiled and internal wings of the NUNW were merged during a consolidation congress held in Windhoek in 1989. At the time of independence in 1990, the NUNW unions inside Namibia 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 first democratic elections of 1989.

The NUNW played a prominent role during the liberation struggle and linked the struggle at the workplace with the broader struggle for political independence. It formed links with other social and political organisations such as women and students organisations. The NUNW understood its role as that of a social movement, which could not address workers issues separately from those affecting the broader community. Exploitation at the workplace was thus linked to the broader struggle against racial and political oppression.

Unions outside the NUNW

Several trade unions existed outside the NUNW since pre-independence. Some operated within a racist paradigm such as the white South West Africa Mineworkers Union (SWAMU) or as "apolitical" staff associations, for example the Government Service Staff Association (GSSA). Others were opposed to apartheid-colonialism and mobilised workers but refused to join the NUNW because of its political link with SWAPO.

Some of the unions outside the NUNW formed their own federation such as the Namibia Christian Social Trade Unions (NCSTU) which was affiliated to the World Federation of Labour. In 1992, this federation reconstituted itself as the Namibia People's Social Movement (NPSM) to accommodate workers who were not Christians. The NPSM formed an umbrella body for the Namibia Wholesale and Retail Workers Union (NWRWU) as well as the much smaller Namibia Building Workers Union (NBWU), the Bank Workers Union of Namibia (BAWON), the Namibia Fishing Industry Union and the Namibia Bankers Union. The NPSM unions financed their operations from membership fees but also received some funding for educational activities from outside sources such as the

World Confederation of Labour (WCL) and the Democratic Organisation of African Workers Trade Unions (DOWATU).

In 1998, a third trade union federation was formed consisting of the Public Service Union of Namibia (PSUN, the successor of GSSA), the Teachers Union of Namibia (TUN), the Namibia Telecommunication Union (NTU), the Local Authority Union of Namibia (LAUN) and the Namibia Seamen and Allied Workers Union (NASAWU). This federation became known as the Namibia Federation of Trade Unions (NAFTU) and drew the bulk of its membership from the public service. Workers in the manufacturing industries were in the minority.

In May 2002, NPSM and NAFTU merged to form a new federation called **Trade Union Congress of Namibia (TUCNA)** which brought together 13 affiliated industrial unions. The biggest affiliates are those operating in the public sector and in the fishing industry.

Namibia's third trade union federation, the **Namibia National Labour Organisation (NANLO)** emerged as a result of a split within the NUNW. The NUNW congress of 2010 was divided into 2 camps who took opposing positions regarding a dubious "write-off" of N\$ 650 million of loans given by the Government Institutions Pension Fund (GIPF). One camp pushed for strong action to be taken against the write-off while the other opposed any such move. A second issue which divided the NUNW was whether to support the proposed introduction of a Basic Income Grant (BIG). Although the congress resolved to support the BIG, expressed itself against the GIPF "write-off" and elected a new leadership, the infighting continued, virtually paralyzing the NUNW. Towards the end of 2012, the NUNW suspended its elected president and dismissed the general secretary. In a subsequent arbitration case, the dismissal was found to have been unfair and the NUNW was ordered to pay compensation. The former general secretary then proceeded to establish a new trade union federation under the name of Namibia National Labour Organisation (NANLO) which was registered in 2014.

2. The Namibian labour market

At the time of independence in 1990, Namibia was a country characterised by severe inequality. This was reflected in the distribution of wealth as well as access to services and resources. Just before independence (1988), Namibia's per capita income was US\$ 1,200 per year, an artificially high figure which was hiding the extremely skewed nature of income distribution. A more accurate figure for the majority of Namibians was given as around US\$ 750 for black workers in formal sector wage employment and US\$ 85 per capita for black Namibians in the subsistence sector. By contrast the incomes of whites, accounting for 5.1 percent of the population, was US\$ 16 500 per year, which was comparable with the per capita incomes in industrialised countries.

It is estimated that at Independence some two thirds of the population were living in conditions of absolute poverty, according to 1991 World Bank figures. The entrapment of the black majority in poverty was the product of a systematic system of labour exploitation. Black Namibians were denied the means to progress to higher levels within the labour market and were largely confined to wage labour at the most basic levels. Excluded from the bulk of managerial, professional and administrative jobs, and with wages being below the poverty level, black Namibians found it difficult to move beyond the confines of poverty. However, there was a hierarchy of poverty: the urban poor were better off than people living in peri-urban areas, who in turn were better off than rural families.

At independence, about half of the black working population were engaged in subsistence agriculture in the communal "homelands". Approximately 25% were lowly paid migrant workers, about 14% were employed as poorly paid domestic workers and the rest were either unemployed or engaged in a variety of informal sector activities.

The white population as a whole benefited from permanent jobs, subsidised housing, health care and superior schools, which were also racially stratified. Almost the entire white labour force had secured employment as professionals, managers, supervisors, technicians, civil servants or as business people in agriculture, industry, commerce and government. A far greater amount of money within the national budget was set aside for the white population. Expenditure on health care resources for the white population differed from that reserved for the black population at a scale of about 10:1. Similar discrepancies existed in the provision of pensions and education services.

Racial and class inequalities also had a substantial gender element. 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 on women as it forced them to take over tasks traditionally performed by men. They had to cope with the burdens of child-rearing, tending to subsistence crops and running extended households. Dependent on the meagre remittances from their husbands, a system of patriarchal domination, which had already been a feature of pre-colonial Namibia, was entrenched.

Where employment was available to black women, it came in the form of jobs as domestic workers, as well as menial employment as cleaners in companies. 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.

The colonial economy

At Independence, Namibia's economy was primarily a resource/extraction-based economy, with agrarian features. The mainstay of the economy in terms of exports and earnings was the mining industry, dominated by international and South African mining companies. The mining industry accounted for some 60 percent of exports, and 40 percent of state revenue. Three major mining groups dominated the industry, these being Consolidated Diamond Mines (CDM), Tsumeb Corporation Limited (TCL) and Rio Tinto Zinc Corporation. The British Rio Tinto Zinc Corporation was (and still is) the majority owner of the Rossing Uranium Mine, at the time the largest open cast mine in the world. All other major mining operations were controlled by South African interests.

The mining industry exemplified monopoly capital at work. It also served global imperial interests and entrenched the classical dependency relationship between the centre and the periphery of the global economy. It was notable for the complete absence of local value addition, or the formation of value chains, which would have benefited the Namibian economy. Without exception, the extracted mineral resources were transported straight to the production centres in the West, without any attempts at beneficiation. Where processing occurred, it contributed little to the formation of an industrial base, as the plants in which this occurred were capital-intensive and export-oriented. In the diamond mining industry, the raw diamonds were transported uncut and unprocessed to Europe.

The fishing and agricultural sector was the fourth largest contributor to Namibia's GDP after mining, general government and the retail trade. This sector was also dominated by international and South African interests. Blessed with resource-rich offshore waters, Namibia's fishing industry was subject to uncontrolled exploitation during colonial rule. From the 1950s onwards, when the first figures became available, South African fishing fleets engaged in a ruthless exploitation of Namibian fishing resources with little regard for the sustainability of the industry. This trend continued in the 1960s when foreign fleets entered the fray. At the time of Independence, Namibia's stocks of hake, pilchard and mackerel were seriously depleted.

At the time of Independence, agriculture supported about 70% of the population, directly and indirectly, and employed about 18.6% of the country's total formal workforce. Extensive stock farming was the dominant activity of commercial agriculture, accounting for 65% of the sector's gross value of output, with beef being the major product. Communal subsistence farming, on the other hand, sustained between 250 000 – 300 000 people (20-25% of the population) but its contribution to GDP was not captured in official statistics.

The "dual nature" of Namibia's agricultural sector is a direct result of the land dispossession of the black majority during colonial rule. These policies ensured that at the time of Independence 73% of Namibia's farmlands were owned by some 4 450 white

farmers while more than 100 000 communal farmers were restricted to 27% of the total farmland. The average size of a white-owned farm was 7 836 hectares, 23 times larger than the average black-owned cattle farm. In addition, white commercial farmers were effectively supported and subsidised by the colonial regime, while the communal areas were characterised by colonial neglect. The “dualistic” structure of Namibia’s agricultural sector is thus a result of systematic colonial policies, which simultaneously created wealth (for a minority) and poverty (for the majority).

Namibia’s manufacturing sector at Independence was underdeveloped, contributed a negligible share to the GDP (4-5%) and only employed about 9 000 people which represented about 5% of those in formal employment. About 70% of all goods produced in Namibia were food products while the rest consisted of wood products, textiles, furniture and transport equipment. Manufacturing firms were concentrated in urban centres and where mostly small-scale, employing only a few people. With the exception of small artisan and cottage industries, almost all manufacturing firms were owned by whites.

Table 1 shows the dominant sectors of the colonial economy (mining and agriculture) and how their proportional contribution to Namibia’s GDP declined since independence. On the other hand, the contributions of manufacturing and especially financial services, insurance and real estate to Namibia’s GDP increased significantly in that period.

Table 1: Sectoral Contribution to GDP in 1988/89 and 2016

Sector	GDP contribution in 1988/89 (%)	GDP contribution in 2016 (%)
Agriculture and fishing	10.7	6.3
Mining and quarrying	31.6	11.3
Manufacturing	4.7	11.0
Electricity and water	2.5	2.4
Construction	2.2	4.0
Wholesale and retail, trade, catering and accommodation	12.7	13.9
Transport and communication	6.3	4.5
Finance, insurance, real estate and business services	6.0	18.1
Community, social and personal services	1.9	1.9
General government	18.2	Not reflected as a category

Sources: World Bank 1991; Department of Economic Affairs 1988; NSA 2016.

After independence

Since independence, the Namibian government tried to implement various strategies simultaneously in an attempt to broaden the country’s manufacturing base and to address the burning problem of under- and unemployment. A government position paper of 1995 stated that: “*The Namibian economy is based on free enterprise and private initiative. The*

Namibian Government regards the private business sector as the engine of economic growth and has put in place policies and a legislative framework designed to stimulate private sector production. Multinational companies have been operating successfully in Namibia for many years. Foreign companies are free to repatriate capital, profits and dividends.. The Government of Namibia maintains prudent fiscal and monetary policies. As a result, Namibia enjoys one of the lowest levels of debt in the world, stable prices, and a healthy balance of payments position”.

The Namibian Government regarded export-led growth as the only viable strategy for sustainable economic development and thus supported trade liberalisation as an opportunity to gain access to larger markets. On the other hand, the government identified the SME sector and the informal sector as key sectors of job creation. These sectors face various structural problems and are characterised by low value output. The government wanted to provide assistance in various forms, including building of institutional capacity, provision of market places and transfer of technology. In addition, the government was willing to give temporary support for industries that have difficulties in acclimatising to globalisation – provided that they would be able to achieve sustainability in the long run.

Government focused on the promotion of selected industrial sectors with a comparative advantage in the export markets. These are fish processing, horticulture, cotton, tobacco, meat products, metals, industrial minerals, hides and skins, leather, crafts and hand-woven carpets. Government also tried to promote linkages between the SME sector and large enterprises in order to support domestic suppliers.

Employment

Table 2 compares the proportional distribution of employment by economic sector between 1988/89 and 2016. The pre-independence data however, exclude communal agriculture and thus underrate the actual employment in agriculture. Some trends can still be observed, for example that the pattern of employment essentially remained the same with community, social and personal services being the main sector, closely followed by agriculture and wholesale/retail/hospitality. Mining only contributes few jobs and even manufacturing’s contribution to employment was very limited at 6.6 percent in 2016. Thus despite the many attempts to create manufacturing jobs and to bring down the high rate of unemployment, Namibia’s success so far has been limited. Overall, employment in industry only accounts for about 14% of jobs compared to about 54% in services.

Table 2: Employment by sector in 1988/89 and 2016

Sector	Employment contribution 1988/89 (%)	Employment contribution 2016 (%)
Agriculture and fishing	18.6 (agriculture) 0.9 (fishing)	20.1
Mining and quarrying	5,4	2.2
Manufacturing	5,1	6.6
Electricity and water	0.7	1.4

Construction	6.9	9.3
Wholesale and retail, trade, catering and accommodation	15.9	16.8
Transport and communication	4.3	4.2
Finance, insurance, real estate and business services	2,3	4.3
Community, social and personal services	19,3	20.4
General government	20,6	Not reflected as a category

Sources: World Bank 1991; Department of Economic Affairs 1988; NSA 2016.

In terms of actual numbers, Namibia's population in 2016 stood at 2.324 million of whom 1.422 million were 15 years and older. The economically active population (which excludes students, pensioners, "homemakers" etc.) stood at 1,026,268 of whom 676,885 (66%) were employed in the following sectors:

Table 3: Employment by sector, 2016

Sector	Total number	%
Agriculture, forestry and fishing	135,832	20.1
Mining and quarrying	14,825	2.2
Manufacturing	44,419	6.6
Electricity and related industries	5,018	0.7
Water supply and related industries	4,512	0.7
Construction	63,005	9.3
Wholesale and retail trade	65,492	9.7
Transport and storage	22,175	3.3
Accommodation and food service activities	47,840	7.1
Information and communication	5,973	0.9
Real estate activities	1,163	0.2
Professional, scientific and technical activities	12,140	1.8
Administrative and support service activities	40,499	6.0
Public administration, defence, compulsory social security	30,260	4.5
Education	41,422	6.1
Health and social work activities	19,058	2.8
Arts, entertainment and recreation	4,143	0.6
Other service activities	43,211	6.4
Private households	59,113	8.7
Extraterritorial organisations and bodies	1,232	0.2
Total	676,885	100

Source: Labour Force Survey 2016

In 2016, almost half of all workers were employed in private companies (48.5%), followed by employment in private households/by private individuals (28.1%), the government (18.2%) and state-owned enterprises (5.3%).

Out of the total number of 676,885 employed people, 477,558 were employees while the rest consisted of “own account workers” (self-employed), employers and unpaid family workers.

Formal and informal employment

No recent data are available on the size of Namibia’s formal and informal economy. The latter has certainly grown significantly over the years as a “survival sector” to which people turn in the absence of formal employment opportunities.

The labour force survey 2016 of the Namibia Statistics Agency (NSA) distinguishes between formal and informal employment based on the provision of some form of social protection. Employment was considered as formal if the employer provided at least a pension scheme, medical aid or social security. It is important to note that this definition is different from those generally used to define the informal economy.

Based on the NSA’s definition, two-thirds of Namibia’s employed population (450,075) were in informal employment. The proportion in rural areas was 81.1% compared to 57.3% in urban ones. The industrial sectors in which informal employment was particularly widespread were agriculture (89.6%), private households (89.8%), construction (75.3%) and “other service activities” (70%). Also, informal employment was slightly more widespread amongst women (67.5%) than men (65.6).

Unemployment

Namibia continues to experience very high levels of unemployment. A major concern is the 5% increase in unemployment between 2014 and 2016 and this negative trend is likely to continue in the face of government’s austerity measures that were implemented since 2017. As a result, tens of thousands of jobs in the construction industry alone were lost during that year. Table 4 reflects Namibia’s unemployment in 2016 based on the “broad definition” which regards people as unemployed as long as they are available for work even if they are no longer actively seeking work.

Table 4: Unemployment trends

Year	2012	2013	2014	2016
No of unemployed	248,994	295,947	274,948	349,383
Unemployment (%)	27.5	30.2	27.9	34.0
Male unemployment	22.7	26.8	24.1	29.8
Female unemployment	32.2	33.5	31.7	38.3
Youth unemployment	37.8	42.2	39.0	43.4

Source: Labour Force Survey 2016

The overall unemployment in 2016 stood at 34%. Disaggregation by gender shows that unemployment among women (at 38.3%) was significantly higher than among men (at 29.8%). The data also shows that the youth was worse affected by unemployment (at

43.4%). The increase in unemployment in 2016 was driven by both growth in the labour force, as well as by job losses in the economy.

In 2016, rural unemployment was higher than urban unemployment. The Kunene region had the highest unemployment rate of 52.2%, followed by Zambezi at 48%, and Ohangwena at 45.4%. The regions with the lowest unemployment were Erongo (21.9%) and //Karas (23%).

Unemployment also has a clear gender dimension. More women than men were unemployed and women were also the majority in the informal economy which continues to grow. Namibia's unemployment problem is long term in nature. In 2016, 43.3% of the unemployed had been without work for more than one year and this phenomenon of growing long-term unemployment poses a particular challenge for trade unions who tend to focus on those employed in the formal sector.

Incomes

The 2016 labour force survey put the average wage of employed Namibians at N\$6,759, with the average wage for men being higher than that of women. The sectors with the lowest average monthly wages were domestic work in private households (N\$1,334) and the agriculture, forestry and fisheries sector (N\$2,252). The highest average wages were paid in the professional, scientific and technical activities sector (N\$ 19,907) as shown in table 5.

Table 5: Mean wages by industry and sex, 2016

Sector	Both sexes (N\$ per month)	Men	Women
Agriculture, forestry and fishing	2,252	2,175	2,527
Mining and quarrying	14,352	15,351	7,950
Manufacturing	5,506	5,098	6,568
Electricity and related industries	11,512	12,545	7,756
Water supply and related industries	5,352	5,905	3,877
Construction	4,361	4,370	4,237
Wholesale and retail trade	4,167	5,119	3,421
Transport and storage	7,995	7,038	13,304
Accommodation and food service activities	2,951	3,867	2,534
Information and communication	17,241	17,890	16,111
Financial and insurance activities	15,980	18,354	14,572
Real estate activities	10,965	7,852	14,558
Professional, scientific and technical activities	19,907	21,869	17,726
Administrative and support service activities	5,831	5,702	5,947
Public administration, defence, compulsory social security	11,394	12,071	10,504
Education	14,619	17,139	13,470
Health and social work activities	12,117	15,008	10,983
Arts, entertainment and recreation	5,472	4,776	6,308

Other service activities	3,924	5,002	2,877
Private households	1,334	1,220	1,379
Extraterritorial organisations and bodies	12,439	13,823	10,153
Total	6,759	6,850	6,642

Source: Labour Force Survey 2016

Sectoral minimum wages are negotiated between employers' organisations and trade unions for farm workers, security guards and workers in the construction industry. In 2017, the lowest of these minimum wages applied to farm workers (N\$ 3.80 per hour) while the highest minimum wage existed in the construction industry (N\$ 16.04 per hour).

In 2012, the Namibian government established its first wage commission to investigate conditions experienced by domestic workers and to make recommendations for a minimum wage. The commission's work was supported by the ILO and it presented its report in 2014. The first minimum wage for domestic workers came into effect in April 2015 and was set at N\$ 7.80 per hour. In September 2017, the minimum wage was increased to N\$ 8.67 per hour.

Unionisation rates

Accurate figures about unionisation rates are not available because most trade unions do not have an up-to-date computerised membership database. Also, only unions which represent the majority of workers in a workplace or industry ("bargaining unit") and are recognised as "exclusive bargaining agents" are entitled to have membership fees deducted by employers. Thus there is currently no general obligation for all employers to deduct union membership fees which undermines efforts to establish accurate unionisation figures. The numbers provided by trade unions themselves are presented in the next section.

The 2016 labour force survey probably found that only 17.5% of Namibia's employees belonged to trade unions. In actual figures, only 83,516 out of 477,558 employees were union members. Somewhat surprisingly, the rate was higher amongst women (18.7%) than men (16.5%) and the regions with the highest unionisation rates were !Karas (30.5%) in the South and Kunene (28.6%) in the North West. The central Khomas region which accommodates the national capital Windhoek as well as all union head offices only had a unionisation rate of 12.9%.

The industrial sectors that are most unionised are education (55.8%), mining and quarrying (48%) as well as water supply and related industries (36.3%).

SHOULD I ADD THE FULL TABLE WITH THE UNIONISATION RATE PER INDUSTRY HERE?

4. Current situation of Namibia's trade unions

Namibia's largest trade union federation, the NUNW, maintained its links with SWAPO after independence through an "affiliation accord" which made the federation an affiliate of the ruling party. This link has led to 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 trade union independence. At both congresses, the majority of NUNW delegates believed that a continued affiliation would be beneficial, helping the federation to influence policies.

Those arguing for a different relationship between the federation and the party pointed out that a continued affiliation would undermine the independence of the labour movement and that it would wipe out prospects for trade union unity in Namibia. Trade unions outside the NUNW (such as those affiliated to TUCNA) have repeatedly stated that they differed fundamentally from NUNW over the question of political affiliation. They charged that NUNW could not act independently and play the role of a watchdog over government as long as it was linked to the ruling party.

Divisions between the NUNW and other unions were already visible before independence but have grown more pronounced over time. During a public panel discussion on 7 August 2013, the fundamental differences on the question of unions and politics once more emerged as the dividing line between Namibia's trade union federations NUNW and TUCNA. Mahongoro Kavihuha, TUCNA's general secretary, said: *"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... before 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"*.

Alfred Angula, the acting general secretary of the NUNW at the time defended the affiliation of the NUNW to the ruling party as a strategy to influence 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"*.

The divisions within Namibia's labour movement grew further following internal splits within the NUNW during the past decade. The NUNW's 2006 congress was overshadowed by the battle for presidential succession within SWAPO as trade unionists were divided into camps supporting different candidates. Such divisions grew further and emerged again during the NUNW's congresses in 2010 and in 2015. Political fragmentation within the federation and its affiliates also occurred ahead of the SWAPO party's elective congress in 2017 and is likely to continue in the years to come.

Whom do unions represent?

Like trade unions elsewhere, the Namibian labour movement was confronted with the threat of a dwindling membership base due to the increasing "casualisation" of work, the increase in 'flexible' forms of employment and a 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 "casualization" to workers' incomes, job security and benefits. Due to the insecurity of their contracts, trade unions found it very difficult to recruit and represent "casual" workers and thus trade union membership has become increasingly narrow in focus, covering permanent workers in "traditional" sectors such as the public service, mining, fishing, construction and retail, while unions were 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.

In terms of employees, Namibia's labour market essentially consists of four distinct layers:

1. a small managerial and professional elite enjoying a standard of living comparable to that in "First World" countries;
2. a significant group of formal sector workers with permanent jobs and low to middle incomes;
3. a growing group of vulnerable and casual workers who are the victims of a labour market that virtually forces them to accept any job under any conditions; and
4. unemployed workers who turned to the informal economy, to sex work, to crime etc.as a last resort.

Namibia's trade unions essentially organise amongst the second group of workers and thus represent only a section of the working class. However, TUCNA plans to focus on the recruitment of vulnerable workers in the years to come, including farm workers, domestic workers, petrol station workers, security guards, workers at subcontractors in the construction industry and those in the informal economy. This indicates a realisation that unions need to move beyond their traditional membership base to remain relevant for the majority of working people.

Internal divisions

Namibia's labour movement is characterised by deep divisions and failed to live up to the proclaimed ideal of "one country, one federation" and "one industry, one union". A multitude of trade unions grouped into 3 federations compete with each other for membership, for example in the fishing, construction and security industries. Due to the political divisions, unions find it difficult to cooperate with each other even on matters of common interests and this has often detrimental effects on workers. At the South African retail giant Shoprite, for example, 3 unions compete with each other but none managed to obtain an outright majority. As a result, the company does not recognise any trade union as the "bargaining agent" and determines conditions of employment unilaterally. When workers protested against their poor working conditions in 2015 and 2016, they were subjected to disciplinary action and many of them were dismissed with none of the 3 unions able to protect them.

A more successful example of "unity of purpose" was provided by Namibian teachers and their unions. In 2012, a teachers' strike occurred in protest against low salary increases and the role played by the officially recognised union (NANTU) in accepting the wage deal without obtaining an explicit mandate from teachers. A few years later (2016), following protracted negotiations, NANTU rejected government's wage offer, declared a dispute and pointed to wasteful elite projects that were implemented while social expenditure was cut. NANTU then called a strike ballot amongst teachers and 95% supported a national strike. The second teachers union (TUN) came out in full support of the strike and after just 2 days of strike action, the teachers' key demands were met.

Thus the teachers' strike has provided an important example how a kind of "unity of purpose" around the common concerns of union members can be built. However, in order to address the broader issues affecting the working class (including unemployment, poverty, joblessness, landlessness), trade unions need to explore ways of becoming social movement unions that express themselves on socio-economic and political issues from a working class perspective. This type of unionism involves forging strategic alliances with organisations that represent excluded and marginalised Namibians such as shack dwellers and those in the informal economy.

Organisational structures and internal democracy

As workers-owned organisations, trade unions have to set up structures through which members can take decisions and elect leaders. This is also a legal requirement for any trade union to be registered with the Office of the Labour Commissioner. Such registration confirms operational rights upon trade unions.

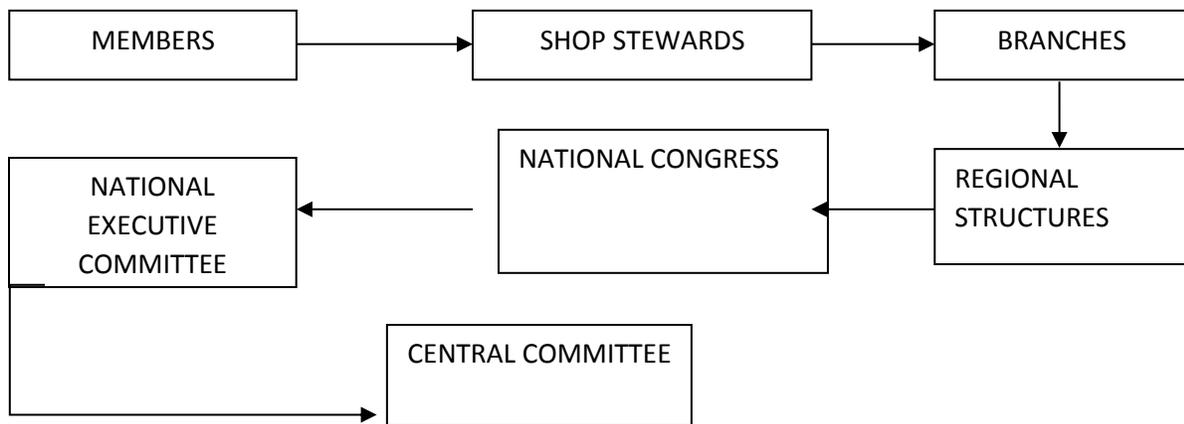
The basic structure at the workplace is the shop stewards council as members elect their own union representatives at the workplace. The Namibian Labour Act refers to them as "workplace union representatives". They are elected for a period of 2 years by secret ballot and can be re-elected. As they are in daily contact with the union members, shop stewards have a crucial role to play in addressing problems at the workplace. They deal with a host of challenges such as recruitment, disciplinary cases, educating and counselling members, negotiations with the employer etc. Thus shop stewards are the key building block for a strong trade union.

In a particular town, most unions have branch structures which consist of the shop stewards of the various workplaces in that town. These branch structures are often supported by full-time staff (such as a branch organiser) to tackle the challenges that workers face in that branch. This enables shop stewards to support and learn from each other. Also, shop stewards elect from amongst themselves a branch executive committee which is tasked with running the branch activities and to supervise union staff.

Some unions still have regional structures although they do not correspond to political regions and are rather based on geographical considerations such as a central, northern or southern regions. Such regional structures bring together representatives of the various branches and deal with workers-related issues at regional level.

At national level, trade unions have to hold a national congress every 4 years. Delegates from the branch and regional structures as specified in the union constitution attend the national congresses, elect the national leadership (the national executive committee and the central committee) and pass resolutions to guide the union until the next national congress.

A typical trade union structure



These union structures are meant to ensure internal democracy and workers' control but in reality they are often dysfunctional. Sometimes members do not attend meetings and thus the very foundation of internal democracy crumbles. In other cases, powerful individual leaders like general secretaries have taken control of the decision-making process and use union structures as mere rubber stamps to endorse the leaders' decisions. Even at branch level, employed staff are often more influential than the elected branch leaders which undermines unions' internal democracy.

Another ongoing challenge for trade unions is the gender imbalance which is reflected in virtually all union leadership structures. In 2017, only 2 of the 7 NUNW NEC positions were held by women while there were 3 women amongst TUCNA's 8 national leaders. All national NANLO leaders were male.

NUNW

The NUNW is Namibia's oldest trade union federation. It was originally established as a general workers union in April 1970 through a SWAPO Resolution of the 1969/70 Tanga Congress in Tanzania. The headquarters of the NUNW were set up in Luanda, Angola in 1979. Following the release of political prisoners in the mid-1980s¹, various industrial unions were established inside Namibia under the umbrella of the NUNW. The first one was the Namibia Food and Allied Workers Union (NAFAU), followed by the Mine Workers Union of Namibia (MUN) and a year later the Metal and Allied Workers Union (MANWU) and the Namibia Public Workers Union (NAPWU). These were followed by the Namibia Transport and Allied Workers Union (NATAU), the Namibia National Teachers Union (NANTU) and the Namibia Domestic and Allied Workers Union (NDAWU) being industrial unions formed prior to independence. In 1989, a consolidation congress took place that merged the exiled and internal wings of the NUNW into a unified federation.

After independence, the Namibia Farmworkers Union (NAFWU), the Namibia Financial Institutions Union (NAFINU) and the Namibia Music Industry Union (NAMIU) were formed and became affiliates of the NUNW.

Since independence, the NUNW held 6 national congresses which elected the members of the federation's National Executive Committee (NEC) consisting of the president, first and second vice presidents, treasurer, deputy treasurer, general secretary and deputy general secretary. Congress also elects the members of the Central Executive Committee (CEC) which is the highest decision-making structure between congresses.

The NUNW aims to finance its operations largely from the membership contributions of its affiliates which are supposed to pay 10% of their own membership fees to the federation. However, as most affiliates are in arrears, the NUNW faces ongoing financial challenges. In 1997, the NUNW established its own investment arm known as Labour Investment Holding (PTY) Ltd. The main objectives of the company are to create wealth and to generate opportunities for the benefits of the NUNW and its affiliates. LIH further aims to remain at the forefront of labour and economic development and at the same time ensuring that the past inequalities and current employment challenges are addressed. The anticipated benefits from the LIH operations include bursaries to students whose parents are paid-up members of NUNW affiliates, sponsorships covering educational programmes of the affiliated industrial unions and for members to attend congress and conferences and providing financial assistance in labour court cases regarding workers' interests. LIH investments are distributed amongst mining, fishing, agriculture, financial services and the service industries. In addition, some NUNW affiliates have set up their own investment arms, the most well-known (and wealthiest) being the Namibia Mineworkers Investment Company (NAM-MIC).

¹ Including, amongst others, the late John Pandeni, Ben Ulenga, and Petrus Iilonga

Table 6: NUNW affiliates and approximate number of members (not independently verified)

Name of the Union	Approximate Number Signed-up Members
Metal and Allied Namibia Workers Union (MANWU)	8 000
Mine Workers Union of Namibia (MUN)	8 000
Namibia Financial Institutions Union (NAFINU)	4 500
Namibia Food and Allied Workers Union (NAFAU)	12 000
Namibia National Teachers Union (NANTU)	16 000
Namibia Public Workers Union (NAPWU)	25 000
Namibia Transport and Allied Workers Union (NATAU)	4 000
Namibia Music Industry Union (NAMIU)	400
Namibia Farm Workers Union (NAFWU)	7 000
Total:	84 900

Sources: Sakaria 2010, LaRRI 2017, interviews with unions

TUCNA

As mentioned above, TUCNA was formed in May 2002 as a merger of the Namibia People's Social Movement (NPSM) and the Namibia Federation of Trade Unions (NAFTU). TUCNA's biggest affiliated industrial unions are those operating in the public sector and in the fishing industry. Since its establishment, several newly formed unions have joined TUCNA such as the Namibia Cabin Crew Union (NCCU) and the Namibia Football Players Union (NFPU).

The structures of TUCNA consist of the National Congress as the highest decision-making body which meets every 4 years. Representation at the congress is determined by the number of paid-up members of TUCNA affiliates. Congress elects 12 office bearers who serve as the TUCNA Executive Committee together with one representative of each affiliated union. The Executive Committee meets every six months and its members serve as regional leaders in their respective regions where they are based. The secretariat is headed by the general secretary and may consist of full-time and part-time members as decided by the Management Committee. The TUCNA constitution makes no provision for regional or local structures.

Like the NUNW-affiliated unions, TUCNA and its affiliates cover most of their costs from membership fees. TUCNA's formation was justified on the grounds that a union federation with a party political affiliation – like the NUNW – would not be an effective watchdog for workers. In order to address financial challenges, TUCNA is planning to set up a union investment arm in the near future.

In order to guide its operations, TUCNA has developed a comprehensive set of policies including finance, administrative and personnel policies, youth and gender policies, HIV/AIDS policy, a policy on organising informal economy workers, a land and housing policy, an education policy etc.

In 2017, TUCNA had 13 affiliated registered industrial unions with a combined membership of around 60,000. As in the case of the NUNW, the membership figures in table 7 are not independently verified.

Table 7: TUCNA affiliates and approximate number of members

Name of the Union	Approximate Number Signed-up Members
Namibia Wholesale and Retail Workers Union (NWRWU)	15,000
Public Service Union of Namibia (PSUN)	23,000
Namibia Building Workers Union (NABWU)	4,000
Namibia Bank Workers Union (NBWU)	500
Bank Workers Union of Namibia (BAWON)	500
Teachers Union of Namibia	7 000
Namibia Retail and Allied Workers Union (NRAWU)	?
Namibia Seaman and Allied Workers Union (NASAWU)	7 500
Namibia Security Guard and Watchmen Union (NASGAWU)	400
Namibia Nurses Union (NANU)	3 500
Namibia Fuel and Allied Workers Union (NAFAWU)	?
Namibia Football Players Union (NFPU)	?
Namibia Fishing Industries and Fishermen Workers Union	500
Total	61 900

Sources: Sakaria 2010; Decent Work Country Profile 2013; LaRRI 2017

NANLO

NANLO was registered as Namibia's third trade union federation in early 2014 and is the direct result of divisions within the NUNW as mentioned above. The federation has not

yet held a national congress and in 2017 it had 3 affiliated industrial unions, namely the Metal, Mining, Maritime and Construction Union (MMMC), the Namibia Parastatals and Civil Service Workers Union (NPCWU) and the Solidarity Union (SU) which operates in the retail, commercial, tourism and hospitality sectors. The Namibia Commercial Catering Food and Allied Workers Union (NACCAFWU) which was registered in 2013 might join NANLO in the near future. The estimated membership of the NANLO affiliates in 2017 stood at 5,000 – 10,000.

Thus Namibia's trade unions claim a combined membership of about 160,000 which would amount to a unionisation rate of around 35% of Namibia's employees. This is double the figure presented in the labour force survey and thus a comprehensive union membership verification would be required to establish the real number of trade union members in Namibia.

The Labour Resource and Research Institute (LaRRI)

Most of Namibia's trade unions have no formal research capacity, and until 1998 there was no organisation in the country dedicated to providing specifically labour-related research and training services to the labour movement. Unlike South Africa, which has a well-developed NGO community, a network of labour service organisations and a relatively well resourced labour movement - Namibia had neither a systematic worker education system nor a policy research unit servicing trade unions. To fill this gap, and to provide continuous training and policy research in areas such as labour legislation, collective bargaining, affirmative action, gender equality, Namibia's political economy and globalisation, the Labour Resource and Research Institute (LaRRI) was founded in January 1998.

The institute aims to assist the Namibian labour movement in building its capacity by means of:

- collecting, updating and releasing information in an accessible form
- establishing and maintaining a database on the Namibian economy and wage developments
- designing and undertaking education programmes for trade unions
- assisting the labour movement to develop comprehensive policy proposals
- providing a platform for discussions on labour and socio-economic issues
- providing a resource centre covering a range of socio-economic and political issues for trade unions, NGOs and students.

LaRRI runs a resource centre, which contains a range of books and periodicals on various topics like trade unions in Namibia and the SADC region, industrial relations, gender equality, international trade unions, HIV/Aids, the Namibian economy, occupational health and safety, as well as UNDP and ILO publications. The resource centre serves as

a library for trade unions essentially but NGOs, students and the general public are also welcome to use it.

LaRRI offers several courses for trade union leaders, organisers and shop stewards which cover topics such as labour economics and globalisation, collective bargaining, affirmative action, gender issues in trade unions and labour law. The key education programme is the labour studies course which LaRRI offers in co-operation with the Workers College and the University of KwaZulu-Natal in South Africa.

A key focus of LaRRI's work is to provide policy-related research. Over the years, one of the institute's focal research topics was the impact of globalisation and possible responses of the labour movement. LaRRI has undertaken research projects on export processing zones, labour hire companies and privatisation in Namibia, as well as in-depth studies on the challenges facing trade unions. LaRRI has also prepared several discussion papers on topics such as union investments and black economic empowerment (BEE). Other areas of research included Namibia's labour market as well as the living and working conditions of workers on farms and in the informal economy.

LaRRI is a founder member of the African Labour Research Network (ALRN), which carries out research projects for trade unions across Africa.

In organisational terms, LaRRI was established as a charitable and educational trust administered and managed by a board of trustees. The board of trustees supervises the work of LaRRI, appoints and dismisses staff, controls the expenditure and all assets of the institute. LaRRI's day-to-day operations are managed by the director and several full-time staff members. In addition, LaRRI utilises contract staff for specific projects.

LaRRI is housed within the complex of the NUNW and works mostly with that federation despite having also a representative of TUCNA on its board of trustees.

5. Namibia's labour laws

After independence, the SWAPO government embarked upon a path of reforming Namibia's colonial labour relations system. The overall aim was to move towards a new system of "social partnership" governed by the Labour Act of 1992 which constitutes the most important labour law. Tripartite consultations and collective bargaining were seen as critical for the implementation of this new labour dispensation. The government envisaged an improvement in the living and working conditions of Namibian workers to be brought about by a combination of successful economic policies and successful trade union engagement with the private sector. The government defined its own role merely as that of a "referee," trying to create a level (and enabling) playing field for collective bargaining between business and labour.

Although the Labour Act of 1992 constituted a significant improvement compared with the previous colonial labour legislation, it was a compromise between the conflicting interests of business and labour. It extended its coverage to all workers, including domestic workers, farm workers and the public service. The Act also tried to end arbitrary dismissals by requiring a fair and valid reason and adherence to a fair procedure before any dismissal can take place. The law encouraged collective bargaining, entrenched basic workers' and trade union rights, set out the procedures for legal strikes and provided protection against unfair labour practices. However, the Act fell short of some of the expectations of trade unions, which believed that employers had unduly influenced the law through "behind the scenes" lobbying. For example, The Act did not make provision for minimum wages (as SWAPO had promised in its 1989 election manifesto) and it did not guarantee paid maternity leave. Payment during maternity leave was only introduced with the Social Security Act of 1996. Other key trade union demands that were not accommodated in the 1992 Labour Act were the 40-hour working week and 21 days of annual leave for all workers.

The Labour Act of 2007

After several years of intense and at times heated debates, a new Labour Act (Act 11 of 2007) was finally passed and became operational in 2008. The process of reforming the 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 the Labour Act of 2004 (Act 15 of 2004), which was passed in parliament, signed into law but never fully implemented. Government, employers, unions and the ILO identified several shortcomings in the 2004 Act. As a result, debate continued and a new Labour Bill was tabled and passed in Parliament in 2007.

Given the different interests and perspectives at play, it is hardly surprising that it was impossible to reach consensus on all aspects of the new law. Employers on the one hand and trade unions on the other represent very different constituencies with different interests. Thus trade unions welcomed the ban on labour hire in the Act while employers decided to challenge the constitutionality of the ban in court which resulted in the ban

being overturned. Consequently, government introduced strict regulations for the use of labour brokers through the Labour Amendment Act of 2012.

However, large sections of the 2007 Labour Act were agreed to by consensus such as the ones introducing a new system of dispute prevention and resolution through compulsory conciliation and arbitration. All disputes regarding workers' or employers' rights have to be referred to arbitration by the Office of the Labour Commissioner. In cases of conflicts of interest, such as deadlocks in wage negotiations, the dispute has to be referred to the Labour Commissioner for compulsory conciliation and only when this process fails will trade unions be able to embark on a protected ("legal") strike. All parties (unions, employers and government alike) expected the new system to result in a better and faster resolution of industrial disputes.

Although the 2007 Labour Act included some improvements for workers, for example regarding annual leave, maternity leave and compassionate leave, it also served to reduce worker militancy by shifting the emphasis away from workplace struggles to negotiations between union leaders and management. Bargaining issues in Namibia are narrowly defined and usually deal with conditions of employment only. The trade unions' main function is to represent workers in a tripartite arrangement. Improvement of living and working conditions through collective bargaining only benefited the well-organised industrial workers like those in the mining and fishing industries as well as those in the public service. The vast majority of the working class – the unemployed, informal sector workers, casual workers, farm workers, retail sector workers, domestic workers, etc. – did not benefit from collective bargaining and thus still experience high levels of poverty. Even in sectors where minimum wages were formally introduced, like those for farm workers, security guards, construction workers and domestic workers, workers remained exposed to highly exploitative practices.

New amendments

In 2017, the tripartite Labour Advisory Council prepared proposals regarding further amendments to the Labour Act for consideration by the Minister of Labour. The amendments are expected to close some of the identified loopholes such as legal practitioners entering labour disputes in the disguise of "employers' organisations". This has led to companies being represented by labour consultants and lawyers while workers could only be represented by union officials in cases brought before the Office of the Labour Commissioner. Thus there is a need for much more stringent requirements for the registration of employers' organisations to prevent labour consultants from entering conciliation and arbitration proceedings.

Other amendments proposed by trade unions which might be considered for inclusion in a new Labour Act include the extension of coverage of the Act to include the police and prison service (as is the case in South Africa). Trade unions also want that the section on "presumption of indefinite employment" from the Labour Amendment Act of 2012 should feature prominently in the new Labour Act. Several employers continue to employ workers on a contract basis depriving them of any job security. Thus they hope that a

strong legal provision can help to move beyond precarious forms of employment which characterise many jobs in Namibia.

Furthermore, severance pay should be due to all workers who resign or retire at the age of 60 years which should become the standard retirement age in the country. Given the mass unemployment rates amongst young Namibians, trade unions believe that there is a need to entice older employees to retire at 60. The unions proposed that severance pay should be increased to at least 2 weeks' pay for each year worked to make it more relevant for the workers concerned.

Trade unions also expect the new Labour Act to stipulate that an employer must deduct the union fees of registered trade unions even if they are not recognised as exclusive bargaining agents. Companies such as Shoprite use the requirement of being an exclusive bargaining agent to withhold union fees to undermine trade unions.

Past experiences with conciliation and arbitration point to a need to simplify the technical (administrative) requirements for referring disputes. Some employers use small mistakes such as an incorrect date of the dispute arising to have the case dismissed. This is usually done by labour consultants parading as employers' organisations and very worrying precedents have already been set. Trade unions therefore want the new law and its regulations to empower arbitrators to simply correct small mistakes made and to prevent employers from using such mistakes to undermine the achievement of substantive justice.

6. ILO Initiatives in Namibia

Since independence, the ILO has played a key role in supporting Namibia's Ministry of Labour as well as trade unions and employers' organisations. One of the earliest initiatives was to render technical support and advice regarding the drafting of the Labour Act as well as various social protection initiatives. It also rendered direct support to the Ministry of Labour, the Social Security Commission, trade unions and employers' organisations through a wide variety of programmes. Since 2010, the ILO channels its main support through the decent work country programmes (DWCP) which set the framework for the ILO's work in the country.

Namibia's first decent work country programme covered the period of 2010-2014 and was developed through a participatory planning process involving all tripartite constituents, namely the Ministry of Labour (currently called Ministry of Labour, Industrial Relations and Employment Creation - MLIREC) on behalf of Government, the Namibian Employers' Federation (NEF) on behalf of employers, and the NUNW as well as TUCNA on behalf of workers. In addition, other relevant government ministries, the UN agencies, bilateral and multilateral cooperating partners and civil society were consulted. The programme was extended to cover the period 2015-2017 while a new programme will commence in 2018.

The Namibian DWCP was signed in June 2010 and a Decent Work Steering Committee was established. It is in charge of monitoring and implementation of the DWCP based upon the principles of tripartism and social dialogue.

The Namibian DWCP focused on three priorities and ten corresponding outcomes namely:

Country Priority-1: Employment Promotion:

- Outcome 1: More young women and men have equal access to productive and decent employment through inclusive job-rich growth.
- Outcome 2: Skills development and awareness increases the employability of workers, the competitiveness of enterprises, and the inclusiveness of growth increases employment creation.
- Outcome 3: Sustainable enterprises create productive and decent jobs.

Country Priority 2: Enhance Social Protection

Priority -2(a): Mitigating the Impact of HIV/Aids at the workplace

- Outcome 4: The world of work responds effectively to the HIV/Aids epidemic.

Priority - 2(b): Social Security

- Outcome 5: Workers and enterprises benefit from improved safety and health conditions at work.

- Outcome 6: More people have access to better managed and more gender equitable social security benefits.

Country Priority 3: Strengthening Social Dialogue and Tripartism:

- Outcome 7: Namibia Labour administration apply up to date labour legislation and provide effective services.
- Outcome 8: Employers' organisations have strong, independent and representative organizations representing Namibia business voice.
- Outcome 9: Workers have strong, independent and representative organizations
- Outcome 10: Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations.

In addition, the following areas of work were identified:

- Ratification of Convention No. 100 (Equal Remuneration Convention);
- Regulation of labour practices by foreign companies that invest in Namibia accordance with International Labour Standards; and
- Elimination of Worst forms of Child Labour.

A detailed implementation plan, including outcomes, outputs, indicators and source of funding for the delivery of the DWCP, was developed along with a monitoring and evaluation plan. The main resources for the implementation of the DWCP were provided by the ILO while the Ministry used its regular budget as the national partners' cost-sharing contribution.

Detailed reviews of the implementation of the DWCP Namibia were undertaken in 2012 and 2017 and a decent work country profile was developed in 2013. The key findings of the review were that the co-operation between the various state agencies dealing with economic and labour issues is often poor which undermines the possibilities of creating more and decent jobs. Although a new national employment policy was launched in 2013, it did not result in the actual creation of a sufficient number of new jobs. Also, the implementation of the DWCP was slower than anticipated due to time-consuming consultations with various stakeholders, at times a lack of urgency and delays caused by staff changes and a lack of funds. Capacity constraints amongst government, unions and employers also hampered progress.

The review found that ILO programmes are most effective if they are locally owned and driven and if local capacity exists to do so. Support to constituents (especially labour) to build their capacity was identified as crucial and should be intensified as a precondition for the speedy and effective achievement of DWCP goals in future.

The HIV/Aids initiatives of past years showed some results but the HIV/Aids section within the Ministry's OSH Division has not yet become operational and the code and guidelines on HIV/Aids were not yet finalised. The review found that the current initiatives of the

MLIREC regarding occupational safety and health conditions at work need to be supported and that an expanded labour inspectorate needs to be created.

Progress with the extension of social protection schemes has been slow but the anticipated National Pension Fund is scheduled to become operational in 2018. This should extend coverage to most formal sector employees who currently do not enjoy any pension coverage beyond the universal social pensions. Virtually no progress has been made regarding a National Medical Benefit Fund and attempts to extend coverage to the informal economy are still exploratory in nature.

The **decent work country profile** outlined the progress made as well as the gaps regarding the achievements of decent work in Namibia. It found that the legally binding industrial minimum wages were often not paid with adherence rates of 41% in construction, 51% in the security industry and 64% in agriculture. Wages are by far the most important source of household incomes but due to the relatively low wages in relation to costs of living, excessive hours of work (more than 48 hours per week) are widespread and affect about a third of Namibia's employed population.

Despite legal protection, child labour is widespread and occurs mostly in agriculture and private households. The last child labour survey was conducted in 2010 and found that almost 200,000 children (nearly 40% of all children) were affected by child labour. Over the years, the Namibian government implemented several projects to combat child labour. Various government agencies and other stakeholders are continuously collaborating with the ILO to tackle child labour which is underpinned by poverty as the main cause in most cases. The absence of up-to-date data on child labour makes it currently impossible to assess the overall success of these efforts.

Forced labour is prohibited by the Constitution, the Labour Act and the Organised Crime Act but no data exist to determine how widespread it is in Namibia.

Namibia's Labour Act tries to advance stability and security of work by *inter alia* protecting employees against unfair dismissals and through the "presumption of indefinite employment". Employers have to provide a valid reason if they employ staff on limited contracts. The law also requires a fair and valid reason as well as the following of a fair procedure for any dismissal to be regarded as fair. Unfair dismissals can be reported to the Office of the Labour Commissioner which has the power to order re-instatement or the payment of compensation. Most labour disputes in Namibia arise out of terminations of employment but the legal protection provided did not halt the trend of an increasing proportion of workers in precarious forms of employment. This is certainly a worrying trend that undermines decent work.

Despite the progress made in fighting discrimination, race and gender are still defining features of the Namibian labour market with white men dominating at higher management levels and black women accounting for the majority in temporary, insecure jobs. Women hold less than 50% of permanent jobs but most of the casual, temporary and seasonal jobs. They are also the majority in the informal economy and constitute most of Namibia's vulnerable workers. In addition, the overall gender wage gap increased to 16%. This highlights continued labour market discrimination.

Namibia's Social Security Commission (SSC) provides various compulsory and contributory social security schemes such as maternity benefits, sick and death benefits and compensation in case of occupational accidents and diseases. Paid sick leave is entrenched in the Labour Act and employers are compelled to pay during such sick leave. Extended sick leave will be paid for by the SSC in cases of serious illnesses or injuries.

The National Pensions Act provides for social assistance benefits to blind and disabled people through the blind persons' pension and the disability pension, respectively. Such pensions have to be applied for through the Ministry of Health and Social Services (MHSS) which may grant the applications and determine the amount to be paid.

The vast majority of economically active persons are not covered by any contributory pension scheme and rely on the state social pensions that stood at N\$ 1,200 per month in 2017. These pensions reach almost all eligible persons.

7. Tripartite structures & social dialogue

Perhaps the most prominent statutory body that allows some stakeholder participation is the tripartite **Labour Advisory Council (LAC)**. It was first established through the Namibian Labour Act of 1992 and maintained through the Labour Act of 2007. The LAC and its sub-committees have been the organisational expression of tripartism and its main purpose initially was to advise the Minister of Labour on labour legislation and other labour-related matters. Whilst the composition and administration of the Council have remained unchanged, its powers and functions have been extended to support the new dispute prevention and resolution system which was introduced by the Labour Act of 2007.

The LAC brings together government, employer and labour representatives 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, which must comprise at least 2 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 TUCNA and funded by the ILO found that the LAC is inadequate for achieving a social contract and that it is a limited value in its current form even as a mechanism for meaningful consultations between the Ministry and its social partners. The report noted that the LAC satisfies the technical requirements of ILO recommendations 138 and Convention 144 rather than the spirit and intent of these instruments. The advisory nature of the LAC and its focus on just one Ministry undermine the chances of reaching consensus by the social partners on broader socio-economic issues. The report further noted that the LAC has failed to build greater trust and understanding between the social partners and that it suffers from a number of operational problems. The report thus recommended “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 urged 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.

Both the representatives of employers and trade unions have repeatedly expressed their dissatisfaction with the limited powers of the Labour Advisory Council (LAC). TUCNA in particular proposed a structure similar to South Africa’s National Economic Development and Labour Council (NEDLAC) to provide for joint decision-making on socio-economic issues instead of having merely an advisory role on labour matters. TUCNA believes that social dialogue should go beyond its traditional tripartite confines to address broader and cross-cutting socio-economic issues. The federation wants social dialogue to be housed at a level that is higher than the Ministry of Labour, such as the Office of the Prime Minister and it want to engage the chairpersons of the parliamentary standing committees on the issue of different and more effective forms of social dialogue. TUCNA also requested the

establishment of a chief whip forum to take this matter further. Overall, the federation wants much broader forms of social dialogue to address issues of socio-economic development. It criticised government for lacking the political will to successfully create employment.

The NUNW is very critical of government's understanding of social dialogue and called for open and transparent communication. The NUNW is taking issue for not being consulted by government when socio-economic decisions are taken. It cited issues like the mass housing programme, state-owned enterprises, the land issue, social security and the national development plans (NDPs) as examples of government ignoring the plight of workers. The NUNW pointed to a lack of consultations by government and accused government of not adhering to decisions agreed in meetings.

The Namibian Employers Federation (NEF) supported the idea of a stronger mandate for the LAC and has publicly criticised what it termed violations of LAC recommendations by the Namibian government, for example regarding the Labour Amendment Act. The NEF also expressed reservations about "red tape in the labour market information system" and what it regarded as "over-regulation". It believes that more training of conciliators and arbitrators was urgently needed as many seemed not to understand the Labour Act and their role and thus gave faulty awards. The NEF holds the view that Namibia lacks a conducive environment for employment creation and that the Office of the Labour Commissioner is biased towards workers which contributes towards the red tape that prevents employers from hiring more staff. The NEF thus argues for changes to the Labour Act to reduce what it terms "red tape which prevents employment creation".

The Namibian government seems sceptical about a NEDLAC-type arrangement and rather wants to examine how social dialogue can be strengthened under the current configuration, for example who should serve on the LAC, how the secretariat should work and what professional back-up the social partners require. Thus, government wants to strengthen the capacity of the LAC to make it more influential, rather than changing structures and expanding social dialogue to cover broader socio-economic issues.

8. Future prospects

Despite the prominent role played by Namibia's labour movement during the liberation struggle and the widespread support it enjoyed beyond its membership in the 1980s and early 1990s, trade unions have become weaker and face a host of challenges today. One of them is the division between industrial trade unions and their federations which undermines labour's capacity to make a meaningful contribution to Namibia's overall development based on workers' interests. Industrial unions as well as the 3 union federations will need to explore ways of meaningful collaboration on issues of common interest such as the protection of workers' rights, fighting exploitation and unemployment and improving labour legislation.

The strength of Namibian trade unions is further undermined by the challenge to move beyond the traditional union membership. While sectors such as fishing, mining and the public sector are fairly well organised, vulnerable workers in the wholesale and retail trade, in domestic service, on farms, at petrol stations, at labour brokers and in the informal economy are hardly reached by trade unions. Thus unions need to deliberately focus on the unorganised sectors and explore new ways of organising to reach workers there. Possible alliances with informal economy organisations as was done in Ghana is an option to be explored by Namibian unions.

Since independence, Namibia's labour movement has gradually shifted away from the movement-type activism that characterised many unions in the 1980s towards more hierarchical forms of decision-making which undermined workers' control and grassroots democracy in unions. This needs to be reversed for unions to remain accountable to their members and to act in their interest at all times. Utilising cellular phones and social media to stay in touch with members has been attempted by some unions but this cannot replace well-functioning union structures through which workers exercise their power over their own unions.

Many trade unions are characterised by a lack of ideological clarity and sometimes even deep-seated ideological contradictions. Sentiments of radical nationalism and liberation, for example on the land issue, are mixed with an acceptance of neo-liberalism as the ideology of the "free market." This became worse as trade union leaders entered company boards as part of a poorly defined union investment strategy. Consequently, their views (and interests) increasingly converged with those of business. Also, some trade union leaders are now occupying management positions in the public and private sectors, which contradicts the principle of worker control within unions. There is thus a need to clarify working class interests which need to guide trade unions at all times.

Linked to this, the question of the relationship between unions and politics has remained a contested one and is one of the main reason for the divisions between unions. Some union leaders strongly defend the link between unions and the ruling party while others argue for "non-political" trade union independence. These fundamentally different views need to be debated openly for unions to decide how best to promote workers' interests in the face of massive inequality and mass unemployment. Unions need to be able to address such issues, they need to engage with politics and find some common ground

on policy issues like employment creation, housing, the dangers of privatisation of state assets etc.

At international level, the NUNW and TUCNA are both members of the Southern African Trade Union Co-ordination Council (SATUCC) and the International Trade Union Confederation (ITUC) Africa while several of Namibia's industrial unions are affiliated to Global Union Federations (GUFs). Despite their own organisational challenges and weaknesses, such international bodies could provide platforms for meaningful debates and joint union campaigns.

Despite the many weaknesses of Namibia's trade unions, there are also some encouraging signs. In recent years some unions have shown a willingness to critically look at themselves and to improve their practices. Some have started to focus on the recruitment and empowerment of women and young workers who had only played a marginal role in many unions before. Some unions started to systematically build the capacity of their shop stewards, recognising that workers self-organisation and workers' control lies at the heart of union power. The current education initiatives, including LaRRI's labour diploma course, are critical but need to be expanded significantly to have a visible impact.

Some unions have made attempts to start organising vulnerable workers like those on limited contracts and those in other precarious forms of employment. Others have taken steps to engage in broader policy issues beyond the workplace. These are signs that renewal is possible and some unions might experience significant membership growth and levels of support in the years to come.

Besides addressing the organisational challenges and reaffirming a commitment to workers control and at least some level of trade union unity, the labour movement will have to move beyond the narrow constraints of tripartite consultations in order to influence broader socio-economic issues. Unions need to build a dedicated cadre of activists and worker leaders who can develop effective strategies to counter the business-driven development agenda that now influences virtually all spheres of Namibian society today. Linking short-term demands with the long-term goal of social transformation could be a strategy for building solidarity between workers and other groups who are still marginalised. Thus unions have to reinvent themselves as effective "struggle organisations" in the workplace and beyond. Otherwise, they will lose their mass base while union leaders remain absorbed with bargaining issues, party-political careers, union investments and tripartite participation without addressing (and challenging) the fundamental socio-economic structures that uphold the continued skewed distribution of wealth and income.

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