

DECENTRALIZATION IN NAMIBIA: PROSPECTS AND CHALLENGES

By Josephat Sinvula

INTRODUCTION

The concept of decentralization in Namibia raises two very important concerns that have historically been denied to the majority of the Namibian people namely, democracy and development. The attainment of the noble objectives of democracy and development centre upon the pillar of decentralization that we committed ourselves to by constitutional provision.

True, the challenge of development and participatory democracy in Namibia is incumbent on us to extend democracy to the people as their right whilst at the same time, ensure rapid economic, cultural and social development. Decentralization therefore provides an opportunity for people to have access to relevant participative decision-making, extending democracy to people as a right based on national ideas and values.

History has taught us that the only guarantor for democracy is people making their own political, cultural, social and developmental decisions at their own level and the only safeguard of sustainable development is when people participate in setting their own priorities, planning, implementing, monitoring them and evaluating these themselves within the overall national interests.

It follows therefore that such democratic participation leads to ownership and hence sustainability of those development initiatives that result from such participative decision making.

For the purpose of this discussion, decentralization is about division of labour and distribution of authority and resources for policy and programme formulation and implementation.

BACKGROUND

The conception and introduction of the policy of decentralization in Namibia has its origin in the vision of the South West Africa Peoples Organization (SWAPO), the ruling party, during the peoples' protracted struggle before independence and was reflected way back in 1988's SWAPO Blueprint (United Nations Institute for Namibia) on governance as well as the Election Manifesto of 1989 during the implementation of UN Resolution 435 in which decentralization was proposed as a means of achieving local democ-



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racy and grassroots-level participation in government affairs.

Additionally, in order to amplify the aforementioned, Chapter 12 of the Manifesto on Local Government and Housing provided that, "under a SWAPO government, independent Namibia will have democratically local authorities in both rural and urban areas in order to give power to the people at the grassroots-level to make decisions on matters affecting their lives".

The vision of SWAPO on local governance was later enshrined in the Constitution of independent Namibia that was adopted as the fundamental law of a sovereign and independent Namibia in February 1990. The Constitution provides for the establishment of sub-national governments and a system of decentralized government within the confines of a unitary State and national policies, ideals and values. Thus, Article 102 (1) of the Namibian Constitution reads as follows:

"For purposes of regional and local government, Namibia shall be divided into regional and local units, which shall consist of such region and local authorities as may be determined and defined by Act of Parliament".

Article 102 (2) further provides that: "Every organ of regional and local government shall have a Council as the principal governing body, freely elected in accordance with this Constitution and the Act of Parliament".

It follows therefore that with the concept of decentralization and the establishment of Sub-National Governments embedded in the Constitution, the way was paved for the development of a policy as well as a strategy for its implementation.

Hence, decentralization in the Namibian context is by definition, a process through which powers, responsibilities and resources for public functions are delegated or devolved from the Central Government's line Ministries to Regional Councils and Local Authorities within the framework of a unitary state and under the **guiding principle: functions-follow-funds and personnel**.

OBJECTIVES OF DECENTRALIZATION IN NAMIBIA

Decentralization in Namibia aims to ensure economic, cultural and socio-economic development; provide people at the grassroots-level the opportunity to participate in their own decision making and extend democracy to them as a right based on national ideals and values.

Decentralization is therefore designed to achieve the following objectives:

To extend, enhance and guarantee participatory democracy

To ensure and safeguard rapid sustainable development

To transfer power to the regional councils and local authorities based on national ideals and values, and;

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

At this juncture, Namibian citizens have benefited immensely through the process of decentralization as follows:

It has empowered regional and local entities

It has broadened democracy

It has ensured a greater equity in attending to a needy population

It has reduced the responsibility of the State, and;

People at the grassroots-level have greatly participated as citizenry in ameliorating and solving problems close to where they exist.

DESIGN AND INFORMATION FOR DECENTRALIZATION IN NAMIBIA

The Decentralization Enabling Act (Act 33 of 2000) circumscribes that decentralization in Namibia shall go through the phases of delegation and eventually devolution. The principle is that every function decentralized must be followed by resources and personnel.

Delegation in Namibia means that a particular line Ministry will decentralize a function, responsibility or resources to either a Regional Council or Local Authority. However, the line Ministry concerned will still be accountable to and for the function(s) delegated as well as budgeting.

Devolution means that Regional Councils and Local Authorities will have full administrative and budgetary control of the function(s) decentralized to them by a line Ministry.

In accordance with provisions of the Decentralization Enabling Act, activities are to be transferred to Regional Councils together with staff and resources. The transfer of staff from line Ministries to Regional Councils can take place in two ways, namely, through secondment during the delegation phase or through transfer under devolution. The Decentralization Policy also states which Ministerial Functions should be decentralized to the Regional Councils and Local Authorities in the immediate, intermediate future and in the longer term.

OUTPUTS

Currently, the Government of the Republic of Namibia has enhanced the institution of democratic decentralization (the involvement of citizens through their elected regional and local authorities in the planning and implementation of public policies and programmes pertaining to their own affairs" and in putting into effect the Constitutional provisions under Chapter 12; the Namibian National Parliament enacted various key legislations, namely,

The **Regional Councils and Local Authorities Acts of 1992** that provide for the determination and establishment of Regional and Local Authorities Councils, powers, duties and functions of the Councils as well as financial matters.

The **Council of Traditional Leaders Act of 1997** which provides for the establishment of the Council of Traditional Leaders and to define its powers, duties and functions & **Traditional Authorities Act of 2000** which provides for the establishment of traditional authorities and the designation, election, appointment and recognition of traditional leaders; defines the functions, duties and powers of traditional authorities and traditional leaders.

Decentralization Enabling Act of 2000 that was enacted to regulate and enable the decentralization of functions from the Centre to the Sub-National Governments (Regional Councils and Local Authorities).

Trust Fund for Regional Development and Equity Provisions Act of 2000: Prompted by the lack of funds to support the decentralization process and regional development disparities, the fund was established to fund regional development programmes and technical assistance to the Regional Councils and Local Authorities.

Institutional Structures: The Ministry of Regional and Local Government, Housing and Rural Development responsible for decentralization and other stakeholders have managed to set up and fill Regional Council structures. The structure is now staffed with Chief Regional Officers, Directors, Deputy Directors and supportive staff of various Directorates and Divisions.

Capacity Development: The mother Ministry believes that through the recruitment of Chief Regional Officers, Directors and Deputy Directors of various Directorates and Divisions on the Regional Council structures, it has improved the capacity to fulfill their mandates. It is important to point out that capacity development and building for decentralization purpose for sub-national governments in Namibia is proceeding well as decentralization is an on-going process.

Public Awareness: In order to win public support and ownership of the decentralization process, the mother Ministry has embarked upon the Decentralization Awareness Campaign to raise the public understanding with regard to pertinent issues at stake.

LESSONS LEARNT

As a country and through the implementation of decentralization, we have learnt that decentralization requires huge sums of monies to support capacity development and infrastructure to mention but a few.

Similarly, we have learnt that enact-

ing enabling legislation is not a sufficient indication of political and technical commitment of the process. This notwithstanding, commitment should be shown in the allocation of resources to take the process further.

With regard to the lack of the internalization of the policy, some line Ministries have shown a tendency or propensity of not accepting that they are part and key role players in the decentralization process.

Additionally, political and technocratic resistance was observed in various line Ministries that are supposed to decentralize functions and resources.

Indeed as is always with change management, those staff members who are affected tend to protect their vested interests and act as "islands" or "no-go-areas" due to the misconception that the decentralization process will lead to their demise. Hence, as a counter reaction, some line Ministries whose functions and personnel have been identified as candidates for decentralization have embarked on de-concentration of their activities in the regions whilst retaining power at the centre. However, the only approved policy phases by the Namibian Cabinet are delegation through secondment and eventual devolution of functions, staff and budgetary provisions.

PROBLEMS ADDRESSED

The Namibian government has addressed issues that need to speed up the process of decentralization in its 13 Regional Councils namely;

Reducing of regional development disparities.

Training and material resources support to Regional Councils.

Financial support for recurrent and development budgets to Regional Councils.

Creating a general understanding of the policies of decentralization to the public through both the print and electronic media as well as in-house decentralization booklets.

Additionally, there are several critical issues that may present obstacles to the continued decentralization process which needs to be resolved before the implementation of the decentralization of public services and goods can be achieved.

The most important of these critical issues include the following:

The Change from Delegation Phase to Devolution: The need to ensure that Regional Councils and Local Authorities gain a state of preparedness to eventually assume ultimate responsibility for the functions under devolution in the subsequent years. The slow pace in attaining this is problematic and worrisome.

Line Ministries' Role: The need for Line Ministries to develop decentralization strategic plans with regard

to delegation and decentralization of service functions, staff and other resources. Unfortunately only a few line Ministries have embarked upon this critical exercise.

The Management Capacity of the Ministry of Regional, Local Government and Housing, and Rural Development: The Line Ministry spearheading the Decentralization Process is incapacitated by lack of skilled and experienced management cadre and core staff to spearhead the process exacerbated by vacancies in some of the crucial positions of the Directorate of decentralization Coordination, which may impede the Decentralization implementation process.

The Management Capacity: Structures at Regional Councils and Local Authority Levels need to be strengthened through a targeted input. Hopefully, the transfer/secondment of staff from the centre to Regional Councils and Local Authorities aims at addressing the capacity issue at these levels.

Financial Transfer System and Financial Management: In order to have a smooth transition from delegation to decentralization, the following local government finance management needs to be developed:

Design of disbursement mechanisms from Central Government to the Regional and Local Authorities through the Ministry of Finance

Need to put in place a **system of Grants**, for instance, Block Grants, to cater for the decentralized services, approval of financial disbursement, etc

Performance related monitoring of the financial performance within the various sectors

The Governance Awareness: Need to clarify the roles of Councils and individual Councillors vis-à-vis the Regional and Local Administrative bodies.

The Legal Framework: This is rather complex and needs to be harmonized, especially the various Acts and Regulations of various functions of line Ministries with the Decentralization Policy.

CONCLUDING REMARKS

During the past 19 years of Namibia's independence and specifically since the early 1990's, the Government of the Republic of Namibia has created functioning institutions of governance at all levels through its Policy of Decentralization. As already outlined in this paper, the Policy of Decentralization is designed to extend, enhance and guarantee participatory democracy and safeguard rapid sustainable development; and indeed, to transfer real power to the Regional Councils and Local Authorities based

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LOCAL TENDER BOARD

FOR THE CITY OF WINDHOEK



Tender Invitation

TENDER NO. FIN 1 2008/2009

Description: FINANCING OF VEHICLES AND EQUIPMENT

Closing Date: Friday, 28 August 2009 at 11:00

Tender Documents: Available as from Tuesday the 11th August 2009 at 11h00, at the Customer Care Centre, Rev. Michael Scott Street, Windhoek.

Levy: N\$ 150.00 (Non-refundable)

Contact Person: Ms. A.N Numwa - Tel: +264 61-290 2651

ENQUIRIES: Ms. AN Shinavene
Tel: +264-(0) 61-290 2270/2614
Fax +264-(0) 61-290 2331
E-mail: ans@windhoekcc.org.na

DELIVERY ADDRESS: Tender Box, Customer Care Centre, City of Windhoek Rev Michael Scott Street WINDHOEK

Tender adverts also available on internet - www.cityofwindhoek.org.na, click on **News and publications** then click on **Tenders**

Notice No. 77/2009

CITY OF WINDHOEK

To enhance the quality of life of all our people



PUBLIC NOTICE

PERMANENT CLOSING OF PORTION A OF SCHEPPMANN STREET PIONIERSPARK AS "STREET" (THE PORTION IS APPROXIMATELY 18 M² IN EXTENT, ADJACENT TO ERF 1523 PIONIERSPARK AND WILL BE SOLD TO THE OWNER OF ERF 1523 PIONIERSPARK FOR CONSOLIDATION PURPOSE).

Notice is hereby given in terms of article 50 (1) (a) (ii) of the Local Authorities Act of 1992 (Act 23 of 1992) that the City of Windhoek proposes to close permanent the undermentioned portion as indicated on locality plan, which lies for inspection during office hours at the office of Urban Policy, Room 519, Municipal Offices, Independence Avenue.

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Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive Officer, P.O.Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50 (1) (C) of the above Act.

**BROWNY N. MUTRIFA, Tel, +264 61 290 2609
ACTING URBAN PLANNER**

Notice No. 76/2009