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**“Reconciliation and Social Conflict in the Aftermath of large-scale Violence  
in Southern Africa: the cases of Angola and Namibia“**

***Conflict Resolution by Institutional Design: Democratic Development and  
State Formation in Independent Namibia (Public Service and  
Decentralisation experiences)***

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Namibia's independence transformation process began well before the 21 March 1990 ceremony raised the new country's flag. More than a century of colonial control had imbedded deep structures of racial separation and ethnic division together with different cultures and the collective psyche of separation. The struggle process included military, diplomatic, and social transformation components. As well, it has contributed negotiations and research toward transformation to the desired new republic.

Several aspects of this transformation have been discussed in the previous contributions to a project of the Volkswagen Foundation on “Reconciliation and Social Conflict in the Aftermath of large-scale Violence in Southern Africa: the cases of Angola and Namibia“. Additional papers were presented at a capstone project conference in 2012 at River Crossing in Windhoek, Namibia, including an earlier draft of this paper. My first instalment for the project was a chapter contributed to Dupisani, Koessler and Lindeke, 2010, *The Long Aftermath of War – Reconciliation and Transition in Namibia*, which addressed the post conflict transformations in the security and education sectors.

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<sup>1</sup> The **Afrobarometer** is produced collaboratively by social scientists from 35 African countries. Coordination is provided by the Centre for Democratic Development (CDD-Ghana), the Institute for Empirical Research in Political Economy (IREEP-Benin), IDS (Nairobi) and IDASA (South Africa). Support services are provided by Michigan State University and the University of Cape Town. For more information, see: [www.afrobarometer.org](http://www.afrobarometer.org). Fieldwork for the Round 5 survey was conducted by an experienced professional team from Survey Warehouse coordinated by IPPR as national partner. Face to face interviews were conducted in five languages with a nationally representative probability sample across all thirteen regions in November/December 2012. Selection proportionate to population size based on the most recent 2011 census ensured that every eligible adult had an equal and known chance of being selected. The final sample size of 1,200 supports estimates to the national population of all adults that is accurate to within a margin of error of plus or minus three percentage points at a confidence level of 95 percent. Estimates of sub-groups will have larger margins of error. Rounds 1-4 also will be included in the published version of the paper.

## Introduction

This presentation of a second instalment for the Angola-Namibia project engages with the specific aspects of institutional design and construction of the new Namibian state in the aftermath of a long and violent struggle for independence, namely, that of a creating a functioning public service for the new state apparatus and the crafting of a viable set of structures and relationships between the new unitary central government and remnants of traditional and colonial structures at sub-national levels. These tasks were not isolated experiments but were intertwined with the struggle for independence, reconciliation, and development. They embody the transition to, and the path toward, the continuation of consolidating democracy in Namibia. These areas of interest epitomise the interface of a diverse public with the new state elite and dominant party structure. It is here that old conflicts and tensions as well as new ones will intrude on the transitions undertaken.

Namibia's independence and democratic transition featured a "pacted" transformation involving negotiations both directly and indirectly, with global and local participants agreeing on a process featuring both an election to determine relative strengths of domestic rivals and a constitution-writing body to create a new body politic. These negotiations ended the twenty-three year violent independence conflict that had seen both racial and ethnic divides within the Namibian public. As with other African countries experiencing violent transitions to independence, the potential for post- independence conflict was a real possibility.

Negotiated transitions have proven to be among the most durable transition model of the Third Wave of democracy (Heine 2006). The UN supervised 1989 UNSCR 435 election allowed Namibians themselves and their elected representatives to create the constitutional design and institutional order of independence. Namibia has been widely regarded as a role model for the successful ending of armed conflict and the peaceful transition to a stable democratic future.

Reconciliation and state-building are central to the 1990's understanding of "transitionology". State formation through the choices of key political institutions has been an important determinant of success. Namibia initiated its own constitutional design by means of an elected Constituent Assembly, which crafted the Constitution in a matter of months, grounded in previous discussions and proposals, and the practical implementation of policy directed toward these processes of creating viable mechanisms for democratic survival and a deepening of democratic experience.

The historically embedded influences on structure and policy then combined with new pragmatic responses to fresh challenges and social conflicts. In order to explore these influences closely, both new and old governing institutions have been explored to examine which factors are at play in Namibia's democratic consolidation efforts. These institutions were selected both on the basis of the important role of different influences over time, and also because of their centrality to democratic governance.

Among the institutions for specific focus in this paper will be those that fall under the jurisdiction of the Ministry of Regional and Local Government, Housing, and Rural

Development and the Public Service (under the Office of the Prime Minister). This selection will draw out influences from the colonial state, the UNIN/SWAPO<sup>2</sup> agenda from the independence struggle, the impact of prolonged armed conflict, the interaction of different social forces on the ground in Namibia since independence, and the unfolding of regional and international factors affecting the course of events in Namibia.

Once again these areas of interface seem to focus attention on the potential for changes to set the new leaders of the liberation struggle, both internal and exile, against entrenched interests of different social formations that exist from life inside the country. They could still form new sites for social conflict between SWAPO and other social formations as the different interests reposition around the new political structure. Even after more than twenty years of independence such repositioning is taking place, particularly with the new SWAPO presidential candidate not being an Oshivambo speaker. The institutional settings analysed here are somewhat removed from the main interests in the transition literature – constitutional process, choice of executive and legislative structures, and election/party systems – that are the usual *foci*. Yet they clearly illustrate direct impact of high and low politics in everyday life.

The Public Service, as the first focus, makes an interesting case for transformation to Namibia's new state formation and highlights to a degree the policy of reconciliation. Under Article 141 of the Constitution of the Republic of Namibia, all public employees at the birth of the new nation were in a protected category, requiring clear "due process" procedures for their removal. At the same time, expansion of the state payroll has been practically the sole net formal employment increase since independence. (Sheefini et al. 2003) By now the Public Service has more than doubled since 1990 as have the uniformed services. Managing the Public Service functions brings sectors of government effectively under ruling party control, provides a carrot and stick approach to potential rival elites through changes to the benefits of incumbency, and embodies the most important implementation of the Affirmative Action Policy as adopted in the Constitution.

In the early years many of the returning exile community needed to be accommodated in the government bureaucracy as soldiers had been in the uniformed services. Subsequently, older recalcitrant leftovers from the old dispensation were gradually replaced and new entrants were admitted. Later, people continued to chase higher salaries and more rewarding posts, even without proper credentials and experience. As a result, numerous government positions were held by people only weakly able to deliver or manage their duties. Party activities rather than government performance protected many as SWAPO avoided disciplining their own. Implementation on the part of the state has been the great weak point in governance in Namibia.

Namibia seems to be in a turning point between "struggle rewards" or "jobs for comrades" approach as the independence period advanced, and a more technocratic performance

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<sup>2</sup> The United Nations Institute for Namibia was established in 1976 in Lusaka, Zambia to prepare Namibians in exile to lead state development after independence and to develop viable public policies for possible adoption.

alternative. The Public Service is at the centre of human resource development and limitations in the state apparatus. State owned enterprises must also be examined as an important component of state-centred expansion as an alternative to privatisation. This arena has remained a locus of contestation since independence. This sector necessarily engages the tension between central authority and Namibia's diverse population. Government is the largest employer by far and sets a tone for rewards at the top, but the State Owned Enterprise (SOE) sector has acted as a set of fiefdoms squandering resources and acting under seeming political protection. Massive subsidies have been required to keep some institutions afloat as new elites tussle for rewards and advantage.

The second arena of transition in state formation covered in this paper has a rather different trajectory from those elements and from the first instalment of my contribution on the security and education sectors. Regional and local government transformations were both necessary as a rejection of the apartheid administrative system (with the so-called homelands, see Map 1) and as an extension of the constitutional compromises entered into in 1990. Some parts of this component of the state apparatus have emerged slowly and under a degree of hostility from the ruling party in some instances. This decentralised part of the state at regional and local level remains one of the least developed and most troublesome.

At this level an interesting intertwining of interests, and perhaps some behind the scene political party activities, feature modern political party activity and interests, traditional authorities and their supporters, and local economic and political elites manoeuvring especially in the communal areas in the north of the country. A delimitation committee crafted a new middle tier, featuring 13 different regions in a somewhat more equitable structure than had existed before. Several new towns in the communal areas have been created (or elevated), and some regional capitals have been replaced under the new sub-national arrangements.

In fact after two decades of independence and a slow roll out of decentralisation authority, a reversal of power now seems underway with significant recentralisation reforms gathering momentum. In this realm the interplay between local political and economic forces and the centralising state project of the anti-colonial nationalist movement emerges and re-emerges as the transition from conflict matures. SWAPO leaders were always of mixed feelings about decentralisation.

A final dimension of state society interaction that falls under this coverage features the relations between the state and traditional ethnic structures and authorities. It is in this realm that many African states have overstepped their popular mandate (Logan 2011). This aspect of state society relations has been receiving particular attention from the state including SWAPO's ubiquitous call for "unity", now embedded in a new government patriotic mobilisation programme. It also highlights important new relations, including new conflicts between traditional authorities and the state and within the traditional authorities. After a decade and a half of independence, new aspirations seem to have emerged at local level to renegotiate relations between the central state under one party dominance and traditional communities still struggling to restore their authentic being.

## Background

On 1 July, 1980 a three tier administrative system was created in South West Africa with the South African Administrator-General at the top, eleven separate ethnic administrations as the middle tier, but under apartheid standards, and local governments, especially south of the red line. A Government Service Act and Commission were launched in that year as well. The Multi-party Conference and the Interim Government also maintained some greater local control during the 1980s as the South African Government sought a compromise with some of the local political forces. Under the 1990 constitutional agreements both the existing laws and the existing public sector workforce remained in place. The newly independent government taking office in 1990 encountered a slightly different situation than expected by their rhetoric and their research. Since 1979 local control of Government Service replaced direct control from Pretoria. Some of the petty apartheid rules had been removed during the transition governments and administrations of the 1980s, and others were removed under pressure by the UNTAG administrators of the more than eight thousand multi-racial (etc.) contingent.

In terms of the three areas of concern in this paper the challenges were practical and only capable of being changed over time. In the first place were some forty thousand plus public sector employees (44,758 posts in the establishment in 1987 at national and second tier levels, *SWA/Namibia 1989*). At management level these were nearly all white males. Additionally, the state owned economic units were similarly structured and semi-autonomous from government control.

Local authorities were primarily in the “Police Zone” in the south and central parts of the country. In the northern communal areas the population centres were either under military or administrative control. There were 74 towns and communities most of which were administered under the Directorate of Local Authorities and Planning under the Department of Governmental Affairs. Second tier authorities comprised eleven different ethnic administrations overlaying geographic and population representation. As in South Africa several of the “Homelands” were nominally self-governing with separate legislatures, executives, and police. This farce was suspended at independence with centrally appointed governors assigned and a sort of limbo existing until new institutions could be established in accordance with the Constitution.

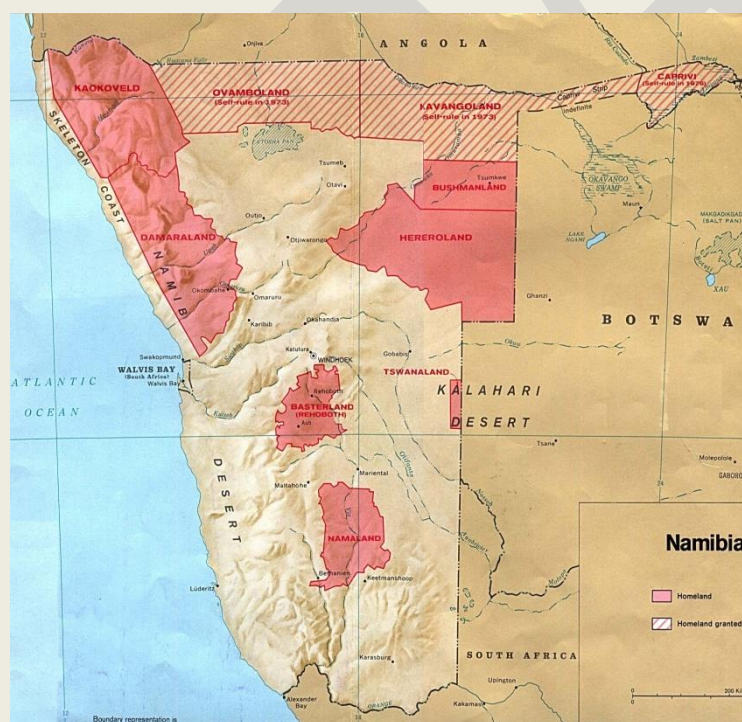
Overlapping these second tiers were the various traditional authorities that were manipulated by the centre under apartheid in much the same way as late colonial regimes had done under indirect rule in other parts of Africa (Mamdani 1996). Many of the leaders and even the “tribal units” themselves were creations of the South African colonial authorities, selecting compliant leaders and following standard colonial divide and rule strategies. The Turnhalle process and the DTA coalition in the 1989 elections featured many of these “representatives” and their parties, only to discover that no voters were behind them during the election. After the colonial conquest and subsequent decades of divide and rule policy, consequent identities and animosities were deeply ingrained (Pendleton). Yet in many cases the depth of support for such leaders was doubtful. Over time changes have taken place in many groups.



Constitutionally mandated changes such as new delimitation and regional council elections in 1992, together with the launching of the National Council, have been well documented by Josh Forrest (1998). New constituencies were created, and for the first time Namibians voted for single candidates in 96 (now 107) electoral districts falling within 13 newly created regions. The winners in the first elections in 1992 took their seats on the newly proclaimed regional councils, which then elected from their members two from each region to serve on the National Council as a house of review in the National Parliament, and another to serve as Regional Governor. These new bodies spent much of their time and energy trying to establish their status and legitimacy within the body politic. They are still at it twenty-one years later. Additional early business involved the legislation establishing the basic regional and local authority legislation.

In both areas of interest for this paper that fall under the jurisdiction of the Ministry of Regional and Local Government (and other things), second order business emerged in the second half of the 1990s. The Decentralisation Policy and Legislation was launched amid much fanfare but not so much action. The Traditional Authorities Act was also promulgated around the same time. As will be seen, in both these dimensions other countries have encountered popular resistance to centrally imposed structures, policies, and personnel. Anecdotal evidence backed by the Afrobarometer Survey evidence gives some insight into these domains and their complexity in Namibia.

**Figure 1. Homelands Map late 1980s.**



These three arenas of institution building covered in this paper (Public Service, Decentralisation, and Traditional Authorities) form additional evidence for the complexities of post conflict transformations, in particular, as areas that could pit the centre against the

society with either resistance or entirely new conflicts as occurred in Angola, Mozambique, and Zimbabwe. The story unfolds below.

### **Crafting a Public Service**

Several aspects of the transition to independence interfered with implementing a new system of governance straight from the shelf. For one thing, the compromises of the UNSCR 435 implementation and the constitutional compromises meant some sharing of power and principles that were not part of the UNIN research.<sup>3</sup> This was reinforced by the limited majority achieved by the SWAPO Party (57%) and the stability of the existing advantaged classes after independence.<sup>4</sup> This meant that new policies and additional places needed to be created reflecting the new circumstances. As Geingob (2006) indicates, these changes were already under way by 1990.

Without doubt the most important constitutional point impacting the Public Service was Chapter 20, Article 141, paragraph (1), which reads: *Subject to the provisions of this Constitution, any person holding office under any law in force on the date of Independence shall continue to hold such office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law.*

As a consequence of this provision, over forty thousand public employees employed at the time of independence by the colonial administration secured their employment with the new State. With the exception of a few South African officials, who were seconded to SWA/Namibia and returned early in the process, very few people vacated their posts either in the early days of independence or shortly thereafter. Indeed, it proved difficult to dislodge many from their posts. For example, an early retirement exercise in the 1990s only uncovered one person at management level who would be eligible. As with the merging of elements of the former warring militaries, this employment guarantee was a calculated step toward achieving social peace (mindful of the Angolan and Mozambican experiences).

In addition to replacing the departed South Africans (and taking residence in their now empty houses), temporary placements could be made to fill the gaps left by dismantling the eleven administrations for ethnic groups, especially those in the north that were nominally self-governing. Unlike the previous interim government and the UNIN plans that featured around sixteen ministries, more than twenty ministries were created to give employment to returned exile leaders and create opportunities to circulate the existing staff and blend returnees and

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<sup>3</sup> Nowhere was this more evident than in the issue of land reform, where previous research had grossly miscalculated the extent of absentee ownership. This confusion had knock-on effects with employment and other policies.

<sup>4</sup> In Angola more than 95% of the colonial personnel fled by 1975, and in Zimbabwe around half did so. In Namibia no one left. Just before the independence election, in January 1989, public servants received a pay raise – in a blatant attempt to win voters' favour. F. W. De Klerk's unbanning of the African National Congress among others removed the option of escape to South Africa, though, except for the RSA seconded personnel, no one seemed inclined to leave by 1990. An earlier exodus of several thousand had occurred in the late 1970s with rumours of majority rule at that time.

previously existing staff to lessen internal resistance or sabotage. Avoiding pockets of newcomers also scattered the experienced staff rather than concentrating them. No doubt certain tensions emerged within staff along several dimensions and not just around the black/white conflict. The entire tenor of the first five post independence years, though, was one of peace and accommodation, symbolised in Cabinet by the invitation to opposition parties to join, but evident elsewhere as well. Change was slow, and previous animosities among the participants remained barriers, as they do to a lesser extent today. Increases in personnel, retirements, and changes in party loyalty tempered the difficulties.

A second constitutional feature with significant impact on the Public Service was the provision for affirmative action to redress previous discrimination against the majority (and against women). Chapter 3, Article 23, paragraph (2) states:

*Nothing contained in Article 10 hereof shall prevent Parliament from enacting legislation providing directly or indirectly for the advancement of persons within Namibia who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices, or for the implementation of policies or programmes aimed at redressing social, economic or educational imbalances in the Namibian society arising out of past discriminatory laws or practices, or for achieving a balanced structuring of the Public Service, the police force, the defence force, and the prison service.*

An Employment Equity Commission was established in 1998 to monitor the planning and implementation of affirmative action in the largest employers in the country (initially those with 50 or more employees later including those with over 25). The mandate of the EEC included both public enterprises and the private sector. The Public Service Commission monitored the changes in the public service categories. Progress has been reasonably steady but obviously contentious around such important issues. The public sector has seen more change, especially at the top compared to the private sector as might be expected. Recent controversies have centred on the issues of an end date for preferences and a new entrant class of “struggle children”.

A third impact was from the forty thousand exiled Namibians who returned to Namibia to take up their rightful places in the government (Preston 1993). The immediate and prolonged process in the uniformed services and in the education sector have been discussed previously. Some opportunities emerged from the start as new ministries and offices were created giving opportunities to new entrants as well as rotating older ones to new posts and opening positions for new entrants. Barriers continued to exist with human resources positions still controlled by “old dispensation” personnel so that advertised posts often required “local experience” and several years of experience that excluded newly returned exiles. Others, especially teachers, seized new opportunities previously denied them, thus opening new posts as school enrolment increased. Locals were often insecure about their posts, however, and resisted hiring the newcomers.



Additionally, many of the returnees were not particularly well or appropriately qualified. However, they were anxious to find any post and to utilise contacts among those newly empowered. As a result people took up posts that they were not trained for in order to have something. Job-hopping became a frequent tactic to improve one's position. This resulted in many people being in the wrong positions or not gaining enough experience to master their posts. The so-called Peter Principle hit the public service with a vengeance. In part this was the challenge of skill shortage throughout the Public Service and the economy overall. Additional complications emerged from the blurring of lines between the state and the ruling party.

A final contributor to the mix was the slow institutionalisation of state structures. After twenty plus years, all the ministries and the vast majority of state agencies and enterprises have acquired spacious new headquarters and substantial staff components. Multiple policies for short, medium and longer term, cover areas of government concern guiding ministries toward implementation. However, in the early days space as well as talent was in relatively short supply. Reshuffles of cabinet posts and sections of ministries left many in the dark about where they were, and what they were expected to do. Many of the new power holders from the bottom to the top were under pressure to help their own friends and relatives. Frequent SMS page tales and other anecdotal evidence suggests that nepotism, tribalism and other variations of favouritism are rife. Afrobarometer surveys repeatedly recorded very high public perceptions of corruption among government officials, but little evidence of bribery. The Office of the Prime Minister launched new programmes within the first year of independence to upgrade the quality of the public sector.

### **Transformation and conflict in the Public Service**

Over the period of independence several changes took place that impacted both the character and performance of the Public Service. In particular the rapid expansion of the Public Service has changed the face of government, particularly at the top. Reforms implemented by the Prime Minister's office have also raised the level of capacity in the service, starting with Act 6 (1990), creating a Public Service under the Public Service Commission falling within the responsibility of the Office of the Prime Minister. A further transformation occurred with the continued creation of state owned enterprises (and service or regulatory agencies) to transfer workers off budget. Finally, the change in the ruling party transformed the influence of incumbency rewards and punishments, as well as the convergence of party loyalty over professionalism in government, as the share of the workforce identifying with SWAPO became dominant. By 1997 the SWAPO-affiliated Namibia Public Workers Union (NAPWU) became the official bargaining unit with the government employees. Non-SWAPO workers could join the Public Service Union of Namibia to remain non-partisan in their affiliation.<sup>5</sup>

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<sup>5</sup> The disclosure of massive losses in public servants' pension money by the GIPF in the early 2000s, created a sharp public conflict within and between unions, public workers, and SWAPO/government officials right before and after the 2009 national elections. Teachers and other public sector workers subsequently went on strike over

As with other newly independent African countries before them, the new leaders of the Namibian government needed to reward their supporters with jobs, particularly those returning from exile, and with some level of training (Preston 1992?). At the top level a larger number of ministries were established than indicated in previous planning from UNIN. But the general employment level of government service increased dramatically. From a total base line of around 44,000 in 1990 the civilian share increased to around 57,000 after 20 years. This did not include several thousand who were shifted along with their units into state enterprises (20-30 thousand) and out of the ministry budgets, after a 1994 Cabinet decision to move toward deregulating and commercialisation. After the first several years around four thousand posts a year became vacant due to retirements, deaths, and other reasons for leaving. This allowed the absorption of new graduates and others seeking employment. A regular feature of the annual budget speech, though, was the unsustainability of the high level of personnel spending, which exceeded 40% of the national budget. Government leaders were afraid to reduce numbers except through occasional, temporary hiring freezes driven by temporarily high deficits. Additional public employment came at regional and local level with the increasing number of new governments at those levels. These posts were filled entirely with previously disadvantaged applicants.

Several planning and efficiency measures were instituted by the Prime Minister's Office in order to upgrade the effectiveness of the public service, both in political and performance terms beginning in 1992. In addition to steady development, purges of recurrent "ghost" employees, and fragmented training programmes, Affirmative Action was systematically introduced in hiring and promotion to achieve a "balanced service" in terms of previously disadvantaged populations and gender equity. Strong and steady efforts along these lines have produced the desired results (Public Service Commission annual reports).

By 2012 the Public Service, including the several hundred management cadre has become much more reflective of the general population. Women are now the majority in the service and comprise 20-30% of the management figures. Similar proportions feature in the state enterprises and in the larger private sector employers. (EEC reports) New hiring and promotions together with those retiring or leaving public employment have systematically transformed the situation without creating new conflicts until recently. Thus, one could say that the pace of change was manageable in the transformation from old to new ruling elites.

A new Public Service Charter also was introduced and a reactivated Efficiency and Charter Unit led additional reforms in 1997 leading to the promulgation of the Public Service Charter an inspiration for the Africa Public Service charter. From 1994, the Centre for Public Service Training (CPST) at the University of Namibia was active in the upgrading process in the early stages. Additional centres at UNAM also contributed. The Polytechnic's downtown campus offered evening classes, increasing the country's training and capacity building those already in the workforce. A Wages and Salaries Commission (WASCOM) initiated recommendations for reform and restructuring within the public service in 1996.

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salary and other issues sharpening these tensions. Turmoil inside the unions affiliated to SWAPO was a recurrent feature in the past few years.

In 1999 renewed protests by ex-combatants, including camping near Parliament and State House, put pressure on government again to accelerate hiring in the uniformed services and other governmental units. The Socio-Economic Integration Programme for Ex-Combatants (SIPE) was established as part of the so-called “Peace Project” to make use of the former fighters in uniformed services, public service and the private sector. Most of the beneficiaries were absorbed into the uniformed services, especially the new Special Field Force under Nampol, but more than a thousand went into public service posts. Plans to streamline personnel costs in the public sector were thus sidelined in the run up to President Nujoma’s third term election.

Reforms, such as Performance Effectiveness Management (PEMP), service charters and the rolling budgets, continued after the founding Prime Minister was replaced. An emphasis on private sector modelled strategic planning was implemented throughout government (Balanced Scorecard). Despite these reforms and repeated international advice and promises of change, the public sector remains oversized and underperforming. There is reluctance to discipline or remove deadwood in the bureaucracy. Nonetheless, Government continues to be tempted to do everything or at least to dominate every sector without having the necessary capacity. Not only do these tendencies undermine government effectiveness, they also crowd out alternative responses from society. (Melber 2000)

In 2010 a special institution, the Namibia Institute for Public Administration and Management (NIPAM), was established with assistance from the Indian government to give specialised and systematic training for public sector employees on a short course basis. A distinguished Namibian academic administrator, Joseph Discho, was placed in charge of the institution not long after its initial offerings. All of these efforts have been in recognition of the continuing skill shortage throughout the Namibian economy and inadequate prior responses.

Two factors have dominated public sector employment since independence: 1) a pervasive weakness in implementation despite well conceived policies and substantial allocation of resources, and 2) a seemingly escalating perception and reality of corruption by government staff of both a petty and grand nature. Government has not borne the brunt of criticism and, as in education reforms, support and patience characterise public responses to reforms in this sector.

The general shortage of skills is a common feature that characterises most government agencies and establishments in Namibia. At management level, this leads to the bulk of the real work falling to a relatively small number of core employees. This is compounded by the pressures to provide jobs to comrades. Indeed, there is so much penetration of government by the ruling party, that no real barriers exist between the party and the government. Frequent delays are a common feature of government as two layers of bureaucracy are needed for approval or even noting of any action. A high degree of timidity infuses the public sector as people fear party reprisal, and government is the largest employer in the country. In 2008, 46% of respondents to the Afrobarometer indicated that they had “*to be careful of what they say about politics*” often or always (Q46), while 51 % said so in 2012. The fact that so much

of governance in Namibia is “rule driven”, rather than based on judgements by skilled and knowledgeable staff, gives some strength to the overall performance of government.

In addition to poor implementation and mismanagement, corruption seems to be a drag on government effectiveness. A number of high profile cases have either disappeared from view or are buried in the bureaucracy leaving only petty offenders being caught and punished. Government is rife with petty offenders, with nepotism and favouritism operating through the tender system and right through the layers of government. Several cases have involved large sums of public money (N\$30 million – N\$600 million), but the high level accused have escaped prosecution or conviction thus far. The culture of protection that has evolved has led to public perceptions of widespread corruption of an illegal kind, as well as corruption of purpose around democratic and rule of law values. Afrobarometer has captured the changing perceptions of the corruption regarding government officials in **Figure 2**. In the 2008 Afrobarometer survey fully half of the respondents perceived that “most or all” government officials were corrupt. By 2012 the figure was still 44%.

**Figure 2:** % of respondents who think that national government officials are corrupt “most or all of them”.

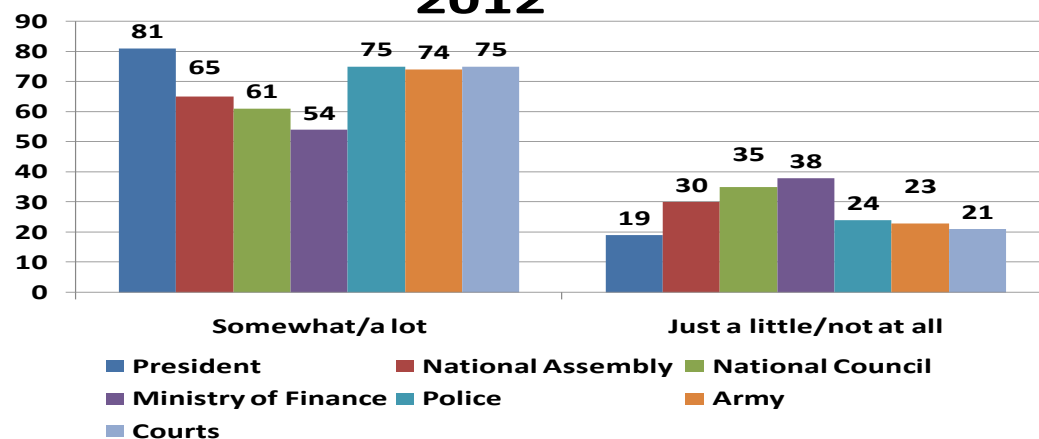
Survey	1999	2003	2006	2008	2012
Corruption “most or all”	24	30	35	50	44

Nonetheless, government has not been a major source of new conflict between the dominant ruling party and the larger society. Over time trust and performance valuations for government at all levels have remained high (50% - 90% positive over time). Indeed, these rankings are among the very top few in the Afrobarometer survey countries. See Figure 3. Public frustration with bureaucracy and ineffectiveness are common but have not impacted government’s trust or performance legitimacy. The apparatus of government is not seen as an oppressive force, except by a few marginal communities with specific grievances.

**Figure 3. Trust in Government**



## Citizens' Trust in Public institutions 2012



As shown in Afrobarometer Round one in Figure 4 in 1999, a majority of people in each region agreed that the “government exercises power in an acceptable way”. Furthermore, 95% reported being “proud to be a Namibian” in the 1999 survey. A similar question in 2012 retained a high 90% yes response. (Lindeke 2013) By 1999, nearly a decade into independence, there was no evidence of mass dissatisfaction with government in Namibia. Despite the uprising in the Caprivi Region in late 1999, government has continued to receive strong public support in the Afrobarometer surveys in terms of trust and performance evaluations and at the polls for re-election, including in Caprivi, where the only post-independence occurred. Only 12% of respondents in 2012 indicated that they were not satisfied with Namibian democracy.

**Figure 4: Govt exercises power in acceptable way (1999)**

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Erongo		4.2%	25.0%	66.7%	2.1%
Hardap		12.5%	22.9%	29.2%	33.3%
Karas		1.8%	8.9%	30.4%	44.6%
Khomas	4.4%	16.3%	11.9%	50.4%	14.1%
Kunene	9.1%	7.3%	16.4%	34.5%	29.1%
Ohangwena		2.6%	20.9%	53.6%	10.5%
Kavango		22.9%	3.1%	63.5%	5.2%
Omaheke	1.8%	23.2%	10.7%	46.4%	8.9%
Omusati		1.9%	3.1%	40.6%	50.0%
Oshana	3.5%	1.8%	14.2%	42.5%	35.4%
Oshikoto	1.0%	3.9%	9.7%	36.9%	40.8%
Otjozondjupa	3.4%	21.8%	12.6%	36.8%	23.0%
Caprivi	5.5%	15.1%	17.8%	46.6%	15.1%
Total	2.0%	9.6%	12.6%	45.3%	25.0%

Similarly in 1999, fifty percent or more of respondents in each region felt that “government treats all people fairly and equally” (See Figure 5). The general public gives both the ruling party and the government high marks on policy and performance, except for employment, poverty and income inequality measures, where government has very high negative ratings. However, there is no evidence here of new conflicts emerging, nor of continuing friction between the new government and society. Rather they are remnants of the past that remain somewhat resistant to government solutions. In 2012 only 19% of Afrobarometer respondents indicated that their ethnic group was treated unfairly by the government “often or always”. Distrust of others survives the end of apartheid, but not overt hostility or conflict at the margins.

A recent criticism from the Rally for Democracy and Progress (RDP), the official Opposition in Parliament is that members of an “Omusati Clique” are over-represented in positions of power. Omusati is home to the smaller Oshivambo speaking groups and the Founding President. It was factionalism in the ruling party that caused the split in 2007 that led to the formation of the RDP. Neither the Employment Equity Commission nor the Public Service Commission examines differences within the “previously disadvantaged” in terms of balance.

**Figure 5: 52e Govt treats all people fairly and equally**

% within Region	52e Govt treats all people fair and equal				
	Much worse	Worse	Same	Better	Much better
Erongo	2.1%	8.3%	31.2%	43.8%	12.5%
Hardap		6.2%	25.0%	25.0%	39.6%
Karas	1.8%	5.4%	19.6%	21.4%	28.6%
Khomas	4.4%	18.5%	14.1%	34.1%	23.7%
Kunene	14.5%	10.9%	18.2%	34.5%	16.4%
Ohangwena	3.3%	2.6%	22.9%	51.0%	12.4%
Okavango	9.4%	24.0%	11.5%	41.7%	9.4%
Omaheke		16.1%	25.0%	44.6%	8.9%
Omusati		1.2%	6.2%	58.8%	30.6%
Oshana	0.9%	5.3%	16.8%	49.6%	25.7%
Oshikoto	1.0%	2.9%	13.6%	31.1%	35.0%
Otjozondjupa	2.3%	10.3%	26.4%	33.3%	24.1%
Caprivi	1.4%	19.2%	16.4%	46.6%	15.1%
Total	3.0%	9.4%	17.3%	42.1%	22.1%

## Decentralisation

*...the central dilemma of decentralisation today. It is one thing to create all sorts of regional and local government structures, which makes it possible to de-concentrate government authority. It is quite another to actually decentralise and devolve power to the regions including what, in the end, is the only meaningful measure of it: control over financial resources, that is, the ability to "tax and spend". (Heine 2006: 81 )*

By the mid-1990s several pressures converged to strengthen the move toward decentralisation. A donors' Roundtable, World Bank and other United Nations agencies, and the logic of constitutional compromises brought the Namibian Government to attempt a stronger drive toward decentralisation. New acts were passed, implementation plans created, and even some structural reforms laid foundations for the proposed changes. Twenty-eight different functions were to be decentralised to regional and local authorities. At all three levels of government there were enthusiastic supporters of the new direction and justifications such as efficiency gains, bringing government closer to the people, and cost effectiveness were repeated by officials and leaders.

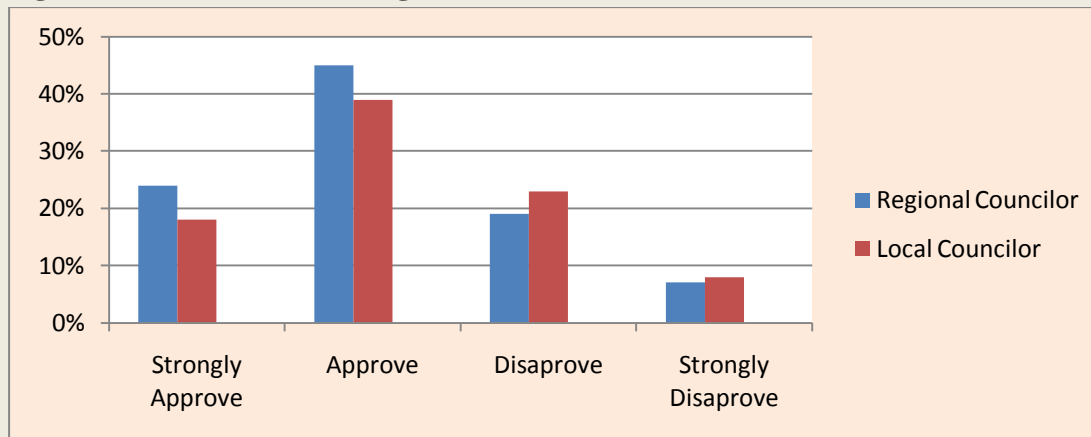
The major difficulty was within SWAPO leadership. After such a long struggle for power, and the tarnishing of the middle layer of government by the association with apartheid, there were actually few enthusiasts in Cabinet and other power centres. The national fight had been for a unitary government, and decentralisation seemed a move backward to many. Much lip-service was given, but foot dragging and resistance was more common. The roll-out was slow and uneven across the ministries. A genuine fear of losing control featured early in the process. In the end ministry staff were decentralised, but they, rather than the locals, dominated relevant decision-making bodies (development committees, land boards etc.). Complaints from the governors about the slow pace continue to this day. As SWAPO came to dominate these other layers of government after subsequent elections, central resistance has subsided, but the centre still controls the purse strings.

By 2010 the rhetoric remained, but decisive recentralisation was now dominating the process. First the governors (and their party political advisors) were now to be appointed by the president rather than the regional council. This reversed the whole argument about the closeness to the people and their wishes as an extension of democracy. (Diescho 2010) argued that this move was a return to colonial practices. Government had opted for "effectiveness" over local democracy. The political parties had already established in a Supreme Court decision, that they could remove elected personnel of any level at any time. Now staff appointments, committee assignments, housing policy, and among other decisions were to be supervised and conducted at national level.

Local and regional levels of government had been plagued from independence by the skills shortage typical of the country as a whole. Also charges as well as some cases of nepotism and favouritism undermined some localities, especially in tenders, employment and contracts. Inter and intra party politics frequently intruded into operations as did conflicts between elected and appointed staff, especially managers. Certain towns were repeat offenders. Figure

6 shows that in 2008, nonetheless, both levels had majority approval ratings for performance from Afrobarometer respondents.

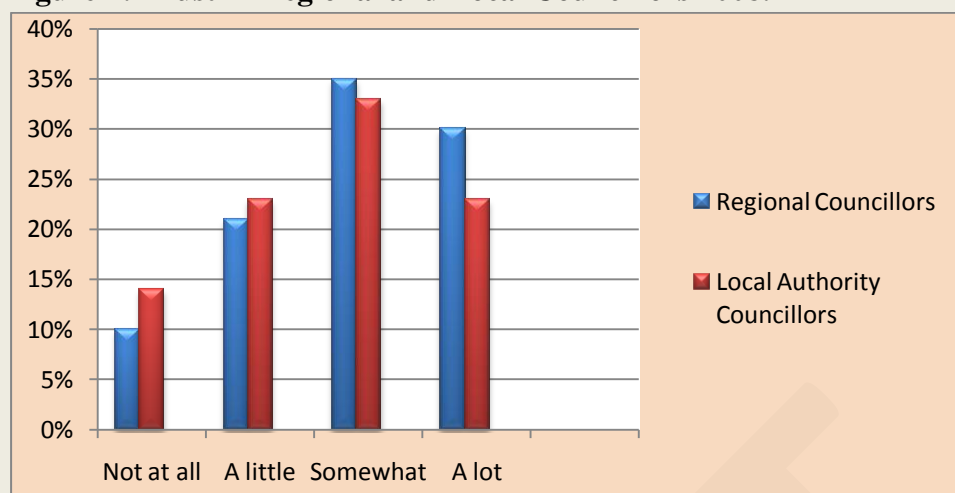
**Figure 6: Performance of Regional and Local Councillors in 2008**



Logan 2011.

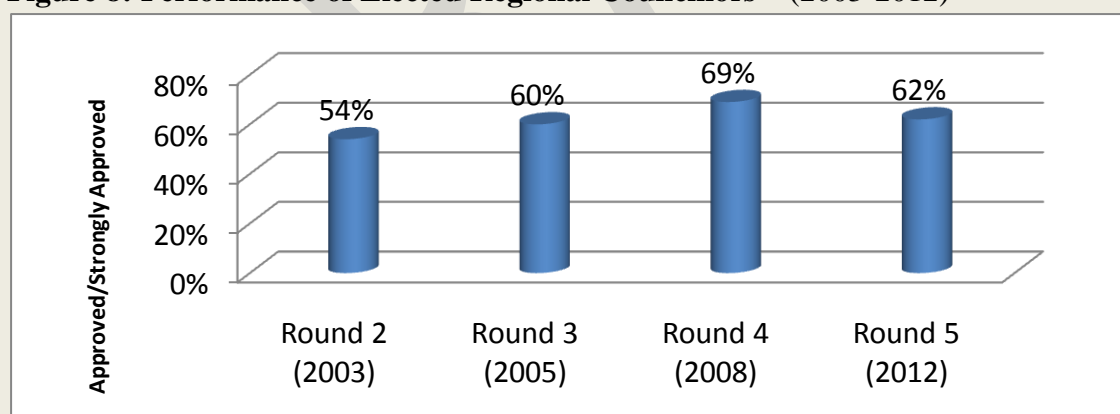
Despite shortcomings at local level, attitudes toward sub national government remain somewhat positive. In 2008, 25% of the Afrobarometer respondents thought that “most or all” local authority councillors were corrupt, as against 14% who think that none of them are, and 48% who think that some of them are corrupt (Q49D). Slightly fewer regional councillors were seen as corrupt in 2008 than those at local level. Fifty-five percent of respondents trusted local councillors “somewhat or a lot” (50c). Regional councillors were trusted “somewhat or a lot” by 65% of respondents in 2008. Further, respondents approved local councillors performance by 57% to 31% (Q70c). However, a majority of respondents (57%) felt that councillors “didn’t listen” (Q60f). Figure 7 shows trust in the two levels of sub-national government in Namibia in 2008.



**Figure 7: Trust in Regional and Local Councillors 2008.**

Logan 2011.

Overall poverty in the country and small tax bases have left many towns with relatively huge arrears for electricity and water causing shutoffs and necessitating debt write-offs by government and bailouts from the centre. There is also a general north-south divide in terms of expressed sentiments that the South is being neglected and all of the development is being channelled to the north central regions.<sup>6</sup> After the 2009 elections President Pohamba initiated a concerted emphasis on delivering benefits to the South's 10% of the population. Nonetheless, SWAPO continues to win elections in most areas south of the Veterinary Cordon Fence (red line) between the commercial and the northern communal areas.

**Figure 8: Performance of Elected Regional Councillors – (2003-2012)**

As in other parts of the public service, regional and local personnel benefit from government training efforts and improvements. Time is on the side of improvement in skills and performance. However, despite the political party wrangling and some few stalemated councils, the decentralisation efforts have not sparked new conflicts between SWAPO and the larger society, although older differences have not faded. A final point noted in **Figure 9**

<sup>6</sup> A revived southern political party making this claim failed to win a seat in the 2009 election to the National assembly.

below, few urban residents were able to name their regional councillor correctly, whereas a majority of the rural respondents could do so. A constituency-based regional government may be trusted and well regarded, it has not yet deeply embedded in the political culture of many urban Namibians. As the old saying goes city air makes one free – free from the authority structures of family, chief, party and government.

**Figure 9: Knowledge of Regional Councillors.**

<b>Q41A2 Can you tell me the name of your elected Regional Councillor?</b>			
	<b>Urban</b>	<b>Rural</b>	<b>National total</b>
<b>Know but can't remember</b>	<b>13%</b>	<b>11%</b>	<b>12</b>
<b>Incorrect guess</b>	<b>24</b>	<b>12</b>	<b>17</b>
<b>Correct name</b>	<b>22</b>	<b>57</b>	<b>44</b>
<b>Don't know</b>	<b>41</b>	<b>20</b>	<b>28</b>

### **Traditional Authority Revival or Demise**

After more than seventy to a hundred years of colonial control in different parts of Namibia and the disruptions of apartheid separatism, traditional or tribal communities have begun to stir in new ways during the independence period. Several communities re-established monarchies, including the powerful Kwanyama group of the Oshivambo speaking population. Others tried to re-establish their independence from other traditional authorities that had been put over them. Several leaders were deposed or attempts to depose leaders were tried. During the independence period, tradition has been encouraged and discouraged. Potentially, traditional units could conflict with local government authorities or challenge the state in its entirety.

SWAPO leaders have trod carefully around traditional matters from the beginning of independence. A respected lawyer and opposition member of Parliament, Fanuel Kozonguizi, was tasked with writing the Traditional Authorities Act in 1995 followed by amendments, and the Traditional Authorities Council Act in 1997. The Communal Land Act did not feature until 2002. SWAPO was cautious not to create unnecessary conflicts as other independence leaders had done elsewhere in Africa. Eventually, government stipends and 4x4 vehicles and drivers were bequeathed to recognised leaders. “Recognition” was a process whereby the government through the Ministry of Regional and Local Government, Housing, and Rural Development could reward and deny leaders and communities. At present the Ministry is complaining about too many recognition claims.

On the other hand, older leaders praise tradition and respect for (male) elders and traditional values. Cultural traditions have revived and memorial celebrations dot the calendar. Attempts to make traditional leaders choose between tradition and modern politics foundered due to

some high profile cases. In a moment of uncertainty in the run-up to the 2009 national elections, President Pohamba, who is also President of SWAPO, warned traditional authorities against becoming involved in party politics.<sup>7</sup>

The creation of the Council of Traditional Authorities as an advisory body further contained any problems and created an institution through which government could interact with or summon such leaders. Difficult or unpopular decisions could be delegated to the body. Government recognised 47 different traditional authorities in 2011, and the Council increased from 84 to 94 members in 2012. More than 678 leaders receive government stipends, while the ministry has a budget of N\$ 37 million to serve this function (Maletsky 2012). Some opposition political leaders have claimed that government has withheld recognition for party political gain.

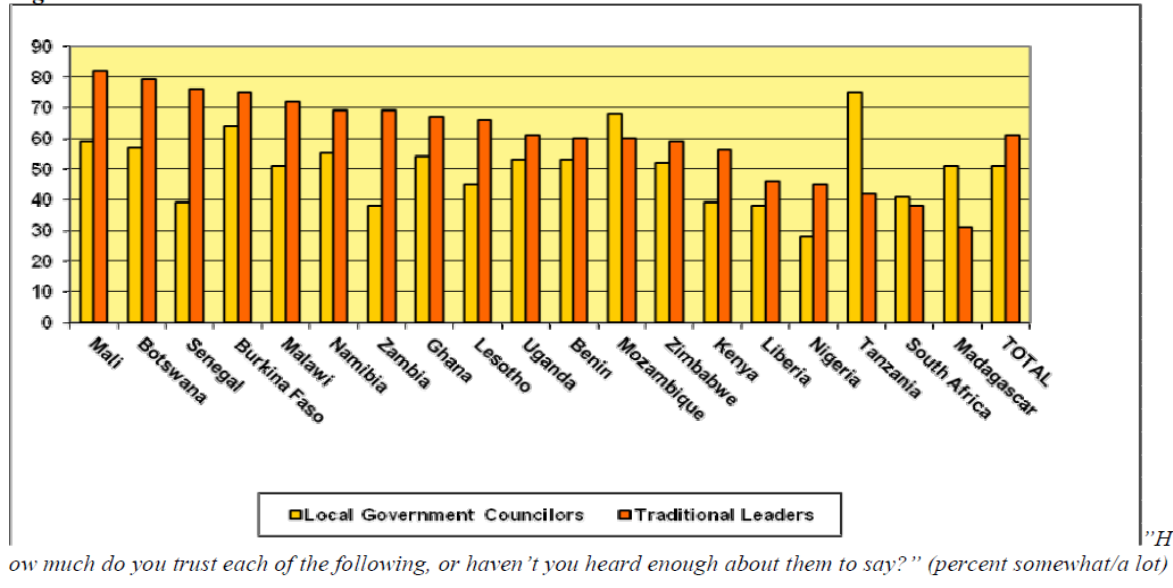
In recent years Traditional Authorities were more likely to become embroiled in internal conflicts over succession upon the death of a leader. These conflicts have ranged from north to south, with some of them being very longstanding. On rare occasions, violence has been threatened around coronation events. However, government has this conflict well in hand.

Does traditional authority constitute a challenge to state authority? Despite the alleged participation of traditional leaders in the Caprivi secessionist uprising, the overall answer is no. Afrobarometer surveys show that traditional authorities have strong local support and respect still with respect to land and resolving local disputes, but regional and local councils are also well supported. The following tables show the relative strengths of the two and how Namibia fares in this respect among twenty African democracies.

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<sup>7</sup> Cynics would say in non-SWAPO politics, since SWAPO regularly includes traditional leaders in party political events. A temporary fear that the new RDP party might begin a split in the 90%+ support for SWAPO sparked the concerns about political activity on the part of traditional leaders.

Figure 7: Trust in Traditional Leaders and Local Government Councilors



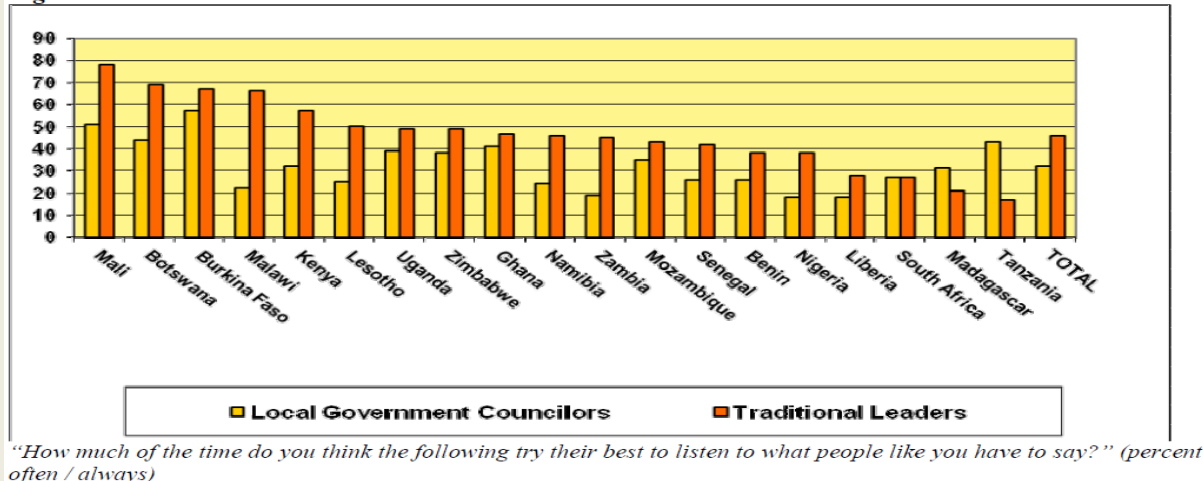
Logan 2011.

In the past several years political parties, both new and old, with strong ethnic support bases have joined the electoral arena. As well the sharpening of ethnic relevance in political disputes and the widespread conflicts over succession raise the question of ethnicity as a political risk in Namibia. Thus far no real challenge to the state has occurred. As Figure 11 below shows, Namibia is in the middle of Afrobarometer countries' 2008 experiences of thinking that traditional leaders listen better than local authority councillors. In part this reflects the multi-member electoral system at local level in Namibia, that leaves voters without a specific representative.

Keulder (1998), in his study of traditional leaders in southern Namibia, found that people did not see a choice between types of authority, but rather multiple opportunities through which to seek help with development for their communities.

### Figure 11: Who Listens?

Figure 7: Who Listens: Traditional Leaders vs. Local Government Councilors





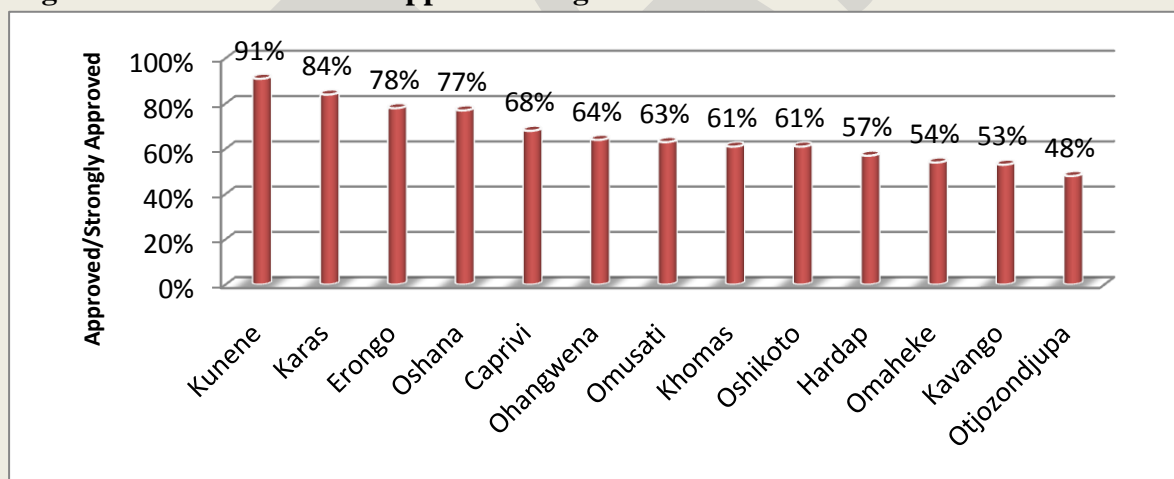
Logan 2011.

## Presidential Appointment of Governors

Shortly before the 2010 regional and local elections, the SWAPO leadership decided to reverse the process of decentralisation by appointing regional governors rather than having them selected from the regional councils. In some respects the change reflected the limited capacity of local and regional governments to actually deliver on the promises of SWAPO. In other ways the new legislation allowed a substantial increase of party patronage at taxpayers' expense.

While some analysts, such as Joseph Discho and the present author, pointed out the parallels with the apartheid structures, no public protest occurred and most people (54%) agreed with the change. Several other changes characterised the recentralisation process that seems to emphasise party control and government effectiveness over local control and participation. Unexpectedly, a strong majority of respondents supported the change to presidential appointment. Additionally, regional governors received a respectable majority of positive responses on their performance. See Figure 12 below broken down by region. The Kunene Region and the Karas Region, with historical weak SWAPO support, were the highest! They also had the oldest and youngest governors respectively. No evidence of new conflicts and the older ones are muted to be sure.

**Figure 12: Performance of Appointed Regional Governors 2012**

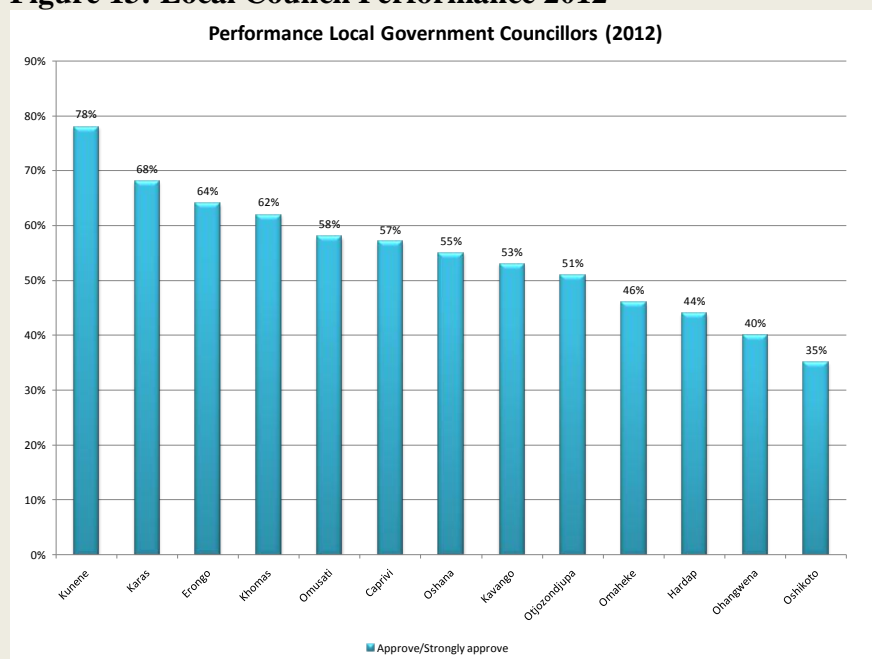


By 2012 the heightened ethnic identity and new political party formation had dissipated and returned to earlier levels. National identity was very strong and pride in being Namibian remained above 90%. Further 71% of 2012 respondents felt that the country was “headed in the right direction”. Nonetheless, the government felt a need to launch a “Nationhood and National Pride Campaign” in 2012, yet the Afrobarometer results do not indicate a problem in this regard. (Lindeke 2013)

Round 5 results also showed interesting results with respect to regional issues. The key point of performance evaluation by respondents shows a variety of strengths and weaknesses in both SWAPO strongholds (North-central Namibia) and other areas where SWAPO is not as

strong. Variation rather than polarisation is the main feature in the findings. Nationally the regional level of government has always enjoyed majority support for council performance. Local authority councils also showed a wide variety of support that is relatively strong among Afrobarometer countries.

**Figure 13: Local Council Performance 2012**



## Conclusion

The foregoing analysis suggests that, like the security and education sectors previously analysed (Lindeke 2010), the post independence period has experienced a remarkably smooth transition in transforming the public service through retention and expansion policies that did not produce widespread new conflicts. Pressures for jobs from former exiles were the dominant sources of conflict.<sup>8</sup> Perceptions of corruption in the public service are also persistent over time. The main difficulty in general government performance derives from the persistent skills shortage and weak implementation inherited for the most part from the old dispensation.

Decentralisation efforts by contrast have been half hearted by many at the centre. Disparities between poorer and better off areas impact spending as do skill and other deficits. Nonetheless, Namibians find regional and local governments to be relatively trustworthy, only modestly corrupt, and reasonably well performing. Differences in personnel quality and history may account for variations in Afrobarometer respondents' evaluations. There is no evidence of widespread or new conflicts with the new leaders.

Traditional Authority and community conflicts are more complex. Namibia, along with South Africa and Tanzania, have the most national identity among Afrobarometer countries. Nonetheless, traditional authorities have featured prominently in a variety of conflicts since 1990. Some conflicts have hidden party political features (e.g., Mayeyi and Damara), others

<sup>8</sup> The GIPF corruption scandal was an exception late in the period.

take place within SWAPO party supporters (Mbanderu). Partly they feature patronage, land and jobs issues.

Perhaps most interestingly, many communities seem to be trying to reconstruct themselves After decades of war and colonial oppression. They also seem to be trying to reposition themselves with respect to the long-term prospects of SWAPO one party dominance for the foreseeable future – the 2009-2010 ethnic party boomlet (6 new ones) fizzled, and with it, the increase in Afrobarometer ethnic identity self reports. No doubts new efforts are on the horizon.

DRAFT

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