

**THE ROLE AND EFFECTIVENES OF PARLIAMENTARY COMMITTEES IN
PROMOTING PARLIAMENTARY DEMOCRACY IN NAMIBIA**

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BY

ALBIUS IMASIKU MUTONGA

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SUPERVISOR: PROFESSOR ANDRE DU PISANI

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DEDICATION

This study is dedicated to the memory of my late father, Mr. Muyunda Alfred Mutonga. Thanks dad you taught me well to be where I am, your guidance and support keep me going, rest in peace daddy.

DECLARATION

I declare that ' The Role and Effectiveness of Parliamentary Committees in promoting Parliamentary Democracy' is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been fully acknowledged in the references.

ALBIUS IMASIKU MUTONGA**MARCH 2007****Signature:**

ABBREVIATIONS

CSOs	: Civil Society Organizations
HON	: Honourable
LAC	: Legal Assistance Centre
MISA	: Media Institute of Southern Africa
MP	: Member of Parliament
NA	: National Assembly
NC	: National Council
NDI	: National Democratic Institute
NID	: Namibia Institute for democracy
NDSC	: Namibia Democracy Support Centre
NGOs	: Non Governmental Organizations
NUNW	: National Union of Namibian Workers
RD	: Representative Democracy
UNAM	: University of Namibia
WAD	: Women's Action for Development

CHAPTER ONE: BACKGROUND AND INTRODUCTION TO THE STUDY

1.0. Background to the Study

The word Parliament comes from a Latin word meaning to speak. It is a place where a nation speaks about its policies and laws through elected representatives, where words of people are turned into laws for the people. The National Assembly (Parliament) of Namibia was established in terms of Article 44 of the Namibian Constitution as the highest law-making body of the country.

The Parliament of the Republic of Namibia is bicameral in nature, consisting of the National Assembly (NA), lower house and the National Council (NC), the upper house commonly referred to as the House of Review. The National Assembly was constituted immediately after the attainment of hard fought independence on 21 March 1990. A Constituent Assembly was established to write a Constitution, which is one of the most liberal and gender sensitive in Africa.

Article 59 of the Constitution (1990) provides for the establishment of parliamentary standing committees, with among others the duty to perform an oversight role over the Executive. Parliament being the legislative body is one of the three main organs/branches of the state the others being; the Judiciary and the Executive. Prior to independence, Namibia was for extended periods 1884-1915 and 1915-1990 under the colonial control of Germany and South Africa respectively. During these hard times

culminating in independence, Namibians did not make their own laws nor were they accorded opportunity to participate in the legislative processes. The attainment of independence brought along the concept of democracy, a Government by the people for the people, a system still in place.

1.1. Introduction to the Study

Parliamentary committees are widely recognized to be important arenas for legislative deliberations. Committees scrutinize bills, the work of the Executive as well as carrying out public consultations on proposed policies referred to them. Committees of the National Assembly which will form the basis for this study are categorized as follows; Whole House Committee, which is composed of all National Assembly members, Committee on Standing Rules and Orders, the most dominant and powerful serving as a cabinet of the National Assembly and Parliamentary Standing, Joint and Select Committees. Parliament of Namibia (National Assembly) has five Standing Committees. Select and Joint committees are formed when necessary to deal with specific issues.

Parliamentary committees are classified as follows; the Committee on Constitutional and Legal Affairs, the Committee on Public Accounts, the Committee on Defence and Security, the Committee on Economics and Natural Resources and the Committee on Human Resources and Social Welfare. Each committee has its own terms of references and Government ministries and agencies assigned to it; they are headed by a Chairperson and Deputy Chair. Parliament is a vital institution in promoting good governance, in this

it does not operate in isolation from the other arms of Government and the wider society at large. It is the relation among these institutions that provide the overall governing framework of any given country; however these relations are in most cases not balanced due to Executive dominance. *Agenda for Change* (1995) a document produced by a working group of prominent individuals was specifically aimed at strengthening the institution of Parliament and to empower its Members

Implementing the recommendations made in the *Agenda for Change* (1995) is necessary for Parliament to deepen parliamentary democracy in Namibia. It is through committees that Parliament can involve citizens in the governing process, conduct hearings and awareness programmes on Parliamentary activities in general. National parliaments are the cornerstones of democracy, thus parliamentarians are ultimately responsible for the enactment of sound laws and supervise government processes.

1.2. Statement of the Problem

Democracy is and will always remain a fragile concept in many parts of the world, often perilously flawed in practice. Even where it is well established, democratic institutions are struggling to adapt to the new challenges ignited by globalization. Bearing that in mind, it is therefore critical and appropriate to assess Namibia's efforts to attain a fully fledged parliamentary democracy. Parliamentary committees play a vital role in the parliamentary system. It is in committees where much of parliamentary work takes place; they debate policies that help make better laws informed by public choices. Indeed

committees are critical spaces for citizens to interact with the legislature, and by so doing they promote good governance and enact the principles of democracy. The spread of democracy is the start of a journey – never an end state in itself, this being the case, Parliaments should strive to deliver the basic building blocks of democracy – representation and accountability. Since independence many laws have been passed by Parliament, of which only a handful were referred to committees for scrutiny, report back and public consultation.

Notable occurrences of protests, petitions to Parliament, often lead by concerned civil society organizations is a clear indication of public discontent with the current legislative practices. Like direct democracy, representative democracy is no more than a broad concept against which one may measure other forms of political participation. Democracy is not static as mentioned earlier, so people devise ways of influencing and controlling political processes.

1.3. Objectives of the Study

Having earlier recognized that democracy is and should be people centered and that Namibians are agents, custodians and beneficiaries of democratic governance, this study therefore seeks to; solicit inputs and opinions of members of Parliament and Civil Society Organizations on the development of parliamentary democracy informed by the following key objectives:

- i. Strengthening of Parliamentary Committees as critical instruments for the promotion of parliamentary democracy.
- ii. To analyze the actual and potential roles played by committees in promoting democracy and the rule of law in Namibia.
- iii. To enable government, through its various organs to understand the causes and effects of having an ineffective committee system in a democratic society.

1.4. Significance of the Study

This study is highly significant for Government and its organs, as well as the general public for the understanding of the role parliamentary committees can and should play in deepening Namibia's democracy to become ever - more people centered. Namibia is and will hopefully remain a democratic nation, thus there is a need to have a well functioning committee system to ensure accountability and public participation in the legislative process. Committees provide an important democratic space for intervention by minority parties and the public, thus increasing the chances of making informed policies and legislation.

The study will enable Members of Parliament to build relationships across party lines, as committees that function well transcend partisan politics, thereby providing for quick passage in plenary of legislations. Results and recommendations of the study can be used by Parliament to devise ways of further strengthening the role of committees to be more efficient and effective.

1.5. Research Methodology

The study on the role and effectiveness of parliamentary committees in promoting parliamentary democracy is qualitative. The study draws on a sample from Members of Parliament and Civil Society Organizations, that have given evidence before any parliamentary committee or are advocates championing the cause for democratic governance in Namibia. Interviews with members of Parliament included Chairpersons of all Parliamentary committees. Structured interviews and questionnaires were used and administered by the researcher. Where possible recording of interviews was done. Both primary and secondary sources of information were utilized in this study.

The questionnaires consisted of closed and a few open ended questions, ranging from political, institutional and personal opinions. All committees of Parliament as mentioned in the Introduction were covered. Gender and party representation in Parliament were taken into account in selecting MPs to interview in order to have balanced results. The same criteria applied to civil society organizations.

The study made an effort to include women's organizations such as Women's Action for Development (WAD) and SISTER NAMIBIA. Civil society organizations included the Legal Assistance Centre (LAC), the Media Institute for Southern Africa (MISA), the Namibia Democracy Support Centre (NDSC), the National Union of Namibian workers (NUNW) and the Namibia Democratic Institute (NDI).

Initially, the sample size was thirty (30). In practice interviews were conducted with fifteen (15) members of Parliament and three (3) leaders of Civil Society Organizations. Four (4) organizations filled in questionnaires due to time limitations. Finally twenty (20) of the initial target of thirty (30) were conducted (66%). More elaborations will follow in chapter four. Secondary information was obtained from various publications such as relevant published materials on sub – national Government in Namibia, legislations, books, internet sources and previously conducted studies done in Namibia and South Africa.

Primary sources of information were obtained from interviews and questionnaires obtained from Members of Parliament and civil society organizations. Due to the difference in positions of the selected sample, two sets of questionnaires/ interviews were administered. Members of Parliament were asked slightly different questions to those put to civil society actors. This was done to avoid bias and to promote objectivity.

1.6. Limitations of the Study

The following problems were encountered during the development and execution of this study.

- i. Unavailability of Members of Parliament; when the interviews were conducted in October, most of the MPs were on recess, as therefore could not be reached. Some were unable to grant the interview, while others did not respond to the questionnaire due to their full work schedules.

- ii. Time and resources: The time for this study was too short to conduct a large sample of relevant individuals. Lack of financial resources impeded the researcher to follow up on some of the questionnaires distributed.

1.7. Structure of the Study

The study is structured as follows: Chapter One contains the introduction and background of the study, details the statement of the problem, objectives, significance and research methodology. Chapter Two contains the literature review and theoretical framework of the study. Chapter Three provides an overview of parliamentary democracy in Namibia, more especially the role played by committees and civic organizations. Chapter four analyses in detail how the study was carried out, results presented and data analyzed. Chapter Five contains the study's conclusions and recommendations as well as the references.

CHAPTER TWO: LITERATURE REVIEW AND THEORATICAL FRAMEWORK

2.0. Introduction

This chapter will review literature on key concepts of the study. It will firstly attempt to define the concepts of democracy and Parliament, after which the focus will turn to parliamentary democracy in the pre and post independence periods. The idea is to briefly examine the history behind the attainment of independence and the establishment of democracy. The literature will also cover the role of the legislature post independence period, as well as a look at how parliamentary democracy is applied in a few other countries.

2.1. Definition of Key Concepts

There is a consensus and common understanding among various authors in their description of democracy, as a multi faceted concept with many definitions and meaning. Democracy is a word most familiar to everyone, but still a concept widely misunderstood and at times misused by totalitarian regimes and military dictators alike in their attempt to claim popular support by pinning democratic labels upon themselves. Democracy literally ‘ rule by the People’ derives from the Greek words *Demos* ‘ People’ and *Kratos* ‘ Rule’, the term is often nowadays used to refer to liberal democracy. There are many

variants to democracy and the methods used to govern differ depending on application of its principles and core values.

The definition of democracy is made complex by the varied concepts used at different times in history in different contexts. Aristotle for example contrasted rule by the many with rule by the few (oligarch/ aristocracy), and rule by a single person (tyranny/ Monarchy). Whilst the term is typically used in the context of a political state, its principles are equally applicable to other bodies such as NGOs, trade unions and many more.

There are varying interpretations as to the meaning of democracy, Pzeworski (1997:42) understands democracy as 'a political, procedural understanding that emphasizes procedures, rules and norms'. This definition describes democracy as 'government or rule by the people'. Bretton and Van De Walle, (1997: 12) on the other hand, describe democracy as more economical, it is depicted as a distributive socio economic order with its substantive benefits being economic growth, equity and service provision. This definition describes democracy as 'government or rule for the people'. It is in simple terms as Abraham Lincoln put it 'government of the people, by the people and for the people'.

In contrast the word 'Parliament' is derived from the Latin '*Parliamentum*' and the French word '*Parler*' originally meant to talk, and talking is of course what Parliaments do most of the time. Parliaments exist in all countries of the world, the term is usually

associated with the British system of Parliamentary Government, and a system which has to date influenced the development of representative assemblies in many parts of the world.

Democracy is generally agreed to have its conceptual roots in certain of the city states of ancient Greece. The system now described as direct democracy, based on the notion that every citizen is directly consulted in all government decisions. In ancient Greece, political decisions were taken by the majority in a popular assembly of the whole body of citizens. This was possible because city populations rarely exceeded 10 000, also women and slaves were excluded from citizenship and therefore, from political participation.

Although the concept of direct democracy persists in a much more modified form, Greek democracy had little direct influence on the development of modern democratic practices. To a large complex society as argued by De Villiers (2003), direct democracy is impractical and inappropriate; nevertheless it lays a basis for the notion of democracy as broadly participative.

The ruling SWAPO party in its election manifesto implementation guide (2000); states that democracy can only be sustained with the reduction of poverty, increase in economic empowerment for the formally deprived Namibians and the implementation of affirmative action in all spheres of life. Democracy is somewhat linked to good governance, according to Pohamba (2000), good governance means delivery of electoral promises and respect of the will of the majority by the Government of the elected

political party. Democracy is indeed a set of ideas and principles about freedom, but it also consists of a set of practices and procedures molded through history. In short democracy is the institutionalization of freedom. Chapter Three of the Constitution of the Republic of Namibia, Article 5-25 makes provision and guarantees fundamental freedoms and human rights of the citizens. What is being described as Constitutional democracy is generally a form of representative democracy, where the rules of the political game are formalized in a written Constitution. Namibia is both a liberal and a representative democracy.

2.2. Democracy in Namibia Pre and Post Colonial Era

2.2.1. Pre - Independence

Namibia gained independence on 21 March 1990. Before that the Namibian society was deeply ravaged by war, social, economic and racial discrimination as well as ethnic hatred. Seventeen (17) years after, Namibia has emerged as one of Africa's most peaceful, democratic and prosperous societies. Namibia's principle of a Parliamentary government is based on the Westminster model developed by John Stuart Mill in the 19th century. Presidential and National Assembly elections are held at five year intervals, whereas elections for regional and local authorities are held after six years. Namibia has adopted one of the most liberal constitutions in the world and set about creating a new culture of citizen based democracy and tolerance.

Swapo's armed liberation struggle, launched in the mid-60s contributed greatly to the decolonization of Namibia. Namibian's independence came about as a result of a negotiated settlement, which finally after the end of the cold war period was guided by coming into force of a United Nations (UN) resolution. The mandate implemented by the United Nations Transitional Assistance Group (UNTAG) under UN Security Council Resolution 435 (1978) provided for the supervision of free and fair general elections for a Constitutive Assembly among all parties registered under the transitional government. The liberation struggle SWAPO waged against the colonial regimes was mainly aimed at the establishment of a formally legitimate and internationally recognized sovereign Namibian State.

The South African apartheid regime in Namibia was undemocratic, a system based on discrimination, racial segregation and inequality. The legislature was no different; Parliament operated and enacted laws unilaterally without prior consideration of the interests and will of the whole people. The governance system was oligarchic and dictatorial in nature, not allowing citizens to participate in the governing process.

Although Parliament in particular was composed of regional representatives known as 'ministers', they had little power to influence the ruling white elites in decision making. Parliament rarely or ever conducted public hearings on bills discussed. Enacted laws were simply imposed on the people, in other words the citizens were merely subjects rather than participants in the Legislature.

2.2.2. Post - Independence

The attainment of independence in 1990 brought many changes to the Namibian people. These include: a vibrant liberal Constitution and a democratic system of government. After the elections of 1990, the contesting dominant parties, DTA and SWAPO agreed to rule the country as a multi party state as the first head of state President Sam Nujoma states in his Biography, *Where Others Wavered* (2001: 60) 'we agreed without argument that Namibia would be a multiparty democracy with an independent judiciary and a strong bill of rights'.

It was an independence process under UN auspices, which profoundly influenced the form of the new Namibian democracy. The constitutional rooting of formal political liberties and human rights secured a yardstick for good governance, to the extent that it offers a meaningful framework for further democratization.

The constitutional democracy that was formally institutionalized as a last preliminary step towards formal sovereignty of the Republic of Namibia confirmed in its contents a negotiated compromise. Since the constitutional document had to be adopted by a two third majority among the elected 72 members of the Assembly, none of the parties' involved in the process of negotiations had the power to impose a unilateral decision upon the other. The unfolding process that lead to the adoption of the Constitution has been qualified as an impressive example of successful bargaining by opposing political party elites in a transitional democratic context.

The post - independence era saw the establishment of a number democratic institutions and organizations such as the National Democratic Institute (NDI) and the Namibia Institute for Democracy (NID) respectively. The National Democratic Institute, a United States sponsored organization, has since independence assisted the National Assembly by providing training to MPs, conducting surveys on behalf of both Houses and availing financial assistance to Parliament on activities and projects geared to promoting parliamentary democracy.

The most striking phenomenon in terms of political development during Namibia's first decade of independence according to Melber (2006), in a paper published in the *African Parliaments*, (Salih: 2006), has been the constant gain and consolidation of political power and control by the former liberation movement, SWAPO. Melber continues to argue that, during the first decade of Namibian independence a political system emerged, which displayed tendencies towards a factual one party state under increasingly autocratic rule.

Based on SWAPO's reputation as the liberating force and in the absence of serious political alternatives, it managed to entrench political dominance by obtaining continuously a higher proportion of votes in a legitimate way. In contrast, as Melber puts it, an increasingly repressive atmosphere during the 1999 election campaign might be perceived as lack of consolidation of Namibian democracy. The far reaching mandate encouraged the misperception that the Government is supposed to serve the party and that the state is the property of the government.

Irregularities and minor inconsistencies which existed in the 2004 elections sent mixed signals to the international community. Political analysts such as Henning Melber (2006) argue that while the slogan in the days of liberation struggle was 'SWAPO is the people' the adjusted slogan for today maybe 'SWAPO is the government and the Government is the state'. This tendency towards the abuse of state power fails to acknowledge and hence disregards the relevant difference between formal democratic legitimacy and the moral and ethical dimensions and responsibilities of such legitimacy.

The state in Namibia Melber (2006: 147-148) further argues often uses democracy to perpetuate hegemony rather than to advance rights, liberty and democracy. Several examples of recent years offer empirical evidence to substantiate this. They confirm the suspicion that 'the adoption of non-democratic measures is often justified against the backdrop of achieving national objectives through a democratic mandate'. The contested results of the November 2004 elections are a particular case in point.

Namibia as the late Dr Tjitendero stated in a paper he wrote as a supplement to the *Parliamentary Journal* (2002), still faced the ongoing challenge of internalizing the democratic culture and respect for human rights and freedoms, that give life and meaning to the Constitution. He further stressed that another challenge facing the young democracy was to consolidate Parliamentary Democracy and to develop Parliament's institutional capacity and democratic culture. This is necessary for Parliament to become the fulcrum and forum for a vibrant and pluralistic democratic country.

Namibia has unlike some democratic countries, a profoundly democratic constitutional architecture, multi - party politics, and the rule of law. In spite of these as the former speaker argued, there aren't sufficient conditions for the consolidation of parliamentary democracy. Parliament as an institution must be made self confident and secure in its relations to Government, the public service, the electorate, the civil society and the media. Democracy has proven to thrive where good relations exist with all institutions, and decision making is made by consulting all the stakeholders.

The Namibia Democratic Institute (NDI, 2000), conducted research on public participation in the legislative process. The survey was aimed at identifying mechanisms that would enhance communication between Parliament and the regions, with the objective of bringing Parliament closer to the people. The survey revealed, that the majority of citizens, especially in remote rural areas where not aware of the processes under which laws are made, and how they can be part of such the processes. There appears to be limited consultation between elected representatives and the electorate, a role that a properly functioning committee system can play with the necessary support and mandate.

The public needs information and an understanding of the benefits and implications of national legislation on their lives, their communities and their respective regions. As institutions of governance in collaboration with Regional Councils, committees are well placed to facilitate dialogue on national laws, soliciting and facilitating inputs from local

and traditional authorities, Non Governmental Organizations (NGOs), community based organizations (CBOs) and other interested parties.

In 1995, Parliament adopted the *Agenda for Change* a bold policy framework to guide the processes of consolidating and institutionalizing parliamentary democracy in Namibia. A functioning committee system has been put in place, thus hearings on key legislative issues and matters of public concern have since become a regular feature of the law-making process in the country. Public views and opinions on Bills are solicited by conducting hearings, lobbying and through petitioning Parliament.

The former Prime Minister Dr. Hage Geingob, in his paper 'Parliament and the President' published in the *Parliamentarian* (2002), emphasized the need for Parliament to be more responsive to the will of the people, as agents of the people. In his paper on 'Parliamentary Democracy in Namibia' the *Parliamentarian* (2002), Democratic Turnhalle Alliance (DTA) President Katutire Kaura, highlighted and stressed that a properly workable standing committee system can deepen the legislative process, and consequently improve relations with cabinet and the general public. It will result in members of the National Assembly becoming more empowered and thus more effective in their duties.

Standing committees with the competent staff will create the opportunity for the different sections of the legislature to be brought together and tested with regard to functionality and effectiveness. Parliamentary committees in Namibia lack support and financial

resources to deliver as expected. Executive dominance is also an impending factor, as the Executive far outnumber the back-benchers and thereby protect their own interests.

Namibia's political system is constitutionally based on multiparty democracy, the pursuance of human rights and freedoms, legitimization of authority and decentralization of powers and functions to lower tiers of government. Decentralization, as Totemeyer (2002) put it is not restricted to administrative processes and provision of services but equally embraces political, economic and financial matters while emphasizing its co-operative and participative character.

There is a nexus between grass roots development and grass roots democracy, the assumption is that democracy at central level cannot be functional if not supported by a functioning democracy at sub-national level. The committee system of the Namibian Parliament has yet to perform to its full potential, in order for them to influence and exert pressure on the operations of Parliament and the powerful Executive. Recommendations made by Committees in Parliament through reports, have little or no impact at all to alter the final outcome of legislation.

This was evident in the hearings conducted by the Standing Committee on Human Resources on the Children Status Bill. The Committee's recommendations based on public hearings conducted were rejected by the ministry concerned. This clearly signifies lack of confidence the Executive has on parliamentary committees. Public knowledge is

essential for the public to keep abreast of Parliament's activities, failure may lead to distrust in the Legislature and defeat the cause of democracy in Namibia.

The parliamentary standing Committee on Economics and Natural Resources in (2003) conducted hearings on the Affirmative Action Loan Scheme administered by the Agricultural Bank of Namibia. A comprehensive report was made to Parliament with recommendations on how to improve the management of the scheme. Most of these recommendations were brushed aside as being impossible and too costly to government.

The same happened to the report of the Standing Committee on Constitutional and Legal Affairs tabled in 2006 emanating from a workshop held at Heja Lodge, in July 2005 with the theme ' On the road to an effective oversight'. Two important recommendations were made and blocked by the Executive in Parliament. These were 'automatic referral of Bills to committees and the establishment of a Constitutional review commission'. Due to the inclusion of these recommendations in the report, it was set aside and tabled for noting only. However its worthy mentioning here that, not all committee recommendations were cast aside, those felt to be reasonable were accepted.

2.3. Nurturing of Parliamentary Democracy in Namibia

After independence, the imperatives of national reconciliation and nation building dominated the political life of the young Republic. Understandably, great emphasis was put on unity to achieve major tasks of constructing a national identity, consolidating

power of new government structures, addressing historical and social deficits of the past and priming the economy. To date as DTA President Kaura put it in his paper on 'Developing Parliament', published in *the Parliamentarian* (2002), that the Executive is too dominant in the legislative process and public service, as such defeating the purpose of other institutions of Parliament, most notably committees to have their voices heard. To aspire to the generally accepted principles of democracy, to be more efficient, there is a stronger need to overhaul the legislative setting to balance the power surge by the Executive.

Whereas the Constitution has provided the framework for Parliament and other institutions, Geingob (2002), in a paper written in commemoration of Namibia's tenth independence maintained that the effectiveness of Parliamentary institutions depends much on how they operate. The right to information is fundamental in fostering democratic principles of openness, transparency and accountability.

Taking a similar view the United Nations Development Programme (UNDP, 2006), advocates the need to protect and promote access to information as an important democratic governance arena, to keep the governed informed of the workings of their elected representatives. Freedom will be meaningless and ineffective if the people have no access to information, a basic principle of democratic life. Committees should strive to accelerate and promote the activities of Parliament by conducting awareness campaigns and educational programmes in various communities in an effort to achieve genuine parliamentary democracy.

Information helps in creating an open society, challenging corrupt practices and enhancing transparency. Keulder's (1998) 'study on political perceptions of Namibian students' revealed a rather negative trend in student's interest in political issues, this can be attributed mainly to lack of information provided to the country's future leaders. While rapidly developing, Namibia has very remote and sparsely populated regions where interaction between Members of Parliament and traditional communities is not simple as Hon. Shinohamba showed in his paper written in '*the Parliamentarian*', (2002); having in place local and regional authorities and their elected representatives represented in Parliament has proven a very effective means of reaching out to the public. Existing regional and constituency councilors should always strive to ease the work of committees in their consultations with the electorate.

Members of the National Council (NC), have as Hon. Shinohamba argued in *the parliamentarian* (2002) in his paper entitled Challenges for rural Members have a moral and socio- political obligation towards their respective constituencies. They should strive to serve as conduits between the electorate's concerns and Parliament. This is necessary since it provides a forum for regional debate and consensus necessary for enhanced public participation in the legislative process. Partisan politics deeply affect efforts Parliament is making to bring government closer to the people.

The committee oversight role cannot be performed properly with the pervasive the influence of partisan politics. History has proven evidence that highly structured and organized committees transcend partisan politics in favor of public will and interest. To

be representative Parliament has to reach out, often through committees to the wider public, sensitize and educate them on their constitutionally guaranteed rights and freedoms.

In 2003, the National Democratic Institute for International Development (NDI) conducted a survey on constituency outreach programmes of Parliament. The survey was mainly aimed at creating awareness and providing civic education, access to Parliament and participation in the policy formulation. The survey showed that, the majority of the public is still in the dark on what Parliament does and how they can become part of the legislative process.

Therefore a strong recommendation was made for Parliament, as a matter of urgency to implement a diverse, effective and sustainable public education and awareness programme on the functions of Parliament. At present the Parliament of the Republic Namibia, as alluded to by the Honourable Speaker earlier, has an outreach programme of going out to the public using a bus donated by NDI. In spite of this the programme is not consistent, as much of its success depends on the availability of funds. Honorable Pretorius former MP of Monitor Action Group (MAG) once remarked in Parliament, that for the sake of democracy, what Namibia needs is a balanced viewpoint as far as the powers and functions of the Legislature, Executive and Judiciary are concerned..

2.3.1. Namibia's Bicameral Parliamentary System

Chapter 7, Article 44 of the Namibian Constitution (1990) states that 'the legislative power of Namibia shall be vested in the National Assembly with the power to pass laws with the assent of the President as provided in this Constitution, subject where applicable to the powers and functions of the National Council as set out in this Constitution'. Namibia has a bicameral system consisting of the National Assembly (NA) and the National Council (NC). During the initial stages of the drafting process of the Namibian Constitution, the elected members of the Constituent Assembly were in disagreement over the structures and the divisions of power in the new democratic system to be established.

While SAWPO favored a strong Executive President with almost unlimited powers and a single Parliament elected on the basis of popular vote and proportional representation, most of the smaller parties advocated the establishment of two chambers and a more symbolically representative Head of State with markedly less Executive functions. In the end, the compromise negotiated and agreed resulted in a President with fairly far-reaching Executive powers, a law - making National Assembly and complementing regionally elected political bodies (Regional Councils), which in turn elected from each Regional Council two representatives to the National Council (NC) as the second chamber. Prior to the identification of the electoral regions, and as a condition agreed upon by the different parties, a Delimitation Commission was set.

The Commission submitted proposals for new figured regions on a non ethnic basis, which then would be the constituencies for the regional councils to be elected. This was the compromise to overcome the reservations from SWAPO in the light of the former ethnically – based regions under apartheid. Established in 1990, the first Delimitation Commission reviewed the existing territorial and administrative legal realities on a regional basis. In July 1991, the Commission submitted its report to Cabinet, suggesting 13 regions with six to ten electoral districts in accordance with the size of their local population.

Cabinet adopted the report and its proposals in September 1991, whereas the National Assembly adopted in late end of August 1992 and passed legislation to pave the way for implementing the institutions provided for in the Constitution, Chapter 12, Article 102-111, by passing the Regional Councils Act, the Local Authorities Act and the Electoral Act respectively. The subsequent first local and regional authorities' elections in an independent Namibia took place between November 30 and December 2, 1992. These elections culminated in the formation of the second house of Parliament in 1996 with 26 members, two from each region. It can be argued that the advantage of having two houses is meant to ensure that constructive and decisive debates occur, that Bills are closely scrutinized, and that consultation takes place with the electorate for the adoption and implementation of informed laws.

2.3.2. The Role of the Legislature in Namibia

The National Assembly as mentioned earlier has two houses both of which have somewhat different roles in the legislative process. Of the 72 elected MPs the President in line with Article 46 (1) (b) of the Constitution has the authority to elect six more additional members by virtue of their expertise, status, skills or experience. They however have no voting right and therefore are not taken into account for the purpose of determining any specific majorities that are required under the Constitution or any other law. The Legislative powers of Namibia are vested in the bi-cameral Parliament.

The National Assembly as the principal legislative authority in and over Namibia shall have the power to make and repeal laws for the peace, order and good Government of the country in the best interest of the people of Namibia. The Constitution in Chapter 7, Article 63, states and further mentions the roles, powers and functions of the National Assembly as being:

- 1) To approve budgets for the effective government and administration of the country;
- 2) To provide for revenue and taxation;
- 3) To take such steps as it considers expedient to uphold and defend the Constitution and the laws of Namibia and to advance the objectives of Namibian independence;
- 4) To consider and decide whether or not to succeed to such international agreements as may have been entered into prior to independence;

- 5) To agree to the ratification of or accession to international agreements which have been negotiated and signed under Article 32(3) (e) hereof;
- 6) To receive reports on the activities of the Executive, including parastatal enterprises, and from time to time require any senior officials to appear before any of the committees of the National Assembly to account for and explain his or her acts or programmes;
- 7) To initiate, approve or decide to hold a referendum on matters of national concern;
- 8) To remain vigilant and vigorous for the purpose of ensuring that the scourges of apartheid, tribalism and colonialism do not again manifest themselves in any form in a free and independent Namibia;
- 9) Generally to exercise any other function and powers assigned to it by the constitution or any other law.

The role of the Legislature is similar in all democracies, the most common of all being the making of laws for the country. The National Council's main role in the Legislature is to review laws passed by the National Assembly, this will be covered and explained in chapter 3 in examining the process of law - making in Namibia.

One of the most important criteria to be met by a democratic Parliament is that of being representative to its people. This means that Parliament should reflect the popular will as expressed in the choices of the electorate. A democratic Parliament should also reflect the social diversity of the population in terms of gender, language, religion, ethnicity or any

other politically significant characteristics. A Parliament which is unrepresentative will therefore leave some social groups and communities feeling disadvantaged in the political process, with the consequences for the equality of public life or the stability of the political system and society in general.

Protection of the rights of parliamentarians in fulfilling their mandates is crucial to ensure the formation of informed and quality laws beneficial to the people. A fundamental condition for a Parliament to be representative, and for its members to represent their electors effectively, is that they be free to speak their minds without fear or favour. Historically and even presently in some countries, parliamentarians have often been subjected to all kinds of pressure and intimidation from Governments and society itself, especially if they are too critical.

It is for this reason that their rights to free speech is recognized and given special protection through the rules of parliament to protect them from prosecution for opinions expressed. Article 59 and Article 60 (3) of the Namibian Constitution gives power and authority to the National Assembly to make its own rules regarding procedures in the house, committees, duties and privileges as well as immunities for members. In line with the aforementioned Article, Parliament in 1996 promulgated the Powers, Privileges and Immunities of Parliament Act, (Act 17 of 1996). The Act Part 1 (2) & (3) protects members of Parliament from anything done in the exercise of the member's right to freedom of speech in Parliament.

2.3. 3. Legislative Ethics in a Multicultural Society

Article 45 of the Namibian Constitution stipulates that 'members of the National Assembly shall be representative of all the people and shall in performance of their duties be guided by the objectives of this Constitution, by the public interest and by their conscience'. As duly elected representatives of the people they should at all times strive to set a good example to society when executing their duties. Ethics particularity in the Namibian multicultural setting should be seen to mean a body of set rules of duty drawn from human conduct, a particular system of principles and rules of practices in respect of a single class of human action.

It is the way members of Parliament interact with the people. In essence, ethics, as Senator Adeleke of Nigeria, *the Parliamentarian* (2006: 22) states, is the theory of morals, a branch of philosophy that defines what is good for the individual and for society, and establishes the nature of obligation, duties that people owe themselves to one another and society at large.

The legislature is an important leg of the tripod upon which a democratic society stands, it is constitutionally charged to make laws for the purpose of orderly and good governance, towards evolving an equitable, just and egalitarian society. A legislative house is a collection of elected politicians from assorted backgrounds, in various hues and shades, representing different interests and peculiarities. In sum, it is a reflection of society's cultural diversities, an elite assemblage of people with varying mandates,

attempting to function by consensus. Members of Parliament (MPs) should be law abiding, honest and trustworthy citizens, conducting themselves in an honourable and dignified manner, setting good examples for the society and enhancing the reputation and respect accorded to the institution they represent.

Conflict of interest maybe the most common ethical dilemma faced by legislators to date as is party loyalty. In terms of the Namibian scenario, the National Assembly has a code of conduct for MPs prepared in accordance with section 12(a) of the Powers, Privileges and Immunities of Parliament (Act 17 of 1996. In addition Standing Rules (undated document) provide guidelines and procedures MPs should adhere to in fulfilling their duties.

2.4. Parliamentary Democracy in other Countries: A Comparative Analysis

Every country has a particular culture, languages, history as well as beliefs, ideas and attitudes about government. Some believe that democracy is not just a system of government; it's a way of thinking and acting, a culture and a way of life. The point of departure here is that what one country may perceive as parliamentary democracy may not necessarily have the same meaning in another country.

Namibia is a unitary state, so are most of the other countries worldwide, most notably in the SADC region. The South African Constitution for example retains from the past only what is defensible and represent a decisive break from, and a ringing rejection of that past

that was disgraceful. Beyond the political rights common to most forms of parliamentary democracies, freedom of expression is provided for, both in the Namibia and South African Constitutions. The only difference is that in post apartheid South Africa, freedom of speech does not protect the expression of 'hatred speech' based on race, ethnicity, gender or religion.

2.4.1. Openness of Committee Meetings

Constitutional sections of the South African Constitution governing the National and Provincial legislatures provide explicitly for public access and involvement. It states that National Assembly must facilitate public involvement in the legislative and other processes of the assembly and its committees, to conduct its business in an open manner, and hold its sittings and those of its committees in public.

In the Namibian context, the Constitution in Chapter 7 Article 61 (1) and (2), states that all meetings of the National Assembly shall be held in public and members of the public shall have access to such meetings. However in subsection (2), it gives the National Assembly powers to deny members of the public access if a motion is supported by a two third majority. Such a motion shall be considered if supported by one-tenth of all the members and debate on such a motion shall not be open to the public. The Constitution does not state explicitly that committee meetings must be open; this is provided for in Standing Rules and Orders.

Most citizens are not aware that committee meetings are open to them; this was also revealed in a survey conducted by (NDI, 2002), titled 'Public Participation in the Legislation Processes'. Eighty Percent (80%) of the respondents in the survey were not aware that committee meetings were open to the public. They were however aware that Parliament sessions were open to the public. Citizens cannot hope to influence Parliaments unless they are fully informed about what they are doing; neither will they be able hold their representatives to account properly.

Much of the work of parliament is now carried in committees; as a result many parliaments are now opening them to the public and the media personnel. Reservations for opening up committee meetings may include fear of proceedings becoming partisan, and if held in public witnesses maybe less forthright in their evidence or members may exploit the occasion for 'grandstanding'.

Among recent examples of improved transparency, the Dutch Parliament has been experimenting with opening up procedural meetings of certain committees to the public, so observers can see how they set their agendas and arrange public hearings.

2.4.2. Media Coverage of Committee Activities

The House of Representatives of the Republic of Cyprus now allows media personnel to attend committee meetings 'with very few exceptions'. The National Assembly of Cote d'Ivoire, which used to permit only summaries of its committee meetings to be published,

since 2001 has allowed the press to attend and report on all committee proceedings. In South Africa committee meetings are open to the public and the media, and can only be closed after open discussion and with the approval of the Speaker. The Australian House of Representatives assigns a media advisor to help committees develop communication and media strategies for their public enquiries, so as to maximize media coverage of committee activities.

Many parliaments are simply unable to afford this degree of provision to media officers and the general public when it comes to committee meetings. But the training of members themselves, especially committee chairs, in media relations and the need for public attendance could readily equip more parliaments to take similar initiatives. Namibia still has a hill to climb in order to accord media freedom and public attendance in committee meetings and activities. The practice is that, the media is only called in if the chairperson of the committee so decides their presence is relevant.

In most cases media presence is mostly sought if a committee is hosting foreign delegates or when conducting public hearings. This trend of doing business deprives the public of taking part in the decision making process, as the media is the most powerful tool for the dissemination of information. Public attendance in committees can be properly utilized to promote lobbying between the general public and MPs on issues of national interest.

Freedom of information is necessary to encourage citizen participation in the legislature. In some countries access to information about Parliament is regulated by Acts. The Polish

Senate, for example, according to Beetham (2006:47), has a regulation which reads ‘ in an effort to comply with citizen’s constitutional right to information, senate need to inform the public on; forthcoming senate sittings, public right to attend senate and senate committee meetings, public access to senate papers, minutes and reports’.

Romania’s Parliament is covered by the general law on the free access to information of public interest, the same with the Slovenian Parliament. Ecuador has its own access to information statute ‘guaranteeing the transparency of all public activity including that of Parliament’. Namibia in contrast has apart from the Information Act, and the Constitution, Article 21 (a) no other legislation regulating freedom of information, especially on Parliament issues. The Media Institute for Southern Africa (MISA) in collaboration with other stakeholders is planning on introducing a bill to Parliament on freedom of information (FOI) during the course of 2007. It clearly goes to show, Namibia still has a long road to travel to achieve freedom of information in covering committee meetings.

2.4.3. Public Participation in Committees

Plenary sessions are unable to deliver the sort of detailed discussions and scrutiny of legislation and policy that modern governments require, thus making committees focal points of departure. They encourage the development of individual and collective specialization in various policy fields; they provide a point of entry to the public. In South Africa as De Villiers, (2003), showed, committees have become the critical

institutional sub structure through which the legislature and the public can interact; they constitute therefore a key site for public participation. In Germany, the House of Representatives (Bundestag) has the discretion to exclude the public. In the Namibian system, chairperson of the committee and its members decide on whether to allow public access to its proceedings or not.

In contrast the Danish Parliament and Constitution place no obligation on the legislature and its elected members to facilitate public involvement or to consider and canvass public inputs and views of interested parties. Parliament may appoint committees from amongst its members to investigate matters of general importance; such committees are entitled to demand written or oral information from both private citizens and public authorities. In contrast Committees in Namibia are mandated to conduct hearings when they feel there is need to solicit public inputs, they have powers to summon ministers and leaders of public institutions to appear before them. During these consultative meetings members of the public as well as the media are invited.

In Uganda, citizen participation is guaranteed in the Constitution, but limited to programmes which have a direct effect on their livelihoods. Until recently committee meetings in German were not in principle open to the public, although a committee could decide to admit the public during discussions of a particular business. In 1995, however the German Government, through the process of reforming its procedures, introduced the so called 'extended' public committee meetings. These are held only in connection with the final debate, after which the committee makes recommendations.

In Namibia motions referred to a particular committee are first tabled in Parliament and briefly debated before referral to a relevant committee for report back within a period of 90 days. Public hearings in Germany are held if the subject matter of the bill is significant, very complex or politically controversial in nature. Hearings are composed of experts and representatives of different interest groups. In Namibia hearings are conducted by parliamentary portfolio committees and its members only, it is only hoped civic organizations attend the hearings, or if they request an audience with the committee.

Consolidating parliamentary democracy is necessary for the emancipation of freedom, peace and stability in the region, Speaker of the Zambian Parliament at the opening of the 20th Southern Africa Development Community Parliamentary Forum (SADC PF) plenary in Botswana, 2004. The Southern Africa Development Community (SADC), of which Namibia is a member, provides for regional bodies aimed at promoting parliamentary democracy in the region.

The Southern African Development Community Parliamentary Forum (SADC PF), established in 1997 in terms of section 9(2) of the Treaty of SADC, is one such organization. It is aimed at promoting regional integration, strengthening institutions of democratic governance and capacity building for parliamentarians and staff members. Speaker of the Zambian Parliament (SADC PF, 2006) argued further that good governance depend largely on participatory democracy through strong and effective National Parliaments. Through the SADC PF and more effectively through the proposed

SADC Parliament, the objectives of SADC and its plans can easily transcend the national boundaries of member states.

Based on the arguments provided and experience in other countries, it is clear that strategies to achieve and deepen parliamentary democracy differ from country to country. The goal, however still remains the same that is, nurturing democratic values and principles. Namibia's strategies are fairly similar to those of neighboring South Africa, the country's former colonizer.

CHAPTER THREE: PARLIAMENTARY DEMOCRACY IN NAMIBIA: PUBLIC PARTICIPATION IN THE LAWMAKING PROCESS.

3.0. Introduction

This chapter will focus on the operations of the legislature, specifically the lawmaking process by assessing the degree of public participation in the process. It will clearly articulate the vital roles of committees in enhancing parliamentary democracy. Having identified the fundamental principles of democracy in the previous chapter, it's the application of these principles that will provide the core focus of this chapter. The chapter will also cover the important aspects in the lawmaking process as well as strategies of ensuring continued public involvement in the lawmaking process. Equally important to the attainment of representative democracy is the involvement of civil society organizations, their role and space in society will be analyzed.

3.1. Kinds of Laws in Namibia

Citizens in a democratic country should be accorded the opportunity to participate in the legislative process. There is a need for Parliament to access people who have something different to say. Failure by citizens to participate in a democracy is tantamount to telling elected leaders to do as they please. Non-participation often gives government unchecked powers, most likely to result in a dictatorial or authoritarian type of government. It is not

healthy to have a situation where citizens become subjects rather than participants in a democratic system of governance.

Article 95, chapter 11 of the Constitution says, the state shall actively promote and maintain the welfare of the people by adopting policies aimed at Article 95(k), namely the encouragement of the mass of the population through education and other activities and through their organizations to influence government policy by debating its decisions. Being informed is essential to effective participation. The public need to know their legal rights; this will ultimately enable them to know when their rights are infringed upon. Informed citizens make educated and rational decisions, being aware is empowerment in its own right.

There are three kinds of laws existing in Namibia, namely: Statutes, which refer to laws that have been passed by Parliament since independence, or those passed by other legislative bodies before independence. Statutes will form the basis of this particular topic in relation to the other two. Common law is law that has been developed over time through decisions of judges, also called Roman – Dutch law. Customary law is law which has been developed over the years in different communities in Namibia. Chapter 9 of the Namibian Constitution (1990) Articles 78-88 clearly articulate how the abovementioned laws should be applied in Namibia. Article 78(1) in particular states ‘the judicial power shall be vested in the courts of Namibia, which consist of: a Supreme Court, High Court and Lower Courts’.

3.2. The Law Making Process

A Bill goes through many steps, being revised at every step to ensure it will accomplish its purpose. The first step is when the idea of a bill is developed; it can be done by anyone, minister or civic society organizations. Members of Parliament, not part of the Executive, can introduce a Private Member's Bill. In most cases bills in Namibia are introduced through line ministries. The fact that government lawyers are engaged in the whole process implies no extra costs are incurred in terms of hiring independent legal practitioners, thus rendering the process cheaper as compared to a Private Member's Bill. In the second step, the Bill is referred to the Cabinet Committee on Legislation (CCL), from the ministry sponsoring the bill with an explanatory memorandum. The CCL screens the Bill before it is discussed by the full Cabinet. The Bill is then sent to legal drafters in the Ministry of Justice, after approval from Cabinet. The Attorney General must at this stage certify the Bill.

In the fourth step the Bill is then sent to the National Assembly, where the minister gives notice of her intention to table the Bill. The Bill is then tabled at a given date, followed by the First Reading whereby details and main principles of the bill are read out, there are no debates at this stage. The Bill is now a public document, accessible by any member of the public who requests it. This is the actual stage where ordinary members of the public, after reading through the bill can propose some changes, through their elected representatives. Then follows the Second Reading, this is where the Bill is discussed in a

Whole House Committee. The Bill can either be passed or referred to a standing committee for further investigations if need be.

It is at committees where public participation is sought, as committees are mandated by Parliament to consult the electorate on issues of concern. The Third Reading will see the Bill passed and referred to the National Council for review and report back within a period of 90 days. If passed in the National Council, it goes to the President for signature for it to become an official law. The last stage involves the bill duly signed and published in the Government Gazette. Courts can only come in if the President withholds his signature due to the law been unconstitutional, as provided for in the Constitution, 1990, article 56 (4).

3.3. Forms of Public Involvement

Citizens have the power to change and influence public policy in democratic governance. Common to all forms of participation is lobbying. It is defined by De Villiers, (2003:40), as an attempt by the citizens to influence the legislature through various means. It is a system whereby citizens attempt to influence public officials through meetings, phone calls or writing letters. In Namibia lobbying is not that popular, but does exist. Somehow the reason has to do with the absence of proper lobbying facilities at the National Assembly, as well as apathy on political issues by the majority of the citizens. Citizens can also lobby parliamentarians by signing petitions, an effort undertaken to convince lawmakers to vote and support a proposed piece of legislation.

Although many believe that there should be strong regulations concerning lobbying in general, most democracies allow it as a legitimate way for citizens to have their voices heard. This way parliamentary democracy is sustained. Critics of lobbying argue that wealthy people and corporations are better able to hire lobbyists and therefore gain greater influence with public officials than ordinary citizens and the poor. People with high status in society such as businessmen's and the like are better suited to influence members of Parliament, as they have the resources to even sponsor some of their proposals.

For example the Minister of Trade and Industry in 2004, under pressure from leading car retailers banned the sale of imported vehicles, as their businesses were deeply threatened and affected by the prices of the imports. It can be argued they successfully lobbied the minister in reaching a very quick decision, using their status in society. This was done at the expense of the low income groups who could also afford these cars. However, in spite of this the law was later revised to allow for the sale imported cars not more than five years old. The decision is more relevant to middle and lower income groups who can buy N\$ 50 000 – N\$ 100,000 cars.

Television and radio talk shows are other ways the public can attempt to influence legislators and thereby becoming part of the process. In Namibia there are various platforms on our national broadcaster for the general public to air their concerns and assist in the governing process. The Namibian Broadcasting Corporation (NBC) has in place programmes such as Open Line and Chart Show on radio, where the public can

criticize the government and at the same time offer credible solutions to some of the problems affecting our democratic government. These programs are so popular that, callers have dubbed them 'the people's parliament'. Television has a programme called Talk of the Nation, a platform where elected leaders, community activists and the public debate issues pertinent to the development of the nation.

Testifying before government bodies, is mostly a tactic used by Non-Governmental Organizations (NGO) seeking to be heard. Civic organizations just like ordinary citizens, have the right to be heard and participate in the legislative process. It is their right to seek audience with any parliamentary committee, to present their views, opinions and suggestions on issues being debated in Parliament. They can even propose laws to Parliament. This will be covered in detail in the part on the role of civil society organizations in promoting parliamentary democracy in Namibia and the world.

Protests and demonstrations are another avenue the public can use to have their voices heard and their concerns attended to. The right to associate with others and to protest is fundamental to a democracy as guaranteed in Chapter three of the Namibian Constitution, (1990), Article 21(e). Very often citizens need to march, picket or demonstrate in order to get publicity for their grievances. It so happens from time to time, that people participating in demonstrations and protests tend to infringe on the rights of others. As respectable members of society, citizens must always act in a manner that is ethically and morally acceptable, as disrespecting other's rights is not in accordance with democratic values and principles.

In Namibia public protests have increased, mainly due to the increase in gender based violence against women and children. Various organizations including the Women Action for Development (WAD), Sister Namibia as well as the Namibia Men Against Change (NMAC) have been mobilizing communities to stand up and denounce crime and violence directed at women and children. One such protest took place on 05 December 2005 as mentioned in the parliament journal (2005, Vol.3. No. 3). More than 40 petitioners demonstrated at Parliament and handed in a petition to the chairperson of the National Council, Hon. Asser Kapere. The petition demanded careful scrutiny of the revised Children's Status Bill.

Petitions in this regard are usually submitted to Parliament through the Speaker for possible solution, with the use of committees. The Prime Minister, Hon. Nahas Angula in his address during the official launch of the 16 days of activism against gender based violence on 24 November 2006 (Ministry of Gender Equality and Child Welfare, Website, 2007) reiterated Government's commitment and efforts to address and promote gender equality. The Prime Minister assured the nation that, Government will continue to enact laws aimed at protecting and combating gender violence as is the case with the passing of the Rape Act, (no. 8 of 2000) and the Domestic Violence Act (no. 4 of 2003). Demonstrations in Namibia are not only limited to women issues, but others as well, such as those against unfair labour practices and corruption facing citizens in their different communities in Namibia.

3.4. Public Participation at Regional and Local Authority Level

As institutions of governance, directly represented in Parliament, regional councils are well placed to facilitate public dialogue on national legislation, soliciting inputs from local and traditional authorities, NGOs and other interested parties in the regions. In addition to political structures of public participation established by the Constitution, the success of public participation in the legislative process also depends on the administrative capacity at regional, local and traditional authority level. Therefore success by Parliament in the legislative process relies heavily on technical and financial resources at local and regional level. The National Council one can argue was established to ensure regional representation at Parliament level is balanced.

It is imperative that Parliament, identify mechanisms that would strengthen public participation in the lawmaking arena. In dealing with matters of public interest, citizen involvement becomes a legal requirement such as in Article 132 (3) of the Namibian Constitution, while in certain cases public participation in the legislature becomes an integral means to justify the outcome of a particular process, such as hearings by committees.

In a study conducted by the NDI (2001) on public participation in the legislative process, questions were raised as to what constitutes the public interest and who should determine when the public should or should not participate in certain legislations. In terms of the preamble to the Namibian Constitution, the public means all citizens of Namibia in terms

of Chapter 2, Article 4, while Article 17 goes further and makes provision for all citizens of Namibia to participate in the conduct of public affairs directly or through elected representatives. A significant degree of public sentiments should always be reflected in all government policies and statutes passed by Parliament. The establishment of the National Council in 1996 further demonstrated the legislature's long term vision to decentralize parliament to regional levels, through elected constituency councilors.

There is lack of communication between elected leaders and their constituencies, the NDI study found. To bridge the gap of communication parliamentarians and constituency councilors should make use of the media for dissemination of information, in the newspapers, radio, television and the internet where necessary. A motion by Hon. Ankama of the ruling SWAPO party on the establishment of Parliamentary Access Centers (PAC) in all the regions embraces the use of all these means of communication. The motion is currently with the Committee on Constitutional and Legal Affairs. Public hearings on the Motion have already been done and a follow up cost and infrastructure assessment by a team of experts from various government ministries is underway. This depicts a clear testimony of the great importance committees can play in promoting parliamentary democracy and bring about change in the social and economic lives of the citizens.

3.5. Strategies Towards Involving the Public in Parliamentary Activities.

Previous Chapters have so far covered and identified the ways in which parliaments are becoming more open to citizens through improving public access and removing barriers to media reporting within a regulatory context that encourages pluralism. Equally important are the strategies that have been adopted or should be adopted by parliaments themselves for informing the public about their work, in seeking to engage their interest and involvement. The inherent difficulty of this should not be underestimated, since it is not only a question of communicating information, but of making it intelligent to the vast majority of people who are not familiar with the workings of Parliament.

There are many strategies Parliaments can adopt in their efforts to democratize parliamentary activities and for committees in particular to gain recognition and public support for their work. These strategies range from broadcasting, the internet, publications, information centers and educational initiatives. The advantage of multiple and coordinated means of information dissemination is that, the public can access information through the medium of their choice or availability.

In many countries the broadcasting of live debates in Parliament has become the norm. South Africa for example, has a Parliamentary Channel on television; solely for the purpose of broadcasting live parliamentary debates to the public who have access to their medium, the same is true in South Korea since 2005, Mexico and the United Kingdom. Namibia in contrast shows only summaries of the debates on national television for less

than thirty minutes on a daily basis while Parliament is in session. Live broadcasts are limited to the official opening of Parliament each year and the budget speech respectively. It is therefore advisable that government consider having parliamentary debates live on television for public consumption.

Parliament websites can also be employed as a strategy. Almost all Parliaments in the world have web sites to keep citizens abreast of activities and proceedings of Parliament. Planned activities of various parliamentary committees should be listed on these websites. This might be the case in other countries, however in Namibia the website is mostly covering proceedings of the National Assembly as opposed to those of committees.

One would expect committee activities and reports to form part of the site's contents. Ironically that is not the case. Perhaps the debates in Parliament are considered worthy reporting and relevant to keeping the public abreast of Parliament's work. However this shouldn't be the case, even though Parliament and committees work complement each other, it's important to report separately on their activities. This is relevant for the public to have a clear understanding of how Parliament functions.

Press releases to the media (television, newspapers and journals) on committee activities are another important strategy towards informing the public on parliamentary activities. Equally crucial is the establishment of information centers in strategic areas, these centers should be aimed at providing the public with all the necessary information on Parliament

and its activities. Awareness campaigns are also needed to further educate the public on the operations of Parliament.

3.6. Role of Parliamentary Committees

According to the Speaker of the National Assembly, Hon. Theo Ben Gurirab Parliament's core ideals and values are about upholding majority rule, promoting minority rights and participation, ensuring mutual respect, tolerance and protecting the supreme law, said Honourable Theo Ben Gurirabin in speech made at the opening of induction course for parliamentarians, 21-26 September 2005. The oversight role of committees over the powerful dominant executive is critical to ensure checks and balances in the legislative system. Parliamentary committees in Namibia, as DTA President, Katutire Kaura in a paper titled 'Developing Parliament' published in *the Parliamentarian*, (2002: 10), said committees are largely subjected to executive influence, thus making them in certain cases powerless and controlled.

The Executive in the Namibian Parliament far outnumber the backbenchers, who constitute and serve on most of the committees. As a result the Executive close ranks in order to promote their own interests at the expense of minority committee members. Parliamentary Committees such as the Public Accounts Committee are entrusted with the responsibility of reviewing expenditure of all government ministries, offices and agencies to minimize overspending. To maintain the ethics of neutrality the committee is traditionally chaired by a Member of the opposition party. The committee has as its

Chairperson Honorable De Waal, of the opposition DTA party put it excluded from the budgetary processes.

To be effective and efficient the committee should be made part of the whole process from inception up to the tabling of the National Budget. This will not only make it easier to operate but also to perform its oversight role more effectively. The implementation of recommendations made in committee reports are often not acted upon due to limited powers and roles mandated to committees. Most of the committee reports are either brushed aside by the Executive or tabled in Parliament for notice only. This scenario often leads to the defeat of parliamentary democracy; it devalues democratic governance and renders committees to be ineffective. Although this is not a regular trend, it is a worrying factor most likely to derail Namibia's efforts in empowering its committees.

Parliaments are in charge of their own rules, practices and procedures. This autonomy allows them to change their methods of operation in order to be more efficient and effective to adapt to changing times. Through the committee system Parliaments can perform the most important functions of oversight, legislation and representation, thereby enhancing the involvement of stakeholders in the operations of Parliament. Some committees tend to be viewed as more effective than others in their oversight and representative role. Analysis and evaluation are based on committee activities undertaken, and the extent to which reports and actions suggested thereof are widely accepted and implemented. The leadership style of the Chairperson is crucial for the committee to live up to its expectations.

Whereas the Executive's main function is to govern, that of Parliament is to legislate and to call the Executive to account through committees. Parliamentarians are representatives of the people, they are accountable to the people and therefore expected to ensure that every person is treated fairly and be heard. Committee oversight in Namibia is dependant upon Parliamentary debates on Bills and Motions referred, on portfolio committees for hearings, and the initiative that emanates from Parliament Chambers. Only when a motion is referred will committees reach out to the electorate for their inputs, which in some cases is not taken into account. Issues happening outside of Parliament are of little interest to parliamentary committees, a trend not conducive to the nurturing our parliamentary democracy.

Parliament is embarking on a holistic approach, Speaker Theo Ben Gurirab said in his opening speech at the induction course for Parliamentarians, 21-23 September (2005), and the process of streamlining the work of portfolio Committees to empower them and render them all the necessary support needed for their effective operation. He stressed the fact that his office is trying to reach out to the people by disseminating information on the operations of Parliament with the outreach programme undertaken on a yearly basis to all regions. He reiterated the fact that Namibia is a democratic country, with power mandated by its citizens through free and fair elections, thus Parliament has a moral obligation to serve its electorate fairly and justly, to be able to pass laws supported by the people.

Power is illegitimate when not recognized and accepted by the majority of the governed. An illegitimate government will usually lack popular support and often has its laws and actions challenged by citizens in the form of riots, protests and other acts of civil disobedience. Legitimacy is therefore the cornerstone of power. The role of citizens in a democratic society is very different from other forms of government. In a democracy citizens should work as partners with their governments and equally participate in ways that promote human rights and the public good. If parliament, through its elected representatives, fails to accord its citizens the right to participate, there is, as Mason (1994) put it, a danger they will become subjects rather than participants in a democratic process of governance.

The role of committees is to ensure executive accountability to an informed parliament. Committees provide an important space for interaction by minority parties and the general public, thereby, increasing the opportunity for informed public debate on policies and legislations. Namibian parliamentary committees, as stipulated in Standing Rules and Orders Chapter 3 'procedures for conducting of business' [no date]: published by Parliament, have in their terms of reference the power to: monitor, investigate, enquire into and make recommendations relating to any aspect of legislation, policy formulation and any other matter it may deem relevant, of the government departments falling within the category of affairs assigned to a specific committee. Parliamentary committees have many important functions such as those stated in standing rules and orders and the parliamentary Quick Reference Guide, NDI (2003: 2), these are:

- I. Studying bills referred to committees;
- II. Recommending bills referred to committees;
- III. Studying policy documents and statements from government offices, ministries and agencies relevant to the committee's work;
- IV. Consulting with representatives of Government offices, ministries and agencies on their work;
- V. Receiving information from the public about the work of Government bodies;
- VI. Organizing meetings between the public, members of Parliament and Government officials to discuss the work of Government bodies and the effects on communities and groups in society;
- VII. Holding hearings on bills or other matters relevant to the committee's work and
- VIII. Recommending to Government bodies ways to improve their work

In addition there are other roles performed only by a certain committee, i.e. the Standing Committee on Defense and Security deals specifically in issues of national security and international relations. The National Assembly (NA), as mentioned in the Introduction has a total of five Standing Committees, excluding the powerful committee on Standing Rules and Orders. There are also joint, ad hoc and select Committees, Joint Committees are formed by two or more parliamentary committees. These Committees are very effective in that they draw membership from a pool of talent represented in different Committees. Within a Standing Committee provision is made for the formation of a sub Committee to deal with specific issues related to the Committee.

3.6.1. Committees and Executive oversight

The Namibian Constitution provides in Article 59 that the National Assembly has mechanisms to ensure that the Executive organs of the state in the national sphere of government are accountable to it, and maintain oversight of the activities of the executive. These powers enable the National Assembly to gather information on proposed bills, prevent and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence. Oversight is exercised through various portfolio committees in the legislature, and is essential to the fulfillment of the values of accountability, responsiveness and openness as enshrined in the Constitution.

Committees have the power to summon individuals, including government ministers and leaders of various institutions to appear before it, to give evidence or produce documents. Oversight is undoubtedly one of the most difficult and challenging roles parliamentary committees in Namibia face. This is so because of the overwhelming dominance in committee by the Executive within parliament.

Partisan politics takes centre stage here; there is a tendency by the ruling party Executive to lobby its party counterparts in committees to adopt a specific stand on a certain issue, this deeply affects the effective operations of committees. Some committees appear to be more effective and influential than the others; some members of Parliament have developed a tendency to attend certain meetings of a particular committee. The Public Accounts committee has against the odds, managed to transcend partisan politics and

work for a common agenda. Records of committee and reports from various committees have through the years shed more light on the issue. According to annual reports of the Directorate of Committees for the year 2005, the Public Accounts committee held more meetings, was attended by many MPs some as observers and submitted and tabled a total of 6 reports to Parliament. Whereas other committees were struggling to manage a quorum in their meeting, the public account has little difficulty in convening its meetings.

Parliamentary committees are mandated to investigate motions referred to them and report back to Parliament, in spite of this they lack the powers and authority to implement recommendations made in their reports. To be implemented, these reports need to gain the support and endorsement of the powerful and dominant Executive. In the Namibian parliamentary system, actions proposed by portfolio committees seem not to have any binding effect on the Executive. Mostly such reports are for notice only, in an effort to create awareness of the situation on the ground.

Coupled with the tendency for members of the Executive to form inter departmental committees running parallel with Standing Committees to consider policies of mutual concern, has made it difficult for the Committee system in Namibia to become effective. Recent demonstrations and protests by the Shebeen Association of Namibia (NASA), illustrates the situation. The Association handed a petition to Parliament, to take the necessary action within its powers. The petition was referred to the Constitutional and Legal Affairs Committee. However in spite of the referral, the Executive through Cabinet had already set up a similar committee composed of ministers to deal with the same

petition. Somehow the Executive seem to portray and view committees as ineffective, this is manifested in the statement made by the Minister of Justice in the House. She categorically refused to refer her Ministry's bill to a Standing Committee, lamenting it will only gather dust.

Committee's oversight role of the Executive is meant to curtail the abuse of power and authority by the Executive. In a democratic society such as Namibia, people give the government power to govern on their behalf. Government should therefore exercise this power in a positive manner, fairly and within the rules established by the Constitution and other laws of the country. Who can better ensure the realization of this goal than through parliamentary committees? Checks and balances are necessary to eliminate all forms of mismanagement and corrupt practices affecting all states, Namibia included.

One of the challenges facing the Executive and Legislature is that, they must at all times maintain a relationship that would be in the interest of society. Situations of confrontation and distrust will greatly affect the socio - economic, political and democratic development of the nation. Therefore, for the sake of national cohesion and development, it is highly desirable that there should exist an atmosphere of co-operation and understanding between the two arms of Government. Plato, quoted by *The Parliamentarian* (2006), described democracy as a charming form of Government full of varieties. It is these varieties and the independence of its different forms that contribute to the growth and sustenance of democracy. In order to end a situation whereby political bickering is the order of the day, autonomous structures for the three arms of government

are highly desirable. Even though the three are regarded as separate entities (Kaakunga :2002) emphasized that under the given circumstances, the concept of separation of powers is more wishful thinking' than practical reality.

He substantiated his assertion by saying SWAPO MPs in Parliament take the floor during debates in their function as Ministers or Deputies appointed by the President, instead of as Parliamentarians representing the voters. This, according to Kaakunga, blurs the boarderline between different responsibilities and competencies and ultimately weakens the National Assembly, which already has far limited capacity to undertake any meaningful work within Parliamentary Standing Committees on issues of public interest.

Bakurura, (2002), as quoted by Melber (2006: 151): concludes that 'Parliament consciously or unconsciously gave room to the Executive to become strong because that was considered desirable'. He made this statement with reference to an explanatory statement by the Speaker of Parliament, Hon. Tjitendero, who identified the irreconcilable beliefs that, firstly under the given circumstances of new independence, a strong Executive would be a good thing and secondly that, the Executive once consolidated would relinquish the 'borrowed' strength at a later stage to Parliament.

Both assumption, however, as Bakurura concludes, were problematic and pivotal to the institutional relationship. As a result, the Executive has been very alert to the leeway it commands from a more than 'sympathetic' Parliament. Put differently, it is Parliamentary deference to the Executive that has bolstered Executive strength. Parliament, therefore, he

asserts, has lost the initiative. As a result, the Executive and not Parliament will ultimately decide at its own pace and on its own terms, when and if the time is right to grant political space to Parliament.

Namibia is not the only country suffering from Executive dominance and power. Nigeria, for example has the same problem. Its role (Executive) in Nigeria as Hon. Adejare in his paper to *The Parliamentarian* (2006), titled 'Autonomy for the Nigerian Legislatures' extends to playing big brother to the lawmaking arm and the judiciary, which are supposed not to be appendages. In Namibia as Kaakunga, quoted in Melber, (2004: 148) puts it, 'Namibia's Constitution seeks to reconcile a strong central Executive, with the President having substantive executive powers'.

There is a Constitutional obligation for members of cabinet to be accountable to both the President and the National Assembly (Article 41). However given that almost half of the Members of Parliament are at the same time a Minister or Deputy Minister, the division of power in the interest of checks and balances is hardly maintained.

The National Assembly is empowered to constitutionally exercise oversight of the Executive to ensure Government programmes are executed in line with the provisions of the Appropriation Act. The exercise of these functions is also a means of promoting transparency and accountability in governance and ensures public funds are not misappropriated. It is therefore paramount to conclude by restating that, though the Legislature enacts laws and expresses wishes of the citizenry, the wherewithal to meet the

yearnings and aspirations of the people lies with the Executive. It holds the key to the Treasury.

It is common knowledge that democracy operates on the principle of the separation of powers. This principle points to complementarity and co-operation between all three arms of Government. At the same time a system based on the separation of powers seeks to use inbuilt structures, rules and procedures to limit the powers of each arm over the other as a check against arbitrariness. Therefore, the success of the principle of the separation of powers depends on the relationship between all arms of Government.

3.7. The Role of Civil Society Organizations

3.7.1. Background to Civil Society Organizations in Namibia

Before independence there was little opportunity for Civil Society Organizations involvement in governance in Namibia. A number of organizations such as churches, trade unions, student organizations, women and human rights organizations were active, in providing mainly social protection and support in the country. At the same time these organizations were highly critical of the colonial regime. Other organizations outside the liberation movement were tolerated and at times used as fronts by the colonial administration with no, or very questionable legitimacy.

However it can be argued, that the liberation struggle against apartheid and colonialism in itself was a movement of civil society, which proved to be highly effective and

eventually contributed to the end of colonial occupation in Namibia. The attainment of independence in 1990 and the adoption of democratic practices in Namibia enabled Government to realize the importance of Non-Governmental Organizations (NGOs) in the development and reconstruction of the country. Since then, a rapid growth in the number and size of NGOs has been experienced. This is mainly due to the government stand in its efforts towards establishing good working relations with NGOs and civil society organizations, which culminated in the formulation of a Government civic organizations partnership policy in 2005.

Recent decades have seen phenomenal growth in Civil Society Organizations throughout the world, Namibia being no exception in this regard. These CSOs make up a vast array of sectoral and interest groups, including agriculture, environment, development, health, human rights, religion and many more. They embrace a wide range of types and engage in an enormous variety of activities and struggles: social, economic and political. Increasingly, CSOs are forming international networks to address the growing range of issues that cut across national borders. They shape and express global needs, aspirations and objectives and offer global capacity for political innovative behaviour, and so contribute to the solution to problems affecting society.

Historic factors that have greatly contributed to influencing the current state of NGOs in Namibia include, among others, the legacies of colonialism where many civic organizations were banned, and where those that operated were closely monitored by the State. An additional factor was the adoption of Western models of civil society, rather

than developing models that are indigenous to the African situation. Civil Society Organizations are grouped in the following categories: local, regional and international.

3.7.2. Traditional Roles of Civil Societies

Civil society organizations play an important role in promoting the rights of minority groups as well as representing their interests in the decision making process in Namibia. Civil society organizations such as the National Union of Namibian Workers (NUNW) and certain women's organizations such as Women Action for Development (WAD) are instrumental and powerful voices when advocating for the rights of their members.

In essence civil society organizations are in a way supplementing Government activities in alleviating poverty, treating disease and caring for the social wellbeing of the people. Government in response should encourage and support their existence as partners fighting for the same cause, that of uplifting the living standards of society at large. Government should prioritize its legislative agenda so that it will initiate bills and implement policy changes that will have a domino effect on the socio-economic and political conditions of the people. It must focus on critical reforms that will bring far reaching changes to political culture and institutions to jump start economic development.

At the same time it is important not to romanticize CSOs, as they include a good number of organizations that contribute little or nothing to the good of society. Some Civil Society Organizations are not democratic in nature and structure. As a result, questions

about their legitimacy, accountability and interest group representation can be raised. CSOs do bring expertise, commitment and grassroots perceptions to the policy making process, they are often able to mobilize popular support for or against policies proposed by Governments by offering alternative policies and solutions to problems.

CSOs have led the way in showing the connections between environmental, development and social issues and in drawing out the implications for public policy. They may also provide early warning and information gathering services that help in the establishment, implementation and monitoring of policies, treaties and conventions. The first step towards building a democratic culture in society is to embark on a vigorous awareness campaign to reorienting the populace to embrace the norms and values of democracy. Government alone cannot manage this, as a result concerted effort is required in mobilizing resources from civil society groups.

Some observers believe that CSOs shift beyond advocacy towards broader participation in the public policy realm, will lead to significant changes in methods of governance in the next century. While the growing range of actors involved in the policy process makes the challenge of governance more complex, it can also greatly increase the capacity of the governance system to meet the complex societal demands placed upon it. CSOs bring to policy making a much greater range of information, perceptions and potential solutions than official bodies could hope to generate on their own. This has been true especially in the area of sustainable development, where mistakes have occurred because bureaucrats, national and international, failed to foresee or ignored the likely effects of new projects.

Citizen participation in a democracy is much more than voting in elections. Most participation in government activities takes place in civic organizations formed in different communities and internationally. The formation of such organizations has multiple goals such as improving communities' standards of living, preserving the environment, protecting human rights, improving health and participation in cultural, legislative and recreational activities. Citizen participation in civic organizations enable them to make important decisions and the ability to carry out essential programmes, as a group is much more united and able to influence decisions as opposed to an individual.

The Namibian Democracy Support Centre (NDSC) was formed in 2005. The Centre is a joint partnership between Government and civil society organizations. It is aimed at facilitating interaction between Government and civil society groups, helping to ensure the continued development of Namibia's democratic transformation. It is a unique partnership with a goal to formalize and advance cooperation with various Government ministries and societal groups in a coordinated manner. The Centre coordinates the participation of civic organizations in the legislative process and regional decision making.

The Centre together with media institutions launch information campaigns on key national issues. Through this effort Namibian leaders are strengthening the quality of democratic governance and creating a more robust democratic culture. Most demonstrations and protests in Namibia are organized by civic organizations, for

example; in December 2005 about 40 petitioners marched to Parliament to hand over a petition on the Children Status Bill, (Parliament Journal. Vol. 3. No. 2). The protest was organized by the Namibia Non Governmental Organization Forum (NANGOF)'s gender sector. The drafting of the proposed amendments were done by the LAC in conjunction with 19 other civic organizations sympathetic to the cause.

Most democracies accept and recognize the role played by civic organizations in helping government achieve and fulfill some of its goals. In return government exempts such organizations from paying tax, due to the role they play in society. They help keep government in check and provide the public with necessary knowledge on issues impacting on their daily lives. The Namibia Democracy Support Centre (NDSC), has shown its willingness to promote parliamentary democracy, by partially funding public hearings on the motion on the establishment of public access centers in all regions. Hearings are being conducted by the Standing Committee on Constitutional and Legal Affairs, with the participation of key ministries and offices such as that of the Prime Minister's. These centers are aimed at bringing Parliament and its activities closer to the people.

Civic organizations instill a sense of belonging to a community among the people in a way that government cannot, this is especially true when citizens and their organizations are dedicated to working in a cooperative manner. The media under the umbrella body of the Media Institute for Southern Africa (MISA) play an important role in disseminating information on issues pertaining to the work of Parliament. It has the means and the

power to impart knowledge and understanding to the majority of citizens through print and electronic media. Government alone cannot manage to cater for the needs and aspirations of all the people; there is a need to involve civic organizations to assist in certain areas of interest.

In a survey carried out by NDI (2000: 22) across all thirteen regions of Namibia, it was discovered that, some participants understood the role of NGOs and CSOs, but their existence was not prominent. In most cases, participants did not understand the role of these organizations in democracy and development at all. One participant retorted 'we hear of NGOs, we see them, their cars and offices, but these NGOs work with donors more than communities'. This is a clear testimony that most of the NGOs are effectively operative in the central part of the country, mostly in Windhoek, the capital city.

Organizations' representing the rights of empowerment for women in politics and all spheres of life appear to be very active in Namibia. Organizations such as the Women Action for Development (WAD) and Sister Namibia are constantly advocating for the elevation of women in society. The issue of women in the legislature is regularly raised in national and international fora, for example at the Beijing conference (UNDP: 2003: 9) it was stated in its final communiqué that 'without the active participation of women and the incorporation of women's perspectives in all levels of decision making, the goals of equality, development and peace cannot be achieved easily'.

Democracy is more than a set of constitutional rules and procedures that determine how a government functions. Government is one element in a democracy coexisting in a social fabric of many varied institutions. Civil Society Organizations are part and parcel of the democratic process. Participation by citizens in Parliamentary activities revolves mostly around the formation of community organizations.

If one looks at organizations such as the Friedrich-Ebert-Stiftung (FES) in the Sub Saharan African region, it is easy to see why such organizations are crucial for the promotion of democracy. The organization has as one of its objectives, the safeguarding of democratic structures with a view to promoting economic reforms and social justice for the people of the region. To achieve this and all its objectives, organizations like these need the cooperation and support of the government in order for it to establish a mutually beneficial relationship.

3.7.3. Civil Society Participation

Participation of civil society is a crucial element of democracy. The concept of civic participation in governance is arguably the fundamental pillar in the promotion and protection of democratic governance. A legislative agenda for good governance must recognize the importance of civil society participation. The involvement of civil society groups in agenda setting and in implementation of social and economic policy is not only for the inherent values of consultation and participation. It also has instrumental value,

key in the sense that it contributes immensely both to the technical quality of policies and programmes and their political viability and sustainability.

Involving civil society groups, professional associations and communities affected by public policies is the most effective way to ensure that these policies respond to the real needs of the people and that people themselves will accord them legitimacy and political support. Development practitioners and scholars alike are beginning to realize that failure of policy reforms in developing countries relates to the inability of reformers to win political support for the reform process due to the alienation of key civil society actors.

It is obvious that much of the expertise required for the efficient implementation of development projects often resides more with private actors, professional groups and local communities. This is so since, civil society organizations have initiated various projects among various communities in Namibia and have expert knowledge of the people's needs and aspirations.

The participation of civil society groups in the Legislature should therefore be considered critical to deepening democracy and creating a momentum towards economic development and poverty reduction. Civic society in Namibia often lacks the institutional capacity to play a meaningful role in the development of Namibia's democracy. Having this in mind civic organizations formed a Civic Society Support Programme (CSSP), aimed at strengthening NGOs in Namibia by providing institutional and programmatic technical support and training to emerging community based organizations (CBOs).

Civil society organizations in Namibia, such as the Legal Assistance Centre (LAC), have conducted research and written handouts on public involvement in the legislative process in their efforts towards promoting parliamentary democracy in Namibia. In response to demands by the public presented by civic organizations, Parliament has been called upon to be more effective in carrying out their functions. Parliament and its committees have established a good working relationship with the public, NGOs and other organizations. The interaction has enhanced cross fertilization of ideas and building a vibrant relationship with civil society.

It is common knowledge that working relations between states and Civil Society Organizations are often characterized by competition for space and influence among constituents. In some countries the relations are so polarized that governments have justified enactment of targeted legislation to control the existence and operations of these organizations. The Namibian Government adopted a policy entitled 'Civic Organizations Partnership Policy' in 2005, resorting under the National Planning Commission (NPC) in the office of the President.

The policy has three broad based objectives. These are first, to create a greater commitment for civic participation through the promotion and encouragement of active citizenship, Second, to enhance the environment for civic participation and partnership as well to bring the government closer to the people, and, finally, to create partnership opportunities that benefit the government, NGOs and society at large. A democracy barometer survey, conducted in 2000 in Southern Africa, found that, Namibia was the

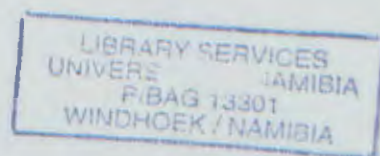
only country where the perceived supply of democracy was higher than the demand for democracy. (*Afro barometer at [www. Afrobarometer.org](http://www.Afrobarometer.org)*). The research indicated the need to strengthen the demand for democracy by engaging in dialogue between government and civic organizations to help Namibians understand their rights. Democracy is all about ruling by the will of the people. However, government in a democratic country is accountable to the people primarily through elected representatives.

CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS

4.0. Introduction

This chapter presents data gathered through interviews based on questionnaires to the target population as well as the analysis of such data. It presents, interprets and analyses in depth data captured during the collection process, in an effort to give meaning to and discuss the implication of some of the information obtained to the problem statement. The problem statement was that Parliamentary Committees are critical arenas for enhancing the work of parliament and democracy in general. The problem statement was aimed at assessing the role Parliamentary Committees play in parliament, how effective and efficient are they? References will be made to the literature review while trying to interpret and analyze data obtained from respondents. Two sets of questionnaires were prepared, one for members of Parliament and the other for Civil Society Organizations.

The questions and responses were grouped in five sections. Section A was designed to capture personal information of respondents, such as age and gender. Section B dealt with general knowledge of democracy and its principles respectively. Section C was concerned with assessing the role and work of parliamentary committees in promoting participatory democracy in Namibia. Section D dealt with the role civic organizations should play in promoting parliamentary democracy, whereas the last section, section E was aimed at determining the level of civil society participation in committee activities.



It is worth mentioning here that, not all respondents have been interviewed. Of the total sample of 30, only 20 were conducted, of this only 10 (50%) were interviewed, whilst the remainder opted to fill in questionnaires, due to their hectic time schedules. Gender wise- of the 12 Members of Parliament interviewed four were women. A total of 8 Civic Society Organizations were interviewed of which three dealt with gender issues, for example, organizations such as WAD and SISTER NAMIBIA. The response rate in relation to the initial sample of 30 respondents stands at 66%. The outstanding responses were mainly due to delays in returning the questionnaires and hectic time schedules especially on the part of members of the National Assembly. What follows is an analysis of the data and interpretation in line with the sections in the questionnaire.

4.1. Awareness and Understanding of Democracy

A sound public knowledge and awareness of the meaning of democracy surfaced. It was evident from all the respondents, even though the definition and explanations were somehow different, that they all shared a common understanding of the meaning of democracy. To the majority of respondents the definition of democracy was indicated as government by the people for the people. It should be a government driven by the will of the people, by either participating directly or through elected representatives. Preservation and upholding of human rights was mentioned to be the cornerstone in any democratic country an assertion made with reference to the Constitution, Chapter 3, Article 5-25.

In terms of parliamentary democracy, concerns were raised by members of civic organizations when it comes to the involvement of the citizenry in the legislative process. A level of dissatisfaction was registered by members of the civil society, arguing that the extent to which democratic principles and values are applied in Namibia still leaves much to be desired.

Five (5) out of seven (7) civic organizations expressed concern on issues such as human rights violations and media freedom. In spite of this there was absolutely no doubt as to the existence of democracy in Namibia. Some optimism was conveyed in that Namibia was seen to be on the right track in practicing democratic principles as compared to some other countries in Africa and the world. Namibia, as some Members of Parliament put it, could not have opted for a better system of government, bearing in mind the harsh realities of a skewed history as a consequence of colonial rule.

On the issue of public participation in a democratic system of government, fourteen (14) out of the twenty (20) respondents were supporting the involvement of the public on a larger scale than currently is the case in the legislative process. Concerns were raised that citizen participation, is to a greater extent limited to elected leaders in parliament when hearings by committees are not conducted due to a particular motion being deemed not to be in the public interest. Public participation in a democracy entails empowering the citizenry to take part in the governance process.

Most of the respondents from civic organizations were particularly weary of giving much credit to the Government on the issue, for in their view Government has despite being democratic not done enough in advocating and institutionalizing the involvement of citizens in decision making. According to these respondents public participation instills sense of belonging, confidence in elected leaders by the citizenry and cements the legitimacy of a government.

Questions were raised by individual members of civil society organizations as to why citizen participation in governance is in most cases limited to issues of national interest. This question brings to mind the issue of direct democracy as practiced in ancient Greece and raises questions as to whether it is feasible, affordable and necessary to consult citizens on all legislation debated in Parliament. Direct democracy was possible in ancient Greece because a city state population rarely exceeded ten thousand people. In today's democracies it is impossible to have direct democracy, with populations in millions coupled with limited state resources.

Fourteen out twenty or (70%) of the total respondents sampled felt the best way of involving members of the public in parliamentary democracy was through conducting hearings by committees of Parliament. It was evident from the views expressed, that respondents were aware of the best possible channel of communication with the citizenry, especially with regard to participation in the law making process. Apart from lobbying members of Parliament, which depends on status in most cases, public hearings are excellent fora in soliciting public inputs from citizens. The argument of the status of

Parliament in lobbying comes from the assertion that individuals with a commendable status in society such as businessman are better able to lobby MPs. Twenty percent (20%), four (4) out of twenty interviewed were in support of participation through petitions presented to Parliament, while the remaining (10%) the equivalent of two (2) respondents advocated for involvement through elected leaders.

Those who opted for advocacy through elected leaders most of which are members of Parliament were of the opinion that public participation should in most cases be limited to issues that have a direct effect on the livelihood of the people. Examples given in this regard were the involvement of the citizens in the Marriage Persons Equality Bill and the Children's Status Bill. Public involvement in decision making and legislation should at least in a democracy not stop at the elections only, there is a need for diverse views and inputs from the citizens from time to time.

However civil society organizations argued, that for committees to be able to promote parliamentary democracy, there is a dire need to strengthen their operating and institutional capacity to be pro - active and effective in their work. Thus far Parliament has received a number of petitions from civic organizations, such as the Sheebeen Association and LAC on the Children's Status Bill during the current year. Petitioning Parliament with the assistance of civic society groups carries weight and puts pressure on the Legislature to acknowledge the voice of the people.

4.2. Assessment of Parliamentary Committees

As mentioned earlier in the Introduction, parliamentary committees play a pivotal role in promoting parliamentary democracy in Namibia. As expected, respondents identified roles they expect committees should play. The following roles were identified:

To serve as catalysts, a link between the Legislature and citizens. Emphasis was placed on reaching citizens residing in remote rural areas, the marginalized and illiterate. This, the respondents argued would bring government closer to the people, thereby involving them in the decision making process. Members of Parliament interviewed augmented their argument by citing a current motion in Parliament aimed at establishing Parliament access centres in all regions, thereby reaching all constituencies in the long run.

Soliciting of public input through hearings on the proposed motion has been done by the Parliamentary Standing Committee on Constitutional and Legal Affairs. In addition to conducting hearings it was felt necessary by the respondents for committees to have regular consultative and educational visits in an effort to raise awareness on citizen's rights in the Legislature. These should be aimed at raising awareness on the operations of Parliament and the role citizens can play in influencing legislative decisions. Another role identified as being poorly developed was that of the executive oversight.

Members of Parliament argued that oversight of the Executive remains one of the major challenges committees have to overcome. It was stressed that one of the major

impediments to exercising this function concerns the composition of Parliament itself. There are at present more members of Parliament in Executive positions compared to ordinary back benchers expected to oversee their work, compounded with the power, seniority and prestige of the Executive, there is still much to be done by committees to effectively perform their work, especially in respect of Executive oversight. The mere fact that the Executive is in the majority renders it difficult to have them agree to recommendations made by committees per se, as they can reject them outright. Parliament consists of 72 voting members plus the additional six appointed by the President bringing the total to 78. Out of the seventy eight, 25 are Cabinet members which includes the Prime Minister, the Deputy and Ministers. Whereas 20 are Deputy Ministers bringing the total to 45, which means 63% of MPs belongs to the Executive and 43% are ordinary MPs. Even though deputy ministers are not members of Cabinet; they are still regarded as part of the Executive.

The majority of respondents, thirteen (13) regard the work of committees as rather limited, in important aspects. There are many difficulties facing parliamentary committees in executing their duties effectively, the most important and prominent of all is a lack of resources to enable them to carry out awareness programs on parliamentary activities. Notwithstanding this limitation, gradual progress is being made, judging by the number of hearings and consultative meetings conducted by various parliamentary portfolio committees. Since February 2006 a total number of five hearings were conducted on the Children Status Bill and the Motion on the establishment of Parliament Access Centers in the regions.

Further more, consultative hearings with various stakeholders on the motion on Bank Charges and Cycle Lanes took place in the Khomas Region only. Civic Organizations felt Committees should exercise their mandate as provided for and not being intimidated by the Executive as is often the case. The key to achieving this, they maintained is through having committee chairpersons with leadership skills and competent support services provided by parliamentary staff.

Sixty five (65%) or four (4) of civic organizations respondents felt committees were effective in carrying out their duties, while the remainder, two (2) of seven (7) indicated committees were 'less effective', whereas 15% regarded committee work as being 'very effective' even though they stressed a lot still needs to be done. On the side of Members of Parliament as expected, more than 80% were adamant that committees were 'very effective' and that finance was hampering their work. Of the remaining 20%, 10 % felt committees were 'less effective' whilst the remaining 10%, one of seven surprisingly indicated Parliamentary Committees were 'not effective' at all.

Not surprisingly, most of the members who rated committee work as being 'not effective' were opposition members, citing the ruling party's failing to institute and capacitate committee activities. Criticism comes in the form of electing committee Chairpersons from the opposition, often such elections are based on merit, and on the other hand it is understandable as in most cases politics is not based on the education level one possesses. Although they argued they did not at all think Committees were totally ineffective, they felt, there is a stronger need to align and revamp the activities of Committees to enable

them to achieve the expected results. The following issues were tentatively identified as negatively affecting the work of committees.

Firstly, the current institutional framework did not seem to support or advocate for stronger working committees. The current Speaker, when opening the induction course for Parliamentarians in 2006, emphasized that his administration was working towards transforming and restructuring the work of committees. Secondly, is the non binding of committee reports to Parliaments and their recommendations. As is presently the case, committee reports are not at all binding on the Executive on parliament, as a result adoption of recommendations contained depends on majority vote, which the Executive possesses.

On the question of what role should committees of Parliament play in promoting democratic governance, most of the respondents favored conducting awareness programs on the activities of Parliament in general and committees in particular to the public. This will enable the public to learn more of the legislature and understand their right to take part in the workings of Parliament. Information is everything the ability to communicate and interact is and should always be a constant feature in a democratic nation. However it was felt by Civic Organizations that even though public hearings are conducted on certain bills, contributions made by the public are rarely included in the final outcome when the Bill becomes a law.

The argument here is not to incorporate all suggestions raised at hearings, but to have a critical analysis of their meaning and relevance to the proposed law. As laws are made for the public, it is only fair they are made to feel and realize that they are participants not objects. This in turn will ensure wide acceptance of and adherence to the law. Interest in public hearings is inspired by the level of confidence and trust by the public in having their inputs count. Failure will lead to low attendance of hearings and subsequently parliamentary democracy will not be consolidated.

A question was put to the respondents as to whether they felt the legislature has particular programmes aimed at encouraging public participation, and if not, to propose some. A general awareness of the existence of an outreach program in the Speaker's office was observed by all fifteen (15) Members of Parliament and six (6) out of seven (7) representing almost 90% Civic Organizations felt the same way. The outreach programme is a joint initiative by Parliament of the Republic of Namibia and the National Democratic Institute (NDI). Vested in the Office of the Speaker, the awareness program is carried out once a year by the Speaker and a number of parliamentarians as well as staff members to all regions of the country. However, the programme is not entirely conducted as originally envisaged, due to financial difficulties and hectic work schedules of the Speaker.

During 2006, the outreach programme took place in all regions during August and September in two groups, south and north, headed by the Speaker and Deputy Speaker respectively. It was felt the program alone is not enough to promote parliamentary

democracy, given it only happens at most once in a year. It's on this basis that the following programmes meant to complement the existing efforts have been proposed by some of the respondents:

- I. Establishment of Parliament Access Centers in regions, a motion currently at Committees for discussion and adoption. This will ensure the public gets constant contact and regular flow of information from the Legislative. The realization of this motion will create a great understanding and instill new knowledge within the public on how Parliament works.
- II. Regular contacts in the form of consultative meetings by elected leaders and their respective constituencies. Namibia has the advantage of having the National Council, with its representatives elected to represent a particular constituency. In a survey done by the NDI 2000, titled *Public Participation in the Legislative Process* it was revealed that the level of communication and contact by community members and their elected representatives was very low. Some participants even claimed they never saw their Regional Counsellors since electing them. One Member of Parliament attributed the problem to time schedules of members of the National Council, being Regional Councilors and members of the National Council at the same time. Vast areas of jurisdiction by some councilors were also raised as an additional problem.

III. One MISA executive suggested Parliament should find space in local newspapers, in the form of a column, where it informs the public on activities taking place and allow the public to respond and comment on Parliament. Radio programs designed to discuss Parliament issues were also encouraged, where Members of Parliament from various committees and parties hold debates on Parliamentary issues. It is hoped will stimulate interest in Parliament and its activities, and promote the realization of parliamentary democracy.

IV. Popularization of openness to committee meetings as provided for in the Standing Rules and Orders. While Parliamentary sessions are open to the public the same cannot be said about committee meetings. Their openness is only known by a few who can access the Standing Rules and Procedures document. Participants felt it is necessary, therefore, to inform and encourage attendance at committee meetings by using the media and Regional Council offices.

A question was put to the participants concerning which means of communication they regard to be the most effective in interacting with the public on legislative issues. Sixty (60%) or twelve (12) out of the twenty sampled choose radio, whereas 20% preferred constituency offices, with the remainder identifying the use of print media. The reason behind the overwhelming choice of radio has more to do with reaching the majority of the population living in remote rural areas. The Namibian Broadcasting Corporation (NBC) claims that radio reaches about 90% of the population, making it the most popular means of communication in the country. One may also equate the choice of radio to

accessibility, as it is affordable to even the marginalized of the people and broadcasts in almost all the local languages of Namibia.

Constituency offices and the media fraternity are equally crucial in this regard, but at varying levels. Print media many argued is either written in one language or two, Namibia has a number of illiterate people and the physically challenged. Television on the other hand, is regarded by some as a luxury, and is therefore only applicable and effective to the elite and educated members of society. Constituency offices would face problems of distance and difficulties in the timely dissemination of information.

A question was asked as to what committees are currently doing to attract public attendance to their meetings. Chairpersons of various committees were open to public attendance. So far substantial public attendance was observed only at special committees instituted by the Office of the President to investigate certain state owned enterprises.

On the question regarding accessibility of parliamentary information and transparency thereof, about 60% of civic organizations were of the opinion that Parliament was not transparent enough to be accountable for all its actions. Information on Parliament was in most cases available in central areas of the Khomas region. The Parliament web site was strongly criticized as not being well developed and lacks important information according to one MISA Executive (interviewed on 15 October 2006).

Parliament publishes a quarterly journal, known as the *Parliament Journal*, but its distribution is limited to a few members of the public as well as a few selected libraries in Windhoek, and, of course the Parliament Library which unfortunately is not well stocked with books. Accessibility to Parliament information is easier when residing in Windhoek and to frequent visitors of the Parliament Library.

Parliament has of recent constructed a lift to make it easier for the physically challenged to attend Parliamentary sessions. There is however a lack of lobbying facilities, to facilitate interaction between members of Parliament and the general public. It is in this regard that participants suggested proper lobbying facilities be constructed to encourage the process. The Honourable Deputy Speaker of national Assembly in an interview conducted on 30 October 2006 acknowledged that parliament has a small budget to sustain the outreach programme only, apart from committee budgets. She indicated that from time to time sponsors are sought to finance deficit on hearings and workshops conducted by Parliament.

Organizations such as the Frederick Ebert Stiftung (FES) are always ready to assist Parliament in its outreach programmes to promote parliamentary democracy. Clearly, Parliament does not have enough resources to carry out all its envisaged programmes and lies in this regard at the mercy of its budgets allocated by the Ministry of Finance.

According to the budget statement for 2003/4 financial years, in the 2002/3 fiscal year Parliament was allocated an amount of N\$ 47.6 million, 2003/4 it was N\$ 53.9 million, in

2004/5 it was N\$ 53.6 million and in the 2005/6 it stood at N\$ 54.9 million. To operate on a financially sound basis Parliament for example in 2005/6 fiscal years requested an amount of N\$ 65 million. Members of Parliament stressed the need and importance of Civil Society Organizations assisting Parliament to realize its objectives. Civic Organizations have resources through donors, which they can contribute to help meet Government half way in its attempt to bringing people closer to the governance process.

4.3. Role of Civil Society Organizations

Civil society organizations were asked how they can contribute to the realization of parliamentary democracy in Namibia. A number of suggestions were made, the most prominent of these were:

- I. Assist government in meeting its set goals where possible, provided good relations exists between Government and NGOs. They commended Government for coming up with the policy regulating the operations and relationship with it and civic organizations. It goes a long way in demonstrating Government's willingness to work hand in hand with civic organizations for the sake of the country and its citizens at large.

Organizations such as the LAC, are more involved in assisting civil society to understand the process of lawmaking, and have written a number of handbooks on the subject. They declared their readiness towards helping

Government overcome social problems faced by its people. As long as due recognition is given the support of civic organizations will always continue.

- II. Assistance in drafting of Bills and the popularization thereof. The LAC has through the years assisted in the drafting of Legislation when approached they have made their voices heard by objecting to certain clauses in bills by suggesting alternative wording and phrasing. The LAC singled out the bill on Children's Status Bill of 2006, and together with women organizations made a petition to Parliament on the amendment of certain clauses in the Bill. Ordinary citizens have difficulty interpreting a Bill, thus the LAC has translated certain acts and the Constitution in particular into local languages.

The Namibia Democracy Support Centre (NDSC) contended they can assist in taking pieces of legislation under discussion to the people by way of sponsoring hearings through the use of committees. So far they have sponsored the committee on Constitutional and Legal Affairs to conduct hearings on the motion on the establishment of Parliament Access Centers in the regions. As long as there is money available in their budget, explained the Executive Director in an interview conducted on 05 November 2006, his organization will be willing to assist where possible.

Civic organizations such as Women's Action for Development (WAD) and the National Union of Namibian Workers (NUNW), explained they can, if informed in time organize their members in the regions to attend hearings on certain bills. This is true as they command a large following in terms of membership, and so their members are inclined to listen to their calls. If this could be done, public hearings will become more popular and thus ensuring people are involved in decision making.

- III. Access to information, MISA Namibia was not happy with the current relationship the Government has portrayed of the media, whilst cognizant of the existence of media freedom and its protection in the Constitution contented Executive Director of MISA Namibia in an interview held on 15 October 2006.

Issues such as Government interference in news reporting and the labeling of certain newspapers as anti Government should be addressed to ensure media freedom is observed. MISA stressed that through its member organizations it can contribute greatly towards dissemination of information and educate the public on parliamentary issues if Government consults them in good faith. The organization has already presented a draft Legislation to the Parliament Committee on Constitutional and Legal Affairs on Freedom of Information in Namibia (FOI) bill. It is MISA's firm belief that the enactment of such a bill would without doubt improve relations with Government and ensure transparency and accountability in Government.

Civic Organizations in Namibia play an important role in promoting democracy. The Namibia Institute for Democracy (NID) for example, was created with the vision of enhancing democratic governance and ensuring the protection of civil rights of the citizens. In order for these organizations to render a meaningful contribution to the nation, mutual co-operation with Government is necessary to facilitate their continued existence. It becomes evident during the interviews that, government is not fully making use of services being offered by civic organizations.

Complaints were expressed to the effect that, Government has a tendency to pass laws without input from civic organizations, which in many instances represent a significant number of citizens. The only way for Government to ensure effective service delivery to the people is by conducting nationwide research. This exercise will inform Government if it is living up to the expectations of the people.

Some organizations such as NDI, as mentioned earlier in the literature review, have been conducting surveys on public participation in the Legislature, with a view to influence government to evaluate its position in terms democratic transformation. Collaborative efforts are possible, when doing research; this will strengthen the existing bond among various organizations and Government.

On the question of whether the Legislature has programs to encourage public participation in the legislative process, about 60% of the respondents felt that the existing programmes were inadequate to get the necessary knowledge across to the grass roots

level, whereas the remaining 40% were not aware of the outreach program in the Speaker's Office. This goes a long way in proving the level of commitment and determination of Government in educating the citizens on the activities of Parliament is inadequate. On top of that, since the inception of the outreach program, Parliament has not produced any document or report as feedback to the nation to inform them on the success of the programme. This is vital in terms of popularizing the initiative and gaining the support and trust of citizens.

4.4. Civil Society Participation in Committee Activities

Civil society organizations were asked, if they have participated in public hearings or have been called to give evidence before a parliamentary committee. The question was aimed at assessing the extent to which civic organizations get involved in the activities of Parliament. About 30% of the organizations interviewed admitted to having being called or summoned before Committees on issues of interest to both parties. For example, women organizations and the LAC were consulted by the Standing Committee on Human Resources to solicit ideas during hearings on the Children's Status Bill, the Committee report shows.

If maintained, such meetings are considered building blocks for a sustained healthy relationship between Legislature and civic organizations. Consultation with civic organizations ensures in most cases a representative view of various communities, since some of these organizations are formed and nurtured in various communities

countrywide. It is indeed evident from the responses recorded that consultation is still lacking, considering that the remaining 70% report have never been consulted in the formation and subsequent implementation of legislation.

Wide consultations organizations argued took place when Parliament debated the Marriage Person's Equality Bill. This is so considering the nature and controversy preceding the introduction of the Bill in the first place, it was only justified that extensive consultation should take place. It is therefore crucial for the Legislature to always consult with civil society organizations for the use of the services they offer. Most of the organizations who were not called by a parliamentary committee participated through other means such as lobbying and in many instances by way of petitions, protests and demonstrations. These rights are certainly guaranteed in the Namibian Constitution, but are by no means the best. Protests as has been experienced in other countries sometimes tend to be violent. It is the violence and destructive nature of some demonstrations that in a way infringe on the democratic rights of others.

On attending committee meetings, about 35% of the respondents have indicated that they have attended committee meetings, but only if they were invited. The sad scenario has a lot to do with the fact that many civic organizations are not aware that committee meetings are open to everyone. Parliament they argue has not so far done enough in promoting the work of Committees in terms of their operations and possible involvement by the public. As explained above, the remaining 25% of the respondents were only to attend committee meetings, if issues in which they have a direct interest are being

discussed and notice of such meetings advertised. The response shows an urgent need on the part of the Legislature to market committee work and to try its best to accommodate diverse public views in strengthening the power and popularity of parliamentary committees.

Seventy percent (70%) of those interviewed felt their inputs were not in many cases taken into account when final legislation is passed. Potentially this trend holds negative repercussions for democratic freedom in Namibia, as it has the causal effect of limiting public participation in the legislative process, moreover if it were to continue it would erode public trust and confidence in the legislature. Democracy is manifested in ruling by the will, of the people, thus giving them a chance to determine their own future and that of the nation at large. Parliamentary democracy is at best achieved through the will, determination and commitment of the ruling elite in allowing constant interaction with the citizenry.

On the issue of attending Parliamentary sessions, most of the respondents 60% preferred to watch abridged versions of sessions on national television as compared to attending sessions live at Parliament. Around 40% said they attended sessions at least once a week when times allow and that too is dependent on the proceedings of the day. Judging by the respondents most preferred means, it's by far the most unlikely to cover the majority of the population, national television only covers certain areas of the country and access to it is still unaffordable to some Namibians.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.0. Introduction

Based on the findings of the research and analysis thereof, this chapter presents the author's concluding remarks and recommendations. This chapter gives a brief summary of the study and its outcomes as informed by the problem statement.

5.1. Conclusion of the Study

It was the aim of this study to systematically evaluate the role committees play in promoting parliamentary democracy in Namibia. This aim was achieved by conducting interviews with members of Parliament and prominent Civil Society Organizations in Namibia. It was argued that the inclusion of CSOs would render the study more representative, given that most communities in Namibia are members of various interest organizations. Similarly the research was guided by a well articulated problem statement against which results were interpreted and analyzed. To this end the study reached the following conclusions, that:

1. The the population sample of twenty (20) representing CSOs and Members of Parliament clearly to define what is meaning of democracy in general. However, the different definitions had one thing in common, which are democracy and its principles. In addition civil society whilst acknowledging the existence of parliamentary democracy in

Namibia, were weary of the practical implementation of the principles. It was felt the Legislature was not doing enough to enhance the idea of parliamentary democracy in general.

2. The operations of parliamentary committees being the 'engine room of Parliament', as some analysts argued, were examined by both groups of respondents. Most criticism centered on the exclusion of the public in activities of committees, especially with regard to Committee meetings and Executive influence exerted in them by Cabinet Members. The incorporation of public views and opinions on certain legislation emerged as partial challenge parliamentary committees have to deal with in order to gain public confidence and support.

3. The role of committees in promoting parliamentary democracy is being seriously hampered by lack of capacity building initiatives by Parliament to support and empower committee activities. Overall the respondents recognized the role being played by committees to promote parliamentary democracy, even though it was felt more needed to be done to achieve more tangible results. Lack of initiation by committees and the Committee Secretariat was also mentioned as a contributing factor to the minimal operation of parliamentary committees in Namibia.

4. The conduct of public hearings it was felt was not always well organized especially in terms of the distribution of notices and advertisements.

5. CSOs were unhappy at the lack of inclusion in legislation of public inputs; examples such as the Children's Status Bill were cited. However, all the respondents were in agreement that government cannot function in isolation. There was therefore a need to have a mutually beneficial relationship with civil society organizations. This it was felt will greatly facilitate the realization of parliamentary democracy.

6. The research showed that, the current existing relationship between CSOs and Government needed strengthening to enable these CSOs to collaborate with Parliament in reaching the electorate. As it is, certain organizations such as the NUNW, the umbrella body of trade unions, felt that consultation by Government is only limited to crisis management, whenever there is a problem. This, they argued, needs to change. Consultations should begin much earlier to enable organizations to properly inform their members.

7. The establishment of Parliament Access Centers (PAC) was overwhelmingly applauded as a step in the right direction towards bringing Parliament closer to the people. However, certain organizations, such as MISA Namibia, were not happy with the process. They feel sidelined, due to the fact that they felt they should be able to assist once these centers become operational. The research noted the need to have a strong bond between Government and the media fraternity at large, so as to fully actualize media freedom as stipulated in the Namibian Constitution.

8. Parliament was strongly criticized on its outreach programme by civil society organizations. Lack of budgeting to sustain the programme was identified as the main contributing factor to the limited success of the initiative. Parliament therefore was urged to have an annual budget earmarked specifically for the outreach programme, and where possible gain financial support from sponsors.

9. The research identified lack of political will and interest from both members of Parliament and CSOs as a stumbling block in Parliament's efforts to achieving parliamentary democracy in Namibia. Low attendance at committee meetings and hearings by the public was greatly attributed to lack of communication and understanding of how the legislature operates.

10. Finally, the existence of partisan politics in the composition of committees impedes their operations in that party loyalty takes precedence over a bipartisan approach. Moreover, it is imperative for parliamentary committees to focus their attention on attaining the recognition that they deserve by delivering quality service to the people.

5.2. Recommendations

Given the abovementioned findings, the study advances the following recommendations in respect of the following categories:

5.2.1. Revision of Parliament Rules and Procedure

Revision of parliamentary rules and procedures is critical to the effective and efficient operation of parliament standing committees and parliament in general. This is meant to cater for the restructuring of the committee system, in order to empower and capacitate committees to function effectively and efficiently. This will ensure committees perform their mandated roles in line with established democratic principles. Parliament should devise ways and means to support committees financially. Where possible donor funding should be sought to sustain the important work of committees. Parliament should disseminate the work of committees to ensure public involvement in committee activities.

5.2.2. Organizational Review of Parliament Secretariat

A comprehensive review of Parliament staffing norms needs to be undertaken to be supportive of the envisaged restructuring of the committee system. The introduction of extensive training programmes aimed at improving skills development is necessary to elevate the work of committees. Staff exchange programmes will go a long way in equipping the secretariat with the necessary knowledge needed to spearhead the activities of Committees. It is also imperative that Parliament considers establishing a Parliamentary Commission, independent and professional to provide for its personnel needs as opposed to the Public Service. South Africa, for one, has achieved tremendous results in terms of service delivery by disassociating Parliamentary staff from the Public Service.

5.2.3. Public Awareness of Programmes

Parliament should, institute a public awareness programme to complement the existing outreach programme resorting under the Office of the Speaker. As shown in this study, education on Parliamentary activities suffers from lack of information dissemination, which is why committee hearings on certain bills are poorly attended. It is therefore recommended that the proposed establishment of Parliament Centres in regions be made a reality, as these will assist immensely in creating awareness of parliamentary activities. In the same vein a good working relationship with the media fraternity is essential to ensure proper and effective dissemination of information on Parliament to the public. Committees should embark on nationwide educational campaigns to promote their cause and gain the support and trust of the citizenry.

5.2.4. Organizational Training

To become effective in their duties MPs need training to constantly update their skills and knowledge level as representatives of the people. Training is most needed during the induction of new MPs to familiarize them with the workings of Parliament and their expected role in advancing democracy. It is therefore recommended that Parliament organize a variety of training workshops, seminars and conferences to enable quality and informed decisions.

5.2.5. Relations with Civil Society Organizations

Social capital is formalized in civil society organizations – voluntary associations, movements and networks that live and work in the social space outside the state and private sector. Social capital depends on a healthy relationship and interaction between civil society and the state, where the state is weak, civil society may also be weak and the level of social capital may also be low. It is therefore important for the state and parliament in particular to build a mutual bond with CSOs, as they can assist in the extension and strengthening outreach and public education efforts, particularly where state resources are limited. Parliamentary Democracy is achieved in this way.

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APPENDICES

1. QUESTIONNAIRE

ON THE ROLE AND EFFECTIVENESS OF PARLIAMENTARY COMMITTEES
IN PROMOTING PARTICIPATORY DEMOCRACY IN NAMIBIA

MEMBERS OF PARLIAMENT

Section A: Interviewee Details

Gender: Male

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Female

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Age:

Section B: Knowledge of Democracy in general

1. What in your opinion is the meaning of democracy in general?

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2. What does public participation entail in a democratic society such as ours?

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3. What in your view is democratic governance, and who are the parties to it?

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4. How should people in a democratic society participate in parliamentary activities?

- a) Public hearings
- b) Petitions
- c) Lobbying
- d) Through elected representatives
- e) Any other, please explain.....

Section C: Assessment of Parliament Committees

4. How would you define the role of parliamentary committees in Namibia in relation to promoting good governance and participatory democracy?

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5. In your view how effective are parliamentary committees in carrying out their duties?

- a) Effective
- b) Less effective
- c) Very much effective
- d) Non effective
- e) Any other, please explain.....

6. How in your view should committees enhance their role in promoting democratic governance in Namibia?

- a) Conduct awareness campaigns on their activities
- b) Committee meetings made open to the public
- c) Have enough resources
- d) Conduct more public hearings
- e) Any other, please explain

7. Does the legislature, national assembly in particular have programs in place that encourage public participation? If not what programmes would you propose parliament engage in?

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9. Which methods are most effective for committees to involve the public in the legislative process? And of these which ones is parliament using in enhancing committee work?

- a) Referendum
- b) Public hearings
- c) Petitions
- d) Lobbying
- e) Voting

10. What in your view are the most effective means of communication to the public on legislative issues?

- a) Radio
- b) Television
- c) Notice boards
- d) Constituency offices
- e) Print media

10. Are committee meetings open to the general public, apart from hearings, if not why?

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11. How do committees encourage public attendance to its meetings?

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12. How accessible and transparent is parliament in your view, access to parliamentary information?

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13. Does parliament have lobbying facilities to facilitate interaction between people and elected representatives, especially the disabled?

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14. How does parliament educate citizens on its activities, are there any awareness programs in place?

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15. Does the legislature have a budget for activities aimed at promoting parliamentary democracy? If yes how are the activities financed through sponsorship, donor funding etc?.

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16. Do you think the legislature have enough resources to conduct community outreach programs through committees?

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17. How often are public hearings on bills advertised for public input?

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18. In what media are they advertised?

- a) Print and electronic media, includes parliament journals
- b) Radio
- c) Notice boards
- d) Television
- e) Any other please
specify.....

19. Where are public hearings held?

- a) Parliament building
- b) Community centers
- c) Governor's offices
- d) Any other, please
specify.....

2. QUESTIONNAIRE

ON THE ROLE AND EFFECTIVENESS OF PARLIAMENTARY COMMITTEES IN PROMOTING PARTICIPATORY DEMOCRACY IN NAMIBIA.

CIVIL SOCIETY ORGANISATIONS

Section A: Interviewee Details

Gender: ☐ Male ☐ Female

Age.....

Section B: Knowledge of Democracy in General

1. What in your opinion is the meaning of democracy in general?

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2. What does 'public participation' entail in a democratic government?

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3. How should people in a democratic society participate in parliamentary activities?

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Section C: Assessment of Parliament committees in Namibia

4. How would you define the role of parliamentary committees in Namibia, in relation to promoting good governance and ensuring participatory democracy prevails?

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5. In your view how effective are parliamentary committees in carrying out their duties?

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6. How in your opinion should committees enhance their role in promoting parliamentary democracy in Namibia?

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Section D: Role of Civic Organizations in promoting parliamentary Democracy.

7. How would your organization contribute to the effective realization of participatory democracy in Namibia?

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8. Do you think the legislature have programs in place that encourage public participation in the legislative processes? If no what programmes would you propose parliament adopt towards the realization of parliamentary democracy?

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Section E: Participation in Committee Activities

9. Have you ever participated in any public hearings held by committees on a bill before, if yes which bill?

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10. Has your organization been called to appear before a parliamentary committee, if yes what was it about?