

**INTERGOVERNMENTAL RELATIONS BETWEEN CENTRAL GOVERNMENT  
AND SELECTED LOCAL AUTHORITIES IN NAMIBIA WITH SPECIAL  
REFERENCE TO THE DECENTRALISATION PROCESS**

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## ABSTRACT

*Although decentralisation is a basic tenet of local democracy in local government operations, the central government and local authorities do not seem to adhere to basic principles that the concept seeks to promote, particularly in policy and legislation formulation on matters pertaining to local authority affairs. This negates the values of local self-government, democracy or participation, liberty and autonomy, which are powerful ideological elements in the establishment of local government institutions in Namibia. This study was undertaken to test this proposition, so as to incline policy and legislation formulation by the central government and local authorities into partnership, in line with provisions of Article 1 (2) and chapter 12 (3) of the constitution for the Republic of Namibia.*

*In order to carry out this research, the study adopted an evaluative method that utilized questionnaire, interview, and documentary search techniques. Focus was mainly on local authority consultation, participation, centre local relationship, division of decision-making powers between the central government and local authorities; councillor-community relationship and councillors' contact with local development committees.*

*The study revealed that very little consultation takes place in issues of national policy and legislation formulation, particularly on matters that pertain to local authority affairs between the two levels of policy namely, central government and local authorities. Legislation and national policies pertaining to local authority affairs are initiated, conceived and formulated by the central government. In most cases, local authorities merely implement centrally planned policies and legislation. Another interesting finding is that councillors usually determine what their local clients (community members) want without their involvement. This scenario negates the very basis of local government, interdependency, and centralizes political decision-making power to the centre. Thus, the central government regards local authorities as mere extensions of the state through which the power of the state filters, and that, they are subordinate bodies upon which policies can be imposed. Similarly, local authority councillors regard community members as ordinary people on whom any decision can be imposed. This whole policy and legislation formulation scenario is typical of a top-down approach that does not augur well with the democratic principles upon which the Republic of Namibia was established.*

*This study advocates that, participation in national policy and legislation formulation between the central government and local authorities on matters pertaining to local authority affairs should be encouraged. Furthermore, community members should be vigorously pursued to take part in policy making on matters pertaining to their lives at local level. The MRLGH and local authorities should form a partnership in policy initiation, formulation and implementation.*

*Instead of political decision-making power to vest in the central government, such power should be shared with local authorities composed of elected representatives of the people at grass roots level.*

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## **DEDICATION**

This dissertation is dedicated to my daughter Namasiku, whom I lost at a very tender age.

## DECLARATIONS

This dissertation is a true reflection of the candidate's own research, and has not been submitted for a degree in any other institution of higher learning.

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## LIST OF ABBREVIATIONS

ALAN	Association of Local Authorities in Namibia
BALA	Botswana Association of Local Authorities
CABLE	Capacity Building Programme for Regional Councils and Local Authorities
CBOs	Community Based Organisations
CDC	City Development Committee
CEO	Chief Executive Officer
DDC	District Development Committee
DDCCs	District Development Coordination Committees
DDP	District Development Project
DIC	Decentralisation Implementation Committee
DIP	Decentralisation Implementation Plan
DS	District Secretary
GON	Government of Namibia
GOZ	Government of Zambia
GRZ	Government of the Republic of Zambia
GTZ	Gesellsche Afte Fuer Technifche Zammenarbeit (German Technical Cooperation)
LGNF	Local Government Negotiation Forum
LGTA	Local Government Transition Act
LOGOSP	Local Government Support Project
MLGH	Ministry of Local Government and Housing
MLGNH	Ministry of Local Government and National Housing
MLGRUD	Ministry of Local Government, Rural and Urban Development
MMD	Movement for Multiparty Democracy
MOF	Ministry of Finance
MOJ	Ministry of Justice
MRLGH	Ministry of Regional and Local Government and Housing
MPs	Members of Parliament
MPCNH	Ministry of Public Construction and National Housing
NBC	Namibia Broadcasting Corporation

NDCC	National Development Coordinating Committee
NDP	National Development Plan
NGOs	Non Governmental Organisations
NPC	National Planning Commission
ODA	Overseas Development Administration
OPM	Office of the Prime Minister
PA	Provincial Administrator
PDCC	Provincial Development Coordination Committee
PDDC	Provincial and District Development Committee
PID	Participatory and Integrated Development
PSC	Public Service Commission
RO	Regional Officer
SA	South Africa
SADC	Southern African Development Community
SALGA	Southern African Local Government Association
SDF	Social Dimension Fund
SWAPO	South West African Peoples' Organisation
TDC	Town Development Committee
UNDP	United Nations Development Programme
UTN	Urban Trust of Namibia
VC	Village Committee
VPC	Village Productivity Committee
WDC	Ward Development Committee

## CHAPTER 1

### INTRODUCTION

#### 1.0 Introduction And Research Problem

Decentralisation entails both reversing the concentration of administration at a single centre and conferring powers on local government (Smith 1985: 1). Although the study takes this broader view of decentralisation, its main thrust is on efforts to enhance democratic participation in policy formulation and implementation in urban local government. Decentralisation carries the idea of sharing decision-making authority between the central government and local authorities. This means that decision-making power can also be shared between these levels of government through the creation of mechanisms in the politico-administrative system. Devolution is the form of decentralisation in which central governments transfer authority for decision-making, finance and management to independent units of local authorities that are based on corporate status through legislation.

Furthermore, the concept decentralisation advocates a true “partnership” between the central government and local authorities. This concept has become popular throughout the whole SADC Region. Political leaders and development practitioners have become deeply committed to this concept. Therefore, the notion has become synonymous with “good governance”, alternatively referred to as “quality governance”.

The colonists of the then South West Africa namely, German and South African colonial authorities who governed the territory between 1884 and 1989 did not seem to adhere to the principles that the concept (decentralisation) seeks to address. This entailed that the colonists practiced an authoritarian system of government whereby the people were not allowed to have

a say in matters that affect their political and social life. This particularly affected the Black majority population. Decisions were made in the colonial capitals and were handed down for implementation by the colonial agents. This scenario was tailor made to strengthen the colonists' hold over the South West African people. This grew into a psychological metamorphosis whereby the majority of the then South West African people were turned into mere recipients of pre-determined decisions of the central authorities. This shall be amplified in chapter 4 of this study. The urban local government in Namibia was first developed by those imperial regimes for the purpose of holding and strengthening their rule over the citizens.

Although urban local government in the form of municipalities has been in existence in Namibia since German colonial times, it never existed in communal areas of the territory. The territory was divided into three administrative units namely, the Police Zone, the northern sector, and the Eastern Caprivi Zipfel. Therefore, urban local government was instituted mostly in the police zone, where Germans exerted a direct control. Affairs of the people who lived in the northern sector were directly controlled through their Chiefs and headmen as part of Indirect Rule. In 1919, the South African Colonial Authorities modified this approach when they took over the administration of the territory from the Germans.

In the colonial era, the policy of racial segregation dominated economic, political and social policies. To that end, urban local government was divided on the basis of race. Municipalities (formed in the 1960s) were administered by municipal councils under the provisions of the South West Africa Municipal ordinance no. 13 of 1963 as amended (Töttemeyer 2000: 116). This piece of legislation applied to the then "White" and "Coloured" townships within the urban areas. In contrast, the then Black townships in urban areas were

administered by White dominated municipalities on an agency basis for the central government of the colonial South African Authorities. This arrangement came into being by virtue of the Urban Areas Proclamation no. 56 of 1951.

This effectively meant that, local government and administration was subject to central control, as it was by law required to comply with the South African imposed policy of separate development according to ethnic and racial criteria. Further, Village Management Boards were also created in the 1960s for areas outside municipal areas. They were subject to central government appointment. The Village Management Boards were controlled by the Village Management Ordinance no. 14 of 1963 (Töttemeyer: 2000:16).

Later, the Peri Urban Development Board Ordinance of 1970 was enacted, and took over all the Village Management Boards as they proved incapacitated at that time. Peri Urban Development Boards carried out all duties assigned to the Village Management Boards earlier, hence, their functions included, among others, municipal services and supply of clean water in their jurisdictional zones.

Advisory Councils were also established in Peri Urban Areas to advise Peri Urban Boards on affairs pertaining to the administration of the Peri Urban areas. To allow some kind of participation, Advisory Boards comprising Blacks, and consultative committees representing Coloureds were instituted in some areas with the purpose of assisting the Advisory Council in defining development needs of the communities.

Extensive centrally determined rules governed activities such as development planning and policy making at urban local government level. Deducing from the above, it is clear that the

motive of the colonial urban local government was that of central control rather than local development.

At independence in 1990, there was a commitment to decentralised urban local government, and therefore a clear need to restructure government at the local level by the SWAPO led government for the Republic of Namibia. In practice, this has taken four forms. First, the enactment of article 1 in the Constitution of the Republic of Namibia that refers to the Republic of Namibia as a sovereign, secular, democratic and unitary state founded upon the principles of democracy, the rule of law and justice for all. It further states that, all power shall firstly vest in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the state; secondly, creation of the Ministry of Regional Local Government and Housing; thirdly, that local authorities shall be created in terms of Article 108 of the Namibian Constitution; and finally, Parliament would enact all Acts of Parliament on regional and local government. All these legislative enactments have sought to strengthen decentralisation in urban local government in Namibia.

Local authorities in Namibia are part of the democratic institutions of the state. Although they are not involved in formulating national policies (e.g., foreign affairs, justice, police and prison services, etc.), they can however make policy input on matters relating to sub-national governance. Therefore, the urban local government system in Namibia allows people to be in control of development in their own areas.

Suffice to say that these sub-national units of government (local authorities) are created to enhance democracy and quality governance in Namibia. Although in a unitary state setting

such as Namibia, the central government takes ultimate charge of policy-making, and those that affect sub-national governance have to be made after consultation with local authorities. However, it should be noted that the decentralisation policy document that was designed by the pre-independence SWAPO on governance for an independent Namibia emphasised more on administrative decentralisation but not on political decentralisation (Töttemeyer 2000: 133). This entailed that the party intended to centralise the political power than sharing it with its sub-national units. Although the Constitutional deliberations conducted in 1989 between SWAPO and the opposition parties led to the entrenchment of decentralisation in the Constitution, as it will be observed in chapter 4, Namibia in its Decentralisation Enabling Act of 2000, exhibited a lukewarm approach to devolution of power.

This situation is not peculiar. As will be argued in chapter 3, Pre-independence political parties in Africa had very centralised power tendencies, a trait that they largely maintained after the achievement of independence. This, it was argued, was important for nation building especially in the situation of ethnic diversity. In turn, this implied halfhearted approach to devolution. As indicated earlier, it could be argued that the pre-independence SWAPO also exhibited such tendencies. Thus, the dissertation took this into account in addition to the other factors in its analysis of decentralisation.

On 05 March 1999 at Walvis Bay, local authorities gathered for the 50<sup>th</sup> Annual Congress of the Association of Local Authorities in Namibia (ALAN). At that Congress, the Headquarters officials from the MRLGH, Directorate Decentralization Coordination, took the floor by condemning local authority councillors for not sharing decision-making powers at local level with the community members. Furthermore, they asserted that the policy of decentralization provides for decision making structures called Local Development Committees (LDCs) at

local level, aimed at involving all stakeholders in decision making on matters pertaining to their lives at local level. Such structures, according to the MRLGH headquarters officials, did not exist by that date in most local authorities. .

In response to the claims of the MRLGH headquarters officials, the majority of local authority councillors denied having knowledge of the decentralisation directives relating to the decision-making structures at local level. Paradoxically, they asserted their dissatisfaction with the way in which the MRLGH formulated legislation and national policies pertaining to local authority affairs without their involvement.

They further asserted that, being the representatives of the local populace who are at the receiving end of such legislation and policies and being the implementing agents, the MRLGH should have consulted and involved them in the process of initiating and formulating decentralisation policy. The MRLGH was, thus, criticized by local authority Councillors for having unlimited powers over local authorities.

The above evidence indicates a problematic situation that prompted this study. It is within this broad framework that the municipal councils of Windhoek, Gobabis, Okahandja, Mariental, Tsumeb and town councils of Rehoboth, Okakarara, Ondangwa, Rundu and Katima Mulilo, (also referred to as municipalities and towns in this dissertation,) receive attention. Looking at the complaints that have been highlighted above, it appears that the central government and local authorities do not seem to adhere to the basic principles that decentralisation seeks to promote, particularly in policy and legislation formulation on matters pertaining to local authority affairs. The principles referred to in this context are mainly participation and consultation in matters pertaining to the local authority affairs at the central and local level

between the actors in local governance namely, central and local authorities as well as the local citizens.

### **1.1 Research Questions**

In order to evaluate the process of decentralisation in Namibia, the study is guided by the following research questions:

To what extent does the central government, local authorities and the civil society adhere to the basic principles that decentralisation seeks to promote, particularly in legislation, policy and programme formulation on matters pertaining to local affairs? Furthermore, what lessons can be learnt from decentralisation and local government experiences of Zambia, Zimbabwe, Botswana and South Africa?

### **1.2 Objectives Of The Study**

The aim of this dissertation is to evaluate (a) the relations between urban local government and the central government in general and the Ministry of Regional and Local Government and Housing in particular and (b) the relations between local government and civil society organisations through Local Development Committees. In order to achieve this aim, the objectives of this study are: -

- (1) To provide a conceptual framework of variants of decentralisation through the analysis of published sources;
- (2) To examine the experiences of decentralisation and urban local government of Botswana, Zambia, Zimbabwe and South Africa with a view to highlighting possible lessons for Namibia;

- (3) To discuss the provisions of the Local Authorities Act of 1992, the Local Authorities Amendment Act of 2000 and the National policies on Local Government in Namibia as they relate to the policy on local government in Namibia;
- (4) To assess the effectiveness or otherwise of decentralisation in Namibia, with specific reference to central government-urban local government relations on the one hand, and urban local government and civil society relations on the other hand; and
- (5) To make recommendations aimed at improving (a) intergovernmental relations between urban local government and the central government in general and the Ministry of Regional and Local Government and Housing in particular and (b) the relations between local government and civil society organisations through Local Development Committees.

### **1.3 Methodology**

The case study method shall be used for this study when analysing decentralisation in Namibia. Decentralisation in urban local government in Namibia is analysed in this study as a process in that it takes place in phases. Focus in the study will be concentrated on aspects of decentralisation in Namibia and other selected cases in SADC.

Therefore, it is hoped that the case study method used shall bring the concept of decentralisation in urban local government in Namibia as a phenomenon to life for readers and help them understand its meaning. A phenomenon, according to Collins Cobuild's English Language Dictionary (1987: 1074), is something that happens or exists and can be seen or experienced; used especially when the event or thing is being considered in a scientific or academic way. Hence, a case study is done in this dissertation to shed light on decentralisation as a phenomenon. A case study is an in depth study of instances of a

phenomenon in its entire natural context and from the perspective of the participants involved in the phenomenon. In this study, decentralisation in urban local government was viewed as a phenomenon of interest whereas; the cases of the study were mainly a central government (MRLGH), local authorities and the civil society organisations.

The case study was considered as a research strategy for this dissertation based on the objectives of the study as cited on page 7. It also enabled the researcher to produce a detailed description of variants of decentralisation through the published sources, and to evaluate decentralisation through examination of the experiences of decentralisation and urban local government of Botswana, Zambia, Zimbabwe and South Africa.

Data collection techniques included interviews, questionnaires, documentary research and direct observation. Academic information centers and libraries in Namibia, South Africa, Zambia and Botswana were visited for the purpose of a literature review. The information needed was specifically that pertaining to decentralisation and urban local government in Africa. In order to measure decentralisation quantitatively, interviews and questionnaires were utilized. Data collected was analyzed with the use of bar- graphs. Furthermore, observations and experiences of the people were also used as empirical data for this study.

Two sets of questionnaires were compiled to review and evaluate processes of decentralization in policy formulation and implementation in urban local government in Namibia. The first questionnaire targeted local authority councillors. The second targeted MRLGH headquarters officials. The data obtained from interviews with council officials at the ten local authorities was considered together with that obtained from the councillors.

Selected Chief Executive Officers working in the ten selected local authorities, government officials working in the Ministry of Regional and Local Government and Housing and Mayors of the selected councils were interviewed.

Interviews allowed the researcher to explain questions to the respondents, particularly those that were not clearly understood. Furthermore, they allowed for a deeper probe into questions that followed the answers of respondents. Documentary search included review of some pieces of legislation that ushered governance at regional and local level before independence and those that regulate such states now. To this end, minutes of councils and some relevant documents were also reviewed.

The above research methods were considered to be most appropriate for the study as they allowed this researcher to “cross check” data so as to authenticate its validity. Furthermore, the methods were viewed as complimentary in that the data that may have been missed by one was captured by the other methodological techniques.

#### **1.4 Choice of Ten Cases**

As indicated, Namibia emerged out of a political history of the German and South African Colonial authorities who divided the then SWA territory into three administrative units. This scenario led to differences amongst the population groups in Namibia. The South African Colonists further legitimised the division by establishing “homelands” (Bantustans) such as Eastern Caprivi, Basterland, Namaland, Okavango, Hereroland, Owamboland, Tswanaland, etc. (Vosloo, 1974: 111). Therefore, this prompted the researcher to select the municipalities and towns in order to adequately cover the areas that were subject to the colonial administration at that time, with the purpose of justifying what pertained before independence

and what pertains now. Interesting to note is the fact that different pieces of legislation on local government at that time, applied differently to all the towns that are subjects of this study.

It is against this background that five municipalities and five emergent towns, which were communal towns before independence, were selected in order to amplify the impact of this study on decentralisation in urban local government in Namibia.

### **1.5 Problems Encountered In Undertaking The Study**

The exercise encountered several problems; some of them could possibly influence some of the conclusions of this study.

**Firstly**, the study was conducted after the Ministry of Regional, Local Government and Housing had undertaken an investigation of the operations of the Rehoboth and Katima Mulilo local authority councils, which are among the subjects of this study. Results of that particular investigation led to a decision by the Minister to dissolve the Rehoboth town council, and for new elections to be conducted. In the similar event, SWAPO in Caprivi Region was obliged to withdraw its candidates from the town council following alleged charges of misappropriation and embezzlement of funds to the members. They had to be substituted by other members of SWAPO.

The responses on questionnaires for councillors at Katima Mulilo may seem to be anti-government to the reader, because views of respondents were emotionally expressed on account of SWAPO's decision to withdraw them as councillors. However, the councillors' views were merely criticisms directed at the MRLGH. Being new in the office, the mayor of

Katima Mulilo as one of the interviewees was unable to effectively articulate views pertaining to the relationship between the MRLGH and his Town Council. The same applied to the Rehoboth councillors. Having just been elected, their responses depicted a limited knowledge of local authority affairs.

**Secondly**, the Decentralisation Enabling Act of 2000, and the Local Authorities Amendment Act of 2000 were promulgated by Parliament at the time when this study was undertaken. It was disseminated to the members of respective local authorities in Namibia for the first time. It is likely that some respondents would have overlooked the provisions of the two enacted pieces of legislation. Therefore, some of the respondents may not have acquainted themselves with the amendments to the principal Act (Local Authorities Act of 1992, Act 23,1992). Failure to respond accurately to some questions in the questionnaire by some respondents may be attributed to this problem.

To handle the identified problems, the study shall make suggestions on what can be done to improve the quality of decentralisation in urban local government in Namibia. These suggestions shall be based on experiences drawn from Zambia, Botswana, Zimbabwe and South Africa.

## **CHAPTER 2**

### **THEORETICAL ASPECTS OF DECENTRALISATION AND LOCAL GOVERNANCE**

#### **2.0 Introduction**

In this dissertation, decentralisation is about division and distribution of authority and resources for policy and programme formulation and implementation (1) between the central government, local authorities and civil society organisations as well as (2) reassigning decision-making responsibilities on a geographical basis to these lower units of government. Furthermore, in a local government setting, decentralisation presupposes, among others, the creation of a sustainable communication system between important participants in local governance, i.e., civil society, NGOs, and the private sector. This involves the centre-consulting citizens either directly or through their elected officials (councillors) before taking concrete decisions on matters affecting their lives. It also entails the participation of people in implementing these decisions, policies or programmes and evaluating the outcome of this process in order to determine its continuation or termination. Although decentralisation has many dimensions, in this dissertation it has been limited to democratic decentralisation (elected bodies) and political decentralization (to create political systems relating to lower levels of government).

#### **2.1 Democratic Decentralisation And Local Governance**

Democratic decentralisation in governance is globally accepted. However, it is necessary to understand what it signifies, particularly in the context of local government. A workable definition could be that “democratic decentralisation means the involvement of citizens through their elected local authorities in the planning and implementation of public policies and programmes pertaining to their own affairs”. In a democratic setting, democratic

decentralisation presupposes the sharing of decision-making powers between the central government and the sub national units (local authorities) representing the local citizens, particularly in policy formulation and implementation. In this connection, Higgins (1977:193) defines democratic decentralisation as “attempts of people as individuals or groups to exercise influence on outputs of decisions which directly affect them”. Higgins’s definition tends to tie well with that of this researcher. However, his definition fails to address the normative and practical reasons for democratic decentralisation in the context of policy making in local government. The ideological premises namely, traditional values of self-government with an accent on autonomy and participation underlining the concept democratic decentralisation are clearly articulated in this study.

## **2.2 Political Decentralisation**

A workable definition of political decentralisation could be that it “means creation of political systems relating to lower levels of government that is aimed at accessibility of government to all citizens. Echoing this researcher is Kjellberg (1995: 11 – 40) who observes that, “liberty for local communities to develop according to their own preference is a powerful ideological element in the introduction of local government systems in most countries”.

Kjellberg’s view of establishing local self-government ties well with this researcher’s topic, in that he clearly articulates the purpose of local authority establishment subject to the liberalistic notion of the limited and passive state.

In this researcher’s view, local authorities as sub-national levels of government are created to share political power with the central government. The total sum of all these different definitions may eventually constitute a definition of ‘governance’ in the context of local

government, currently defined as the exercise of political authority to manage community affairs at local level. Governance refers to a process and government to an institution as will be explained.

The basic quality of participation is that “people have a constant access to decision – making and power” in all spheres of life (economic, social, and political). Underlying the concept is the fundamental tenet that there cannot be human development in the real sense if people are not empowered to control their lives; in the absence of such empowerment, people’s lives are controlled from above, emptying the whole concept of human development of its fundamental essence (UNDP, 1993: 21).

### **2.3 Democracy**

Like other concepts, democracy means different things to different people. Bobbio (1996: pp34-47) specifically defines “democracy” using Lincoln’s words as “government of the people, for the people, by the people”. He further observes that democracy guarantees civil liberties and human rights. He states that democracies have limited governmental powers. This researcher concurs with Bobbio in that for governments to be truly democratic, particularly in a local government setting, there should be a sharing of power to make decisions between the central government and local authorities. Therefore, the definition of democracy should be extended to include “with the people”. This is clearly articulated in chapter seven of this study.

According to Kitonga (1987: 4-23) democracy is about people ruling themselves, ordering, organising and managing freely their own affairs. This is indeed a good definition in the context of local government. However, the shortcoming in this definition is that Kitonga

views democracy as only about people ruling themselves, ordering, organizing and managing freely their own affairs. This could be enhanced by extending this definition to also include the relationship between the governors and those who are governed in the whole processes of policy formulation and implementation. In the context of regional and local government, it is about the relationship between the central government, local authorities and citizens at local level. The questions are: first, whether the central government regards local authorities as corporate bodies or mere extensions of the state through which the power of the state filters, and that they are subordinate bodies upon which policies can be imposed? Second, whether the electorate is believed to be individually equal to the elected officials (local Councillors) in making policies at local level, or are they regarded as subordinate beings on whom any decisions can be imposed?

In this connection, Jean Jacques Rousseau contended that “democracy is impossible unless all citizens gather together to make their own decisions and supervise their own government” (Janda, Berry and Goldman, 1989: 39). However, John Stuart Mill argues to the contrary. He accepts indirect democracy as the best form of government (Janda, Berry and Goldman, 1989: 40).

This study coincides with the views of John Stuart Mill in his advocacy of an indirect democracy. Interesting to note in this connection is that elected representatives more often than not fail to adhere to what the electorate wants. This normally takes effect each time after elections. In the context of local government, this study shall review what takes place after elections between councillors and local citizens in the context of representative democracy. Under representative democracy, nothing rules out the possibility that beneficiaries of

decentralised governance can be the elected officials than the ordinary citizens. The best way of avoiding such development is to make governance as participatory as possible.

The substantive and procedural theories of democracy as advocated by philosophers such as Jean Jaques Rosseau and John Stuart Mill are not compatible. These theories are from two schools of thought about what constitutes democracy. Procedural theories view democracy as a form of government. In this connection, they emphasise procedures that enable people to govern, for example, meeting to discuss issues, voting in elections and running for public office.

Unlike the procedural theories, the substantive theories view democracy in the substance of government policies, freedom of religion and providing for human needs. This simply implies that the procedural approach focuses on how decisions are made whereas the substantive approach is concerned with what government does. The researcher's sentiments tie well with the procedural conception of democracy that unlike the substantive conception is more closer to the classical definition of democracy: "government by the people".

Since procedural democracy is founded on clear and well-established rules for policy-making, Namibia can be cited as an example where all national policies must coincide with the principles and values laid down in the Namibian Constitution. Therefore, such policies thus, cannot violate the principles of democracy as reflected in the Constitution.

The pluralist model of democracy as advocated by political scientist Robert Dahl interprets government by the people to mean "government by the people operating through competing interest groups" (Janda, Berry and Goldman, 1989: 39). For the purposes of this study, the

pluralist model of democracy is relevant particularly in terms of its two mechanisms, namely, interest groups and decentralised structure of government that provide access to elected officials and that are open to hearing the group's arguments for or against government policies. According to Dahl, (as cited in Janda, Berry and Goldman 1989: 40) the fundamental axiom of pluralist democracy is that "instead of a single centre of sovereign power there must be multiple centres of power, none of which is or can be wholly sovereign."

Further, Robert Dahl, a fervent advocate of pluralist democracy, emphasised the importance of sharing of power between the centre and the periphery. This researcher agrees with sentiments of Robert Dahl particularly when the model's watch words namely, "divided authority, decentralisation and open access" are taken into account (Janda, Berry and Goldman, 1989: 47). Therefore, for a government to be democratic, there is need for sharing political power between the central government and local authorities in order to create opportunities for participation in public policy making and implementation.

For many African countries, the major defining characteristic of democracy is that people have a say in the political affairs of their country at all levels. While the modalities of ensuring this are many, some of the most popular ones can be: election of leadership, an accountable government, cooperative governance, checks and balances and government structures promoting empowerment of the people. However, most academics define the concept "democracy" differently. Nevertheless, political analysts continue to mystify "democracy" to an extent that people understand it to mean "government of the people, by the people, for the people".

As a process, Nsibambi (1998: 7) observes that democracy is about putting in place systems, structures and practices of government that answer the questions pertaining to the following: freedoms (of opinion, association, press), periodic free and fair elections of national and local leaders, decent living standards for every member of the society and accountable administration.

In the opinion of Meyer (1978: 11), democracy requires basic freedoms such as those of association, speech, movement and worship. It further requires citizenship and the right to participate in all public affairs, such as the right to vote, the right to run for public office and the right to be a legal part of the polity. Furthermore, democracy requires a number of social rights such as the right to an adequate education and health care. The total sums of all these rights constitute the ideal democracy or what Dahl (1971) has termed a “polyarchy.” In a local government setting, local democracy implies, among other things, developing – at local level – an operative and effective capacity to control power at central level (Töttemeyer, 2000: 108).

Expressing a similar view to Töttemeyer’s to some extent, Alufandika (1998) points out that although local government theories have it that, service provision is the most acknowledged function of local government, it is also clear that local government has its basis in local democracy. It is a means by which local communities can govern themselves.

Therefore, it can be argued that for democracy to be successful in any government setting, an enabling environment has to be created. Such enabling environment depends on an effective decentralisation process, which among others, involves the sharing of decision-making power between the central and local authorities. Hence, this scenario, if viewed in good faith by

rulers, may create a countervailing power that is necessary in a democratic setting of a higher tier government.

This is however, not enough. Bobbio (1996:44) in his definition of direct democracy, as opposed to indirect democracy, refers to institutions such as the referendum, through which all citizens with political rights are called on to express their opinion on issues of special national or local interest. Expressing a similar view to Bobbio's to some extent, Rousseau (as cited in Janda, Berry and Goldman, 1989: 44) argues that direct democracy coincides with assembly government, where assembly refers to the place in which all citizens and not just their representatives gather for discussion and deliberation.

The venerable Robert Dahl (1971) introduced the concept of "polyarchy" and referred to it as a "process" which, in accordance with the Oxford English dictionary, is a government of a state or city by many. However, the definitions cited above, in the researcher's view, do not seem to address the essence of the concept "democracy" sufficiently enough as there must be necessary correspondence between the acts of the government and the equally weighted expressed wishes of citizens with respect to those wishes" (May as cited in Saward 1994:13). Therefore, it can be argued that the sum total of these fundamental rights and freedoms together with the normative principles that describe how democracy should function, constitute the concept democracy.

Concurring with the views expressed above, Schmitter (1996:327) defines democracy as a principle, embodied in a set of rules, expressed through a complex of institutions, and aimed at establishing or sustaining a certain quality of relationship between the rulers and those who are ruled. The guiding principle is that of citizenship, that is, the right to be treated by fellow

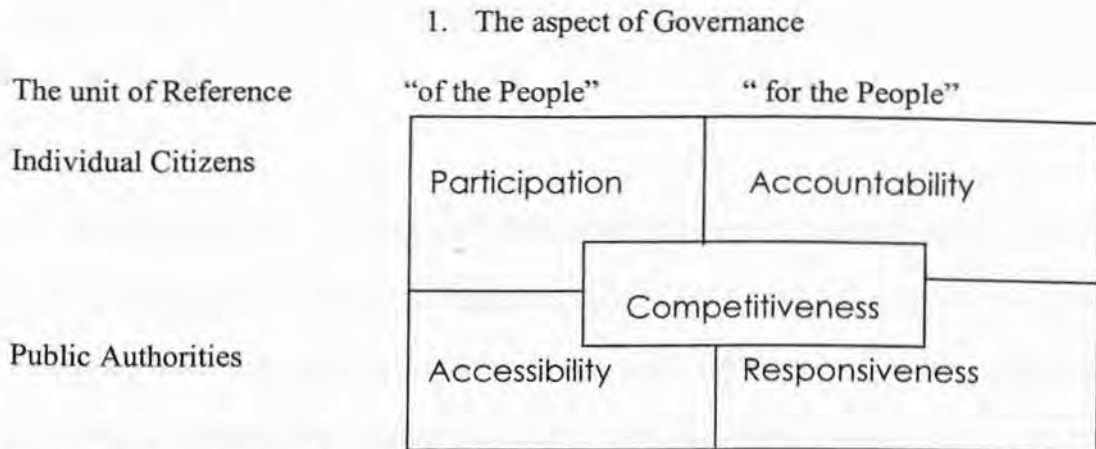
human beings as equal and the obligation to respect the legitimacy of choices made by collective deliberation among equals.

Why democratic governance? What makes it necessary for local governance? Schmitter (1996: 326) argues that, “the historically variant procedures and institutions for translating the principle of democratic citizenship into practice are presumably not ends in themselves, rather, they should be regarded as the means for establishing a particular sort of a relationship between rulers and the ruled”.

The process of establishing different policy levels of the state, namely central, regional and local level does not necessarily depict a democratic order. It must also include the free election of officials to represent the electorate in all spheres of decision-making.

However, there are certain qualities necessary in a democratic government setting that depict truly democratic governance. Schmitter (1996: 327) presents contrasting dimensions to graphically depict the aspects of governance in a truly democratic government as follows:

**Figure 2.1 The Qualities Of Democratic Government**



Source: “Constitution, Democracy and State Power III” by Schmitter (1996: 327)

Figure 2.1 amplifies the relationship among the elements that constitute the essence of democratic governance in the context of local government. Virtuous advocates of participation in the context of democracy, view individual citizens as equal partners to those in leadership in the process of making decisions or policies pertaining to the lives of the people. Thinking carefully in relation to the public authorities, “government by the people” should be accessible by treating the preferences and demands of all citizens – organised, concordant, precedented or unprecedented – as equally qualified and worthy of consideration in the making of public choices (Schmitter 1996:327). When one looks at the second vertical axis of the diagram, one sees how individual citizens can hold their leaders (elected officials) accountable through regular consultation and non-arbitrary deliberation, and how it can become the most democratic standard one can apply to a local government setting (Schmitter 1996: 327).

“Responsiveness” best designates the prophecy of a ruling elite “which guarantees that citizens needs will be met, and, hence, that the exercise of public power will be legitimated” (Schmitter 1996: 327).

“Competitiveness” as articulated in figure 2.1 is viewed in the context of local government as a core of the entire modern democratic process, affecting the citizens and the authorities as well as the input and output of governance. It is this aspect of governance (competitiveness) that may presumably stimulate active citizen participation. For example, the institutionalisation of fundamental rights natured well by the rulers can create a conducive environment for all people to compete for public office and influence. Once democracies are characterised by social pluralism, participation unequivocally becomes the game. Schmitter (1996: 328) observes that competitiveness creates a conducive environment leading to encouragement of authorities to be accessible to public demands, enforces accountability on the part of policy implementers, and ensures that collective choices will be responsive to the diversity of a given society”. Without it, democracy risks degeneration of its proverbial nature caused by protagonists of this idea.

Democracy is a concept designed to regulate societal coexistence (Hofmeister and Scholz, 1977: 12). However, democracies may be institutionalised in different ways in a given society, but the fundamental and universal requirements remain those of respect for human rights and implementation of principles.

Although numerous definitions are formulated in an attempt to come up with an ultimate definition of the concept “democracy”, it may be difficult to come up with one common definition because different countries implement the concept differently. This could mainly

be a result of a number of factors, for example, the country's political system, culture, traditions, beliefs, social and economic conditions. Therefore, democracy as a concept contains a number of elements that constitute the meaning of the term. In other words, the concept democracy must be contextualised.

In view of the above, democracy can be tied to political participation at local government level where the concept is applied directly. To that end, local politics and local government, inter alia, perform the following functions:

- (i) Involve citizens in the performance of local public duties;
- (ii) Widen the basis of political participation;
- (iii) Safeguard pluralism at various levels and in a multitude of local administrative units;
- (iv) Facilitate problem – orientated grassroots approaches at local level, which are appreciated by citizens;
- (v) Strengthen the restrictions and control (checks and balances) of political power which are indispensable in a democracy as an element in the vertical division of power through regular and fair elections, such that no major (adult) social group is excluded; and a level of civic and political liberties - freedom of expression, freedom of press, freedom to form and join organisations – sufficient to ensure the integrity of political competition and participation (Reddy1999: 13).

In Africa, particularly within the SADC region, democracy has become a popular concept to such an extent that even a country such as Zambia, which was characterised as one party state since 1972 under the socialist policies that lasted for 19 years, changed to a democratic system of government. This effectively means that democracy can be realised everywhere.

How it can be realised depends on the shared values by those who want to realise this political order and the level at which they commit themselves to such a political order.

## **2.4 Participation**

Participation means different things to different people in different situations. A citizen of a country or a resident of an urban local authority maybe said to participate, for example, by attending a meeting even though he/she does not say anything; contributing time/or money to a community project; providing information and opinion in a survey; being responsible for achieving objectives in the formulation and implementation of a project; and/or by controlling the design of a policy. While participation is essential in a democracy, it could be argued that it is often a concept that has been misused in practice. This could be confirmed by Dearden (1999:93-104) whose definition of participation include:

- (1) Passive participation;
- (2) Participation in information giving;
- (3) Participation by consultation;
- (4) Participation for material incentives;
- (5) Functional participation;
- (6) Interactive participation; and
- (7) Self-mobilization.

In order to avoid misconception, the researcher confined the definition of participation to the involvement of the central government (MRLGH), local authorities and the civil society organisations in the initiation, formulation, implementation and evaluation of policies and programmes that pertain to local authority affairs.

Participation is an important criterion in examining how the central and local authorities are managed, how decisions about planning and resource allocation are made, whether or not they are made in consultation with the diverse interests of stakeholders (civic, private and community sectors). It is also useful in determining whether central and local authorities are democratic, accountable and transparent, and whether the resources are being equitably distributed and services are being provided to the expectation of the stakeholders.

“Participation” in the context of this dissertation is also defined as the role-played by the local authorities and the civil society in collaboration with the central government in the provision of goods and services. This entails involvement at all levels of local government. Therefore, participation is viewed in this study as a human right and an essential component of democracy. It makes the operation of service delivery more relevant to local needs and increases commitment and involvement in the provision of these services as well as awareness in civic issues.

Participation in local governance is necessitated by a number of reasons such as the following:

First, it has a direct link to public expenditure, which must be related to transparency and accountability;

Second, participation is more economic than sociological. Economic development involves local institutions in the improvement of the quality of life for all citizens;

Third, the central government can no longer adequately deliver services, which necessitates that other actors in society have to be involved. This maybe due to emerging and highly complex processes of every day life, e.g., technical skills from

the private sector, labour from the community, less funds, rising poverty levels, declining economic conditions, urbanisation and reduced fiscal transfers, etc;

Fourth, inadequacies within local authorities to deal with the complex systems and problems evolving with the development process;

Fifth, there is a need for equitable allocation and distribution of resources to all sectors of society so that they all benefit equally and that the needs of all groups (e.g., women, youth and disabled) in any given society are addressed. Therefore, it can unequivocally be deduced that participation facilitates in the political realm the pre-eminence of human development and self-determination, both committed to the ideals of freedom and equality (Ngenda 2000).

Furthermore, it can be argued that subsidiarity is an engine of sustainable development. Hofmeister and Scholz (1977:15) view it (subsidiarity) as an important principle in the context of permitting and encouraging local participation and self-government. They argue that the principle obliges large communities and ultimately the state, to go into action whenever socio-political circumstances begin to overcharge the capabilities of individuals or smaller communities.

According to Hofmeister and Scholz (1977:15), “subsidiarity” means:

“a citizen should be left to responsibly regulate all those matters in life which he/she is capable of handling alone, in conjunction with his family, or in voluntary cooperation with others, without the involvement of the state or other public authorities, and without infringing on the rights and liberties of others”.

The above is the meaning used in this exercise.

In a local government setting, local democracy presupposes the level of democracy closest to the people and allows the local populace to actively participate in affairs, which affect them directly. Local governments can regulate matters that pertain to their local citizenry (within the confines of legislation) using the knowledge and local expertise, and consulting democratically elected local representative bodies. Therefore, democracy can easily be experienced and practised at local level more directly.

The impact of local participation, be it broad based or not, argues well with the objectives of the exercise. Hence, participation and local government operations are indeed inseparable.

Procedural theories of democracy as indicated earlier in this chapter, portray participation as a means by which individuals ensure that their interests are defended and promoted, and as a way to facilitate better information and communication, and therefore, more effective government. To this end, participation is also expected to induce enterprise, initiative and imagination, which will benefit the entire citizenry.

## **2.5 Consultation**

Consultation could refer to a meeting, which is held to discuss something and to decide what should be done about it. Furthermore, it also entails a discussion between people, especially when advice is needed. In this dissertation, consultation refers to the discussion between the central government (MRLGH), local authorities and the civil society before decisions pertaining to policies and programmes of a local nature are taken.

## 2.6 Local Government

Regional and local authorities are created to render services in defined geographical areas, primarily because it is argued that the central governments are unable to attend to all regions or provinces needs adequately and sufficiently. In this connection, Meyer (1978:10) defines local government as:

“local democratic units within the democratic systems.... which are subordinated members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined local areas”.

The range of services provided by local authorities, as sub-national authorities, shall be outlined in chapter four of this dissertation. Although, local authorities carry out functions at local level, there is a political division of responsibility between the two levels of government namely, national and local levels. For local government to be successful, there is need for a mutual relationship between the national and local level. Reddy (1999:10) summarises a number of pre-conditions that determine successful relationships between central and local governments as follows:

- The need for a strong system of local government in a democratic environment;
- Local government be allowed to play a pivotal role as a full partner in national or regional development;
- A fair division of financial resources between central, regional and local bodies;
- A fair division of human resources between central and local government and a non-restrictive remuneration system;
- Adequate communication and a regular flow of accurate information between all levels;

- Participation of all citizens, irrespective of colour, race or gender at all levels of administration and government – ensuring the extension of democracy to all levels of government;
- Political and social harmony;
- Defined legal relations between the different levels of government and the capacity for local pressure on central government to promote changes in legislation;
- Trust and honesty as basic principle of government;
- Receptivity of innovation.

Stanyer (as cited in Mukwena 1998:36) has pointed out that “local government belongs to that sector of the machinery of government that is normally called decentralization”.

Mukwena (1998: 36) argues that the definition of local government is integral to the manner in which decentralization is conceived. In this connection, this researcher defines local government as a sphere of government closer to the periphery, vested with governmental powers from the centre, to decide in collaboration with the people it governs, on matters relating to such citizens’ lives. Although the definition may vary from one country to the other, depending on the political system of a country, definitions like those offered by Mawhood (as cited in Mukwena 1998:36) see local government as local democracy exercised through locally elected councils whose major object is to provide or to administer social services with a great degree of local independence as modern circumstances allow. In this connection, Stanyer (as cited in Mukwena 1998:36) further distinguished between two basic types of local government, primary and secondary: “primary local government exists when the local authority is directly elected by the people living in its area, and secondary local

government when the authority is indirectly elected, i.e., appointed by one or more primary authorities.”

Concurring with Stanyer is Maddick (as cited in Mukwena1998:36) who refers to local government as a “system of local authorities” whereas the term local authority refers to “a sub-unit of government, controlled by a local council which is authorised by the central government to pass ordinances having a local application, levy local taxes or exact labour, and within limits specified by the central government, vary centrally divided policy in applying it locally.

## **2.7 Local Governance**

The term local governance is increasingly being used to refer to the process of government. More broadly, the term refers to the ways in which society manages its interests. Local governance includes strengthening institutions at sub-national level (regional and local authorities) for collective decision making, for facilitating collective goals, ensuring the fair expression of a range of interests and adequate arbitration between them. Partnership and relationships between government institutions and citizens are more important for local governance today.

There is a shift in emphasis from “government” (the power to govern) to “governance” (the act of governing thus the process of governing). This shift in emphasis from “government” to “governance” is linked to the global acknowledgement that organs of civil society need to be empowered to share the responsibility for governance (Ismail, Bayat and Meyer, 1997:3)

## 2.8 Decentralisation

The term decentralisation has become popular in Africa, as it gained in relevance pertaining to participatory democracy. However, what does this signify in the context of local government? It is generally accepted that this concept carries different forms and contents. Suffice to say that political analysts and policy makers have defined the concept decentralisation differently. A distinction has been made between the different facets, which are described as forms of decentralisation. They include deconcentration, delegation and devolution which will latter be discussed elsewhere in this chapter.

As will be seen in this section, various scholars have defined it differently. In this connection, Fesler (1965: 536) observes that, decentralisation can designate a “static fact and dynamic process and can refer to pure ideal – type and moderate incremental change”. The concept decentralisation is a complex one in that it seems to overflow the measure at which it is acknowledged in the literature.

Although it is accepted that it is impossible to standardise the word “decentralisation”, Reddy (1999: 16) observes that the term decentralisation has a certain connotation, namely, the presence of something at the centre that may be dispersed, that is “away from the centre”. Therefore, he refers to decentralisation as the “transference of authority,” legislative, judicial or administrative, from a higher level of government to a lower level.

Mawhood (1983:1) observes that most individuals and governments favour the concept of decentralisation because it implies the unblocking of an inert central bureaucracy, curing managerial constipation, giving more direct access for the people to the government and the whole nation to participate in national development planning processes. As Lungu (in

Mukwena 1998:30) observes, “the analyst is intrigued by the existence of several kinds of decentralisation and the subtle distinctions between them as well as by their relatedness.” Scholars such as Maddick, Rondinelli and Cheema, and Conyers (as cited in Mukwena 1998:30) define decentralisation largely in administrative terms. For Mawhood (1983), Kasfir (1983) and Smith (1985) the definition of decentralisation must be distinguished from political considerations, and clearly separate instances of administrative decentralisation from those of political decentralisation.

In the above context, a clear definition is given by Mawhood (1983:1-3), who sees decentralisation as the “creation of bodies” separated by law from the national centre, in which local representatives are given formal power to decide on a range of public matters. According to Mukwena (1998: 32) “Mawhood thus excludes administrative deconcentration from his definition of decentralisation”. Concurring with Mawhood is Kasfir (1983: 25-47) who sees decentralisation as the formal (i.e., legal) transfer of power and authority to autonomous local bodies that are separate by law from the central state. Kasfir (1983) excludes deconcentration because it lacks the political element.

As indicated earlier in chapter 1, Smith (1985:1) sees decentralisation as “both reversing the concentration of administration at a single centre and conferring powers on local government.” He further observes “decentralisation involves the delegation of power to lower levels in a territorial hierarchy, whether the hierarchy is one of governments within a state or offices within a large scale organisation. In the study of politics, Smith (1985: 1) sees decentralisation as referring to the territorial distribution of power.

Nzouankeu (1994: 215) sees decentralisation as “a natural” indispensable counterpart of pluralistic democracy; it extends the work of local democracy and fulfils democratic aspirations. Meenakshisundaramu (1994: 16) argues that, “the term decentralisation does not necessarily signify a democratic procedure” and suggests that “democratic decentralisation poses two qualities”:

First, it is consistent with the democratic trend and is also, technically, the most efficient method of formulation and execution of local projects. It is democratic in the sense that the source from which power flows is also democratically organised.

Second, the administrative orientation shifts from making decisions and issuing orders to helping people make decisions through cooperation and other traditional structures.

Consequently, democratic decentralization, through local government facilitates the combination of and cooperation between the official machinery of administration and the non-official leadership and control.

Rondinelli (1981: 137) refers to decentralisation as “the transfer or delegation of legal and political authority to plan, make decisions and manage public functions from the central government and its agencies to field organisations of those agencies, subordinate units of government, semi-autonomous public corporations, area-wide or regional development authorities, functional authorities, autonomous local governments.

I agree with Mukwena (1998) in his argument that these views of decentralisation are too narrow. In this dissertation, a simplified definition of decentralisation has been used to avoid degeneration of its meaning. This is necessitated by the reason that advocates of decentralisation, e.g., the states that are involved in decentralisation, often themselves use the

term much more flexibly to refer to the sharing of decision making power and authority between the central government and sub-national authorities (Mukwena 1998: 30).

Decentralisation in this dissertation is therefore, conceived as a multifaceted concept, as is taken to refer to a number of dimensions, including the following:

First, one is to refer to “centralised and unitary states and describes a process by which powers (political decision making, financial and managerial) are transferred from the central government to local governments (corporate bodies) giving them more autonomy and liberty to manage their local affairs within the framework of a unitary state” (Nsibambi 1998: 6).

Second, decentralisation denotes a process whereby centralisation is reversed so that power is shifted from central bodies to a multitude of autonomous or quasi-autonomous bodies concerned with the formulation and application of policy in particular localities in answer to local and variable requirements (Reddy 1999: 27).

Decentralisation can take different forms that give different meanings politically, administratively and technically to the concept. These forms can also be viewed as levels of decentralisation. At the administrative level are the following: decentralisation is referred to as de-concentration which is “a result of the imperatives of the practical necessity of centralisation entailing giving certain powers to local authorities linked to the central powers by the principle of hierarchical sub-ordination (Nsibambi 1998: 6). This is further seen as the most limited form, which involves “the shifting of the workload from the central government Ministries’ headquarters to staff located outside the national capital.” In this connection this researcher defines deconcentration as the shifting of central government staff to local levels to represent central government at those levels.

Under deconcentration, the staff may not be given the autonomy to decide how those functions are to be performed (Rondinelli 1981: 137). In contrast to de-concentration, delegation as a form of technical decentralisation refers to “the process by which some sections, departments, etc., of the central government are given corporate body status and considerable independence to carry out certain functions” (Nsibambi 1998:6). Delegation entails “the transfer and creation of broad authority to plan and implement decisions concerning specific activities – or a variety of activities with specific spatial boundaries – to an organisation that is technically and administratively capable of carrying them out” (Rondinelli: 1981: 138).

Devolution is the form of decentralisation in which central governments transfer authority for decision making, finance and management to independent units of local authorities which are based on corporate status through legislation (Rondinelli 1981:138).

In a 1962 United Nations study (as cited in Reddy 1999: 16) it is observed that there are two distinct applications of the term decentralisation, namely, deconcentration and devolution. In this report, deconcentration of decision-making authority to dependent field units of the same department or level of government carries the same meaning as delegation of power to civil servants working in the field to make decisions in the execution of central policies (also referred to as administrative or bureaucratic decentralisation).

Devolution of decision-making authority to relatively autonomous regional or local governments, or to special statutory bodies is the cession of power to make decisions (including restricted policy making power) to representative (usually elected) authorities, or to more or less autonomous public or voluntary enterprises (also referred to as political or

administrative decentralisation). This is the report's definition of devolution. In this connection, Allen (1990:4) observes that deconcentration and devolution may be territorial (to units geographically separated from the centre) or functional (assigning responsibility for specific kinds of governmental activity). Both types of decentralisation can be applied for the purpose with responsibilities over a number of governmental activities.

A corporate body, e.g., a local authority council enjoying devolved power from the central government can delegate or devolve those powers to a representative committee. Meenakshisundaram (1994:11) classifies decentralisation into four different types, namely, deconcentration, delegation, devolution and privatisation.

An extensive deconcentration can be achieved through a government ministry handing over some amount of administrative authority or responsibility to lower levels within such ministry and its agencies to be executed at local level. The "creation of a system of field administration implies the transfer of some decision making discretion to field staff, allowing them some latitude to plan, make routine decisions and adjust the implementation of central directives to local conditions within guidelines set by the central ministry" (Rondinelli and Cheema 1983:19). However, the interesting feature in this regard is that such government officers exercising such deconcentrated functions remain employees of the central ministry and controlled by such ministry.

Under this level of decentralisation, a distinction is drawn between field administration and local administration, defining the latter as a form of deconcentration in which all subordinate levels of government within a country are agents of the central authority, usually the executive branch (Mukwena 1998: 32). Under this arrangement, leaders who are either

appointed by or are responsible directly to a central government agency such as the Ministry of Regional and Local Government, head the regional and local authorities. This level of decentralisation is limited to passing down only administrative discretion to local officers of central government ministries. This means the passing of some authority to lower levels within the central government machinery. Although in this arrangement, administrative staff can make decisions, only few of such decisions can be taken without reference to the centre.

According to Meenakshisundaram (1994: 14) delegation as another level of decentralisation refers to “the transferring of responsibility for specifically defined functions to organisations that are outside the regular bureaucratic structure and are only indirectly controlled by the central government.” This implies the decision-making power and authority that can be passed by the central government to officials or bodies at sub-national level. However, the central government retains the right to overturn local decisions and can, at any time, take these powers back.

Devolution as a level of decentralisation, refers to “the creation and strengthening of sub-national units of the government, the activities which are substantially outside the direct control of the central government” (Reddy, 1999: 17).

In view of the above discussions, devolution could be the strongest form of decentralisation, where the central government grants decision-making powers to local authorities allowing them to take full responsibility without reference back to the central government. A good example is the financial power and authority to design and execute local development projects and programmes (UNDP, 1993).

Privatisation, is according to Meenakshisundaram (1994: 11), another type of decentralisation. Meenakshisundaram sees privatisation as passing of all responsibility for functions to non-governmental organisations or private enterprises.

The levels of decentralisation that we have discussed may co-exist. Governments in Africa apply the mentioned types of decentralisation models as a combination. However, the level at which a country decentralises powers from the central government to the sub-national units, depends on a number of factors: the economical, political, social and geographical factors prevailing in a particular country. The history and political systems of many countries tend to differ, based on the diversity of the beliefs, culture and political ideologies of the ruling elites. Therefore, it is indeed imperative to relate the conceptual framework for decentralisation discussed above to the structural arrangements within government structures of different countries.

The standing procedures on what level of decentralisation a government should apply first are determined by the consideration pertaining to what model may best suit the political order of a particular country. For example, federalised governments may apply deconcentration whereas the unitary states may decide on delegation and devolution.

Protagonists of the concept "decentralisation" advanced a number of reasons for decentralisation. According to L'oeil (1989: 71-72) there are four arguments in favour of decentralisation:

The first argument is based on the assumption that the demand for local public services varies from place to place. Only decentralised provision of local services will adjust to the multifaceted demands.

The second argument is based on efficiency. It can be argued that locally financed and produced services will cost less.

The third argument is of a political nature. Local government is an important training ground for democracy, which can enable regional and local government to control the tendency of central government from becoming all-powerful.

Finally, the other argument is institution based. Coordination at the local level is necessary for effective local public service provisions as local public service provision can be better coordinated at local than national government.

Decentralisation, if effectively implemented, can yield a number of benefits. In this connection, Rondinelli (1981:133-145) proposed the following advantages of decentralisation:

- (i) Decentralisation can become an effective mechanism for overcoming the service limitations of centrally controlled national planning. The most important consideration in this regard would be to delegate some control and authority in national development planning and government to officials who are directly concerned with the field or local situation. Local needs could be addressed in this manner.
- (ii) Decentralisation can possibly reduce the bureaucracy and red tape usually associated with highly centralised planning, particularly in developing countries where the concentration of power, authority and resources are generally in the national capital.
- (iii) Decentralisation can enable officials to become more knowledgeable and sensitive to local problems and can enable them to gain insight on the possible ways of implementing action plans.

- (iv) Decentralisation would ensure greater representativeness for the divergent political, religious, ethnic and tribal groups in development decisions. It would also promote equity in the allocation of resources.
- (v) Decentralisation can facilitate the political and administrative "penetration" of national government policies in remote/rural areas where the support for national policies is weak.
- (vi) Decentralisation can develop management capacity among local governments and provinces/regions, thereby taking over functions that are not performed efficiently and effectively by national ministries/departments. It can also develop the capacities of local officials.
- (vii) Efficiency of the national government could increase as decentralisation would relieve top management officials of routine tasks. It could also assist local officials to develop their management and technical skills.
- (viii) Decentralisation could provide a coordinating structure for central government ministries and agencies, non-governmental organisations and local leaders involved in development initiatives in different districts/provinces/ regions.
- (ix) Decentralisation could provide an important vehicle for mass participation by the local citizenry. It could facilitate the exchange of information relative to local needs and channel them directly to the national government.
- (x) Decentralisation creates an alternative means of decision-making. It can offset the influence and control over development activities by elites who are often insensitive or unsympathetic to local needs.
- (xi) Decentralisation could promote more flexible, innovative and creative management. Regional, district or provincial government could be more innovative relative to policies and programmes. If programmes are successful,

they could be replicated in other parts of the country; if they fail the costs are limited to small jurisdictions.

- (xii) Decentralisation enables local leaders to locate services more effectively within communities, to integrate areas that are isolated or lagging behind and draw them into the regional economies and to monitor and evaluate the implementation of development projects more carefully.
- (xiii) Decentralisation can promote political stability and national unity by facilitating the participation of groups in different parts of the country in developmental decision-making thereby ensuring that they “buy into” the political system.
- (xiv) Decentralisation can increase the number of public goods rendered and furthermore, the efficiency in that they are delivered (at reduced cost) by reducing the economies of scale inherent in over concentration in the national capital.

The concept decentralisation, taking cue from the advantages discussed above does not automatically guarantee achievements as designed. There is need for the implementing agencies to cooperate with each other at both central and local levels for all benefits to be realised. This is indeed necessary in view of the fact that simply putting together decentralised structures and policy is not an end in itself.

Furthermore, simply taking away functions from the centre to the periphery without preparing a decentralisation-enabling environment consisting of among others “satisfactory vertical coordination between the central and local level and a political climate conducive to local

decision making” would not make decentralisation a reality Kotze (as cited in Reddy 1999: 19).

Meenakshisundaram (1994:11) identified four types of decentralisation, *viz*, devolution, deconcentration, delegation (to parastatals), and privatisation. In addition, Haque (1997) came up with the list that included delegation (by which he meant transfer of functions to the local level but with the ultimate responsibility lying with the central government), intermediation (by which he meant transfer of functions to self-help organisations and finally privatisation). In this respect, Balogun’s (2000:154) list included deconcentration and devolution, and what he called delinking, *i.e.*, delegation of responsibilities to semi autonomous state agencies.

In view of the above, this researcher argues that not all types of decentralisation as indicated in this section fit in the conceptual framework of this concept (decentralisation) and thus cannot be regarded as decentralisation. For example, privatisation refers to the transfer of ownership for state owned enterprises to the private sector. Although the concept privatisation has an accent on development, this cannot qualify it to mean decentralisation. One would agree with Oyugi (2000: iv) who identified the conceptual deficiency of privatisation in the context of decentralisation as that of its silence in denoting the power sharing between the government and the private sector.

Decentralisation as can be seen from our previous discussion is about the sharing of decision-making power between the central government and its sub-national units. As Oyugi (2000:v) observed, the context within which this power sharing takes place is participation, especially by the intended beneficiaries of development at local level. In view of the discussions in this chapter on decentralisation it can clearly be pointed out that it is not an end in itself. In fact,

it should be seen as a strategy for achieving good governance, sustainable development, self-local government and consolidation of democracy.

As can be seen from the case of Zimbabwe that undertook decentralisation earlier than Namibia, it is that due to, among other factors, the absence of both coordination between the central and local level and a conducive political environment that led to the implementation of this policy (decentralisation) being less successful. For decentralisation to be successful, it should ultimately lead to power sharing between the central government and its sub-national units in decision-making processes. As Totemeyer (2000: 108) observes, localising democracy implies among other things, developing –at local level- an operative and effective capacity to control power at central level.

In the definitions cited about decentralisation, it can be seen in this chapter that there is a relationship between decentralisation and development in that local level development is linked to decentralisation because decentralisation facilitates the performance of development activities at the local level, which cannot be performed by the central government. However, the application of this ideal in practice by African governments tends to exclude the other actors in local-level development. The political and organisational factors responsible for this situation are captured in chapters 5 and 6 of this dissertation.

## **CHAPTER 3**

### **PRACTICAL ASPECTS OF DECENTRALISATION IN LOCAL GOVERNANCE**

#### **3.0 Introduction**

This chapter identifies and discusses some practical aspects of decentralisation in local governance in four SADC countries, namely, Zambia, Botswana, Zimbabwe and South Africa. These aspects include, (1) the experiences of these countries in implementing decentralisation, and (2) the power relations between the central governments, local authorities and the civil society organisations.

#### **3.1 Decentralisation In Local Governance: A Review Of The Experiences Of Selected SADC Countries.**

This section shall briefly outline the present situation in the process of decentralisation taking place in the SADC region. The overview shall be based on four countries (Zambia, Zimbabwe, Botswana, and South Africa). However, emphasis shall mainly be on political decentralisation in urban local government.

Experiences of the four countries shall be reviewed in order to give an insight into the institutional structures and mechanisms that allow democratic agents (local authorities) to operate, and also to spell out some of the bottlenecks that actors in local government, namely, local authorities and local citizens currently face.

Using the creation of local governments as a yardstick, alone, the researcher selected four countries that practice decentralised governments. Most important in the researcher's menu is the extent of participation between the central government, local authorities and civil society

organisations in local affairs. Hence, in an attempt to provide lessons to Namibia and other SADC Countries, the researcher views experiences of these Countries as an important stimulus to the learning that is necessary for Namibia to change in the best way to enhance decentralisation in urban local government.

## **3.2 ZAMBIA**

### **3.2.1 Historical Background**

Zambia became an independent country in 1964. Up to 1972 it pursued a multiparty democratic system of government. However, this political system was changed to a one party system with socialist policies, which lasted for 19 years (Katongo 1996:1). During this period, a free market economy was abandoned in preference to a strictly central command economy. As a result, a number of problems evolved, these included among others, a decline in efficient management of available financial resources, a bloated and inefficient public sector, a shrink of the private sector, and low production of goods and services.

Decision making on matters pertaining to local affairs was merely a domain of the central government on account of the fact that, central government centralised decision making powers; thus conducted developmental planning with very little participation by the local communities. Deducing from the above text, this researcher views the Zambian one party system of that time, to have been undemocratic in that power to make decisions and initiate developments was centralised to the ruling elite alone. Democracy means government of the people, for the people, by the people (Bobbio 1996: 133). For government to be truly democratic, there is need for decision making to be shared between the rulers and the ruled. The socialist policies of Zambia's one party system of the Second Republic were among the political developments that set in motion public agitation in 1989 for a change in the political

system. Indeed, in December 1990, Zambia's political system changed to a multiparty democracy. In view of this, constitutional and legislative amendments were effected.

### **3.2.2 Reforms In Local Government**

As Chikulo (2000:42) observed, pressure for multiparty democracy led to the scraping of the one-party system on 17 December 1990 and the introduction of political pluralism. These political developments led to the enactment of the Local Government Act of 1991 in order to repeal the 1980 Local Administration Act (no.15). The Local Government Act of 1991 (Act 22 of 1991) and its subsequent amendments spells out the enabling policy for local government. From November 1991, the local authorities were empowered to take a more active role and greater responsibility in planning, implementing and monitoring development activities within their localities. Although the 1991 Local Government Act reduced political controls in the council affairs, Mukwena (1998: 107) observed that the continued membership of MPs in councils partly frustrated efforts aimed at institutional capacity building at this level. He further observed that MPs who particularly happened to be also ministers had been too readily inclined to seek to dominate council proceedings.

### **3.2.3 Local Government**

According to the Local Government Amendment Act of 1992 (No. 19; 1992) local government is referred to as an institution established by government to govern local affairs at district level, and comprising local authorities elected by local people and/or appointed, and recognised traditional establishments.

Local government in Zambia was established for certain purposes, including the following:

First, to provide an enabling environment for local communities to plan and implement their own development;

Second, to provide community – driven cost effective service to the local population in conformity with national minimum standards;

Third, to address local development needs;

Fourth, to raise, plan, manage, monitor, evaluate and account for allocated public sector resources;

Fifth, to provide a forum to reach consensus, through community participation on development, resource mobilisation and allocation;

Sixth, to lobby for, mobilize and coordinate resources for local development;

Seventh, to represent the views of local people at national level;

Eighth, to perform statutory functions on behalf of the central government;

Ninth, to provide effective channels of communication and to enhance civic awareness;

Tenth, to provide a link between central government and traditional leadership;

Finally, to provide good local leadership and a forum to resolve issues.

Although the 1991 Act provides for the establishment of local authorities that are charged responsible for performance of statutory functions on behalf of the central government, it could be observed that these powers are compromised by the amendments that were effected to this Act. For example, the inclusion of the MPs to the council membership could be seen as a subtle approach inducing the national leadership towards political control over the new councils (Mukwena and Lolojih 2002).

Another observation is that the local authorities are expected by the central government to develop the local development needs of their communities. This is a noble task that demands for some kind of formal education to both elected and appointed officials at local level. As Mukwena and Lolojih (2002:215-231) observe, "it is open secret that the majority of councillors in most local councils, have very low levels of education". In view of the foregoing, I agree with Mukwena and Lolojih (Ibid.) in their view that it is very unlikely that persons of such calibre can initiate and pass policies tailored to enhance social and economic development in their communities.

The Zambian government has made various attempts to decentralise development planning and coordination. Local Government Support Project (LOGOSP) was an institutional development project that was designed to support Zambia's Public Service Reform Programme through capacity-building activities throughout the country. The project commenced on the 1<sup>st</sup> August 1994 and came to a close at the end of 1997 (Mukwena 1999:122). In spite of the efforts aimed at capacity building in the Third Republic through the implementation of this project in Zambia, the current institutional capabilities of local authorities in Zambia are very limited (Mukwena 1999: 109). As Mukwena (1999: 109) observes, indeed even if funding for the various services councils are expected to carry out became available immediately, it is very unlikely that these funds could be applied to the tasks of service provision in a cost-effective manner. Expressing a similar view to Mukwena (1999), Tordoff and Young (as cited in Mukwena 1999:109) observe, at present time, local authorities face what amounts to a crisis of capacity in the delivery of services. Dominating the list of factors accounting for crisis of capacity in Zambian local authorities are inadequate funding, serious staffing problems and a significant gap in the equipment available to councils to perform even basic services (Mukwena: 1999:109).

Apart from issues cited above, it could further be observed that the mandatory function of providing community-driven cost effective service to the local population by local authorities could be realised only if sufficient funds were obtained from the central government through grants. Mukwena and Lolojih (2002) observe that, "since central government is not able to regularly disburse sufficient funds, in the form of grants, local authorities do not have the financial capacity to carry out their functions". In this regard, it could be argued that to simply vest governmental powers to local authorities alone cannot fully enable the sub-units of government to carry out this mandate unless coupled with a source of income.

#### **3.2.4 Local Authority Political Structure**

There are three categories of local authorities, namely city, municipal and district councils. Councils comprise members of parliament (MPs), representing constituencies within their respective districts, and ward councillors (Katongo 1996:1). In districts where there are chiefs, councils also have chiefs' representatives. Furthermore, the Act provided that there should be a Mayor and Deputy Mayor for every city or municipal council, and a chairman and vice chairman for every district or township council, who were to be chosen by the council from among elected councillors (Mukwena 1998:124). In order to facilitate the policy and decision making role of a council, the Act provided for the establishment of standing and occasional committees (with a membership determined by council) for the purpose of examining and reporting on any matter or discharging any functions that council might delegate to them (Mukwena *ibid.*).

Local authority councillors are elected in terms of the Local Government Elections Act of 1991 (Mukwena 1998). The councillors are responsible for making local policies, while the administrators are restricted only to advising the council and implementing its resolutions. To

avoid the overlapping of functions within council, the roles of councillors and officers are clearly spelt out in the Local Government Act and other regulations.

### **3.2.5 Decentralisation**

Decentralisation in Zambia is viewed as the process of transfer or surrender of functions and resources from the centre to lower levels. In the context of the above, this process can take two forms namely, deconcentration and devolution. The former is defined as the delegation of the administration of functions with appropriate resources to lower levels; while legal and policy responsibilities remain at the ministry. The latter is defined as the transfer of legislative powers and institutional autonomy to lower levels within a given framework (Republic of Zambia 1997).

To cement this democratic imperative (decentralisation) the Constitution of the Republic of Zambia in terms of Article 109 states that, "there shall be such system of local government in Zambia as may be prescribed by the Act of Parliament. The system of local government shall be based on democratically elected councils on the basis of universal adult suffrage" (Republic of Zambia 1997).

However, the MMD Government had a clear vision on the role of local government in the social, economic and political development of Zambia. This has been reflected in its manifesto of 1990 (MMD1990:3). In this manifesto, the MMD considered the democratisation of local government institutions as the only valid way of giving back power to the people. Local governance in the context of decentralisation in Zambia revolves around both local government and provincial and district administration. It is, therefore, seen as "the

devolution of control over resources and decisions affecting people's lives to the lowest possible level in order to enhance the ability and opportunity of ordinary citizens to influence decisions affecting their lives or make decisions for themselves" (Republic of Zambia 1997).

### 3.2.6 Current Situation

Following the reintroduction of multiparty democracy in 1990, the Local Government Act no. 22 of 1991 and Local government Elections Act no. 26 of 1991 as cited earlier in this text, were passed in 1991 (Mukwena 1998). These two pieces of legislation resulted in the following manifestations:

- (i) Repeal of the Local Administration Act. No. 15 of 1980;
- (ii) The de-linkage of political party administration from council administration;
- (iii) The reintroduction of unified local government personnel system; and
- (iv) The reintroduction of local government elections that empowered all residents above 18 years of age to participate in local government elections (Republic of Zambia 1997).

The local government Act no. 22 of 1991 was amended through Amendment Act no. 19 of 1992, which empowered local authorities to mobilise resources without seeking Ministerial approval. Another amendment Act, the Local Government Amendment Act no. 30 of 1995, went further to empower local authorities to appoint council officials and discipline personnel without reference to the Minister (Mukwena and Lolojih 2002). The Act also abolished the Local Government Service Commission (LGSC) and in its place established the Provincial Local Government Appeals Boards (PLGABs) to facilitate decision making at the provincial level with regard to discipline and appeal cases (Mukwena and Lolojih 2002).

From February 1995 to June 1997 a Ministry of Local Government and Housing (MLGH) institutional development project, the Local Government Support Project (LOGOSP) supported by ODA, operated in all the nine Provinces of the country (Ibid.). The project's specific aims were twofold: to assist in institutionalising planning and improve coordination mainly through the District Development Coordinating Committees (DDCCs); and to assist in training and development of district personnel. The DDCCs are technical bodies aimed at promoting a multi-disciplinary team approach to the planning and co-ordination of developmental effort at the district level (Mukwena and Lolojih 2002).

The main objectives of the DDCC include being a consultative forum through which key stakeholders may reach consensus on development issues, their resolution and recommend interventions; and promotion of participatory and integrated approaches to development planning, coordination and implementation (Mukwena and Lolojih 2002: 215-231).

The project advocated decentralised bottom-up development planning at the district level. The achievements of this project include the creation of a forum that has enabled the cross pollination of ideas and experiences between policy makers (Councillors) and implementers (heads of development agencies and departments), and among heads of various development agencies and departments at the district level. The project has also assisted in the establishment and strengthening of the institutional planning framework through an interpretation of Cabinet Circular No. 1 of 1995 that brought into being the District Development Coordination Committees (DDCCs), the Provincial Development Coordinating Committees (PDCCs), and the National Development Coordinating Committee (NDCC) (Mukwena and Lolojih 2002). The PDCC acts as a link between the district and national levels. It is more of an advisory body that prepares issues and elaborates guidelines and

formats for development planning at the district and sub-district levels (Mukwena and Lolojih 2002: 215-231).

Through the LOGOSP, DDCC members were also equipped with basic planning skills such as project selection criteria (Mukwena and Lolojih 2002). In the Southern Province of the country the German government, through its Technical Assistance to Zambia (GTZ), has since 1996 implemented what is called a District Development Project (DDP) in five districts within the Province (Mukwena and Lolojih 2002). The main task of the DDP is to strengthen local government institutions in the concerned districts, namely, Kalomo, Mazabuka, Siavonga, Monze, and Choma (Mukwena and Lolojih 2002). The project aims at assisting district administrations to build capacities for performing the following functions:

- (i) Effective data management, planning and coordination of all development activities of Local Government Organisations (e.g., Departments of Agriculture, Health, Education), non-governmental organizations (NGOs), and Private Organizations.
- (ii) Empowering the communities in the respective districts to effectively participate in the process of social economic decision making by initiating and coordinating a participatory community development approach involving all organisations in the respective districts, and
- (iii) Delivering improved basic social services to the majority of the population with special emphasis on the rural population, on women and on poverty reduction (Mukwena and Lolojih 2002).

The DDP is engaged in a development process in which four groups of actors interact, namely, the 500 local communities in the five districts covered by the project; the Development Agencies (Council administration, departments of government line ministries

e.g. Agriculture, Health and Education, the NGOS, and Private Sector Organisations); District teams comprising Director of Planning/District Planning officer, the Director of Engineering/Director of Works, 2 or 3 other officers of the District Administration seconded to the DDP, and one GTZ advisor; and the DDP support team which consists of the MLGH desk and 4 GTZ advisors (Mukwena and Lolojih 2002).

Through the interactions of the four actors the DDP aims at ensuring that communities get together, analyse their problems and potential, set priorities, plan and implement self-help projects and reap the benefits from these projects in terms of improving their living conditions. In other words DDP aims at supporting broad scale, bottom-up and participatory development in which the communities are the key players (Mukwena and Lolojih 2002).

The project's activities are designed in such a way that the communities are effectively assisted in their self-help efforts. The Participatory and Integrated Development (PID) section of the DDP, in conjunction with relevant local institutions, including the Council, play a major role in working closely with the local community in order to produce a well documented project proposal to be considered for funding. These institutions are also responsible for making necessary follow-ups during and after the successful implementation of community projects (Mukwena and Lolojih 2002:215-231).

### **3.2.7 Constraints**

According to the findings of the cabinet office and the Ministry of Local Government and Housing in Zambia, efforts by the Government to empower communities to make decisions on local affairs and development up to 1997, have been limited (Republic of Zambia 1997). Results were less satisfactory, as various systems did not meet the expectations. Yet, the role

of the Ministry of Local Government and Housing in the development of local authorities is of vital importance. The weaknesses at Ministry level, which have adversely affected the performance of local authorities in the Third Republic, have included:

- (a) the shortage of skilled and professionally qualified manpower in the Ministry (Republic of Zambia 1994);
- (b) the lack of planning capacity at the Ministry headquarters (Republic of Zambia 1994);
- (c) the failure by the Ministry to provide councils with policy guidance and support, to set strategic planning objectives, and to develop an effective strategy for decentralisation (Mukwena 1998);
- (d) the failure by the Ministry to provide councils with the financial resources which they desperately needed to fulfil their essential functions – a failure which was largely attributed to the severe economic difficulties facing the country (Mukwena 1998);
- (e) the lack of a coherent policy for solving the financial problems which councils were facing as a result of the country's economic crisis (Mukwena 1998).

Apart from the foregoing, a number of other constraints were observed in the process. These included the following:

- (a) Local authorities not being able to design programmes to propagate civic responsibilities to communities. As a result the general public seemed to know very little about the operations and services provided by local authorities;
- (b) Lack of formal forums for councillors to meet and discuss with their electorate. Citizens were only involved at election time, thereafter, there was no mechanism in place to enable them to influence local affairs.
- (c) Political interference in institutions at local level reduced autonomy in making and implementing decisions;

- (d) Bureaucratic requirements that local authority by-laws be approved by the central government had a negative effect on local authorities.
- (e) The election of mayors and council chairmen by fellow councillors diluted their accountability towards the general public in the district.
- (f) Officers both in central and local government services are only accountable to the appointing authorities within their respective ministries and not to the general public in the provision of goods and services.
- (g) The inclusion of Members of Parliament in council as councillors has created some frictions. Non-MP councillors feel that MPs tend to monopolise discussions in councils and that they interfere with the operations of their wards (Republic of Zambia 1997:21).

An observation to make here pertains to the role of political parties. In this connection, it could be observed that political parties as democratic institutions of the State should harness all these reform initiatives and take practical steps towards the meaningful realisation of local governance in Zambia. As Rondinelli and Cheema (1983:119) pointed out, decentralisation cannot be successfully implemented without a solid base of political support.

### **3.2.8 Development Planning And Coordination**

During the period 1965-1980, the committees were conceived as an important part of the implementation of both the transitional and first national development plans as well as other subsequent plans. Although the first and second national development plans were in place during the period 1965-1980, one could argue that the communities did not own them. This was due to the centralistic tendency of the First and Second Republics. The committees were

to be concerned with general development at respective hierarchical levels, starting from village productivity committees (VPCs) up to ward development committees (WDCs). These committees were expected to achieve at least two objectives, namely-

- (i) to provide a forum for discussing development issues of respective communities; in this way, committees attempted to discover the felt needs of their community as well as the residents' ideas about priorities; this also helped the government make rational decisions.
- (ii) to involve people in decision making, i.e., give effect to the policy of participatory democracy and decentralization (Republic of Zambia 1997).

Paradoxically, none of these objectives was achieved. Failure to achieve these objectives, according to the (Republic of Zambia 1997), is attributed to the following reasons:

- (i) Development committees lacked formal or statutory powers. Therefore, they had no authority to make decisions that could have been binding on all committee members who represented sectoral ministries.
- (ii) Development committees had limited success as coordinating bodies, because their memberships, i.e., civil servants, politicians, representatives of parastatals, chiefs, etc., were not answerable to the committees for their actions.

There was no horizontal planning and coordination of development at the lower levels. Each set of institutions planned coordinated development according to their situations (Republic of Zambia 1997).

By 1966 strengthening of provincial and district government became more desirable because of the absence of effective coordination at district level. In order to enhance coordination, the positions of District Secretaries (DS) were given new functions, but with limited qualified officers as well as unclear lines of authority and limited powers over civil servants (Republic of Zambia 1997). Further Reforms were introduced in 1969 when establishment of political control over the district secretaries (DS) were made through the appointment of district governors (Ibid.).

In this regard, there were no formal structures for planning and coordination of development except those that were provided for under the Registration and Development of Villages Act of 1971, these were:

- Village Productivity Committees (VPCs) composed of Headmen as chairmen and up to nine (9) other elected village members;
- Ward councils, chaired by the councillors and composed of two representatives of the VPC including the Headman; and
- Ward Development Committees (WDCs) chaired by councillors and composed of (10) members nominated by councillors.

Both the VPCs and WDCs were given wide-ranging responsibilities for the promotion and coordination of local development. The ward councils were more of a representational forum for two-way communication with the local authorities (Republic of Zambia 1997:52).

Although the DDCs were established with the aim of involving the people in the development of their areas as can be seen in this chapter, structures for planning and coordination of such development were not put in place by the central government. Reference is made here to

structures that could have clearly spelt the different roles to be played by all actors and the clear reporting channels. Furthermore, the Committee System posed a number of problems to local authorities in terms of planning which included, among others, the effectiveness of its procedures that depended heavily on the personal relationship between Chief Officers and councillors. Furthermore, the committee system contributed to delays in arriving at decisions (Greenwood and Howell 1980: 169). According to Mukwena (1999: 107), the following events led to the intensification of problems that afflicted Zambia's local government:

- (a) The introduction of the one party system in 1972;
- (b) The setting in of economic crisis in the mid 1970s; and
- (c) The imposition of inappropriate local government structures under the 1980 Act.

The return to multiparty political system in December 1990 ushering in the Third Republic, entailed changes in the operations of, among other institutions, the legislature, the judiciary, the cabinet and the public service (Mukwena and Lolojih 2002). To reorient some of these institutions to the new dispensation, the government embarked on governance and institutional reforms, launching the Public Service Reform program (PSRP) in November 1993, to improve the quality, delivery, efficiency, and cost-effectiveness of public services to the people of Zambia (Mukwena and Lolojih 2002).

As Mukwena (1999: 114) pointed out, the goal of the PSRP is to improve the quality, delivery, efficiency, and cost-effectiveness of public services to the people of Zambia. Its specific objectives were:

- (d) To improve Government capacity to analyse and implement national policies, and perform its appropriate functions;

- (e) To effectively manage public expenditure to meet fiscal stabilization objectives;
- (f) To make the public service more efficient and responsive to the needs of the country's population (Mukwena: 1999).

In line with these goals, the PSRP had three main components centering on a restructuring of the public service, management and human resources improvement, and decentralization and strengthening of local government (Mukwena 1999). The overall intention of the third component of the PSRP was to make the operations of local government more efficient, cost effective and responsive to the needs of the local communities in the delivery of markedly improved quality services and development (Mukwena 1999). But its objectives included efforts at the national level to enhance the capacity of the Ministry of Local Government and Housing to provide support to local authorities in the spheres of policy formation, implementation, coordination and evaluation through better human resources management and training and improved organisational management and to achieve the better co-ordination of development activities at provincial and district levels through the establishment of District Development Coordinating Committees (DDCCs), Provincial Development Coordinating Committees (PDCCs) and a National Development Co-ordination Committee (NDCC) (Mukwena: 1999 :115).

There were also a number of specific objectives at provincial level. The first set of these objectives included efforts to improve the co-ordination of strategic planning, project implementation and monitoring. It was envisaged that the foregoing would be undertaken through provincial development co-ordinating committees (PDCCs) under the overall direction of the Provincial Permanent Secretary. The second set of objectives included efforts

to improve the training of provincial personnel in order to enhance provincial administrative performance and to strengthen the post of provincial local government officer as a means of better coordinating the Ministry's responsibilities (e.g., local authority audits, the approval of council budgets and the audit of hiring and firing of staff), and of undertaking necessary action for capacity building and support for local authorities (Mukwena: 1999: 115).

At the district level, the objectives of the third component were to institutionalise strategic and development planning and improve co-ordination between ministries, departments and local authorities at the district level through the district development coordinating committees (DDCCs); to train and develop district personnel to enhance management and administrative performance especially in planning, finance, human resources, and the organizational management in local authorities; to protect the ideals of, and institutionalise, good governance and local participation in decision-making and implementation; and to introduce machinery for financing local government that would help develop a sound local revenue base (Ibid.).

In this section, it could be argued that the creation of the DDCCs and PDCCs alone without giving formal legal authority to their responsibilities and powers, cannot be viewed as an end in itself, but rather as a means to an end in the process of establishing a commitment to improved coordination at sub-national government level. In order to achieve this, there is need for a legal backing to be attached to DDCCs and PDCCs giving formal legal powers to their powers and responsibilities ( Mukwena 1999: 118).

### **3.3 ZIMBABWE**

#### **3.3.1 Historical Background**

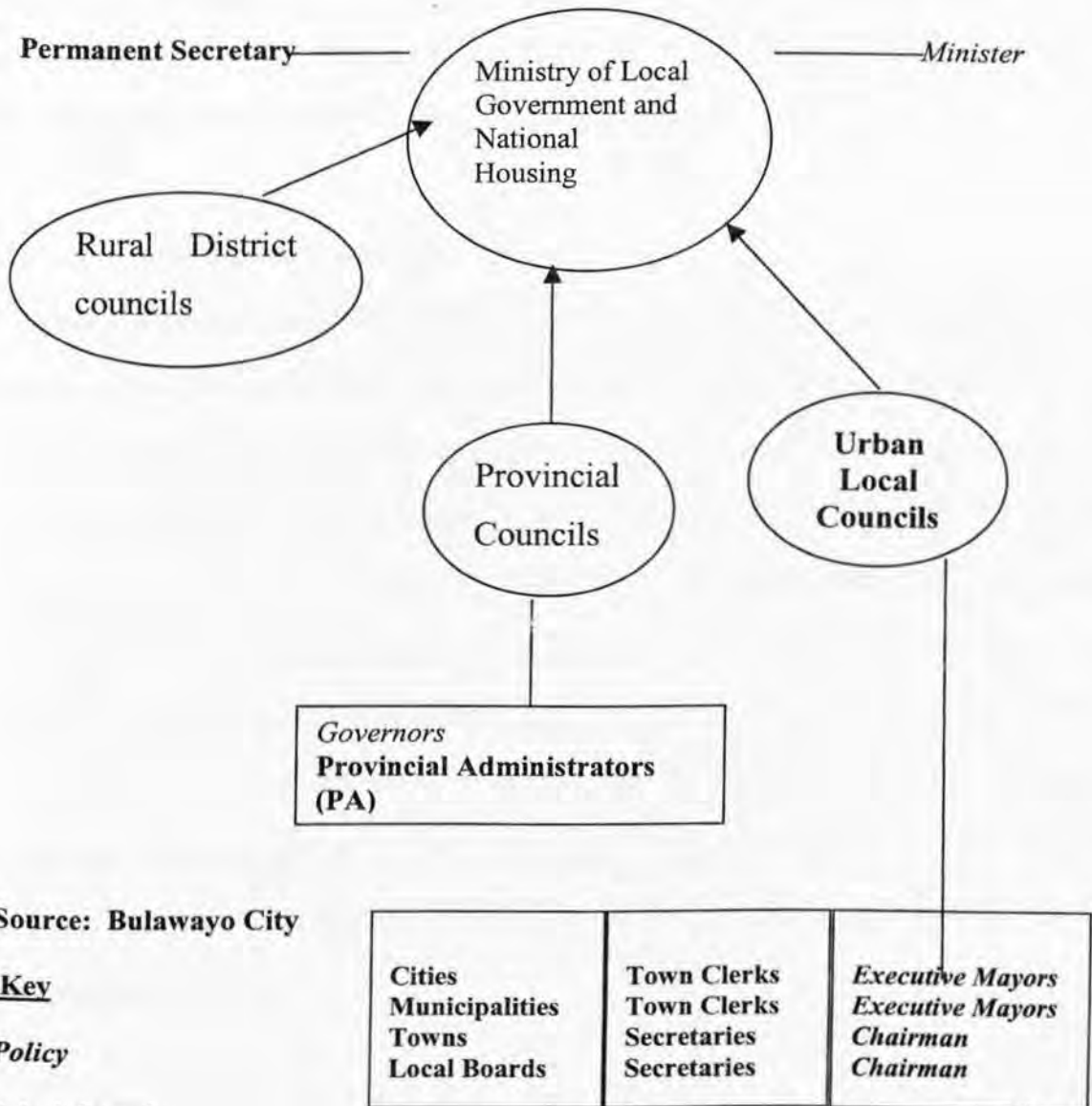
Zimbabwe, formerly known as Rhodesia, attained its independence in 1980. It brought with it a local government system that merely changed “the colour of the garb” of separate development, which was a Rhodesian version of apartheid (Makumbe 1999:277).

Before independence, “the colonial local government system in Zimbabwe was deliberately designed to facilitate the provision of social, economic and political benefits to the colonisers, the dominant White racial group, and to facilitate the effective social control of the African Majority” (Makumbe 1999:277). However, it is indeed interesting to point out that this pattern of the colonial local government system continued to feature in the local government system of Zimbabwe after independence. As Makumbe further observes, “reforms on local government did not end separate development but refined it according to the socio-economic status of the various groups residing in various parts of the country. This is denoted by the most popular description of suburbs in urban areas viewed popularly in contrast to each other as “high density and low density areas”. All these terms, according to Makumbe (1999), denote socio-economic status of the citizens in urban areas of Zimbabwe. The next section of this dissertation shall isolate and briefly discuss decentralisation and urban local government in Zimbabwe. However, it will be limited to the post independence era.

### 3.3.2 Local Government

The local government system in Zimbabwe comprises three types of local governments, all governed in terms of different pieces of legislation. This includes provincial councils.

**Figure 3.1 The structure of local government in Zimbabwe**



The Minister politically heads the Ministry of Local Government and National Housing (MLGNH) with the administration headed by the permanent secretary. At provincial level,

provincial councils are politically headed by governors and administratively headed by provincial administrators. Urban local authorities include cities, municipalities, towns and local boards. Under this arrangement, executive mayors politically head cities and municipalities, whereas town clerks head cities and municipal administration. Yet, towns and local boards, in contrast to cities and municipalities are politically headed by chairmen and administratively headed by secretaries. For the purpose of this dissertation, this section on Zimbabwe shall focus mainly on urban local authorities.

### **3.3.3 Urban Local Authorities**

There are twenty-six urban local authorities that have been established throughout the country in terms of the Urban Councils Act [chapter 29: 15] (Republic of Zimbabwe 1996). Powers of these councils are predominantly set out in this piece of legislation. Councils, subject to provisions of sections 38 (1) of [chapter 29:15] (Republic of Zimbabwe 1996), govern urban local authority areas in Zimbabwe. The control and administration of such councils established in terms of section 38 (2) of chapter 29: 15 vest in the executive mayor, who is elected to office by voters on the voters' role of the council of the area concerned, in terms of section 49 (2) of the urban councils Act (chapter 29:15). Councils comprise not less than six councillors [Chapter 29: 15, section 29 (i) (a)]. Urban local authorities carry out duties imposed upon them by the Urban Councils Act, Roads and Road Traffic Acts and the Water Act [chapter 20: 22] etc.

### 3.3.4 Decentralised Governance

Under the provisions of the Regional, Town and Country Planning Act, urban councils are the planning authorities for their own areas. They are the responsible authorities for implementing and ensuring compliance with any approved scheme relating to their own areas. They carry out duties imposed upon them by legislation. For example, the Public Health Act imposes a number of duties upon urban local authorities. The duties include the provision of wholesome water supplies, where required by the Minister of Health; the registration of notifiable diseases; prevention of the outbreak of infectious diseases; provision of hospitals and clinics for the treatment of infectious diseases and; generally, the safeguarding of the health and hygiene of the community.

Under the Roads and Roads Traffic Acts, the Councils are empowered to provide roads in their capacities as roads authorities, to provide housing to their residents as guided by the Housing and Building Act and water under the Water Act.

With regards to urban council finance, the main sources of revenue are the levying of assessment rates on property, and receipts from trading accounts (e.g., sale of water) operated by councils. Direct government subsidies relate mainly to public health services, and to main and other designated roads. However, in the case of main and designated roads, the government of Zimbabwe (GOZ) for some time accepted full responsibility in town council areas, while in municipal areas the responsibility has rested with the local authorities, with government making contribution only in respect of that part of the road concerned falling outside the built up area of the town, but within the municipal limits. Most importantly, this has now changed to the present system under which the government is supposed to contribute,

in all urban areas on a common basis, related to the ratio of long-distance to local traffic using the roads concerned (Town Clerk, Bulawayo City Council, 2001).

### **3.3.5 Reaffirmation Of The Decentralisation Policy**

According to the Town clerk of Bulawayo City Council (2001), the government of Zimbabwe pronounced its decentralisation through a policy statement issued by the Minister of Local Government and National Housing (MLGNH) in 1996. The statement reaffirmed the government's commitment to decentralisation and outlined thirteen principles that would apply to the implementation of the policy. As summed up by the cabinet, these principles were adopted to guide the decentralisation policy of Zimbabwe as follows:-

- (i) That decentralisation is necessary and desirable based on the clear understanding that it promotes and strengthens democracy and civic responsibility as citizens participate in their governance and development. It also helps in minimising bureaucracy by reducing levels of decision-making and thereby achieving greater efficiency of operations. However, it will not be taken as a strategy for dumping problems of sector ministries on the rural district councils.
- (ii) That decentralisation be defined and understood to mean the legislated transfer of functions and authority from the central government to local authorities such as the rural district councils on a permanent basis. Once provided for in law, such transfer of powers and functions can be reversed only on the basis of an amendment to the appropriate law.
- (iii) That there is need for all ministries to use the same local institutions for the implementation and management of decentralised functions and not to create parallel or separate institutions. When parallel institutions exist, these should be harmonised.

- (iv) That decentralisation is a process and not an event. As such, it should be implemented cautiously and progressively, having regard to the human, financial and material capacities of the local authorities to whom the transfers would be made.
- (v) That in respect of those activities and projects to be undertaken by local authorities, sector ministries retain the power and authority to set standards, monitor performance and consistency to national policies and standards and intervene to ensure compliance. This means that local authorities will, in executing their legal powers and responsibilities, be required to comply with the requirements of national policies, laws and regulations.
- (vi) That an inter-Ministerial committee of ministries to manage decentralisation and capacity building be established. In this regard, the existing inter Ministerial capacity building coordinating committee will report to a working party of heads of ministries, who in turn will report to the Ministers on policy issues.
- (vii) That central government, in implementing decentralisation, shall strengthen financial, human and material resource capacities of rural district councils so as to make them effective institutions in the provision of the social and infrastructural services needed for sustainable local development.
- (viii) That central government will continue to be responsible for the provision of trunk services which impact upon more than one local authority area or are of a national character. This refers to all social, infrastructural and economic projects that impact more than one local authority and one local authority can mobilise for a call for more resources than the other. For this purpose, line ministries concerned will provide guidelines on which projects are to be undertaken by local authorities having regard to the social and economic impact of projects, the capital outlay

required and the level of professional and technical expertise needed to execute the projects.

- (ix) That the transfer of powers and functions by line ministries to rural district Councils be done by the line ministry concerned and that the Ministry of Local Government, Rural and Urban Development (MLGRUD) will coordinate and facilitate this effort.
- (x) That all line ministries and rural district councils source all monies for recurrent and capital expenditure soon after the promulgation of the Appropriation Act. Such grants will not pass through MLGRUD.
- (xi) That all loans to rural district councils should be channeled through the MLGRUD except for those loans from the National Housing Fund administered by the Ministry of Public Construction and National Housing (MPCNH). MPCNH disburse the loans only after the local authority concerned has been granted borrowing powers by the MLGRUD.
- (xii) That in Zimbabwe there are only two levels which collect taxes, levies, and other user charges, namely, central government and local authorities. Thus, rural district councils should collect such taxes, levies, fees and user charges for those services they should provide in terms of any appropriate law, or legislation.
- (xiii) That the Public Service Commission (PSC) will manage the transfer of personnel from the central government to rural district councils whereas this happens as part of decentralisation (Republic of Zimbabwe 1996a). The main objectives of the decentralisation process in Zimbabwe have been identified as: -
  - (a) to promote democracy, public participation and civic responsibility in the development process;

- (b) to increase efficiency and effectiveness in both central governments and therefore enhance service delivery; and
- (c) to reduce the role and cost of central government in the management and provision of local services. Policy implementation has three main components namely:
- (i) the acceleration of the local authorities capacity building programme and an attempt to:
- break through the resource constraints affecting local authorities.
  - facilitate their up-take of roles and responsibilities previously dominated by central government agencies and develop increased accountability by local authorities to their constituencies.
  - adopt a practical approach in which local authorities can learn through experience to take up and manage these responsibilities.
- (ii) The acceleration of the legislated transfer of functions from central government to local authorities and attempt to:
- decide which functions are to be transferred;
  - what changes in legislation are required to make this transfer possible,
  - negotiation with the public service commission on staffing to maintain quality and quantity of services at acceptable levels.
- (iii) Negotiation with the Ministry of Finance (MOF) on financial arrangements to maintain and improve the existing levels of

service delivery (Minister of Local Government and National Housing 1996).

### **3.3.6 The Impact Of Decentralisation Policy On Service Delivery In Urban Councils**

In order to evaluate the impact of decentralisation policy on service delivery in Zimbabwe, this dissertation shall review services that are covered in the government's current decentralisation policy. These include Health, Education, Roads-construction and fire fighting. For the purpose of analysis, only two functions shall be discussed in this section, namely Health and Education.

#### **(a) Health**

According to the Town Clerk of Bulawayo City Council (2001), records are available since thirty years ago, indicating the decision of the government of Zimbabwe on delegation of functions by the central government to local authorities. A funding mechanism was put in place to facilitate the financial relationship between the line ministry and local authorities. To simplify the results of this investigation, the available data from the City of Gweru, shall be reviewed.

In this specific case, the Ministry of Health and the City of Gweru undertook to enter into this agreement. Therefore, the financial relationship in this regard was in respect of both revenue and capital expenditure. In this arrangement, the central government was to refund the City Council of Gweru "50%" of the total cost on capital actually and necessarily incurred by the council in the provision of the following services:

- African infectious diseases, hospitals and services;

- African venereal diseases treatment and control;
- Medical and dental clinics and dispensaries;
- Maternity and child health services;
- District nursing services; and
- Any other agreed service.

On the revenue, government undertook to pay to Council “50%” of the net cost actually incurred in the management and maintenance of institutions and services, the construction of these institutions as approved by the secretary for Health, and treatment of persons in such institutions in respect of the services. In this researcher’s opinion the above arrangement appears to have been defined. The council claims could only be honoured if the secretary of Health had approved the expenditure before it was incurred. Accordingly, this limited the latitude of the service provider to invest only in the health service delivery sector deemed necessary by local authorities for the residents.

In 1981, the levels of government’s contribution to the local primary health delivery services were increased to 100%. Free health service was introduced to cover those earning less than Z\$150 per month. The majority of urban dwellers fell under this category. Hence, they received free health services at council clinics and hospitals.

The available data at the City of Gweru stands as proof because government never paid 100% grant to any local authority since the inception of the 100% government grant to local authorities for this service as indicated by the table below. In fact, the government’s financial contribution to the health service has been declining over the years from 100% to a mere 7% in 1999 as in the case of the City of Gweru (Town Clerk, Bulawayo City Council, 2001).

The researcher observes that this is a typical situation where government has decentralised a function to local level without accompanying financial resources to sustain the service. Local authorities in Zimbabwe have been left to sustain health services with little or no financial support from government. This has, indeed, imposed a heavy financial burden on local authorities to the extent that other services have suffered as local authorities were directing more funds from their limited resource base to finance health services in urban areas.

**TABLE 3.1 Trend – Analysis Of Health Service Grants: 1980/81 To July 2000: City Of Gweru**

YEAR	TOTAL RECRUITMENT EXPENDITURE Z\$	GRANT RECEIVED Z\$	% GRANT RECEIVED
1980/81	366827	305053	83%
1981/82	575791	490884	85%
1982/83	811309	500000	61%
1983/84	767553	205000	26%
1984/85	802792	410000	51%
1985/86	1175855	430000	36%
1986/87	1338648	630000	47%
1987/88	1527692	650000	45%
1988/89	1741569	100600	57%
1989/90	2110175	1116391	52%
1990/91	2870991	900000	31%
1991/92	3613201	900000	24%
1992/93	4124188	860000	20%
1993/94	5322890	721971	13%
1994/95	628632	855460	13%
1995/96	8233746	2669000	3%
1996/97	10691076	400846	3%
1997/98	18859312	850132	4%
1999	17703761	1395613	7%
Jan – July			
2000	16211713	1333332	8%

Source: City of Gweru

- (i) The quality of health service has further been compromised as the government prescribed the levels of fees to be paid by patients at council clinics and

hospitals. Yet it would have been logical to grant local authorities autonomy to determine patients' fees as they see fit so that they can raise enough revenue as possible to finance this service without reducing the quality of other services.

- (ii) The social dimension fund's incapacity to fund government health policy to those who are unable to pay for themselves, negatively affects the financial position of local authorities.

The Social Dimension Fund (SDF) in Zimbabwe is meant to enable the disadvantaged groups to access primary health care service provided by local authorities. In the opinion of the Town clerk of Bulawayo (Op.Cit.), it is not surprising why most local authorities in Zimbabwe failed to provide efficient services, e.g., refuse collection, drugs, supply of water and management of waste water, roads, etc., because nearly 80% of revenue from the rates account was applied to the provision of the health service.

More important to point out is the fact that, although the funding relationship is between local authorities and the Ministry of Health and Child Welfare, the Ministry of Local Government, Public works and National Housing has little or no say in what happens between the local authorities and the Minister of Health and Child Welfare. Yet it is accountable to the parliament on what happens in these local authorities when it comes to the quality of health services provided by urban local authorities.

Furthermore, interesting is the insertion of section 223 in the Urban Councils Act (chapter 29:15), particularly section 223 (6), which empowers the Minister of Local Government,

Rural and Urban Development to enter into a service agreement on behalf of the council. That happens when the Minister orders a council to draw up a deed of agreement and the council refuses to do so within such period as the Minister may direct.

Regardless of the reasons for Council refusal to enter into such an agreement, the Minister may do so on behalf of such council, and in terms of the above section of the Urban Councils Act, such agreement shall be binding on the council.

The scenario seems to continuously disadvantage the urban local authorities in Zimbabwe, as they have very little or no power to repress the impact of this provision against the central government.

The table below illustrates the scenario discussed above.

**Table 3. 2 Ministry Of Labour, Welfare And Social Services Social Dimension Fund Short Falls At The City Of Gweru: 1994 -2000**

YEAR	AMOUNT CLAIMED Z\$	AMOUNT RECEIVED Z\$	% GRANT RECEIVED	SHORTFALL Z\$
1994/95	124540	24908	20%	99632
1995/96	401425	80265	20%	321140
1996/97	181785	36357	20%	145428
1997/98	1581905	316381	20%	1265524
1999	1149030	229806	20%	919224
Jan – July 2000	209100	41820	20%	167280
Total	3647785	729557		2918228

Source: (City of Gweru)

According to the Town Clerk of Bulawayo (2001), the formula/level of grant payable to Council, i.e., 20% as shown in Table 3.2 above, was imposed by government without consulting local authorities. This scenario seems to have manifested in local authorities

having continued to bill the social dimension fund in full, taking government as debtor in that regard.

**(b) Education**

The assignment of the responsibility for constructing and maintaining primary schools in urban areas to local councils and not to central government as before provided a success story in the field of education.

The arrangement came along from mid 1980s. The parameters are that the Ministry of Education, Sport and Culture (MESC) meets the total cost of teachers' and headmasters' salaries in addition to paying per capita grant per child per annum. The local authority is to meet the costs of construction and maintenance together with auxiliary administrative staff salaries at council schools. It should be noted that at the time of conducting this interview, no figures pertaining to the funding of this mandate could be provided to this researcher by the interviewee.

Although the per capita grant is to meet the total costs of textbooks, it is important to note the fact that, the Ministry of Education has fully met its mandate. This researcher observes that this has been made possible through the provision in the Urban Council Act and the Education Act to allow local authorities to charge an education levy in order to raise revenue to meet the costs of constructing schools and other educational related matters. The town clerk of the City Council of Bulawayo confirmed that:

“the provision in the Urban Councils Act (Part xvi) has at least provided local authorities with a mechanism to raise money to repay loans for capital school works and the like. Consequently, the education accounts are firmly manageable as compared

to service accounts which have huge deficits” (Town Clerk, Bulawayo City Council, 2001).

### 3.3.7 Political, Social And Economic Interface

Urban local authorities in Zimbabwe use different methods to facilitate communication between council and all other stakeholders at local level. For example, the City of Bulawayo developed links with such bodies through a political, social and economic interface.

Figure 3.2: Political, Social, And Economic Interaction At Bulawayo City Council



Figure 3.2 indicates the level of interaction in policy making at local level at Bulawayo City Council. Apart from the executive committee that functions as an executant of council, the City Council operates a committee system comprising different sub- committees such as finance and development committees. The purpose of this arrangement is mainly to facilitate participation by all stakeholders at local level in the decision-making process, particularly on matters pertaining to the lives of the people and those of a developmental nature.

### **3.4 BOTSWANA**

#### **3.4.1 Unitary State Government**

Botswana attained its independence in 1966. At independence, the government chose a unitary state system of governance. This implies that the Constitution gives to the central government direct authority and power to make all laws and major decisions about the running of the country (Lekorwe, Uguni and Molutsi as cited in BALA, 2000:20).

The government believes that a unitary system is less bureaucratic and administratively less expensive to run. In practice, Botswana as a unitary state is governed by a two-tier system of government namely, central and local levels. However, between central and local levels there are several other middle level institutions and organisations which do not have legislative powers but have delegated powers to function as service providing authorities in specified areas (Lekorwe, Uguni and Molutsi as cited in BALA, 2000:20). These institutions are commonly known as parastatals whose name simply denotes an organisation having some political authority and serving the state indirectly. This entails the fact that they have delegated authority to carry out functions that are constitutionally responsibilities of government departments.

The two tier government system comprises eleven ministries that constitute the central government whereas, nine district councils, two city councils, three town councils, two townships, thirteen land boards, eleven tribal administrations and a few parastatals form the local government (Meier as cited in BALA, 2000).

### 3.4.2 Local Government

As indicated earlier, this country is a Unitary State where Parliament is supreme and has full competence in all areas of jurisdiction. The Constitution does not mention anything pertaining to local government. Therefore, local councils are established by a subsidiary legislation (Cap 40:02).

Local authorities in Botswana are responsible for the following functions:-

- (i) Overall district/ urban development, including support for productive activity and social development;
- (ii) Initiation and implementation of programmes on local infrastructure and service;
- (iii) Preparation of district/urban development plans and budgets for district/urban operations, including the decentralised departments of central ministries; and
- (iv) Co-ordination and supervision of non-decentralised arms of the central ministries at the local level.

Local authorities are expected to carry out the above functions effectively. This is because of the unique features that characterise their existence. The features are institutional, financial, structural, and political in nature. This implies that, institutionally, local authorities are separate from the central government and assume a wide range of responsibilities that include, among others, primary education, primary health care, community development and non-gazetted roads. Also important to note is the fact that they have a legal personality. In this context, they can sue and be sued in their own names.

Financially, local authorities are empowered to raise a substantial part of their own revenue through direct local taxation. However, it is also important to note here that the revenue of local authorities includes conditional grants on which the central government exercises a high degree of control.

Operationally, they are mandated to employ their own qualified staff, who should competitively carry out their day-to-day administrative duties but, emerging local authorities are supported centrally in terms of human resources. This entails that central government staff can be seconded to an emerging local authority. Politically, they are decentralised organs of the state empowered to take decisions. They are bodies comprising locally elected representatives rather than officials appointed by the central government.

### **3.4.3 Decentralisation Policy**

Botswana's administrative history shows that a combination of two forms of decentralisation has been operative namely, delegation and deconcentration (Kakorwe as cited in BALA, 2000:26). He observes that only in the past five years (since 1995) has the government begun to speak more openly and frequently about devolution and privatisation as other relevant forms of decentralisation. Although Botswana for the past three decades has been democratic, one tends to observe a number of features that denote a centralised state. This will be clearly explained at a later stage in the dissertation. At independence in 1966, Botswana inherited a colonial state model, which emphasised centralisation of power in the name of "national unity developmental state and donor support channeled through the state" (BALA 2000: 26).

The above discussion attests to the fact that the pre-independent Botswana government viewed decentralisation as a management tool.

In order to strengthen the existing local government institutions and to give effect to the creation of complementary ones, the government of Botswana (GOB) on 26 August 1955 enacted a piece of legislation which forms the basis of local government (Cap 40:02). This

piece of legislation provides for the regulations of cities and townships in Botswana [cap 40:42:147]. The country has three forms of legislated local government institutions namely, councils, land boards and tribal authorities. However, district administration is also viewed as the fourth local institution, although it has not been established through an act of parliament or such other legal instrument (BALA 2000: 28).

#### **3.4.4 Decision Making Mechanism At Local Level**

BALA (2000:44) views Botswana's development planning process as "committed to consultations and follows the principle of bottom-up as opposed to top-down planning." This entails that decision-making structures at local level comprising stakeholders, i.e., local citizens, private sector organizations, CBOs, and NGOs are afforded an opportunity to part-take in the process of developmental planning.

For purposes of achieving orderly coordination of developmental planning thus, avoiding inconsistency pertaining to the national and local plans, the central government and local authorities use appropriately designed channels. For instance, the district development planning in Botswana is a collective effort involving district level organisations that include, among others, the district administration (district commissioner's office), district councils, land boards, district development committees and non-government personnel. In addition, forums such as village development committees (VDCs) composed of (elected local politicians, elderly men (excluding women) and the district council staff) *kgotla* (traditional village assembly), and the national district development conference (NLDC), that is composed of representatives of the districts and central government ministries, also contribute to local level planning (Sharma 2000: 181). These committees include the district personnel,

who are government officials, district planners from line ministries including a number of district-level organisations cited earlier in this chapter.

Therefore, local authority plans are coordinated under the umbrella of district development committees (DDCs), and city/towns development committees (CDCs, TDCs). This whole process is designed mainly to overcome duplication and overlapping ambiguity; most importantly, to create harmony, mutual support and complementarity at all levels of government. However, this researcher views these structures as ineffective as implementation has been carried out with hurdles resulting from a number of limitations and problems. For instance, Sharma (2000: 181) observes that the decentralised district development planning exercise has encountered a number of problems and limitations, which create a gap between the intention and reality of bottom-up planning as an instrument of popular participation. For example, district development plans (DDPs) continue to be formulated at the centre in spite of the fact that contribution of district level organisations to planning has increased steadily. This renders the contribution by the district level organisations meaningless as the centre reprioritises the district priorities. It can be argued that the scenario exemplifies a top-down planning system. For example, the formulation of policies and allocation of resources that pertain to local authority affairs that is carried by the central government, serve to justify the top-down planning referred to in this section.

### **3.5 SOUTH AFRICA**

South Africa attained its new status through free national elections in 1993. This was followed by Local Authority elections in November 1995 and the May/June 1996 national elections respectively. Important to note here is the fact that South Africa is among the SADC countries whose political history is characterised by a plethora of restructuring and

transformation processes. Its local government system comprises nine provinces and 850 democratically elected local authorities (Reddy 1999: 201). In view of prominent protests that marked and characterised colonial South Africa before a freely elected democratic government came into power, one can unequivocally deduce that local government is indeed an integral part of governance and development in South Africa. Concurring with this view is Heymans (1994:1) who observes that, “rent and service charge boycotts led to negotiations at local level in the early 1980s and 1990s which in turn resulted in the establishment of the Local Government Negotiations Forum (LGNF)”. He further observes that “evolving from these processes were the Local Government Transition Act (LGTA), chapter 10 of the interim Constitution and the agreement on finances, services and service rendering”.

### **3.5.1 Urban Local Government**

The Constitution of the Republic of South Africa makes provision for three broad categories of municipalities namely, a regional/district municipality, a local municipality and a combination of the two. For the purpose of this dissertation, this section shall be limited to urban councils that are governed in terms of the Local Government Municipal Structures Act, no. 117 of 1998 and the Local Government Municipal Systems Act no. 32 of 2000.

In terms of section 152 (I) of the 1996 Constitution of the Republic of South Africa, the objectives of local government are summed up as follows:

- (i) Provide democratic and accountable government for local communities;
- (i) Ensure the provision of services to communities in a sustainable manner;
- (ii) Promote social and economic development;
- (iii) Promote safe and health environment; and

- (iv) Encourage the involvement of communities and community organisations in matters of local government.

Local government in South Africa is a sphere of government. In this connection Primstone (1998) sees “a sphere” as connoting a shift from horizontal to vertical division of governmental powers – a vision of non-hierarchical government in which each government sphere has equivalent status, is self-reliant, inviolable and possesses the constitutional latitude within which to define and express its unique character”. Reddy (1999) agrees with Primstone as he sees the reference by the Constitution to sphere as “emphasising the new relationship of cooperation among the levels of government”.

The Constitution of South Africa in terms of section 151 provides for the establishment of municipalities. Municipalities as Reddy (1999:204) observes, have the right to govern, on their own initiative, the local government affairs of the community, subject to national and provincial legislation.

According to chapter 1 of the Local Government Municipal structures Act, no. 117 1998, Municipalities are classified into categories and types. This includes category A, B and C. Areas that must have category A municipalities in terms of the Municipal structures Act, no. 117 1998, chapter 1, section 2 are areas that can be regarded as:

- (a) A Conurbation featuring-
  - (i) areas of high population density;
  - (ii) an extensive movement of people, goods and services;
  - (iii) extensive development; and

- (iv) multiple business district and industrial areas
- (b) A centre of economic activity with a complex and a diverse economy;
- (c) A single area for which integrated development planning is desirable; and
- (d) Having strong interdependent social and economic linkages between its constituent units.

Therefore, an area that does not comply with the criteria set in section 2 must have municipalities of both category C and category B.

### **3.5.2 Decentralised Governance**

Many writers on South Africa local government have not been able to cover decentralisation topics due to the transformation of the local government system for the Republic of South Africa that has been taking place since 1997 when the new Constitution became operational. However, it is clear from the previous discussion in this text that both national and provincial government are constitutionally allowed to devolve powers to local authorities. This indicates that decentralisation is taking place in South Africa.

The Constitution of South Africa's non-racial democracy "enjoys local government not just to seek to provide services to all its people but to be fundamentally developmental in orientation. To this end, the fundamental aspect of the new local government system is the active engagement of the communities in the affairs of the municipalities of which they are an integral part, and in particular in planning, service delivery and performance management" (Republic of South Africa 2000).

In order to enforce the constitutional provisions aimed at promoting local democracy, the parliament of the Republic of South Africa enacted the Local Government Municipal Systems Act (Act 32 of 2000). This Act was enacted to:

- (i) Provide for the core principles, mechanism and processes that are necessary to enable municipalities to move more progressively towards the social and economic upliftment of the local communities, and ensure universal access to essential services that are affordable to all;
- (ii) Define the legal nature of a municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structure;
- (iii) Provide for the manner in which municipal powers and functions are exercised and performed;
- (iv) Provide for community participation;
- (v) Establish a simple and enabling framework for the core process of planning, performance management, resources mobilisation and organisational change which underpin the notion of developmental local government;
- (vi) Establish the framework for support, monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline development agency capable of integrating the activities of spheres for the overall social and economic upliftment of communities in harmony with their local natural environment;
- (vii) Provide for legal matters pertaining to local government;
- (viii) Provide for matters incidental thereto (Republic of South Africa 2000).

## **CHAPTER 4**

### **REGIONAL AND LOCAL GOVERNMENT IN NAMIBIA**

#### **4.0 Introduction**

This chapter analyses the Local Authorities Act of 1992, the Local Authority Amendment Act of 2000, Regional Councils Act of 1992 and national policies on local government in Namibia in order to evaluate how they together or separately enhance and/or hinder public participation in local government. This chapter shall also address how adequate they are in the context of public participation.

#### **4.1 The Evolution Of Regional And Local Government**

Namibia's independence brought with it a regional and local government that requires central government to delegate and devolve functions, responsibilities, powers and resources to regional and local authorities. This enables the electorate to participate directly and indirectly in designing and implementing suitable programmes.

The regional and local government dispensation came into being through the promulgation of the Regional Councils Act no. 22 of 1992 and the Local Authorities Act of 1992, subject to chapter 12 of the Constitution of the Republic of Namibia. Before 21 March 1990, the Bantustan regime viewed regional and local authorities as subordinate bodies that mediated between the Administrator General representing the South African Government in Namibia and the governed, implying that the structures were merely a medium through which the powers of the state were channeled. The new phenomenon comes a long way since the German occupation of South West Africa in 1884 and remained unchanged till 1915 when South Africa conquered the Germans and continued to govern this territory in terms of the

Versailles Treaty after the First World War. To that end, regional and local government institutions were effectively influenced by the culture of each colonial population group. However, it is quite interesting to note here that, such division reflected different attitudes on the part of the German authorities towards the administration of the three areas. This is obvious in that the police zone was under the direct control of German authorities. The areas within the Police Zone were commercialised, including mining areas.

The northern sector and the Eastern Caprivi Zipfel were not developed at all. The German colonists did not seem to have had interest in those parts of the territory as compared to the areas that were within the then police zone. The division of the territory into three areas promoted a further heterogeneity amongst the population groups. Therefore, it was easy at that time to distinguish a population group from the other on basis of heterogeneous political, legal and social systems. The political history of German South West Africa has it that the northern sector was never subject to German control except to a limited extent in Kaokoveld and Caprivi. The Eastern Caprivi Zipfel, where the town of Katima Mulilo is situated, was indirectly controlled through the use of tribal authorities. Because of its remoteness and inaccessibility from Windhoek, German rule was never effectively exercised in the area (Vosloo, 1974: 105). The convoluted history of the territory and its intricate pattern of settlement followed by its various population groups was maintained by the South African Colonial system that began in 1915. Little if not nothing was done to change the status quo in the territory in spite of South Africa's mandatory governance being subject to supervision and advice of the League of Nations' Permanent Mandates Commission in Geneva (Vosloo, 1974: 100).

When the legislative assembly for the Territory was created under South African Colonial rule (for participation of White inhabitants), the control of Black people was excluded from its powers (Vosloo, 1974: 108). South Africa regarded policy formulation for the whole Territory as its own domain and hence responsibility. This function was exercised through the administration of the Territory until 1955 when it was transferred to the relevant executive department of the central government in Pretoria. This department was designated as the Department of Bantu Administration and Development (DBAD). Yet, the State President of South Africa was the supreme chief of the indigenous people. In terms of South West Africa Native Affairs Administration Act no. 56 of 1954, he delegated certain powers vested in him in terms of this piece of legislation to the Minister of Bantu Administration and Development (proclamation nos. 87 of 1955 and 119 of 1958). To that end, contact between the State President and the different population groups, was through the field representatives of the Chief Bantu Affairs Commissioner who was stationed in Windhoek. An executive department of the South African Republic's central government handled the administration of Coloured and Rehoboth affairs, namely Department of Coloured Relations and Rehoboth affairs.

From 1925 only White inhabitants in South West Africa participated in the institution of regional government. This came into being with the promulgation of the South West Africa Constitution Act of 1925. This piece of legislation provided for the establishment of the legislative assembly consisting of eighteen members elected by White inhabitants in the Territory. This body had legislative powers to make ordinances consistent with any Act of the South African Parliament. Furthermore, the South African Government maintained a direct control through the appointment of a Territorial Administrator by its President. He was the Chief Executive Officer of the Territory. An executive committee comprising four additional members chosen by the legislative assembly assisted the Administrator. He acted

in collaboration with the executive committee on matters on which the assembly proved competent to make ordinances. However, the Secretary for South West Africa was the Chief Administrative Officer of the Territory. He performed on agency basis for executive departments of the South African Central government. The Department of Bantu Administration and Development's Territorial Administration administered matters pertaining to Blacks.

South Africa adopted a policy of Indirect Rule when it replaced the German Protectorate and assumed its mandate in South West Africa in 1919. The arrangement was racially discriminatory, and was designed mainly for the purpose of ensuring socio-political stratification between different races.

However, the policy was easily applied in areas of the northern sector and the Eastern Caprivi Zipfel that were territories outside the police zone. In these areas, tribal organization was in operation. The areas included the then Owamboland, Okavango and the Caprivi Zipfel. Each of these tribal groups had hereditary chiefs, elected or appointed headmen who dealt with the governmental affairs of the tribe.

The operation of these tribal authorities was subject to the guidance of White officials who served as Commissioners under the mandatory government. However, it became difficult for Indirect Rule to be applied in areas within the police zone. This was due to inter-group hostilities, which were a result of the warfare of the past. Hence, the situation manifested itself into the disintegration of their tribal life and institutions (Vosloo, 1974: 110).

The situation prompted establishment of the so-called Homelands for the Nama, Damara, Herero, Bushmen and other groups. In view of the problem encountered by the government in planning further developments for these Homelands, the Odendaal Commission was appointed in 1962 to inquire into the welfare of the indigenous population. In 1964, the Commission's report included matters such as relocation of governmental powers, promotion of self-government and allocation of land and financial resources. In terms of the Odendaal report, the idea of Central Authority, which existed, was not at all a solution to the irreconcilable differences between different population groups.

It was, therefore, recommended by this Commission that a policy of "separate development" for each identified ethnic/tribal group be implemented within the Territory. This meant that various population groups were to be given their own areas under the auspices of their own governing institutions. This is related to discrimination on the basis of colour and ethnicity.

Proposals of this Commission included the creation of the following "Homelands": Hereroland, Damaraland, Tswanaland, Bushmanland, Okavangoland, Kaokoland, Eastern Caprivi, Busterland and Namaland (Vosloo, 1974: 111). To allow partial self-government in the territory, the South African government passed an Act on the development of self-government for native nations in South West Africa (Act no. 54 of 1968). This was a subtle measure for the transfer of "self-government" to the various population groups. This approach was so designed that it had to be supplemented by proclamations by the State President of South Africa. Act no. 54 of 1968 made provision for the establishment of a legislative council by population groups after consultation with the President of the Republic of South Africa.

Tribal Councils referred in here as Legislative councils, could legislate on matters concerning welfare services, establish and maintain clinics, control business and trading undertakings, construction and maintenance of roads, administration of justice according to custom and traditional laws observed by tribes and communities, registration of the members of the Black communities, direct taxation of members of such communities and taxation on property. An executive of the above councils was constituted from among the members of the legislative Council that would establish departments in connection with the matters listed above subject to the State President's approval. The administration of such departments was the responsibility of such executive council. Furthermore, the executive council after consultation with the Minister of Bantu Administration and Development could nominate a member to represent them in the urban areas. The duty of such a member was mainly to advise them on matters affecting the general interests of members of the nation residing in these areas (Vosloo, 1974, 112).

Tribal, community and regional authorities could only be recognized by the State President. He also sanctioned the establishment of such authorities. Finally, these authorities exercised such powers and performed duties as determined by him. The legislative assemblies and executive councils for Owambo, Okavango and Caprivi were all established in terms of the stipulations of the 1968 Act (Government Proclamations, R. 290, 1968, no. r. 1970. no. r. 6 1972).

The governmental arrangements for Coloureds were such that a distinction between Rehoboth Basters and other Coloureds was made. Although the Rehoboth Gebiet resided within the jurisdiction of the Administrator for South West Africa in 1969, local government authority was vested in the magistrate of Rehoboth who was assisted by an advisory board of six

elected members. This constituted the local council. Its functions included regulating the planning of township, construction of buildings and trading professions, provision of services such as water, roads, and preservation of public health.

In terms of ordinance 34 of 1961, a Coloured council comprising appointed members was established. This was merely advisory in nature. The South African Minister for Coloured people appointed eleven members of this council. The role of that council was to advise the Minister on matters relating to cultural interests, education, and matters of social and economic nature. The council also served as a medium of contact between the Minister and the Coloured people (Vosloo, 1974: 113).

The Council performed all other administrative duties entrusted to it by the Minister. In terms of the mandate given to South Africa, it is clear that the urban areas, which had forms of local government, were mainly those within the Police Zone such as Windhoek, Gobabis, Okahandja, Keetmanshoop and Mariental. A few other commercial centres in the northern sector like Tsumeb had formal local government. White inhabitants controlled all these areas. In urban areas where Whites and Blacks lived together, two forms of urban local governments existed. These were the Municipal Councils and Advisory Boards. White urban areas were known as Municipalities and were governed by Municipal Councils whereas Advisory Boards governed Black urban areas. However, the difference between the two forms of local government was that decisions of the Advisory Boards were merely recommendations that were subjected to approval or disapproval by municipal councils. This meant that the Advisory Boards were subordinate bodies to municipal councils. All these arrangements further cemented Apartheid in the Territory. The Municipal Councils acted in terms of the provisions of the South West Africa's Municipal Ordinance no. 13 of 1963.

The town Councils of Windhoek, Okahandja, Keetmanshoop, Mariental, Tsumeb and Gobabis were all regulated by the above-mentioned ordinance. These were towns, which were classified as commercial areas. Municipal Councils in these towns comprised seven councillors, elected by the White inhabitants who conformed to fixed property qualifications. Among the duties of these councils was the management and administration of Native Affairs in the urban area. This effectively meant that Blacks were not represented in the council, and that they never participated in local policy making.

Elected White representatives of the municipalities undemocratically decided upon policies concerning the Blacks. In the Black areas of a town, Advisory Boards were established. These had no executive functions. The municipal council used its discretion to accept or reject proposals from Advisory Boards in the Black townships of municipal areas. In spite of their existence, these two forms of local government served as subordinate bodies and as extensions of the government.

#### **4.2 The Position Of Regional And Local Authorities In Policy Making**

Regional and local government structures were established in 1992 with the promulgation of the Regional Councils' Act (Act 22 of 1992) and Local Authorities Act (Act 23 of 1992) by Parliament. These structures were established in terms of the provisions of Chapter 12 of the Constitution. However, some Local Authorities existed before that date, such as those classified as part I and part II Municipalities in terms of the Local Authorities Act of 1992. Part I Municipalities include Swakopmund, Windhoek and Walvisbay. The latter does not appear in the Act of 1992 because at the time of its promulgation, it was still part of the Republic of South Africa. Part II Municipalities include Gobabis, Grootfontein, Karibib,

Karasburg, Keetmanshoop, Mariental, Okahandja, Omaruru, Otavi, Otjiwarongo, Outjo, Tsumeb and Usakos.

Each regional and local government has a council as a principal governing body. In the context of the Local Authorities Act of 1992, local authorities include all municipalities, towns and village councils as defined and constituted by Act of Parliament. Regional boundaries of the 13 Regions in Namibia were determined by the first Delimitation Commission and were accepted by the government in 1991. The delimitation of the regional boundaries was determined on geographical basis other than ethnic lines as was the case before independence.

The regional and local authorities operate within the legal framework provided by the two respective Acts of Parliament (Regional Councils Act and Local Authorities Act of 1992) together with the Constitution. However, it is important to bear in mind that some of the powers, duties and functions as provided for in the two mentioned Acts of Parliament (Act 22 and Act 23, 1992) may be changed by amending legislation.

Regional councils have substantive powers, duties and functions in terms of the Constitution and the Act (Act 22, 1992). Included are the following:

- to elect members of the national council;
- to undertake the planning and development of the region;
- to establish, manage and control settlement areas;
- to assist any local authority in the exercise or performance of its powers, duties and functions; and

- to exercise any power assigned to regional councils by the laws governing communal land.

Article 108 of the Constitution gives power to regional councils to raise revenue, or share in revenue raised by the central government within the regions for which they have been established, or may be determined by an Act of Parliament. The management committee is an executant of each regional council and is established in each region in terms of Article 109 of the Constitution. It is a legislative requirement in terms of an Act of Parliament for such management committee to be vested with executive powers. This committee is headed by a chairperson elected by members of the regional council at the time when the management committee is elected (Töttemeyer 2000: 124); all such elections take place in accordance with the provision of section 18 of the Regional Councils Act of 1992. In terms of section 18 (1) the chairperson of the management committee automatically becomes the Governor of the regional council.

The management committee, as executant of council, carries out a number of functions, which include the following:

- Advising the council on any matter entrusted to it, reporting to the regional council on the exercise of its powers and functions;
- Preparing estimates of revenue and expenditure for the regional council and ensuring that the decisions of the regional council are carried out.

Members of the management committee, together with the chairperson, hold office for a period of three years and can be re-elected. The Governor also holds office for 3 years and is subject to re-election. For administrative and execution of council policies, each regional council has a regional officer appointed by the regional council after consultation with the

Minister of MRLGH, in accordance with the provision of section 23(1) (a) of the Regional Councils Act.

Regional councils are principal-governing bodies in each region. Therefore, they are vested with executive and administrative powers in terms of the Constitution to carry out lawful decisions and formulate policies of council. However, the regional council is required by the Constitution to remain accountable to the MRLGH under whose portfolio it falls for all its activities. Unlike regional councils, local authorities are more independent bodies, although certain actions such as budgeting and decisions on regulations (e.g., by-laws) and assessment of rates can only be taken after consultation with the Ministry of Regional and Local Government and Housing. Their source of power is mainly the Local Authorities Act no.23 of 1992 (Töttemeyer 2002: 118).

In spite of such authority, the central government through MRLGH is responsible to local authorities in a number of responsibilities.

These include the following:

- Formulating, directing, planning and surveying of land leading to the proclamation of town;
- Devising and developing national town – development strategies, that provide for the establishment of local authority councils and control of the administration of such councils; and
- Assisting local authorities to perform their duties and functions efficiently through the provision of the necessary resources and training.

Article 129 of the Namibian Constitution provides for the National Planning Commission responsible for planning the priorities and direction of national development. However, this does not at all imply a top down approach whereby the Commission has to decide on what has to be provided to villages, local authorities and regional councils.

The National Planning Commission (NPC) develops and coordinates development on plans provided by local authorities and regional councils. In this connection, the NPC acts in an advisory capacity to the MRLGH on matters related to regional planning countrywide.

Although the central government is responsible for both the regional and local authorities, these bodies as sub national units of government are placed at highest policy making levels within their areas of jurisdiction in terms of the provisions of chapter 12 of the Constitution. Regional and local authority councils deal with all matters of local policy significance. This refers to affairs affecting the lives of the people they govern. Policy making takes place when regional or local authority councils meet to discuss matters pertaining to affairs of the people within their geographical areas. This means that council as a body formulates policies during such meetings, and not individual councillors. As indicated earlier, the Chief Executive Officer for the region is responsible for executing decisions of the regional council, and for overseeing the effective administration of its day-to-day activities. Similarly, the local authority councils have Chief Executive Officers (better known as town clerks) whose functions and duties are similar to those of the regional officer of a regional council. These appointed officials represent the secondary policy-making level. Furthermore, the chief executives of regional and local authorities act as advisors to their respective councils. As chief executive officers they are accounting officers for the overall performance of the organisations.

As secondary policy level administrators, they are required to translate the policies of their councils into practical programmes and projects. They also set programme priorities, and define target groups and beneficiaries. Furthermore, ensure that council policies are implemented as designed. In the specific case of local authorities, the functional policy level of a council deals with programmes and projects which involve matters such as budgeting, finance, and procurement which are represented by commodity managers of the council traditionally known as heads of departments. They include the heads of finance, human resources, community services, engineering services, health, etc. Officials at this level are responsible for the formulation of functional policies in collaboration with their chief executive officers.

Supervisors and operational staff members in the regional and local authority councils represent the lowest level of policy. It is at this level where the employees at levels just below the management team deal with the physical implementation of projects. Policy instruments at this level include, job descriptions, duty sheets, conditions of employment, standing rules and regulations. The elected officials at both regional and local authority levels may also make policies subject to inputs from unofficial policy makers. Such unofficial policy makers include the citizens, (particularly the local populace), pressure groups, such as professionals, rate payers, women, NGOs, CBOs, etc., and the media, e.g., electronic and news media.

#### **4.3 Local Authorities Act Of 1992 (Act 23 Of 1992)**

This piece of legislation forms the basis of local authorities in Namibia. It sets parameters for council operations, in that the powers, duties, functions, rights, and obligations of local authorities are spelt out in part V of the Act (Act 23,1992). According to section 30(1)

subject to provisions of subsection (2) and (3), a local authority council has a number of powers. These include among others:

- (a) Subject to the provisions of part vi, to supply water to the residents in its area for household, business or industrial purposes;
- (a) Subject to provisions of part vii, to provide, maintain and carry on a system of a sewerage and drainage for the benefit of the residents in its area;
- (b) Subject to the provisions of part x and the Electric Power Proclamation, 1922 (Proclamation 4 of 1922), to supply electricity or gas to the residents in its area;
- (d) Subject to the provisions of part xi, to establish, carry on and maintain a public transport service;
- (e) Subject to provisions of part xii, to establish, with prior approval of the Minister and in accordance with such conditions as may be determined by him or her, a housing scheme, whether by itself or in conjunction with any other person;
- (f) To allocate bursaries, or grant loans, for educational purposes;
- (g) To acquire, hire, hypothecate or let any movable property, or sell or otherwise dispose of such movable property in any manner whatsoever to the state, a regional council or any other local authority council, unless the Minister determines otherwise, by public auction to any other person;
- (h) Subject to provisions of part xiii, to buy, hire or otherwise acquire, with the prior approval of the Minister and subject to such conditions, if any, and as may be determined by him or her any immovable property or any property or any right in respect of immovable property for any purpose connected with the powers, duties or functions of such local authority council, or to sell, let, hypothecate or otherwise dispose of or encumber any such immovable property;

- (i) To determine by notice in the Gazette, the charges, fees and other moneys payable in respect of any service rendered by the local authority council in terms of the provisions of this Act, or pursuant to the regulation and control of any matter under this Act;
- (j) In the case of the Municipal Council of a Municipality referred to in part 1 of schedule I and, with the approval in writing of the Minister granted after consultation with the Minister of Finance may determine and subject to such conditions as the Minister may determine, the municipal council of a municipality referred in part II of schedule 1 or a town council or a village council, to borrow money from time to time by way of loans from any source within Namibia and against the security which the local authority council may deem fit or the issue of debentures, bills of exchange and other negotiable instruments;
  - (i) With the prior approval in writing of the Minister granted after consultation with the Minister of Finance and subject to such conditions as the Minister may determine to grant advances or loans to any sporting club or association or charitable;
  - (ii) To establish from time to time such committees as it may deem necessary to advise it generally or in relation to any particular matter in the exercise of any of its duties and functions and may appoint such members or such other person as it may deem fit to be members of such committees;
- (k) To guarantee the due fulfillment of the contracts and obligations of any person, and enter into surety bonds or deeds of security;
- (l) To open banking accounts, including savings accounts with a building society as defined in section 1 of the Building Societies Act, 1986 ( Act 2 of 1982 ) , and the Post Office Savings Bank controlled and managed by the Namibia Post Limited established

by section 2 of the Post and Telecommunications Companies Establishment Act, 1992;

- (i) to accept donations made or receive moneys offered to it by any person within Namibia and, with the prior approval in writing of the Minister in every particular case and subject to such conditions as he/she may determine, to accept such donations made or receive such moneys offered to it by any person outside Namibia;
- (ii) With the prior approval in writing of the Minister in every particular case and subject to such conditions as he or she may determine, to make grants or donations;
- (iii) to exercise any other power conferred upon or assigned to a local authority council in terms of any other provision of this Act or any other law, and, generally, to do anything that is necessary or conducive to the exercise of its powers and the performance of its duties and functions in terms of this Act.

In view of the above, the Act of 1992 makes a clear division of decision-making powers between the central government and local authorities. It particularly refers to decision-making powers on legislation, administration and financial management.

Although local authorities are empowered in terms of section 31(1) (a) to make regulations or rules, such regulations or rules are further subject to approval by the line Minister of Regional, Local Government and Housing for promulgation, for the purposes of Article 111(5) of the Namibian Constitution. For instance, urban councils may formulate personnel rules pertaining to the discipline, discharge or suspension of its town clerk or its other staff members. Adoption and implementation of such rules is subjected to approval by the Minister in accordance with provisions of section 27(1)(c)(i) of the Act of 1992. In addition, local

authorities are empowered by the Act of 1992 to compile estimates of revenue and expenditures for approval by the Minister in terms of section 84 (4) of the Act 23, 1992.

Section 27 of the Local Authorities Act of 1992 provides for appointment of Town Clerks by councils, subject to consultation with the Minister. To explain consultation in this case, council can only confirm the appointment of a Town Clerk once the list of interviewed candidates that contains interview scores and motivations is referred to the MRLGH for the purpose of checks and balances. Parts v to xviii of this Act enable local authorities to formulate their By-laws within the confines of the national legislation framework .

Although the government of the Republic of Namibia promulgated the Local Authorities Act of 1992 to regulate local authority affairs, Section 94 (1) of the Act that articulates the sharing of decision-making powers between the central government and local authorities, does not seem to empower local authorities. In accordance with this section, personnel regulations formulated by local authorities are subject to the approval of the Minister. In fact, it could be argued that this clause confers more decision-making powers to the central government than it does to local authorities.

As an outcome of this arrangement, regulations approved by local authority councils can be regarded as mere recommendations that must be forwarded to the Minister for approval or disapproval. Although local authorities are constitutionally subordinated entities to central government, cardinal in the mind of this researcher, is how the central government treats and uses them in policy-making processes pertaining to local governance and as such contributing to national development.

As discussed in chapter 2 democracy in the context of regional and local government is about the relationship between the central and local authorities. To answer the first question

underpinning this researcher's definition of democracy, one can refer to Section 94 (1) of the Local Authorities Act of 1992 that provides for local authorities to operate in terms of local legislation formulation as subordinate bodies to the central government. This specific clause places local authorities in Namibia in the service of the central government because they serve the national government in the execution of tasks at the local level. Although they are subordinate bodies to the central government, in a democratic setting, they could also govern in partnership with local authorities on affairs of a local nature.

In view of the above observation, it could be argued that the levels of government that Namibia's local government system promotes may not augur well with the fundamental axiom of pluralist democracy that states that "instead of a single center of sovereign power there must be multiple centers of power, each with particular tasks assigned, none of which can be wholly sovereign" (Dahl as cited in Janda, Berry, and Goldman, 1989: 47). The different levels place the central government hierarchically as the centre of power. Therefore, one could refer to the central government as sovereign towards regional and local authorities. As can be seen from chapter 3, the South African local government system in its reference to "spheres" of government than "levels," could be viewed as a system in tandem with the fundamental axiom of pluralist democracy indicated in this text. This could be justified by the fact that spheres of government are multiple centers of power in that they operate independently, each with particular tasks assigned.

Second, section 30 (1) (w) of the Local Authorities Act of 1992, Act 23 of 1992 states that a local authority council shall have the power to establish from time to time such committees as it may deem necessary to advise it generally or in relation to any particular matter in the exercise of duties and functions and may appoint such members or such other person as it

may deem fit to be members of such committees. Although this power vested in local authorities may have been aimed at promoting democracy, transparent decision-making and enhancing participation at local level, it is equally important to note that the procedures and institutions for translating the principles of democratic citizenship into practice are presumably not ends in themselves. Rather, they should be regarded as the means for establishing a particular sort of relationship between the rulers and the ruled (Schmitter 1983: 326).

Decentralisation according to this researcher refers to the involvement of the central government, local authorities and all citizens in planning and implementation of public policies, particularly those of a local nature. Once the power to provide inputs in the administration of local authorities vests solely in the elected councillors, nothing rules out the possibility of maneuver and exclusion of other citizens by such councillors. Furthermore, this researcher views the provision of section 30 (1) (w) that provides for councillors to appoint from time to time committees that they deem necessary to advise them, as detrimental to transparency and accountability on the side of councillors in that it can encourage councillors to appoint committee members on the basis of their political affiliation.

The progenitors of this piece of legislation seem to have overlooked the need for checks and balances in respect of the establishment of such committees at local level. As a result, councillors tend to misuse this power in their attempts to advance their party interests at the expense of those of the communities they represent. It is important to note that individual citizens are equal partners to those in leadership, particularly in as far as the process of

making decisions pertaining to the lives of the people is concerned (Schmitter1983: 327). Councillors are the elected representatives of the local citizens thus representing their interests at local level. However, this researcher argues that, Section (30) (1) (w) of the Local Authorities Act, 23,1992 unless carefully applied by councillors, can be an assault on democracy particularly in cases where councillors can only choose members to such advisory committees on the basis of party loyalty than merit. To that end, this situation can encourage councillors to exclude other people from participating in local government affairs.

Councillors at local level in Namibia are elected to office through party politics. In accordance with the Constitution of Namibia, a party is a democratic institution that cannot ignore the will of people. However, one cannot rule out the possibility that party groups in council can suppress free discussions and render Council decisions meaningless since party groups at caucus meetings take real decisions.

This researcher views the local authority Act of 1992, Act 23, 1992 as inadequate towards promotion of democracy and transparent decision making at local level as it does not seem to directly promote the sharing of decision-making powers between councillors and the electorate.

Although section 14 2 (a) of the Local Authorities Act of 1992 provides for every meeting of a local authority council to be open to the public, it does not seem to adequately promote community participation at local level. In this researcher's view, the legal nature of a local authority council in terms of Article 1 (2) of the Constitution of the Republic of Namibia can be defined as including the local community within its jurisdictional area, working in

partnership with council's political and administrative structures. As observed in chapter 1, Namibia's new local government system provides for active engagement of communities in the local affairs as a fundamental aspect. Community members at local level are an integral part of local authorities in their respective localities, and hence, must be engaged particularly in development planning, service delivery, and performance management. In order to ensure community participation, an effective and transparent local public administration that conforms to constitutional principles, the Local Authorities Act of 1992 should have provided for community participation compelling elected councillors to establish political structures, appropriate mechanisms, and procedures for development of a culture of community participation. This is necessary in a democratic setting to complement the formal representative governance at the local level.

As can be seen in chapter 3, the government for the Republic of South Africa enshrined chapter 4 in the Municipal Systems Act, 32, 2000 to provide for community participation in local authority affairs. It could be argued that such an Act could adequately address the unfavourable relationship between councilors and administrators and community members that tend to prevail at local level in Namibia.

One cannot help but agree with Higgins (1977:193) who defines participation to mean attempts by individuals or groups to exercise influence on outputs of decisions that directly affect them. Indeed, the silence of the Local Authorities Act of 1992 on community participation leaves it up to the councillors to decide whether or not to share with electorate the decision-making power transferred from the central government. Absence of a clear statutory statement on the need to share such powers could influence councillors to centralise such powers on themselves.

#### 4.4 Local Authorities Amendment Act of 2000 (Act 24 Of 2000)

In order to effect the decentralisation policy, the Parliament promulgated the Local Authorities Amendment Act of 2000 to provide, among others, for the following:

- To entrust to the Minister of Regional and Local Government and Housing certain powers and functions in relation to the declaration, control over administration and functioning of local authority councils;
- To add new provisions relating to the powers, duties, and functions of the Mayor of a local authority council;
- To make new provision relating to retaining of the Chief Executive Officer in his/her office;
- To further regulate the power of local authority council to determine charges, fees and other moneys payable to the councils;
- To provide for the delegation of powers and the assignment of functions in terms of the Act;
- To make provision for further matters in relation to which local authority councils may make regulations;
- To further provide for the adoption or amendment of model regulations by local authority councils.

The Local Authorities Amendment of 2000, Act 24 of 2000 amended the local Authorities Act of 1992, Act 23 of 1992. As an outcome of that, several sections in the Principal Act of 1992 were amended. These included sections 4, 6, and 27. Section 4 was amended to confer the power that was vested in the State President to alter declarations of local authorities to the Minister. Wherever the term "President" appears in this section was replaced by the term "Minister." This was also the case with section 6(1)(a), where the power to determine the number of councillors to the governing bodies of local authorities previously vested on the

State President was conferred in terms of the Amendment Act to the Minister. Section 27 (3) (a) that provided for appointment of Town Clerks for a period of two years was amended to give effect to the appointment of such staff members to a period of five years subject to reappointment, depending on the discretion of council. The rest of the other amendments were merely insertions. Although partnership viewed by this researcher as an integral part of governance prevails as one of the achievements that were brought into being through the Amendment Act of 2000, this piece of legislation does not seem to have addressed the power sharing deficiency between the central and local authorities as cited earlier in this text. The Amendment Act of 2000 has not addressed the mechanisms, processes and procedures necessary for community participation in line with the decentralisation policy in Namibia. Therefore, failure to address the aspect of community participation through local government legislation by the central government can be viewed as mitigating against the empowerment of the people at local level because they remain controlled by councillors emptying the whole concept of human development of its fundamental essence (UNDP 1993: 21).

The tradition in Namibia seems to be that of viewing government in hierarchical terms. Based on this premise, national legislation formulation on matters pertaining to local authority affairs can be viewed as being inclined more towards separately – defined responsibility (in different levels of government) which may not work well in a complex and plural world where issues increasingly cross boundaries rather than fit within them.

Although section 11 of the Principal Act was amended by section 8 of the Local Authorities Amendment Act 2000, Act 24, 2000 to assign powers, duties and functions to the mayor, it could be argued that this amendment merely created an ambiguity in terms of perception

about such powers and duties. It is doubtful that such duties and powers will yield any results as long as Mayors in Namibia operate within a weak mayoral system that reduces them to mere ceremonial heads of councils. Instead of empowering the community through establishment of legally recognized forums, the Local Authorities Amendment Act of 2000 instead empowered Mayors. However, it is important to note here that simply enlarging the duties of mayors without changing the mayoral system to that of an executive mayor may not adequately empower mayors. For instance, the Local Authorities Amendment Act empowered mayors to take charge of development in their localities, yet the Principal Act requires mayors to obtain the mandate from the full council before taking any decision that may bind council. In view of this, mayors may not be fully empowered by merely amending certain clauses of the Principal Act without necessarily amending the mayoral system to that of the strong-mayor system (Executive Mayor).

#### **4.5 Decentralisation Policy**

Like all other democratic countries, the Government of the Republic of Namibia views decentralisation policy as a means to guarantee democratic participation to the citizenry at the grass roots level. In this connection, the ultimate goal is to achieve a sustainable development for its populace.

##### **4.5.1 Historical Background**

The policy of decentralisation in Namibia can be traced from the pre-independence era when viewed in terms of the South West African People's Organization policy document on governance for an independent Namibia. Constitutional deliberations conducted in 1989 between SWAPO and the opposition parties led to the entrenchment of decentralisation in the Constitution for the Republic of Namibia within a unitary state as a fundamental principle.

Chapter 12 of the Constitution provides for the establishment of Regional and Local Government. It is therefore, these sub-national units of government that are charged with decentralised functions at lower levels of government. Regions replaced the notorious “Homeland/Bantustan” system as politico – administrative and socio-economic units.

As Mukwena and Drake (2001: 48) observe, in 1996, three years after the enactment of the Regional and Local Authorities Acts of 1992 the MRLGH decided to consult various stakeholders to determine whether decentralization was on course. The consultations revealed that decentralization was not proceeding as expected. Consequent upon this revelation, a policy dialogue ensued on what was realistically possible to decentralise further, in what time frame decentralisation should take place and with what resources it should take place. Other reasons that led to this review included, but not limited to the following:

- (g) Consensus that decentralization was not taking place;
- (h) Lack of clarity on the part of central government ministries;
- (i) Pressure from the newly created institutions; and
- (j) The need to speed up democratic access by the Namibian people (Ministry of Regional, Local Government and Housing 1997:20-21).

The MRLGH published a policy document on Decentralisation, Development, and Democracy in 1996. This policy was aimed at taking government closer to the people at the periphery and to enhance participation of the local citizenry in developmental activities within their localities.

Cabinet of the Republic of Namibia at its 37<sup>th</sup> session of 11 December 1996, sanctioned this policy document. To that end, on 30 March 1998, the decentralisation programme for

Namibia was officially launched. A memorandum by the cabinet dealing with the decentralisation implementation strategy was issued on 09 June 1998 (Töttemeyer 2000: 134). This is the document in which the government reconfirmed its commitment to decentralisation.

Regional and local authorities were identified in terms of the decentralisation policy as agents of the centre (through line ministries with delegated functions/services), with the central government remaining primarily responsible for policy and financing costs of the programmes involved (Töttemeyer: 2000: 134). However, the overall responsibility of supervision of the policy rests with the office of the Prime Minister.

The legal basis for the decentralisation policy of Namibia includes the Constitution, the Regional Councils Act, the Local Authorities Act and the Traditional Authorities Act. In order to give amended effect to decentralisation, the government promulgated the Regional Councils Amendment Act of 2000 (Act 30 of 2000) and the Decentralisation Enabling Act of 2000 (Act 33 of 2000) that shall be dealt with later in this chapter.

#### **4.5.2 Key Elements Of Policy**

Namibia is a unitary state and, thus, the government decided just after its inauguration in 1990 that it would devolve responsibility, authority and resources or resource bases in accordance with the criteria relating to functions to be decentralised. Therefore, decentralisation is a process and not an event. This entails that the decentralisation programme will gradually be implemented. The tempo at which delegation and devolution will take place will be determined by a number of factors. Among these are the political and technical feasibility,

capacity of regional and local authorities, macro economic and fiscal environment, and public sector reform programmes of the day.

For effective implementation of decentralisation, the Government of Namibia considers to effect changes at central, regional and local level, particularly in the areas of institutional and organisational capacity. Regional and local authorities that were identified by the MRLGH as requiring capacity prior to the taking over of functions from the central government are currently engaged in capacity building projects organised by the MRLGH. These include, Kunene, Oshana and Kavango regions, and the town councils of Oshakati, Utapi and Rundu. The capacity building projects in question refer to institutional and human resource development such as Public-Private Partnerships in service provision, and the training of councillors and administrative staff at the local level.

The principal Acts (Regional and Local Authorities Acts) were amended to bring them in line with the decentralization policy. Although functions and services shall be delegated to sub national units of government by the centre, such services and functions shall be administered as a trust by the regional and local authorities, which shall be held accountable to the central government for such trust (Cabinet 1998). In the words of Töttemeyer (2000: 134) "the principal agent" will be used to allow the Regional Council and local authorities to gain a state of preparedness to eventually assume ultimate responsibility for the functions under devolution.

This is aimed at allowing line ministries ample time to prepare and set parameters for the devolution of functions and to ensure that the regional and local authorities are capacitated to the level desired for devolution. The Cabinet has also requested line ministries to designate

their regional officials to Regional Councils. This means that field officials operating outside the national capital are to be supervised by the respective regional officers.

The offices of the Prime Minister, the MRLGH and the Public Service Commission have reviewed the establishment of Regional Councils. The position of Regional Officer has been elevated to Chief Regional Officer and is equated to that of an Under Secretary in the public service in order to enhance the authority attached to this position.

The decentralisation implementation committee was established in 1998 comprising the office of the Prime Minister, NPC and Permanent Secretaries of line Ministries to oversee the implementation of the decentralisation policy. All delegated functions shall be coupled with the necessary funds. Line Ministries have to budget for all such functions, and prepare professional staff to carry out such functions under the supervision of the respective regional and local authorities responsible for the tasks on behalf of the central government ministries.

In terms of the modalities regarding fiscal transfers under delegation and devolution, the MRLGH's Director of Decentralisation informed this researcher that the Task Force on financial management and intergovernmental transfers had completed and submitted a detailed analysis of the financial legal framework and has made recommendations to the Ministry of Finance within the target dates agreed between the MRLGH's Decentralisation Directorate and this Task Force. At the time of writing this dissertation the Task Force was awaiting the response from the Ministry of Finance. Furthermore, the Task Force on finance had documented the current budgeting procedures for regional councils and compiled the first budgeting guidelines for functions under delegation. The draft budgeting guidelines had already been distributed to the sub-committee members for review before being finalized by

the task force. Upon approval by the financial Task Force, both the current budgeting guidelines for regional councils and the budgeting guidelines for delegation of functions were expected to have been produced and forwarded to the Directorate of Decentralisation for review before they could be submitted to the DPIC (Director of Decentralisation 2002).

With regard to the Task Force on personnel, the Director of Decentralisation informed this researcher that it had met a few times. As at 26 August 2002 none of the established sub-working groups had completed any of the tasks assigned to them. To compensate for the delay a consultant drafted the manual for secondment of staff members to regional councils and local authorities under delegation, which had been distributed to the members of the Task Force for comments. The final version was completed by September 2002 (Director of Decentralisation 2002).

In February 2000, Parliament approved and gazetted the tender regulations that enable local authorities to establish local tender boards for their respective local authorities. Apart from the Task Force on financial management and intergovernmental transfers as indicated earlier, various other inter-ministerial Task Forces were established in 2001 together with the sub-committee of the committee of Permanent Secretaries, to deal with decentralisation.

The MRLHG also formulated the Decentralisation Implementation Plan (DIP) in 2002. The plan was designed to serve as a tool to monitor the overall policy Implementation and coordination process. Therefore, the Plan (DIP) serves to guide the stakeholders involved in the decentralisation implementation process, thereby spelling out the handing over procedures, the actual hand-over of staff and other resources, and the follow-up and support to be provided by the centre in the implementation process. The Ministry of Regional Local

Government and Housing formulated the Decentralisation Implementation Plan with the purpose of identifying the role players in the implementation of the decentralisation process. A number of strategic components were thus identified and responsibilities of the key players were formulated. Main activities were identified and assigned to different players in the DIP that include, among others, the Ministries, regions and local authorities.

Although the DIP aims to address the transition phase of delegation, emphasis extends in the DIP to preparations for devolution during the transition phase.

The 12 components of the DIP are captured in the draft report of the MRLGH (MRLGH: 2002: 19) are as follows:

- (i) Overall management issue for the implementation process;
- (ii) Central government general decentralisation management functions, including strategic plan for the MRLGH and strategic decentralisation plans for line Ministries;
- (iii) The decentralised system of general management functions in regional and local authorities;
- (iv) Service management decentralised to regions, municipal councils, part I and II, towns and villages levels;
- (v) Infrastructure facilities assessment and urgency report from regions on serious constraints hampering the decentralisation implementation;
- (vi) Training and capacity building of councillors and staff members at all levels;

- (vii) Financial management, central government transfers including the creation of block grants and financial management monitoring;
- (viii) Personnel management system at the various levels.
- (ix) Development planning, participatory methods, integration of non-governmental public services into the development and sector plans of the regions and local authorities.
- (x) Information and sensitisation of all stakeholders and of the general public, non-governmental organisations and community groups.
- (xi) Consultations and negotiations between the actors at the various levels and between key agencies at the central government level.
- (xii) Review of existing Acts and regulations pertaining to decentralised government functions with the aim of bringing the legal framework into harmony with the decentralisation principles.

The key coordinating institutions for decentralisation in Namibia include, among others, the Ministry of Finance (MoF), Ministry of Justice (MoJ), Public Service Commission (PSC), and the office of the Prime Minister (OPM). In this researcher's view, so many coordinating institutions create problems. For example, problems were encountered by the Directorate of Decentralisation following the establishment of the DIP which included, among others, the late submission of line ministerial action plans and the lack of communication between the OPM and the MRLGH (Director of Decentralisation 2003). The Director of Decentralisation further indicated that the lack of communication between her Ministry and the OPM eventually led to the delay in restructuring the MRLGH albeit the delegation of functions, staff and funds to the regional councils. Furthermore, line ministries could not clearly come

up with information on their actual plans. The factor here could be the lack of general understanding of what was required out of action plans (Ibid.).

It is hoped that under decentralisation the respective local authorities will provide services to the citizens in a cost-effective manner. Indeed, decentralisation can become cost effective once people manage their own resources, and that there is a more direct relationship between revenue, expenditure and services. In terms of service delivery, local authorities can engage in partnership with private sector organisations as provided for in the Local Authorities Amendment Act of 2000.

Under the decentralisation arrangement, regional councils and local authorities will continue to relate to one another in terms of cooperation and collaboration, with the regional council having coordinative and residual functional responsibilities in lieu of the central government (Tötemeyer 2000: 137). This implies that regional councils will operate as second tier governments in their relationship with the central government, and that they will assist in the operation of local authorities within their areas of jurisdiction.

#### **4.6 Decentralisation Enabling Act of 2000 (Act 33 Of 2000)**

This Act was enacted by Parliament to provide for and regulate the decentralisation to regional councils and local authorities of functions vesting in line Ministries and to provide for incidental matters. The Act attends to the delegation and devolution of functions and resources, i.e., financial and human, by the central government to regional and local authorities to enable them to carry out such mandates effectively. The Regional and local authorities are empowered by this Act to make by-laws in relation to the delegated functions. This law requires Ministers delegating such functions and staff to sub-national units of

government to coordinate with the Office of the Prime Minister on matters relating to secondment of staff in accordance with section 23 of the Public Service Act. The Act requires these Ministers to provide training and set standards and guidelines for such seconded officials. The Act further tasks line Ministries to ensure that the performance of the seconded officials is continuously evaluated and monitored.

Financially, the MRLGH shall continue to coordinate the budgeting process with the line Ministries, regional and local authorities although tender boards were established at regional and local level in September 2001. Chief Executive Officers chair such boards. Each board has a total membership of ten comprising officials of local authorities and non-officials who are ordinary residents residing within the boundaries of specific local authorities.

In spite of such delegation and devolution of functions, the interests of a unitary state remain. This means that the delegation and devolution of functions shall take place within the confines of the national objectives, ideals and values. Therefore, the line Ministry responsible for overseeing the effective implementation of the decentralisation process reserves the right in terms of the provision of section 4 (i) of the Act, to withdraw any function, power, or service from the regional or local authority if requested to do so by the respective council or if such bodies are considered incompetent to exercise the transferred mandates.

To effect devolution of functions, section 5 of Act 33 of 2000 provides for the vesting of ownership of immovable properties, including erven, buildings together with improvements and furniture from the respective line Ministries to such regional and local authorities. The facilities are to be used in connection with the devolved functions. This section of the Act

further provides for the transfer of all funds budgeted by line Ministries into separate accounts of such regional and local authorities for the purposes of devolved mandates.

The Act further provides for the transfer of all these immovable properties by the Registrar of Deeds without payment of any transfer or stamp duties. As indicated earlier in our discussion, all functions and powers allocated to regional and local authority councils are required to be carried out in the interest of the unitary state, implying that functions and power shall be transferred to sub-national units of government based on the national objectives, ideals and values.

The Decentralisation Enabling Act of 2000, Act 33, 2000 was enacted to regulate the decentralisation to regional councils and local authorities of functions vesting in line Ministries. Decentralisation in accordance with this Act means delegation and devolution of any function from a line Ministry to a regional council or local authority council. Section 1 of the Decentralisation Enabling Act of 2000, Act 33, 2000 states that "delegation" means the transfer by the Minister, by means of decentralisation under section 2, of a function from a line Ministry to a regional council or to local authority council, in order to empower and enable such regional or local authority council to which the function has been decentralised to perform the functions as an agent on behalf and in the name of the line Ministry. However, section 3 of the same Act that indicates the effect of delegation is silent on whether the line ministry delegating the function shall train the regional or local authority taking over such a function.

In spite of the silence by this provision on capacity building, section 4 (1) (b) empowers the Minister to withdraw such a function from such a regional or local authority council in an

event where the sub-national unit of government becomes incompetent to perform such a function.

Section 5 of this Act also is silent as to whether or not the central government shall further finance the mandates devolved to regional and local authorities under devolution as dependency and finance affects the autonomy of these sub-national units of government. For example, local authorities seem to be doing very little about local resource development and debt collection. That reluctance and lack of willingness by councillors to collect the outstanding income and development of town resources at local level contribute to the financial dependency by local authorities on the central government.

Another interesting observation is that this Act refers to the delegation and devolution of functions and not powers. In contrast, decentralisation refers to transference of authority (legislation, functional or administrative), from a higher-level government to the lower level (White, 1995:11). Local citizens in Namibia favour the concept of decentralisation because it refers to the unblocking of an inept bureaucracy, curing managerial constipation, giving more direct access for the people to the government and the whole nation to participate in national development plans. The situation prompts the question as to how, under delegation, the regional and local authorities will be competent in performing these delegated functions without proper training offered by the respective ministries delegating such functions. Whether this will be done or not seems to heavily depend on the line ministries. Therefore, one can argue that the success or failure of regional and local authorities in performing the functions under delegation or devolution in terms of this Act can be viewed as depending on the initiative and willingness of line ministries delegating or devolving such functions.

With regard to devolution, the Decentralisation Enabling Act of 2000, Act 24, 2000 makes reference more to functions than powers. It could be argued that the Act does not seem to address the power sharing aspects adequately in that it seems to exclude the discretion that local authorities are supposed to exercise in executing such mandates. Simply taking away functions from the centre to the periphery without conferring decision-making powers to local authorities would not make decentralisation a reality. Government can be democratic to the extent by which local authorities are able to influence the process and substance of decisions made by the central government that are likely to affect them.

Finally, it can be argued that the Decentralisation Enabling Act of 2000, Act, 24 2000 can create a contentious design problem between the central government and local authorities in respect of power sharing under devolution. The Act refers to the devolution of functions only and makes no reference at all to decision-making powers. Hence, one can argue that local authorities can only do what they have been specifically empowered to do by the central government. By virtue of this principle, this Act is likely to create legal constraints on the initiative of local authorities and, therefore, can possibly stifle local authorities' democratic instincts in the management of local affairs precisely because it denies them residual powers. Unless properly monitored by the MRLGH, ministries devolving such functions to local authorities can ultimately end up regarding these local authorities merely as administrative agents.

#### 4.7 Trust Fund For Regional Development Equity Provision Act Of 2000 (Act 22 Of 2000)

The Trust Fund for Regional Development and Equity Provisions Act was enacted in 2000 in order to establish a Trust Fund for Regional Development and Equity Provisions, and a Board of Trustees to manage the affairs of the fund.

The purpose of this Act is to provide regions and local authorities with technical and financial assistance for developmental projects, and to set the framework for negotiations between the Board for the Trust Fund and the regions and local authorities. It was enacted in order to “establish a Trust Fund for Regional and Equity Provisions and a Board of Trustees to manage the affairs of the fund; to constitute the board and define the powers, duties and functions thereof (Republic of Namibia: Act 22, 2000). The objectives of the fund include, among others, the following:

- (a) to financially assist with-
  - (i) the development of regions and local authorities; and
  - (ii) the implementation ,through active participation of the people and in accordance with the Decentralisation Enabling Act, 2000, of the decentralisation programmes at regional and local level in Namibia.
- (b) to provide, either at its own initiative or when so requested by a regional council or local authority council, and on the terms and conditions to be determined by the Board,
  - (i) technical assistance, guidance and training in the identification, planning, preparation, appraisal, evaluation, financing, implementation or management of development projects; and

- (c) to conduct negotiations in respect of, and to control, business ventures on behalf of regional councils and local authorities; and
- (d) to co-operate and to co-ordinate its activities with any person or body who or which has an interest or is actively involved, in the implementation of any decentralisation programme.

As of 30 July 2003, the Trust Fund Board had met four times to discuss the guidelines for disbursement procedures. To be exact, the Board met on the following dates:

- (a) 27 March 2002;
- (b) 08 May 2002;
- (c) 28 March 2003;
- (d) 23 July 2003.

On 23 July 2003, the Board met and disbursed N\$ 28,1 Million on various projects as per project proposals received from various regional and local authorities, mainly those pertaining to surveying, sewerage and electrification. Before that date, not more than N\$4million had been disbursed to some needy regions through the use of the Minister of Regional Local Government and Housing's powers (Godana and Mukwena 2003). This money was disbursed from the N\$25 million that was allocated to the Trust Fund in 2001 by the Ministry of Finance (Ibid.).

It is hoped the Trust Fund for Regional Development and Equity Provisions Act of 2000, Act 22 of 2000 was enacted for the purpose of providing regions and local authorities with technical and financial assistance regarding development projects and that the results following its implementation will be as designed.

#### 4.8 Association Of Local Authorities In Namibia

The Association of Local Authorities in Namibia was established in 1993 with an objective of linking together local authorities so that they could share knowledge, information and experience. It was also created as an institution that could represent local government at national level. This institution comprises a president elected during an Annual Congress to hold office for a period of one year but subject to re-election. He/she leads the ALAN with a management committee of 13 members elected out of the 13 regions of this country. Further, an executive committee is also elected out of the 13 members of the management committee. This committee handles the day-to-day affairs of the ALAN. The association also has a secretariat comprising a chief administrative officer and two other officials. The specific aims of ALAN include, among others, the following: -

- To provide advice and guidance to local authorities;
- To arrange training for councillors;
- To provide opportunities for discussion of issues affecting local government;
- To contribute to the formulation of national policies on issues affecting local government;
- To promote twinning links between local authorities in Namibia and their counterparts in other countries;
- To facilitate democratic governance at local level, and also to articulate and mediate local interests in the policy-making and empowerment process.
- To work with similar associations in other countries.

The Association of Local Authorities in Namibia was conceived to act as a voice of the local authorities, and to influence national legislation on local government. This dissertation argues that the establishment of ALAN cannot be viewed as an automatic creation of a democratic order at national level because simply establishing this organisation cannot be an end in itself but a means to an end. It should instead be viewed as a development of an institution that is aimed at establishing or sustaining the quality relationship that should exist in the context of National legislation and policy formulation between the central government and local authorities.

If upheld in good faith by the central and local authorities, ALAN, in playing its role of influencing legislation at National level, can axiomatically develop a countervailing power between the central government and local authorities that is necessary in a democratic setting. Indeed, the presence of a countervailing power between these two levels of government, if put to good use, can constrain on the power of the central government, particularly in the formulation of national legislation and policies that pertain to local authority affairs.

ALAN should also include the representation of local authority views to central government on major issues such as, reforms and restructuring. This if carried out as intended, can enable local authorities to sharpen their problem-solving skills at local level. Furthermore, ALAN should be taking the responsibility of promoting a better councillor – administrative staff relation that was cited as one of the problems at local level in Namibia. Much attention needs to be given to ALAN as a facilitator of democratic governance at local level, also articulator and mediator of local interests, thus in the policymaking and empowerment process.”

#### **4.9 The Evolution and Development Of Local Government At The Ten Selected Urban Local Authorities**

Although chapter one covered the historical background of all cases listed in this section generally, it should be noted that the details of each case were not provided. It is against this background that the presentation in this section shall attempt to cover the specific developments at each of the ten local authorities.

##### **4.9.1 The City Of Windhoek**

The City of Windhoek is the capital of Namibia. It is one of the oldest cities that have existed in this country since the German colonial times. The town was established in 1884 and was later declared a municipality in 1905. From this date to 1963, seven to twelve members elected by whites, who owned properties within the urban area, constituted the municipal council. As mentioned in chapter 4, Advisory Boards, which comprised of Blacks nominated by council, managed the affairs of the Blacks in the local authority area. However, the White municipal council was constitutionally more powerful than the Board in that it was empowered by legislation to make decisions on behalf of Advisory Boards. The decisions of the Board were forwarded as mere recommendations to be approve or disapprove (Mutumba 1998: 27). That effectively meant Blacks were excluded from participating directly in local authority affairs.

In accordance with the policy of apartheid, Whites, Coloureds and Blacks were allocated separate residential areas, e.g., Windhoek Central, Khomasdal and Katutura respectively. The Coloured Consultative Committee in collaboration with the Native Advisory Board, acted in an advisory capacity to the white municipal council. These bodies were justifiably considered as lackeys of White interests (Töttemeyer, 2000: 116). Institutionalised apartheid practices

stifled the integration of different races and ethnic groups from taking place in Windhoek. This was as a result of the local government system that remained unchanged, until 1990 when Namibia attained its independence.

At independence in 1990 Windhoek was classified as a part I municipality, whose local authority affairs are administered by a municipal council comprising 15 democratically elected councillors. One out of the fifteen councillors is elected to serve as Mayor of the City Council. Elected representatives from two political parties and the Rate Payers Association constitute the Windhoek City Council. The SWAPO party holds eleven seats out of which one was the mayor, the DTA holds 3 councillors and the Rate Payers Association has one councillor.

According to the 2001 Population and Housing Census, the City of Windhoek has a population of about 278 876, making it a cosmopolitan community.

#### **4.9.2 Okahandja Municipality**

Okahandja as a Town was established in 1894, and was only declared a Municipality in 1958. Available data indicates that, by 1951, the town was composed of 691 Whites, 1101 Blacks and 26 Coloureds. The statistics changed in 1960, and indicated an increase in the total population from 1818 to 7,223. While the Black community was in majority in the urban area of Okahandja, they were excluded from participating in the local election process on account of the nature of the political system.

When South Africa took over the administration of the Territory from the Germans, the status quo also changed. A Military Magistrate took over as a Town and District Magistrate.

However, the political structure was only changed in 1963 when the Municipal ordinance 13 of 1963 was promulgated in order to amend legislation on local government. This led to the establishment of a Municipal Council comprising representatives elected by the White inhabitants of the town. A Consultative Committee for Coloureds and an Advisory Board for Blacks were also appointed by the Municipal council as subordinate bodies. These structures remained in place until 1990 when Namibia became independent.

In 1992, a democratically elected local authority council took over the administration of the local authority area. The council comprised four SWAPO and three D.T.A representatives.

According to the 2001 Population Housing Census Okahandja has a population of 18155.

#### **4.9.3 Gobabis Municipality**

Gobabis was established in 1895 during the German colonial era. The first elections at the town were held on 15<sup>th</sup> December 1908 in which the Germans who resided in the town elected four German settlers to serve on the Town Board. Due to the political system of then, Blacks were not represented.

When the South African colonial government took over the territory in 1915, Gobabis was taken over by a Military Magistrate who was appointed as Town and District Magistrate. Organized farmers and the Black community later demanded the Magistrate to consider the introduction of a municipality. In response to the demand, a Village Management Board was established on 1<sup>st</sup> January 1935.

Gobabis was only granted municipal status in 1944. From that year until 1963, the township was governed by a municipal council comprising seven councillors elected by the White inhabitants (Government of South West 1969:349).

Similarly, the promulgation of the Municipal Ordinance No. 13 of 1963 gave birth to a White municipal council for the White residents, and an Advisory Board that governed the affairs of the Black community in this local authority area.

The Advisory Board was a subordinate body to the municipal council as it lacked decision-making powers. Meetings of the Board were not open to the general public, with the exception of the council members and selected officials, e.g., the Town Clerk, the Senior Police Officer and the Chief Native commissioner. Although members were elected to serve on the advisory Board, the election process could not affect fundamental changes in the structure that existed. Under these conditions, elections served as instruments for maintaining the established power structure and not to question it (Mutumba 1997:27). As a result of this arrangement, the Black community resided in Epako; Coloureds in Nossobville and the Whites lived in the Greater Gobabis.

At Independence in 1990, Gobabis was classified as a part II municipality, whose local authority affairs are governed by a municipal council comprising seven councillors. SWAPO and the Residents Association had three seats each, leaving the DTA with one seat. The DTA councillor who occupied this position through a dual agreement between the Residents Association and the DTA held the Mayoral position.

According to the 2001 Population and Housing Census, Gobabis has a population of 14 278.

#### **4.9.4 Mariental Municipality**

Mariental was established in 1895. It became a Town on 22 November 1920. On 21 January 1946 the South African colonial Government declared this town a Municipality. Before that date, a Military Magistrate was appointed in 1915 as a Town and District Magistrate at Mariental. That status quo was maintained until 1946. Thereafter, a municipal council was established comprising seven White councillors elected by White inhabitants to govern the local authority affairs of the area.

Political structural configurations of the past resulted in three residential areas under this local authority. These were: Mariental, formerly occupied by Whites only, Aimablaagte which hosted the Black Community and Empelheim which became home for the Coloureds.

At independence in 1990, Mariental was classified as a Part II Municipality, whose local authority affairs were governed by seven councillors, out of which one is elected as mayor. The municipal council comprised of four SWAPO and three DTA councillors. One of the SWAPO party councillors held the Mayoral position. In terms of the Population and Housing Census, the Town has a population of 11972.

#### **4.9.5 Tsumeb Municipality**

Tsumeb is a copper town that was established during the German Colonial times. It was accorded municipal status on 1<sup>st</sup> July 1968. Municipal council comprising 7 white councillors elected by the White inhabitants and an Advisory Board that comprised 6 members who were mainly Blacks governed the Municipality of Tsumeb.

Elections to the Advisory Board were ethnically based. Those two bodies were established in accordance with Municipal Ordinance no. 13 of 1963. However, the Municipal Council

applied to the “White” segments of the town while the Advisory Board applied to the black Township. The “white” inhabitants resided in greater Tsumeb when the Blacks lived in Nomtsoub Township. This arrangement continued up to 1990 when Namibia attained its independence.

Tsumeb Municipality is a part II Municipality comprising seven councillors out of whom one serves as Mayor. Six councillors, represented SWAPO, one of whom is the Mayor, while one represented the DTA.

In accordance with the 2001 Population and Housing Census, the town of Tsumeb has a population of 14 113 inhabitants.

#### **4.9.6 Rehoboth Town Council**

Rehoboth is among a few urban settlements whose local authority affairs were governed by a Village Management Board. The Village Management Board Ordinance no. 14 of 1963 established this Board. In terms of this ordinance, the Board comprised a District Magistrate who was also a treasurer, appointed by the Administrator General. Two to four other members assisted him. The Board was expected to provide urban services to the inhabitants with a limited financial resource base.

It was also subject to Central Government control in terms of regulations, budget, etc. This indicates that the Village Board at Rehoboth lacked much decision-making powers. Due to inefficiency and lack of funds, the Peri-Urban Development Board was instituted in 1970 in terms of the Peri-Urban Board Ordinance no. 19 of 1970. It was the political structure that existed until attainment of independence in 1990. It was later declared a town in 1992

following the promulgation of the Local Authorities Act of 1992. At the time of writing this dissertation, three SWAPO, two DTA and two COD members constituted the town council. A member of DTA held the mayoral position.

#### **4.9.7 Okakarara Town Council**

Okakarara was the capital of the Hereroland East, a settlement that was later developed into an urban centre for its inhabitants. There was no formal local government system in that area before independence. Urban services were provided to the inhabitants by the second tier Government, the Herero Administration. The status of the second tier government existed until 1990 when Namibia attained its independence.

In 1992, a democratically elected town council comprising seven councillors was established. One SWAPO and six DTA councillors constituted the council. A DTA councillor held the mayoral position. According to the 2001 Population and Housing Census, Okakarara has a population of 21 336 inhabitants.

#### **4.9.8 Ondangwa Town Council**

Ondangwa was first established as a settlement area in 1967, which later developed into an urban settlement during the Southern African Colonial Government. Like in all other "homelands," there was no formal system of local government in this area.

From 1979, the Owambo Administration governed the urban settlement and provided the services to the inhabitants. As it was with all other former communal towns, the Owambo Administration fell under the Department of Governmental Affairs that reported to the Administrator General for South West Africa. The Black and White inhabitants who

respectively lived in Oluno and Ondangwa occupied the urban settlement. This arrangement continued until 1990 when Namibia attained its independence.

In 1992, Ondangwa was accorded Town Council status that led to the establishment of a democratically elected town council to govern the urban affairs at the town. The new administrative dispensation at the town council comprised six SWAPO and one DTA councillor.

According to the 2001 Population and Housing Census, Ondangwa has a population of 29 783 inhabitants.

#### **4.9.9 Rundu Town Council**

Rundu is among the towns that never enjoyed a formal local government system. A formal local government system was only developed at independence in 1990. Before that date, a Kavango Government Service Cabinet administered the affairs of that area. In 1980, the Kavango Administration under the Department of Governmental Affairs administered the affairs of the urban settlement. The status and powers of this second tier Government were not changed until 1990 when Namibia became independent. A similar pattern of the separate residential areas for Black and White communities prevailed at Rundu before independence as it was in all other towns. This urban settlement was divided into two locations, namely Safari, a township where the Whites resided and Karapamwe where the Black community was accommodated. According to the 2001 Population and Housing Census, Rundu has a population of 19 597.

#### 4.9.10 Katima Mulilo Town Council

Katima Mulilo was established as a settlement in 1964, and later developing to an urban settlement in 1971 when the South African Colonial Government established the Eastern Caprivi Legislative Council. From that date up to 1976, the legislative council comprising 26 members nominated by the Mafwe and Masubiya chiefs administered the affairs of the Caprivi. This effectively meant that no local government was instituted in Katima Mulilo at that time.

The Legislative Council was abolished in November 1980 when the government of Caprivi was transferred from Pretoria to the South West Africa Administration. The arrangement resulted in a second tier government structure that provided for the establishment of the Legislative Assembly. The Legislative Assembly fell directly under the Department of Governmental Affairs. It was expected of the Legislative Assembly to provide for separate residential areas for the Black and White community. The two races never shared health and shopping facilities. There was a residential area called “Boma” where the White community resided and “Ngweze” and “Mavuluma” locations for the Black community.

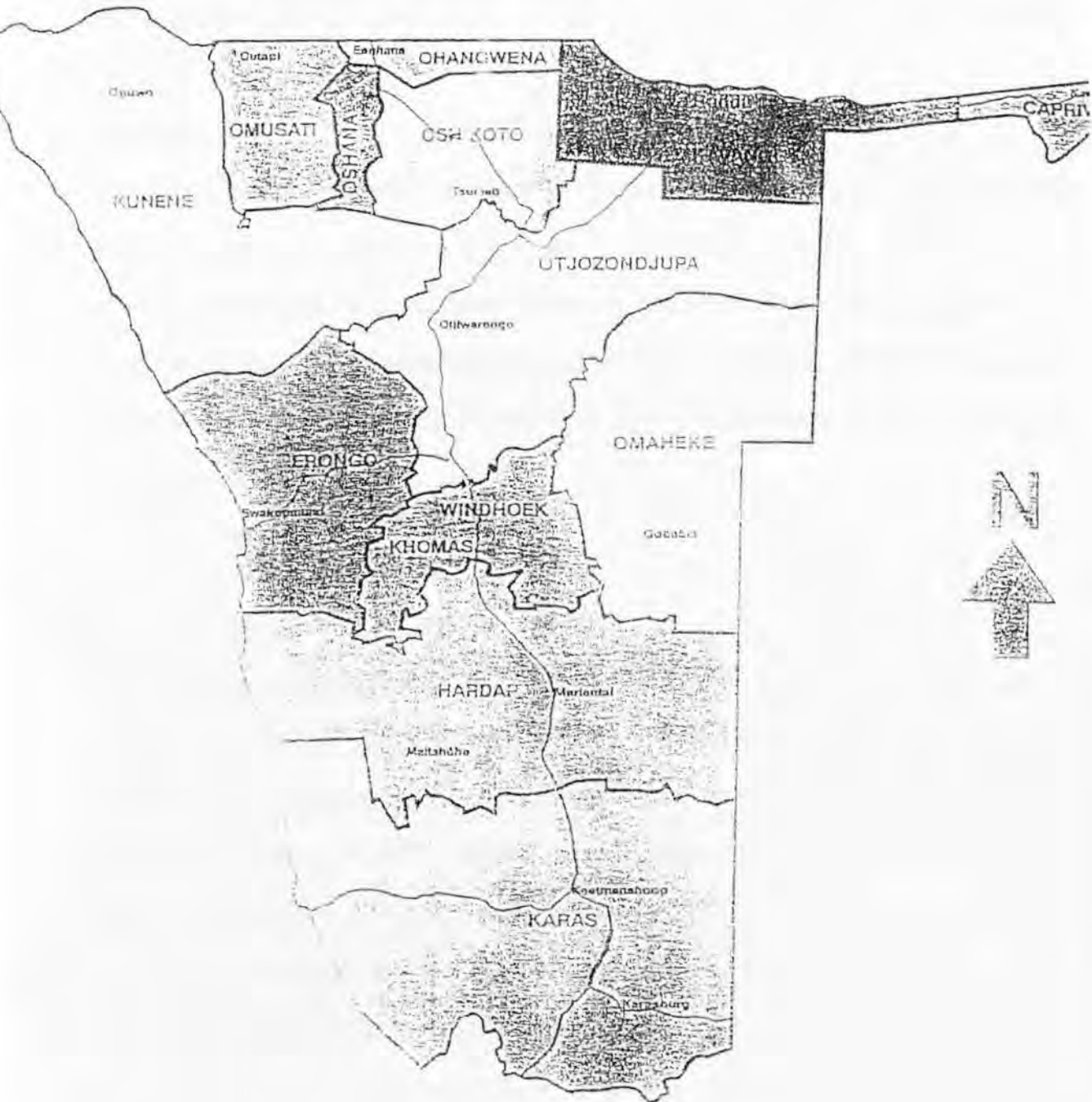
In 1992, the town council was established in terms of the Local Authorities Act of 1992, Act 23 of 1992. The town council comprised seven councillors. The town council of Katima Mulilo comprised four SWAPO and three DTA councillors. A SWAPO member occupied the mayoral position. According to the 2001 population and Housing Census, this town has a population of 14 359 inhabitants.

#### **4.9.11 Conclusion**

As can be seen from our discussion in this chapter, there is clear evidence to the effect that no formal local government was practiced before independence in the then communal towns of Okakarara, Ondangwa, Rundu and Katima Mulilo. Their levels of infrastructure development that is relatively low when compared to the Municipalities of Windhoek, Gobabis, Mariental, Okahandja and Tsumeb that were part of the police zone during the German and South African colonial governments, serve as testimony to this proposition. In view of this, one could attribute the lack of knowledge pertaining to civic affairs prevailing among the residents from the then communal towns as shall be observed in chapter 6 of this study, to this apartheid colonial legacy.

# REPUBLIC OF NAMIBIA

## Regional Map



## **CHAPTER 5**

### **CONSULTATION AND PARTICIPATION IN POLICY FORMULATION AND IMPLEMENTATION BETWEEN CENTRAL GOVERNMENT AND LOCAL AUTHORITIES**

#### **5.0 Introduction**

In order to authenticate the different views from the two levels of government, namely central government and local authorities, this chapter focuses on consultation and participation in policy formulation and implementation between the two levels. The chapter thus, proffers an in depth analysis of the data obtained in response to the two target-oriented questionnaires. Responses from councillors will be presented first, and from officials at the MRLGH Headquarter will be presented second.

#### **5.1 Views Of Councillors.**

##### **5.1.1 Consultation**

The consultation theme focused on ten (10) items [See appendix 1: section 2A (i) and A (iii)]. Tables 5.1, 5.2, 5.3, and 5.4 indicate how respondents reacted to each of the items. The tables are followed by a graphic analysis (figures 5.1 and 5.2). Figure 5.1 follows tables 5.1 and 5.2 and figure 5.2 follows tables 5.3 and 5.4. A total number of sixty out of seventy eight councillors responded to the questionnaire. The breakdown of the sixty councillors from ten local authorities is equal to six councillors from each local authority out of which one was either a mayor or deputy mayor, in respect of each council.

**Table 5.1 Row Scores Showing The Frequency For Each Score On (i) Consultation**

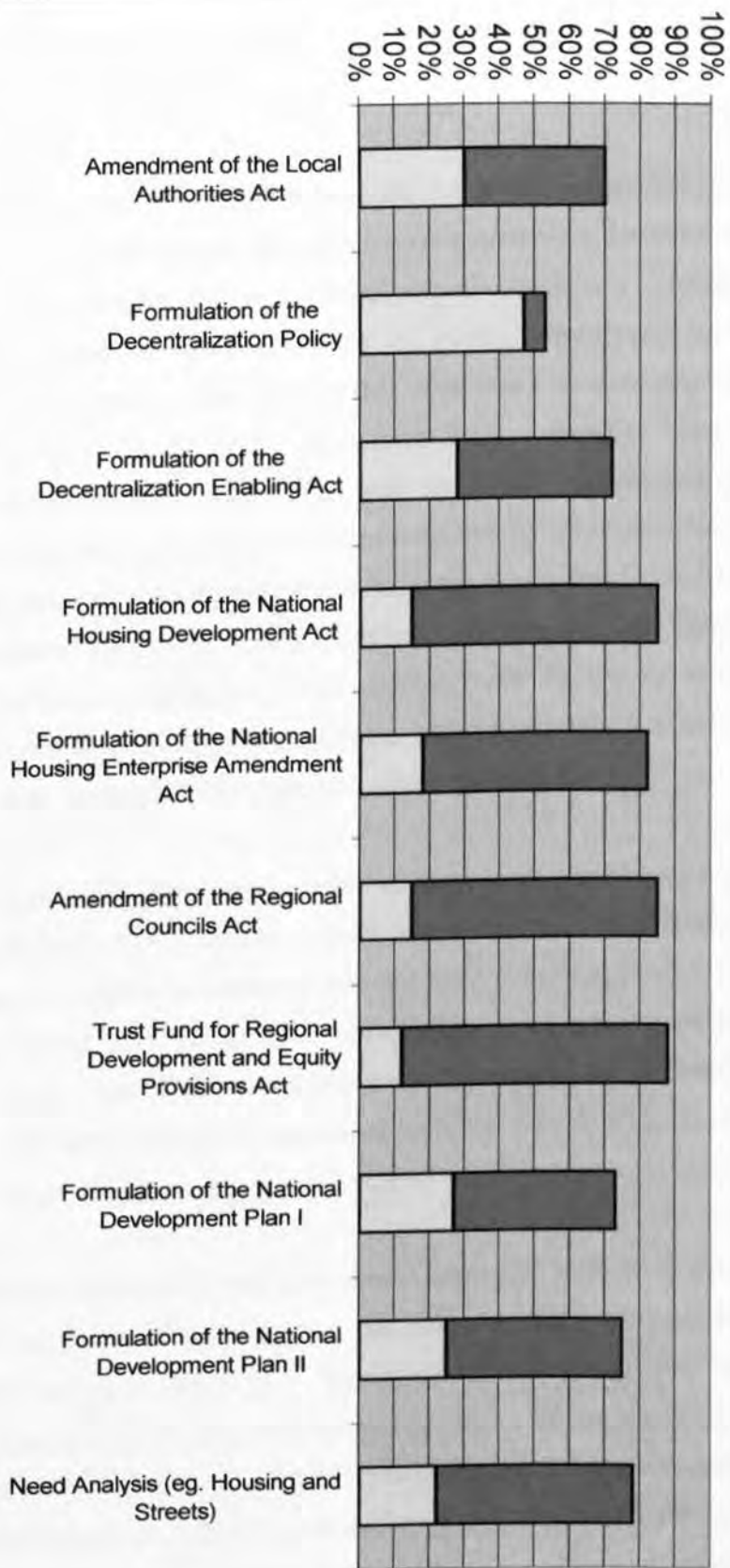
<b>A (i) consultation on:</b>	<b>Yes</b>	<b>No</b>	
1. Amendment of the Local Authorities Act	18	42	60
2. Formulation of the decentralization policy	28	32	60
3. Formulation of the Decentralization Enabling Act	17	43	60
4. Formulation of the National Housing Development Act	9	51	60
5. Formulation of the National Housing Enterprise Amendment Act	11	49	60
6. Amendment of the Regional Councils Act	9	51	60
7. Trust Fund for Regional Development and Equity Provisions Act	7	53	60
8. Formulation of the National Development Plan I	16	44	60
9. Formulation of the National Development Plan II	15	45	60
10. Need Analysis (e.g. Housing and Streets)	13	47	60

**Table 5.2 Percentages Showing Frequency For Each Score On (i) Consultation**

<b>A (i) Consultation on:</b>	<b>Yes</b>	<b>No</b>
	<b>%</b>	<b>%</b>
1. Amendment of the Local Authorities Act	30	70
2. Formulation of the decentralization policy	47	53
3. Formulation of the Decentralization Enabling Act	28	72
4. Formulation of the National Housing Development Act	15	85
5. Formulation of the National Housing Enterprise Amendment Act	18	82
6. Amendment of the Regional Councils Act	15	85
7. Trust Fund for Regional Development and Equity Provisions Act	12	88
8. Formulation of the National Development Plan I	27	73
9. Formulation of the National Development Plan II	25	75
10. Need Analysis (e.g. Housing and Streets)	22	78

Figure 5.1

CONSULTATION ON:



□ Yes % ■ No %

As can be deduced from the tables and graphic analysis, about 88% of the 60 councillors who responded to the questionnaire indicated that the central government formulated legislation pertaining to local authority affairs without consultation with councillors at local level. This rating indicates a high rate of non-consultation in policy formulation in urban local government in Namibia. However, 47% indicated that there was a considerable effort towards consultation during the process to obtain input from local authorities before the actual formulation of the decentralisation policy. The analysis further reveals that the tendency towards consultation with local authorities in the process can be influenced by the nature of policy. For example, the formulation of the Trust Fund and Equity Provision Act was mainly for the purpose of establishing a Trust Fund for Regional Development and Equity Provisions and a Board of Trustees, to manage the affairs of the Fund. As shown in chapter 2 the MRLGH is responsible to both regional and local authorities, thus has power to ensure development parity without necessarily consulting with local authorities.

Checks and balances and accountable government are among the modalities of ensuring that people have a say in the political affairs of their country at all levels. Hence, it could be argued that although the central government may not have consulted local authorities in the formulation of this piece of legislation, it, nonetheless acted democratically within the confines of unitary state. This cannot in any way erode the concept of "poliarchy" that Robert Dahl refers to as a "process" which, in accordance with the Oxford English Dictionary, is a government for a state or city by many.

Although 47% indicated that the central government consulted with local authorities during the formulation of the decentralisation policy, the rating is low. A higher percentage was expected given the nature of this policy. Decentralisation refers to the "transference of authority" legislation, judicial or administrative power, from a higher level of government to a lower level (Reddy 1999:6). Furthermore, decentralisation implies the unblocking of an inept central bureaucracy, curing managerial constipation, giving more direct access for the people to the government and the whole nation to participate in national development plans (Mawhood 1993:1). Although the MRLGH disseminated information pertaining to decentralisation to the public through the NBC, NID, ALAN and the UTN, the effort does not

seem to have yielded the expected results as intended in that very little effort was exerted by councillors in their respective local authorities in order to complement the effort by all other role players involved in the decentralisation exercise. As a result, it could be clearly observed that the general public was not adequately informed about the policy of decentralisation. The analysis also reveals that the tendency towards consultation with local authorities in the process could have been driven by one or the other reasons, namely, Constitutional requirement and democracy: -

**(i) Constitutional Requirement**

Local authorities are democratic units within the democratic system which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined local areas (Meyer 1978:10). In view of this, the central government consulted local authorities on account of the provision of Article 1 (2) of the Constitution of the Republic of Namibia, which provides for all power to be vested in the people of Namibia who shall exercise their sovereignty through the democratic institutions of the state. This provision of the Constitution left the central government with no choice but to consult local authorities through ministerial workshops and through ALAN during the formulation of the decentralisation policy

**(ii) Democracy**

Democracy means "government of the people, for the people, by the people" (Bobbio 1997:133) and with the people (Töttemeyer: 2000). In view of this definition, the central government consulted because of the need to extend democracy to the people as a right and providing for participatory policy making. The consultations were merely an attempt to solicit for views of councillors on centrally planned laws and policies. Furthermore, the central government consulted local authorities so that councillors could be duty bound to uphold and enforce the legislation in order to enhance its legitimacy at local level.

This illustrates the fact that the central government dominated policy-making processes when the above-cited pieces of legislation were formulated. Local authorities were merely notified through government gazettes about some of these pieces of legislation (e.g., Acts of Parliament), and were required to implement the Acts and policies as centrally planned.

## RESPONSES OF COUNCILLORS ON CONSULTATION

**Table 5.3 Row Scores Showing The Frequency For Each Score On (iii) Consultation**

A (iii) Consultation on:	HL	L	NS	U	HU
1. Deciding on the powers and functions of local authorities	14	8	1	36	1
2. Deciding on by laws for local authorities	36	7	2	15	0
3. Deciding on functions to be delegated to local authorities	30	20	5	4	1
4. Privatizing national development programmes	5	5	0	10	40
5. Prioritizing national development programmes	3	2	0	5	50
6. Prioritizing national projects for Regional and local authorities	2	3	4	6	45
7. Social amenities local authorities have to provide to its people	32	22	0	2	4
8. Evaluating national development programmes	3	5	2	2	48
9. Evaluating ways of improving national development programmes	4	6	3	7	40
10. Evaluating national policies	5	7	0	40	8

**Table 5.4 Scores In Percentages Showing Frequency For Each Score On (iii) Consultation**

A (iii) Consultation on:	HL %	L %	NS %	U %	HU %
1. Deciding on the powers and functions of local authorities	23	13	2	60	2
2. Deciding on by laws for local authorities	60	12	3	25	0
3. Deciding on functions to be delegated to local authorities	50	33	8	7	2
4. Privatizing national development programmes	8	8	0	17	67
5. Prioritizing national development programmes	5	3	0	8	83
6. Prioritizing national projects for Regional and local authorities	3	5	7	10	75
7. Social amenities local authorities have to provide to its people	53	37	0	3	67
8. Evaluating national development programmes	5	8	3	3	80
9. Evaluating ways of improving national development programmes	7	10	5	12	67
10. Evaluating national policies	8	12	0	67	13

**Key:**

**HL** - **Highly Likely**

**L** - **Likely**

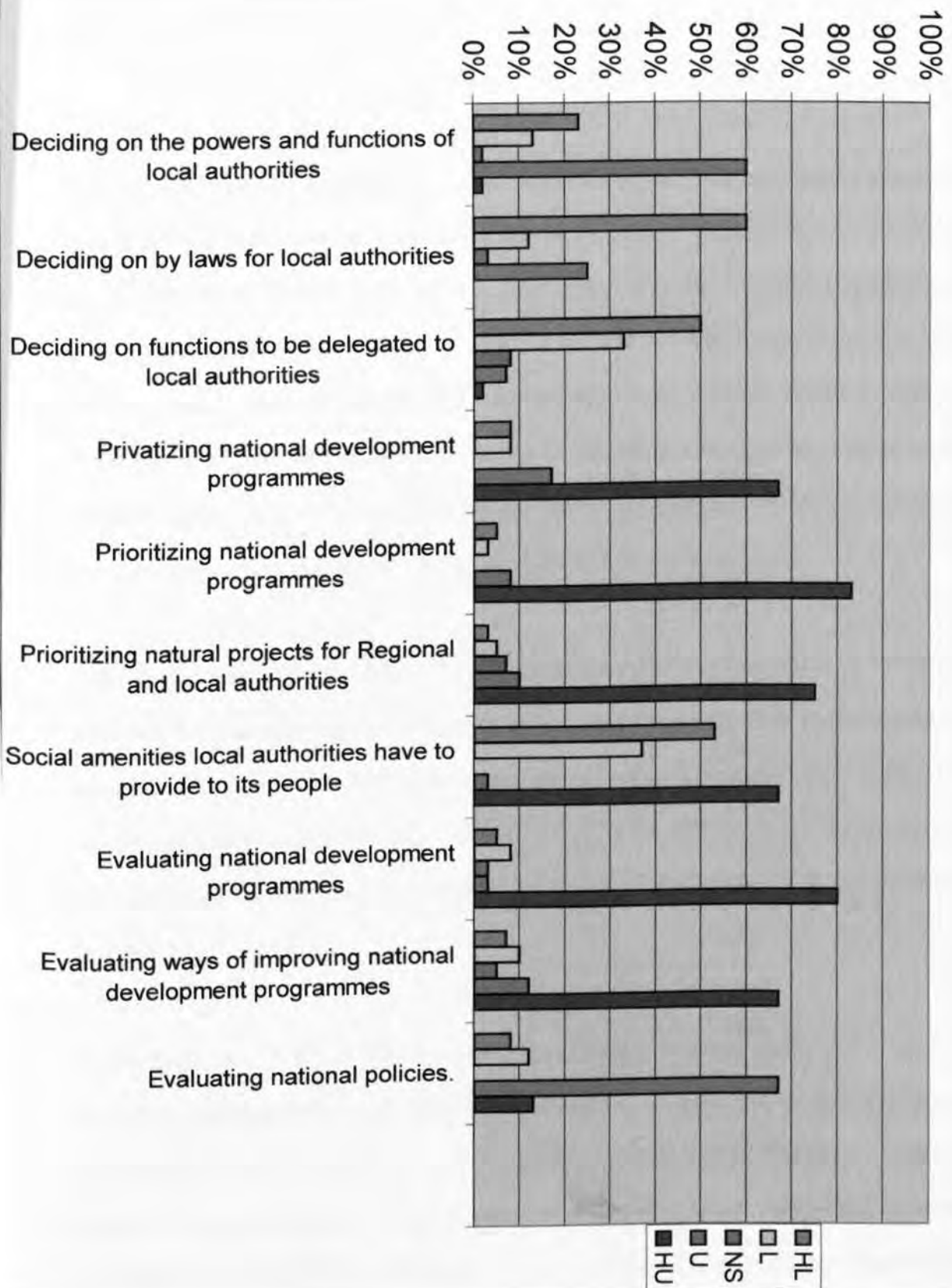
**NS** - **Not Sure**

**U** - **Unlikely**

**HU** - **Highly Unlikely**

Figure 5.2

## CONSULTATION ON:



The tables and graphic analysis on A (iii) clearly show that there is a 60% chance for the central government to consult local authorities on by-laws, in spite of the fact that bye-laws are formulated by local authorities subject to the approval by the Minister in terms of section 94 (1) of the Local Authorities Act of 1992. This approval rate is low because one would expect to get at least 100% under "HL" because this is the function of the councillors. In terms of the Act of 1992 as indicated earlier in this paragraph, local authorities formulate regulations that have to be approved by the central government (MRLGH). This is what necessitates reference of such by laws by local authorities to the Minister.

Furthermore, there is a 50% chance for the central government to consult local authorities on functions to be delegated to them. This approval is also low, as one would expect at least 80% because for local government to be successful, there is need for a mutual relationship between the national and local level (Reddy 199:10). However, the 50% chance indicates that there is some effort towards getting the views of local authorities before the actual delegation is effected.

While there is a 53% chance of consulting on social amenities local authorities have to provide to their people, there is a very high percentage (about 83%) for non-consultation on prioritising national development programmes, prioritising national projects for regional and local authorities. However, it is important to note that this scenario should not be viewed as domination because these are functions of the central government and not of particularistic interests. Local authorities get what is relevant to them in national policies.

### 5.1.2 Participation

The participation theme looked at ten (10) items (see appendix1: Section 3). The data collected is summarized in tables 5.5 and 5.6 below. This is followed by graphic analysis (figure 5.3).

#### RESPONSES OF COUNCILLORS ON PARTICIPATION:

**Table 5.5 Row Scores Showing The Frequency For Each Score On Participation**

<b>B Participation</b>	<b>H</b>	<b>L</b>	<b>N</b>	<b>U</b>	<b>HU</b>
1. Deciding on the powers and functions of local authorities	6	10	13	26	5
2. Deciding on by laws for local authorities	40	15	2	1	3
3. Deciding on functions to be delegated to local authorities	41	8	3	4	4
4. Privatizing national development programmes	7	7	6	34	6
5. Prioritizing natural development programmes	8	5	7	32	8
6. Prioritizing national projects for Regional and local authorities	40	6	4	8	2
7. Social amenities local authorities have to provide to its people	35	12	5	5	3
8. Evaluating national development programmes	7	5	12	32	4
9. Evaluating ways of improving national development progress	7	4	7	38	4
10. Evaluating national policies	9	4	3	38	6

**Table 5. 6      Scores In Percentages**

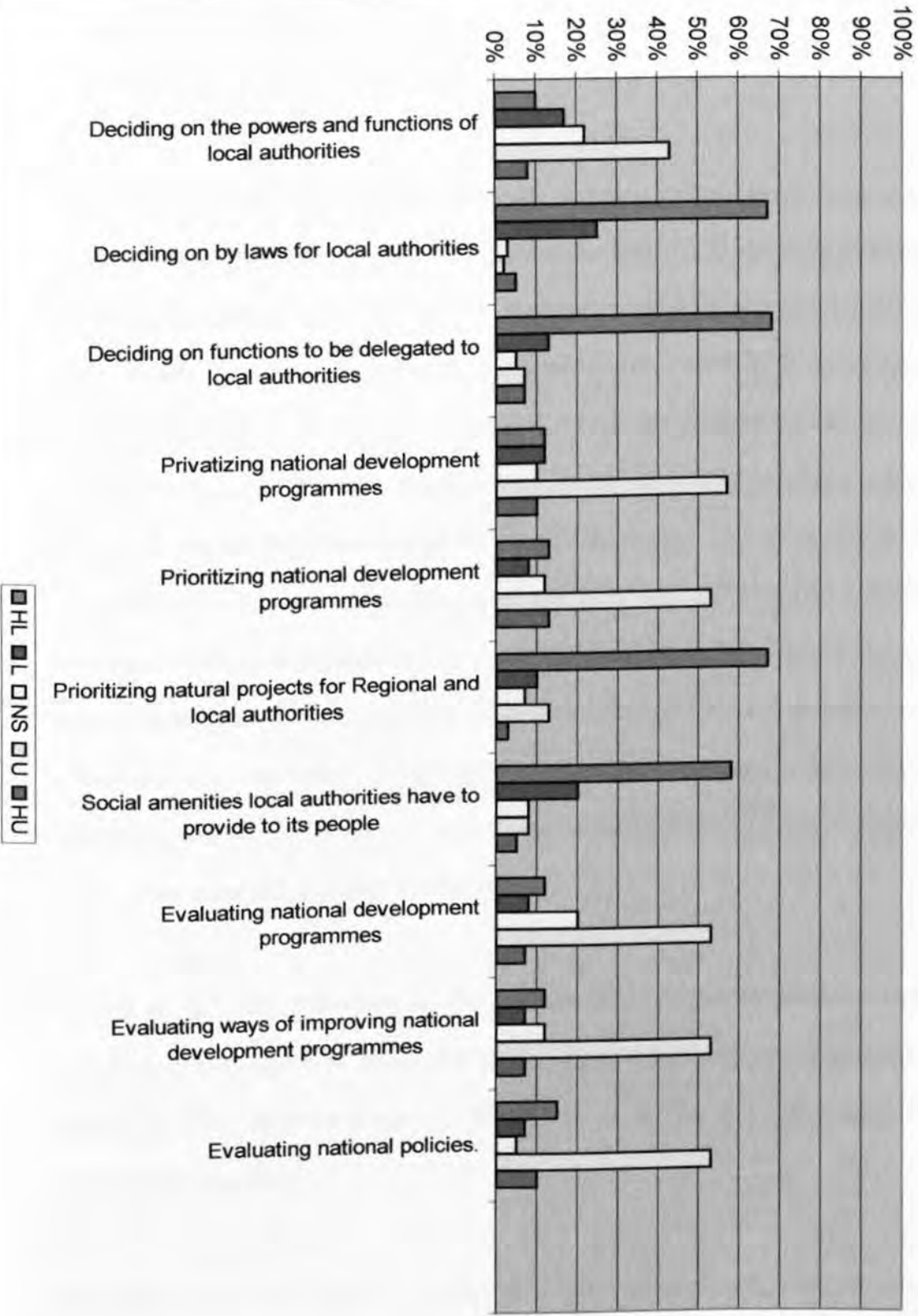
<b>B Participation</b>	<b>HL</b> %	<b>L</b> %	<b>NS</b> %	<b>U</b> %	<b>HU</b> %
1. Deciding on the powers and functions of local authorities	10	17	22	43	8
2. Deciding on by laws for local authorities	67	25	3	2	5
3. Deciding on functions to be delegated to local authorities	68	13	5	7	7
4. Privatizing national development programmes	12	12	10	57	10
5. Prioritizing national development programmes	13	8	12	53	13
6. Prioritizing national projects for Regional and local authorities	67	10	7	13	3
7. Social amenities local authorities have to provide to its people	58	20	8	8	5
8. Evaluating national development programmes	12	8	20	53	7
9. Evaluating ways of improving national development programmes	12	7	12	53	7
10. Evaluating national policies	15	7	5	53	10

**Key:**

- HL** - **Highly Likely**  
**L** - **Likely**  
**NS** - **Not Sure**  
**U** - **Unlikely**  
**HU** - **Highly Unlikely**

Figure 5.3

Participation



Responses to the theme participation indicated that local authorities are likely to participate in the following: deciding on by laws for local authorities (67%); prioritising national projects for regional and local authorities (67%); local authorities have to provide social amenities to their people (58%) and deciding on the powers and functions to be delegated to local authorities that have already been approved (68%). The ratings on the by laws for local authorities is low in that one would have expected at least 100% because this is what local authorities do. As for other ratings following this in the order presented in this text, are acceptable although one would have expected 80% and above in that participation is an important criterion in examining how decisions about planning and resource allocation are made. Furthermore, it is also useful in determining whether central authorities are democratic, accountable and transparent, and whether the resources are being equitably distributed to the expectation of the stakeholders. Like a well-established marriage, participation and local government are words found in a partnership.

In view of the above, it is clear that the central government created one of the pre conditions that determine a successful relationship between the central and local authorities in that local authorities were allowed to play a pivotal role as a full supportive partner in national development planning.

One may observe that such participation is driven by the nature of the programmes or policies, i.e., that they heavily depend on additional finances from local authorities. However, the central government is left with no choice but to make sure that local authorities are involved for their successful implementation. For example, deciding on the powers and

functions to be delegated to local authorities needs the participation of both councillors and officials from local authorities in order for the central government to determine the capacity and capability of certain local authorities to carry out certain functions on its behalf.

In the second case, deciding on by-laws for local authorities cannot succeed if local authorities do not identify areas in which they require by laws to be formulated as they are on the receiving end of such laws and thus, know what the people at local level need on such matters; prioritising national development projects for regional and local authorities has its success in the total involvement of the sub-national units of government (regional and local authorities) as they are responsible for project identification. The local nature of by laws and the role of local authorities in identification of development needs at local level leaves no room for manoeuvre by the central government but to seek recourse to the local authorities. To that end, one observes that the central government attaches value to the principle of subsidiarity, by simply encouraging local participation and self-government in the process (Hofmeister and Scholz 1977:15). As the outcome of this, the local authorities are empowered to share the responsibility for governance (Ismail, Benyat and Meyer 1997:3).

### **5.1.3 Centre-Local Relationship**

It is argued by several authors (for example, Makumbe 1999, Reddy 1999, Mukwena 1998, Sharma 2000 and Töttemeyer 2000) that the SADC central governments are unable to attend to all regions' or provinces' needs adequately and sufficiently. As a result, local authorities are created within the confines of legally defined relations with the central governments to render services in defined geographical areas. The relations cited in this section refer to the division of responsibility between the national and local level, which is indeed a political or policy issue (Reddy 1999:10).

In the case of Namibia, legislation on local government allows the central government to consult local authorities before policies on legislation pertaining to local authority affairs are formulated or promulgated. However, promulgation and adoption of such policies or legislation is the domain of the central government. In order to make input on national legislation formulation pertaining to local authorities, local councillors can only raise questions during workshops organised by the central government to explain the national policies. They can also make suggestions after receiving draft policies from the central government.

As can be seen from figure 5.4 about 70%, indicated that local authority councillors are not happy with the relationship between central government and local authorities in policy formulation and implementation. The central government merely consults local authorities by way of explanation of centrally planned policies and legislation during workshops. Thus, local authorities are merely expected to implement such policies or legislation. This leaves local authorities with no influence on centrally planned policies and legislation pertaining to their affairs.

#### **5.1.4 Division Of Decision-Making Powers**

Councillors indicated that they were not happy with the division of decision-making powers between the central government and local authorities in that they are of the opinion that the Local Authorities Act 23, of 1992 tends to confer overriding decision-making powers to the central government. This is quite obvious from the data presented in this dissertation. If councillors understood the spirit of the pieces of legislation on local government, this could not have been a surprise.

In view of the above, councillors tend to view the defined legal relations between these two levels of policy making as constraining on local authorities' capacity for local pressure on central government to promote changes on legislation pertaining to local authority matters (Reddy 1999: 10). As can be seen from figure 5.5, 19 out of 60 respondents (68%) indicated that councillors were not happy with the division of decision-making powers between the central government and local authorities. Although making national laws is the responsibility of central government, this researcher believes that local authorities should be allowed to influence national legislation particularly that affecting the lives of the people at local level.

**Figure 5.4**

Are you happy with the relationship between the central government and your local authority in policy formulation and implementation?: Responses of councillors

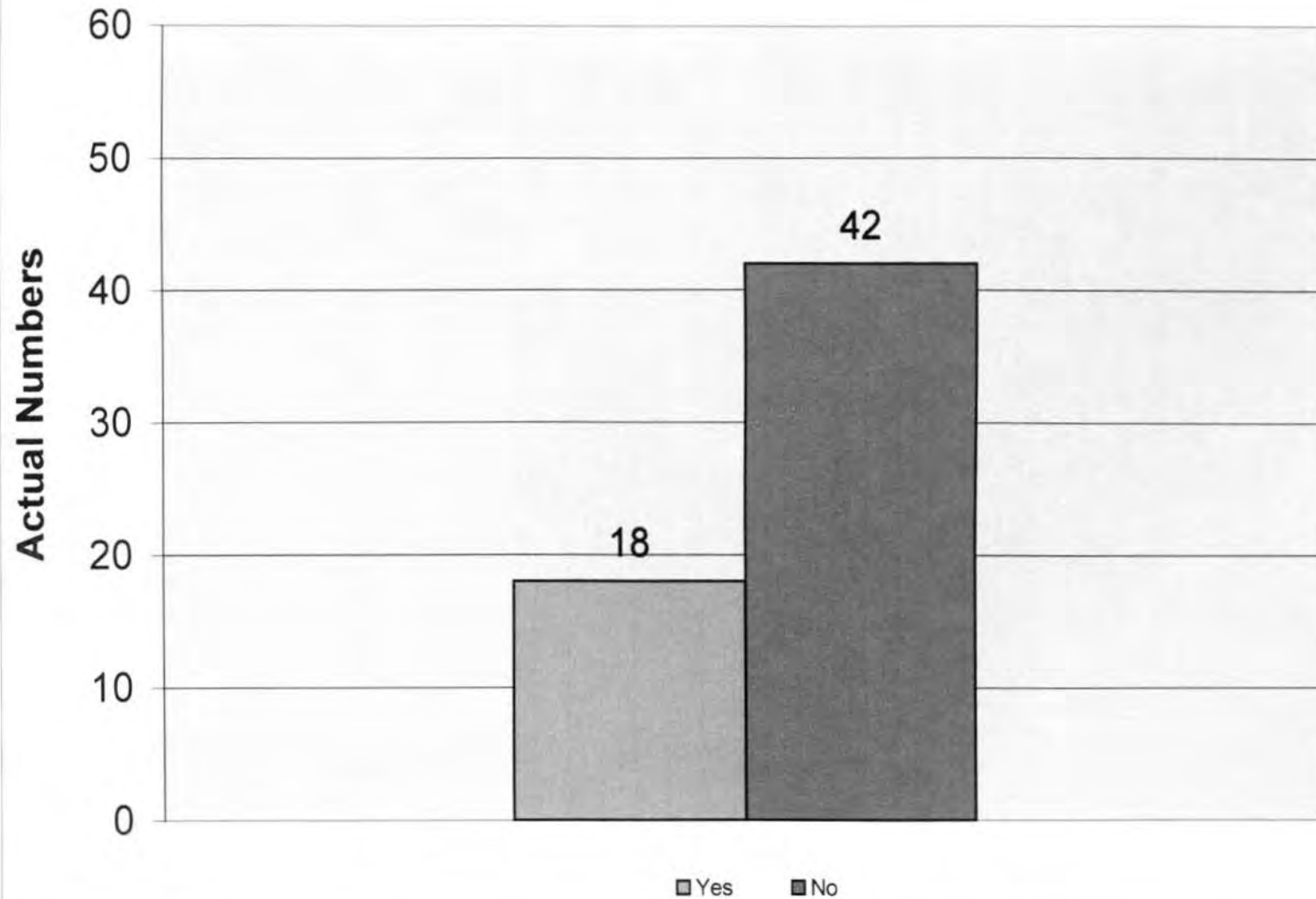
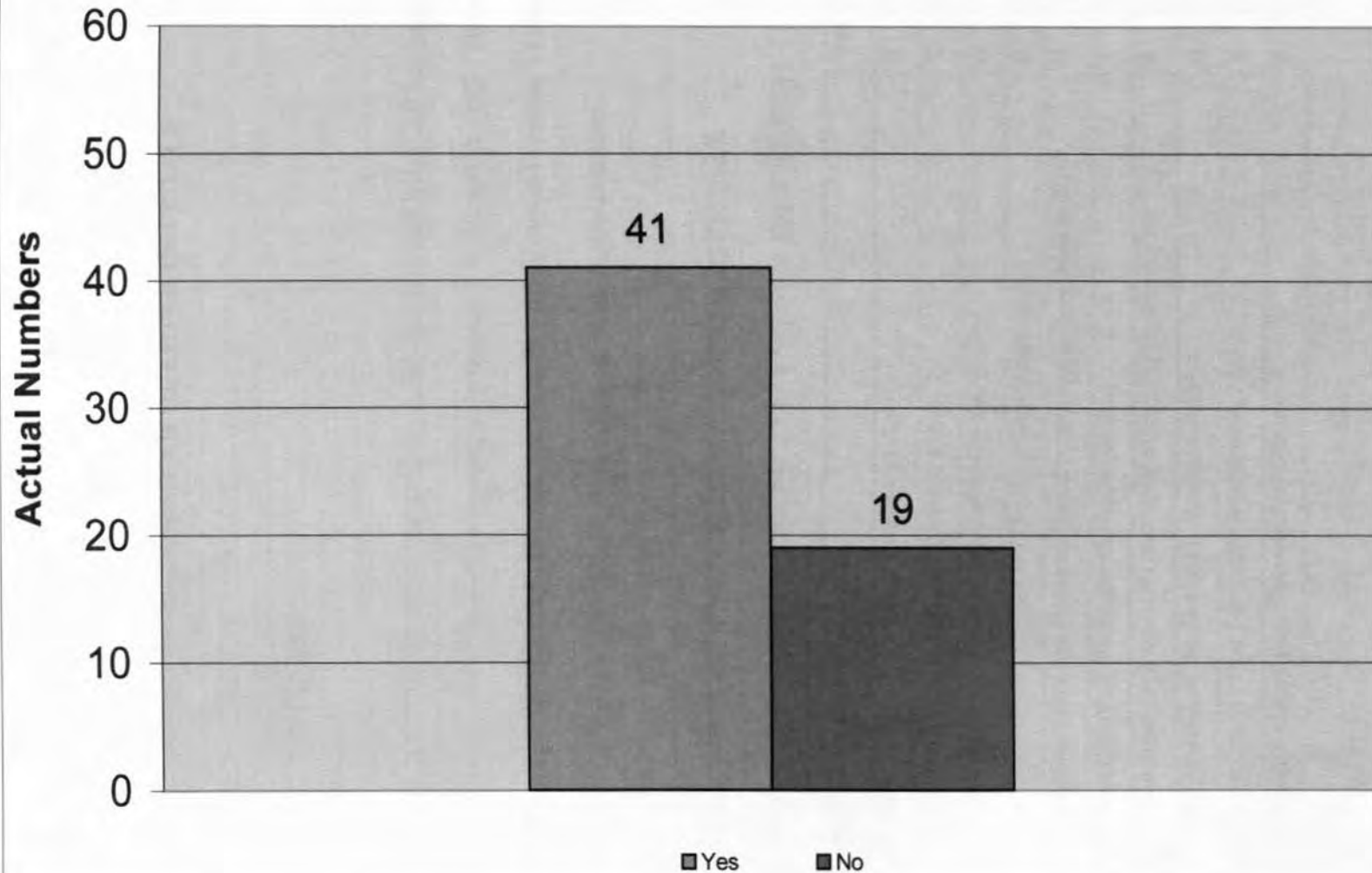


Figure 5.5

Are you happy with the division of decision-making powers in terms of the Local Authorities Act of 1992 between the central government and your local authority?: Responses of councillors



## 5.2 VIEWS OF MRLGH HEAD QUARTER OFFICIALS

### 5.2.1 Consultation

The consultation theme of the questionnaire that targeted MRLGH headquarters officials also focused ten (10) items, [See appendix 2: section 2 A (i) and A (iii)]. Tables 5.7,5.8,5.9,5.10 indicate how respondents reacted to each of the items. A total number of ten officials from the MRLGH Headquarter responded to this researcher's questionnaire.

## RESPONSES OF MRLGH HEADQUARTER OFFICIALS

**Table 5.7 Row Scores Showing The Frequency For Each Score**

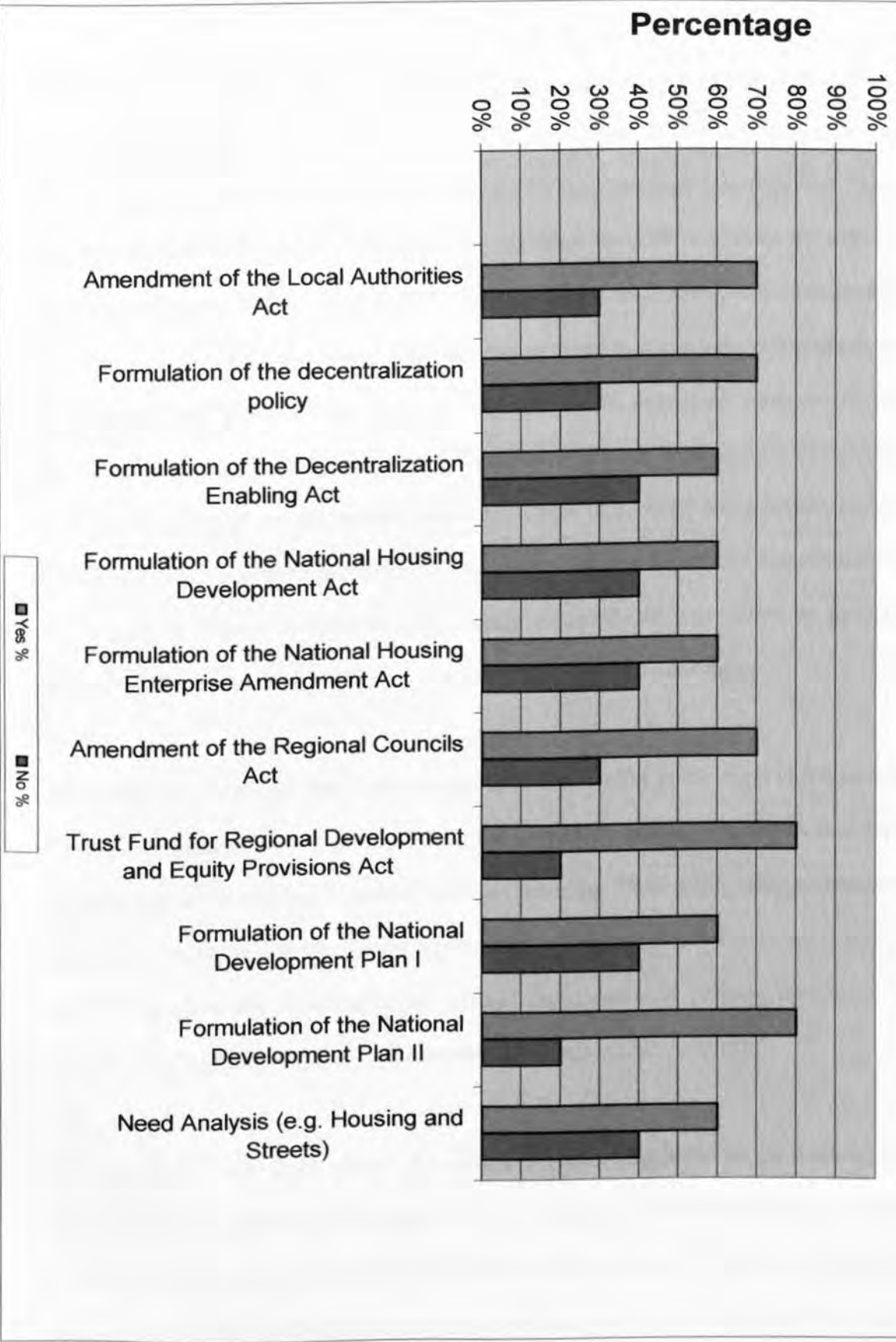
<b>A (i) Consultation on:</b>	<b>Yes</b>	<b>No</b>	
1. Amendment of the Local Authorities Act	7	3	10
2. Formulation of the decentralization policy	7	3	10
3. Formulation of the Decentralization Enabling Act	6	4	10
4. Formulation of the National Housing Development Act	6	4	10
5. Formulation of the National Housing Enterprise Amendment Act	6	4	10
6. Amendment of the Regional Councils Act	7	3	10
7. Trust Fund for Regional Development and Equity Provisions Act	8	2	10
8. Formulation of the National Development Plan I	6	4	10
9. Formulation of the National Development Plan II	8	2	10
10. Need Analysis (e.g. Housing and Streets)	6	4	10

**Table 5.8 Scores In Percentages**

<b>A (i) Consultation on:</b>	<b>Yes %</b>	<b>No %</b>
1. Amendment of the Local Authorities Act	70	30
2. Formulation of the decentralization policy	70	30
3. Formulation of the Decentralization Enabling Act	60	40
4. Formulation of the National Housing Development Act	60	40
5. Formulation of the National Housing Enterprise Amendment Act	60	40
6. Amendment of the Regional Councils Act	70	30
7. Trust Fund for Regional Development and Equity Provisions Act	80	20
8. Formulation of the National Development Plan I	60	40
9. Formulation of the National Development Plan II	80	20
10. Need Analysis (e.g. Housing and Streets)	60	40

Figure 5.6

Consultation on



As can be seen from the tables and graphic analysis, about 80% indicated that the central government consulted local authorities during the formulation of the Trust Fund for Regional Development and Equity Provisions Act, and the Second National Development Plan (NDP II). The rating of 80% is high. However, one expected about 90% or more because they are on the receiving end for the fund and the NDP II. At the same time, 40% indicated that the central government did not consult local authorities when they carried out the needs analysis (e.g., housing and streets), when formulating the National Enterprise Amendment Act, and the National Housing Development Act. It should be noted that local authorities have the right to petition Parliament on any matter under discussion (e.g., bills, amendments etc). Hence, their failure to do so with regard to the two Acts (the National Enterprise Amendment Act and the National Housing Development Act) clearly indicated that councillors do not study the laws on local government and, they do not seem to understand their rights.

Government by the people should be accessible by treating the preferences and demands of all citizens – organised, concordant, preceded or unpreceded – as equal and worthy of consideration in the making of public policies (Schmitter 1996: 237). This can be one of the democratic standards that the central government can consider in order to act democratically when it comes to the formulation of national legislation and policies pertaining to local authority affairs. Simply ignoring this renders such action undemocratic.

In view of the above, there is need for a mutual relationship between the national and local level for the above democratic standard to be maintained. Therefore, local authorities should be treated by the central government as partners in the process of legislation formulation and developmental planning. Further analysis also reveals that one or all of the following reasons had driven the tendency towards consultation with local authorities namely:

**(a) Compilation Of Statistics**

In this case, the consultation was an attempt to obtain information from local authorities regarding the local state of development in each town. This information is required to measure the extent to which each town should be assisted developmentally. Thus, the central government is aware that for such information to be obtained, local authorities have to be consulted.

**(b) Project Identification**

The central government in this case consulted local authorities to identify the projects that local authorities wished to undertake. The central government on its own could not accurately determine what projects local authorities needed for their people. This effectively meant that consultation in this case was prompted by the need for local authorities to complete the necessary project identification forms.

**Table 5.9 Row Scores Showing The Frequency For Each Score**

<b>A (iii) Consultation on:</b>	<b>HL</b>	<b>L</b>	<b>NS</b>	<b>U</b>	<b>HU</b>
1. Deciding on the powers and functions of local authorities	4	3	2	1	0
2. Deciding on by laws for local authorities	4	4	2	0	0
3. Deciding on functions to be delegated to local authorities	6	3	1	0	0
4. Privatizing national development programmes	3	4	3	0	0
5. Prioritizing national development programmes	5	4	1	0	0
6. Prioritizing national projects for Regional and local authorities	5	3	2	0	0
7. Social amenities local authorities have to provide to its people	4	3	3	0	0
8. Evaluating national development programmes	3	4	3	0	0
9. Evaluating ways of improving national development programmes	5	3	2	0	0
10. Evaluating national policies	6	2	2	0	0

**Table 5.10 Scores In Percentages**

<b>A (iii) Consultation on:</b>	<b>HL %</b>	<b>L %</b>	<b>NS %</b>	<b>U %</b>	<b>HU %</b>
1. Deciding on the powers and functions of local authorities	40	30	20	10	0
2. Deciding on by laws for local authorities	40	40	20	0	0
3. Deciding on functions to be delegated to local authorities	60	30	10	0	0
4. Privatizing national development programmes	30	40	30	0	0
5. Prioritizing national development programmes	50	40	10	0	0
6. Prioritizing national projects for Regional and local authorities	50	30	20	0	0
7. Social amenities local authorities have to provide to its people	40	30	30	0	0
8. Evaluating national development programmes	30	40	30	0	0
9. Evaluating ways of improving national development programmes	50	30	20	0	0
10. Evaluating national policies	60	20	20	0	0

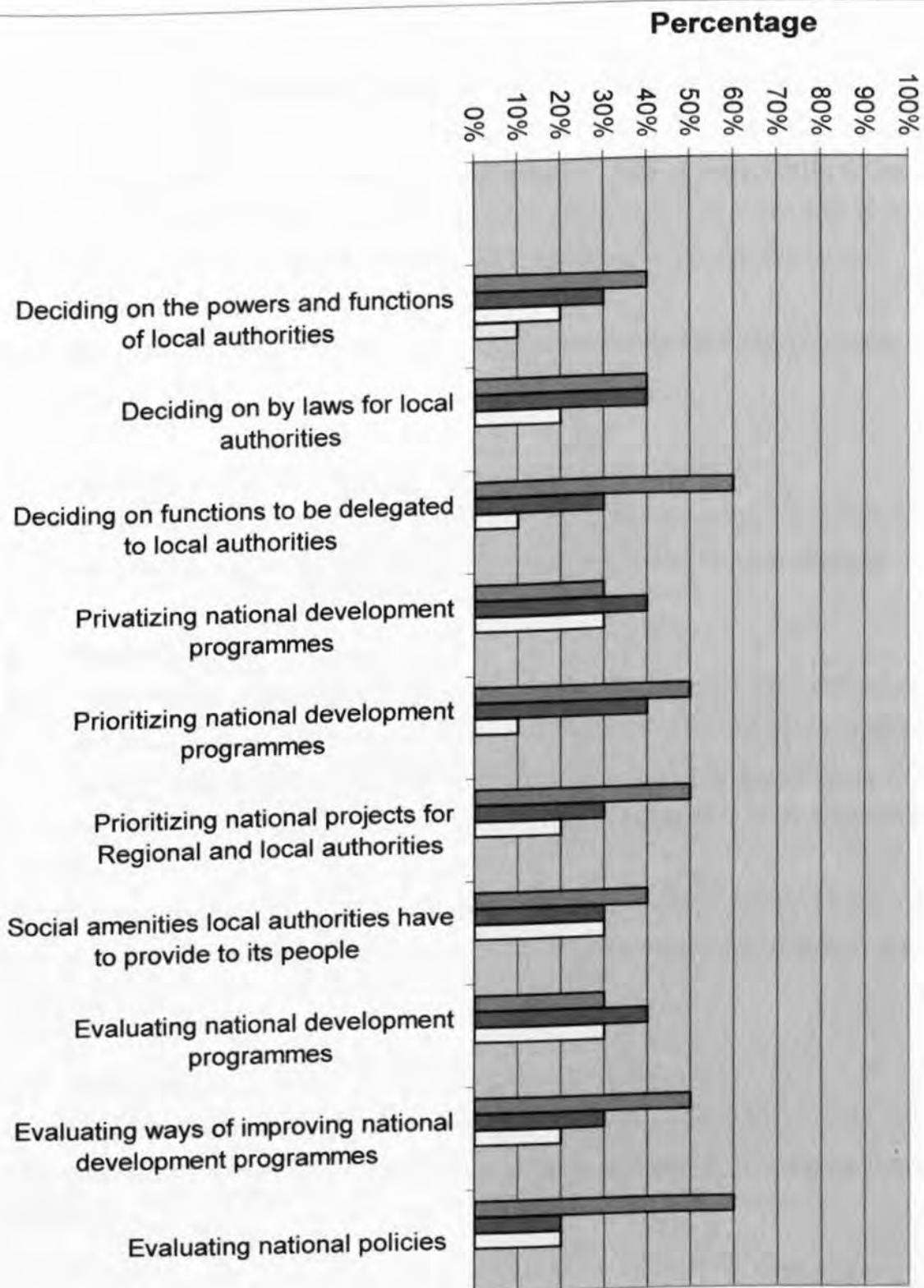
**Key:**

- HL** - **Highly Likely**  
**L** - **Likely**  
**NS** - **Not Sure**  
**U** - **Unlikely**  
**HU** - **Highly Unlikely**

Figure 5.7

Consultation on

HL  
 L  
 NS  
 U  
 HU



As can be seen from the tables and graphic analysis, respondents indicated that there is a 60% chance for the central government to consult local authorities on the functions to be delegated to local authorities and on evaluating national policies. This approval rating is low. One would expect 80% or more. However, the 60% chance indicates that there is an effort towards getting the views of local authorities when taking such important decisions.

An in depth analysis also reveals that the tendency towards consulting may be driven by one or both factors below: -

**(a) The Need For Implementation Agencies**

In this case, the consultation is an attempt to mobilise local authorities so that they can implement these functions effectively on behalf of the central government.

**(b) Capital Injection**

The central government in this case is consulting because of the need to mobilise additional financial resources from local authorities. To that end, consultation is an attempt to transfer the ownership of such functions to the local authorities so that they feel duty bound to contribute financially and uphold effective delivery of services.

The above reasons leave the central government with little room for maneuver. As a result, some modicum of consultation takes place between the central government and local authorities.

### **5.2.2 Participation**

The participation theme looked at ten (10) items (see Appendix 2: Section 3). Data collected is also summarised in tables 5.11 and 5.12 below. This is followed by a graphical analysis (Figure 5.6).

## RESPONSES OF MRLGH HEADQUATER OFFICIALS ON PARTICIPATION:

**Table 5.11 Row Scores Showing The Frequency For Each Score**

<b>B Participation</b>	<b>HL</b>	<b>L</b>	<b>NS</b>	<b>U</b>	<b>HU</b>
1. Deciding on the powers and functions of local authorities	4	2	0	3	1
2. Deciding on by laws for local authorities	5	3	1	1	0
3. Deciding on functions to be delegated to local authorities	6	3	1	0	0
4. Privatizing national development programmes	3	3	3	0	1
5. Prioritizing national development programmes	4	2	2	1	1
6. Prioritizing national projects for Regional and local authorities	5	3	1	1	0
7. Social amenities local authorities have to provide to its people	5	3	1	1	0
8. Evaluating national development programmes	3	3	2	1	1
9. Evaluating ways of improving national development programmes	3	3	2	1	1
10. Evaluating national policies	3	2	3	1	1

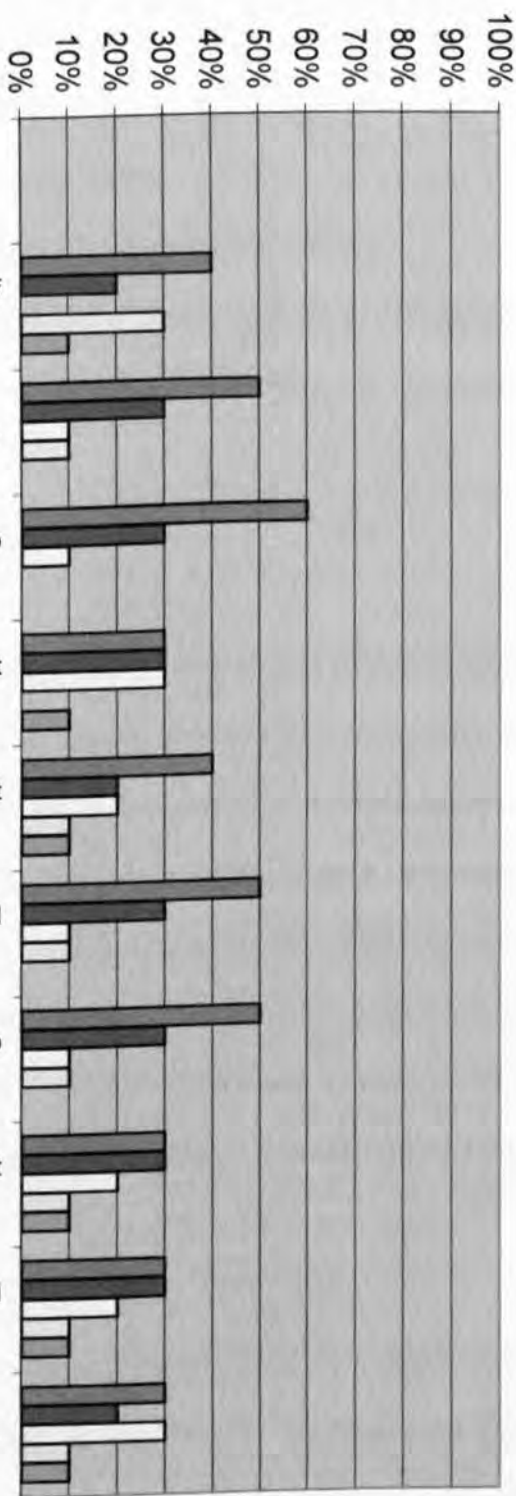
**Table 5.12 Scores In Percentages**

<b>B Participation</b>	<b>HL %</b>	<b>L %</b>	<b>NS %</b>	<b>U %</b>	<b>HU %</b>
1. Deciding on the powers and functions of local authorities	40	20	0	30	10
2. Deciding on by laws for local authorities	50	30	10	10	0
3. Deciding on functions to be delegated to local authorities	60	30	10	0	0
4. Privatizing national development programmes	30	30	30	0	10
5. Prioritizing national development programmes	40	20	20	10	10
6. Prioritizing national projects for Regional and local authorities	50	30	10	10	0
7. Social amenities local authorities have to provide to its people	50	30	10	10	0
8. Evaluating national development programmes	30	30	20	10	10
9. Evaluating ways of improving national development programmes	30	30	20	10	10
10. Evaluating national policies	30	20	30	10	10

Figure 5.8

Participation on

Percentage



- HL
- L
- SNS
- U
- HU

Responses on the theme of participation by officials at the MRLGH headquarters indicate that it is highly likely that local authorities will participate in the following:

- deciding on by- laws for local authorities (50%);
- deciding on the powers and functions of local authorities (40%);
- deciding on social amenities local authorities have to provide to their people (50%);
- and deciding on functions to be delegated to local authorities that have already been approved (60%).

Suffice to say, one may make an observation that such participation is driven by the nature of policies, i.e., that they depend on collaborative capital injection from both the central and local authorities. Therefore, the central government in this respect, is left with no option but to make sure that local authorities are involved in the policy making process. For example, the central government can only decide on social amenities local authorities have to provide their people once such amenities are identified by the local authorities. They are best placed to identify the needed amenities because they are the institutions closest to the clients. Therefore, a successful policy on social amenities for people at local level would heavily depends on input from local authorities.

In the second case, the central government cannot accurately decide on what functions to delegate to local authorities unless they first find out whether such local authorities have both financial and human resources to carry out such functions. In this regard, local authorities ought to have the capacity to take over such functions. As a result, there is need for the central government to involve local authorities in the whole process.

### **5.2.3 Centre-Local Relationship**

Officials of the MRLGH at headquarters indicated in their responses that they were not happy with the relationship between the central government and local authorities. Furthermore, they indicated that there is a “master to servant” relationship between the two levels of policy making. In essence it is a top-down approach in policy formulation and implementation, whereby, the central government decides what local authorities must do at local level. As can be seen from figure 5.9, 9 out of 10 respondents (90%) indicated (“NO”) in their response to the question as to whether they are happy or not with the relationship between the central government and local authorities in policy formulation and implementation pertaining to local authority affairs. This meant that they were not happy with the relationship between the central government and local authorities.

### **5.2.4 Division Of Decision -Making Powers**

Although the Local Authorities Act of 1992 (Act 23, 1992) provides for division of decision-making powers between the central government and local authorities, officials at the MRLG indicated that they are not happy with the set-up. They expressed that the decision-making powers vested in the central government overrides those of local authorities. Consequently, the decisions of local authorities are subject to approval or disapproval by the central government. That effectively means that the decisions of local authorities are regarded as mere recommendations by the central authorities. As can be seen from Figure 5.10, 8 out of 10 respondents (80%) indicated “NO” in their response to the question as to whether they were happy or not with the division of decision-making powers between the central government and local authorities in terms of the 1992 Local Authorities Act, (Act 23 of 1992).

Figure 5.9

Are you happy with the relationship between the central government and local authorities in policy formulation and implementation pertaining to local authority matters?: Responses of MRLGH Headquarter officials

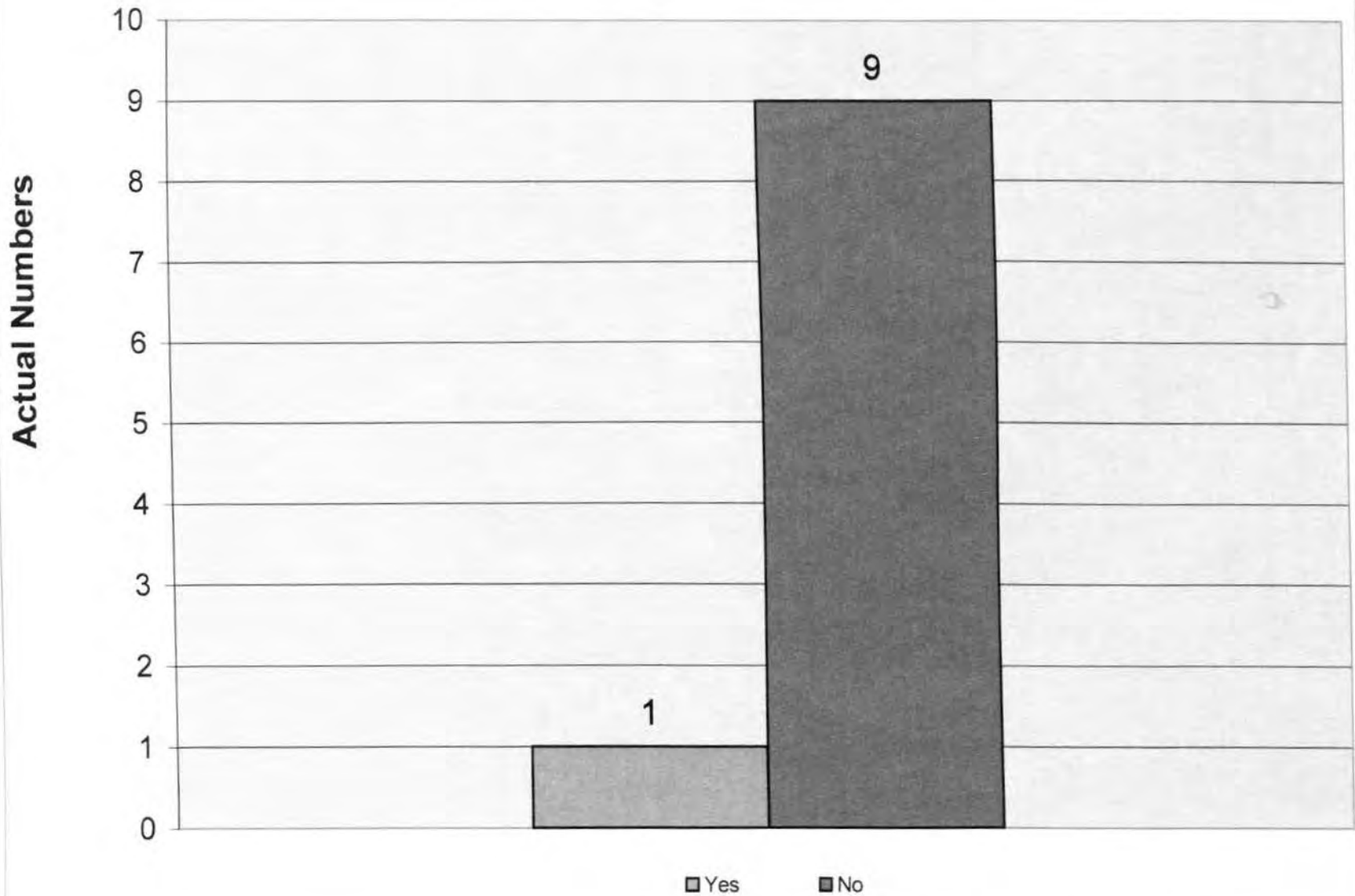
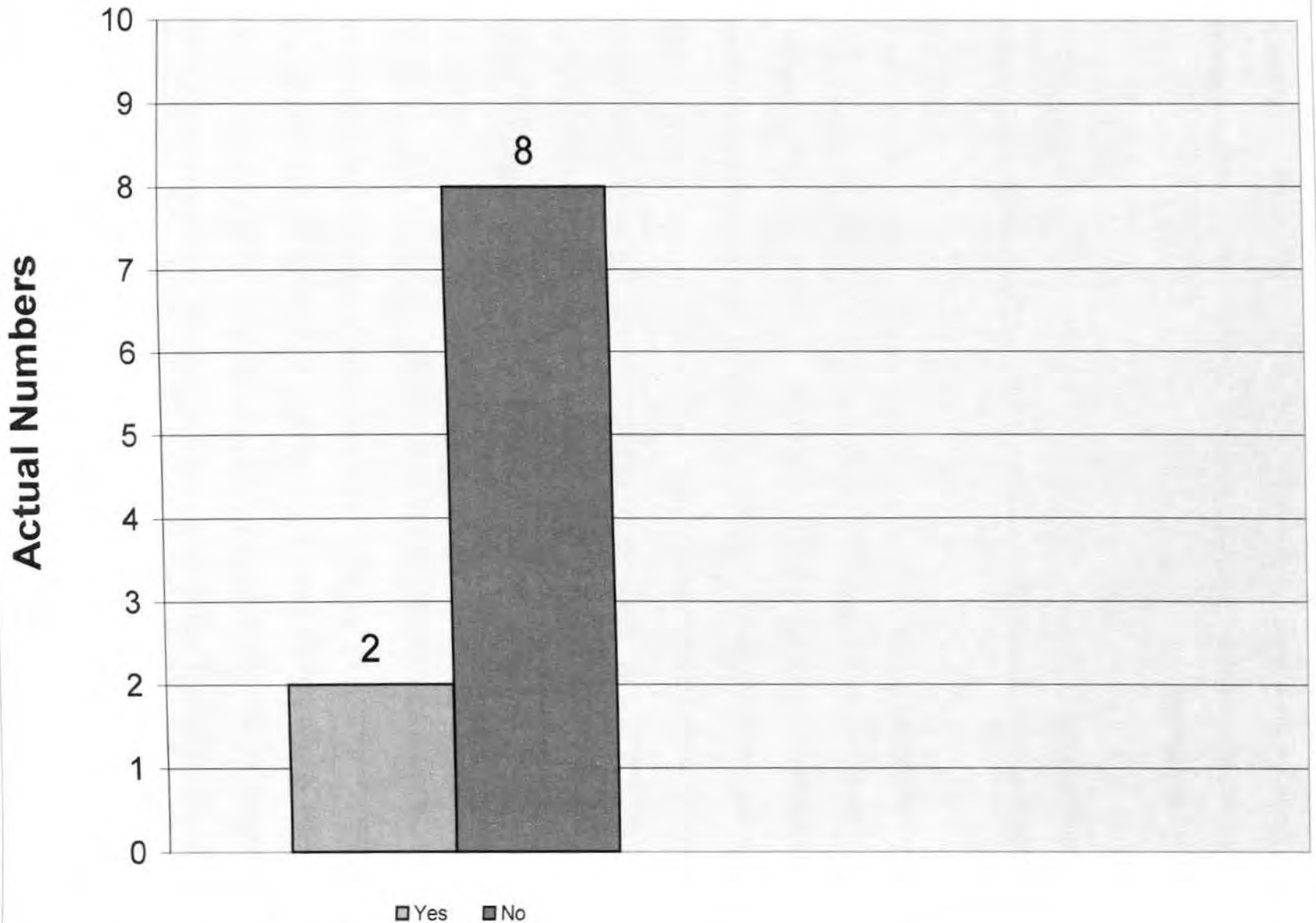


Figure 5.10

Are you happy with the division of decision-making powers in terms of the Local Authorities Act of 1992 between the central government and local authorities?: Responses of MRLGH Headquarter officials



### **5.3 INTERVIEW DATA**

#### **(a) Windhoek**

The Chief Executive Officer of the City of Windhoek stated that the City Council was consulted by the central government before the Local Authorities Act of 1992 was formulated. The Deputy Minister of MRLGH mentioned during a conversation with this researcher the fact that the Local Authorities Act was written in close cooperation with representatives of local authorities (e.g., ALAN) (Deputy Minister of MRLGH, 2002).

Although the Act of 1992 divides decision-making powers between the central government and local authorities, the Chief Executive Officer contended that the Act vests more decision-making powers in the central government than in local authorities. In this connection, he referred to the provisions of section 94 (1) of the Local Authorities Act of 1992. However, he indicated that the City Council enjoyed more autonomy from the central government as a part I municipality. The Act reduces the powers of local authorities, particularly part II municipalities, since decisions pertaining to budgets and remuneration of councillors of such municipalities are subject to Ministerial approval.

He also indicated that his council has influence on most policies and programmes formulated by the central government as it has contributed to the formulation processes before.

#### **(a) Okahandja**

The Chief Executive and Mayor of Okahandja were of the opinion that it is indeed necessary for the central government to consult local authorities before formulating policies or any other legislation that pertain to local authorities. The two officers stated that the policy formulation process is largely top down in nature and that the local authorities often react to policies

coming from the top. Little initiative has been coming from the council of Okahandja. The same seems to have been the pattern since the inception of local authorities after independence. However, the Deputy Minister of MRLGH stated the government's position by saying it (government) consults ALAN which is free to liaise with local authorities individually (Deputy Minister of MRLGH, 2002). It is important to note here that the central government cannot be blamed as local authorities have the power to petition the central government on policy issues pertaining to local authority affairs.

The central government, through the MRLGH, calls for development projects from local authorities, but it is alleged that the Ministerial personnel at headquarter in Windhoek decide on priorities for local authorities without involving them. It is true that decisions on what developmental projects a local council will carry out during a particular financial year are taken by the central government alone, it could be because of the absence of a local development committee at Okahandja.

Furthermore, there is sufficient evidence to indicate that the central government officials exercise more authority than the elected people's representatives (councillors) in the process of policy making. The officials at the MRLGH headquarter justified this approach by stating that they send out draft policies and other pieces of legislation to local authorities for comments. Although these central government officials view this as consultation, the Acting Chief Executive Officer at Okahandja contended that the comments from local authorities are not often considered in the final policies and legislation. In his opinion, local authorities are restricted merely to the implementation of such centrally planned policies. They contribute very little in terms of formulating and designing the policies.

The Mayor of Okahandja also contends that policy formulation is currently a domain of the central government, as most of the policies initiated by the central government do not carry the inputs from the local authorities. She further indicated: "we at local level are just there to implement such decisions without questioning the central government". She expressed her dissatisfaction with the policy making process between the MRLGH and her local authority and referred to it as that of a "master-servant" relationship.

**(c) Gobabis**

The Mayor and the Acting Chief Executive Officer were also of the opinion that the central government should consult local authorities before policies pertaining to local authorities are formulated. They both viewed their local authority as a sub-national unit of government whose authority deserves consideration by the central government like all other councils. The Mayor specifically gave the example of the decentralisation policy. In his opinion, the central government drafted this policy without the involvement of his local authority. All he remembers was a document on his table inviting for comments.

In his view this cannot be consultation as any matter that relates to local authorities should at all times come from the grassroots. In this specific example, the Mayor sees an unequal relationship between the central government and his local authority. That prompted him to describe the relationship as one characterised by a top-down approach where the central government prescribes to local authorities what has to be done without necessarily seeking their views. He further lamented that policies from the central government tend to be so difficult to apply often because, in his opinion, they lack local content. Although on several occasions the municipal council of Gobabis contributed to legislation formulation through comments on paper to the line Ministry, the Mayor argued that, such input never feature in

final policies of the central government. This process, in his opinion, seems to be there to reflect a "pseudo-consultation" which in practice does not seem to exist.

The Acting Chief Executive Officer expressed a different version from that of the Mayor, in that he strongly sees a healthy relationship in the context of policy making between the central government and his local authority. He specifically cited the division of decision-making powers in terms of the Local Authorities Act of 1992. He indicated that in a unitary state there is need for checks and balances to be carried out by the central government upon local authorities to ensure that their conduct is in line with the national ideals. In this regard, the Acting Chief Executive Officer referred to the power for local authorities to borrow funds from institutions such as banks. He felt that the control currently ensured by the central government deters local authorities from unnecessarily incurring debts. If this was not in place he assumes that more local authorities could have been liquidated and declared bankrupt.

**(c) Mariental**

The Mayor and the Town Clerk who were also interviewed were of the opinion that central government (e.g., MRLGH) should consult their local authority before policies that pertain to local authorities are formulated. That in their opinion, can create ownership of policies once both parties uphold a partnership in policy formulation.

The Chief Executive Officer asserted that the central government initiates and formulates policies that have to be implemented by local authorities without consultation. The Deputy Mayor supported that view by saying that he fails to make a distinction between the colonial local government and the post independence system. He views local authorities as agents in

the service of the Ministry in the process of policy formulation and implementation. He further indicated his dissatisfaction with the division of decision-making powers between the central government and local authorities in terms of the Local Authorities Act of 1992, citing the delay caused by the need for some decisions initiated by local authorities to be sanctioned by the central government. To amplify this statement, he cited the example of by-laws that are formulated at local level that need to be approved by the central government before they are implemented. In his opinion, such red tape impedes success in the implementation of decisions at local level.

He further expressed his dissatisfaction with the communication between the MRLGH and his local authority council. In this regard, the Deputy Mayor pointed to the absence of a link between his local authority and the MRLGH. He lamented that, often the MRLGH learns about local authorities through newspapers and "Talk Shows" of the NBC. He also claimed that the ministry does not conduct visits to see if the centrally planned policies that have to be implemented by local authorities are carried out or not. However, this was disputed by the Deputy Minister of MRLGH who, during an interview, stated that several visits had been made to different local authorities. However, it would have been more desirable if these visits were supplemented by MRLGH officials since they are the ones who are primarily responsible for monitoring implementation of national policies at the local level.

**(e) Tsumeb**

In the opinion of the Mayor of Tsumeb, there has been an improvement in the consultation processes between the central government and local authorities since 1995. He nevertheless conceded that he was still unhappy with the way in which the central government formulates policies that pertain to the lives of the people at local level. He supported the argument that the central government through its MRLGH makes the majority of policies regarding local authorities. He cited as an example the project identification process that takes place at the regional level. The final decision as to what project the government finances for that particular year is made by the central government. Therefore, the Mayor felt that there were more policy making powers exercised by the central government officials at the MRLGH headquarters than by the elected people's representatives at the local levels of the local government structure.

The Acting Chief Executive Officer also asserted that the central government often formulates laws without proper consultation with local authorities. As a result, such laws at times contradict some of the policy instruments at local level. He cited sections 16 and 28 of the Liquor Act, which contradict the Town Planning scheme. Furthermore, he did not see the necessity for input by local authorities when the law has already been passed. With regard to the Liquor Act, a delegation from the Ministry of Trade and Industry consulted the local authority of Tsumeb after the Liquor Act had already been passed as law by the parliament. Government officially views such exercises as consultation, whereby the Acting Chief Executive Officer believes creates an environment that makes implementation of public policies problematic.

The Mayor further expressed his dissatisfaction regarding the policy-making processes between the central government and local authorities. He viewed the central government as an advocate of a top-down approach in policy formulation and implementation, an approach that does not view local authorities as partners, but as mere agents of the central government. The Mayor further stated that in the process of policy formulation, the central government consults local authorities through explanation of policies and Acts of Parliaments, which are both centrally planned.

Although the Association of Local Authorities in Namibia represents the interest of local authorities, the mayor contended that its comments on legislation formulation are most often not considered by the central government. He asserted that the central government considers the recommendations of ALAN only when they appear to be in line with central ideals.

**(f) Rehoboth**

The Chief Executive Officer and the mayor were of the opinion that central government does not consult local authorities on policy formulation on matters pertaining to local authorities. The CEO stressed that although the formulation of policies takes place at the centre the MRLGH often keeps the town council informed of all developments at the ministry, which is part of consultation. At the same time, he indicated that he is happy with the division of decision-making powers between the central government and his local authority.

Although the Chief Executive Officer is happy with the relationship between his council and the MRLGH, he outlined his dissatisfaction with regard to the way in which the ministry views the town council of Rehoboth in terms of its operations. He lamented that council takes decisions that the MRLGH often override without explanation. The CEO cited a specific

example regarding a decision by the Rehoboth Town Council during the restructuring exercise conducted at Rehoboth town council where it was decided that all incumbents to positions should have applied for all advertised positions. When the minutes regarding this decision were forwarded to the MRLGH, it changed this decision and instructed the town council to fill all those positions with the existing staff members of council without necessarily reapplying.

**(g) Okakarara**

Both the Mayor and the Acting Chief Executive stated that their local authority is an elected body representing the residents of the town. Therefore, the council should be consulted by the central government before policies that pertain to local authorities are formulated. They stressed that the policy formulation process is largely top-down in nature, and that council participation in the process has been largely at the implementation stage. Furthermore, they alleged that implementation of centrally planned policies has often been carried out with difficulties because the policies lacked a local content.

The two officials further claimed that the central government formulates policies without consulting with local authority councils. To that end, the comments requested by the MRLGH on legislation could be viewed as mere “pseudo-consultation” because the comments from their local authority council are never considered by the central government. Although the term “pseudo-consultation” has repeatedly been used in this chapter, it should be noted that this is the officials’ coinage and not that of the researcher. The same applies to the phrase “master-servant” which is also the respondents’ viewpoint. The two officials further claimed that there is no communication between the MRLGH and their local authority. For example, according to the officials, the MRLGH does not comment on the minutes it

receives from local authorities. In their opinion, the MRLGH officials do not seem to read these minutes at all. This according to the Mayor, deters communication between council and the ministry. They strongly believed that decision-making powers vested in the central government by the Local Authorities Act 1992 is not at all counteracted by other bodies. Therefore, the MRLGH dictates to the council on what to do, particularly in policy formulation. In interpreting this situation, the following should be noted: Firstly, the fact that minutes are dispatched to the MRLGH suggests the presence of communication. Secondly, not all minutes require a response. Some may just be for information only.

**(h) Ondangwa**

The Mayor and the Chief Executive Officer were of opinion that their local authority council should be consulted by the central government before policies pertaining to local authority affairs are formulated. They expressed their unhappiness regarding the policy formulation process, particularly communication between the central government and local authorities. They viewed the central government as instituting a "master-servant relationship," whereby policies pertaining to local authorities are often initiated and formulated by the central government without consulting their local authority. Important to note is that although the MRLGH often sends out draft documents to their local authority for comments, final documents often tend to reflect central ideals only and exclude those from the local authority.

According to the Mayor, there is enough evidence to show that the MRLGH consults neither the local authority nor other public sector organisations. He cited as an example the decentralisation policy formulation, which in his opinion, was initiated by the central government without consultation with local authorities. In fact, he learnt about the policy of decentralisation of Namibia through published ministerial documents. The Mayor argued that

the ministry initiated, designed and formulated the policy alone, although partial consultation was carried out in the form of a written opinion by this local authority. Furthermore, he alleged that most such comments were not considered. Another example was the problem encountered with the implementation of the Electricity Act of 2000. In this connection, the Electricity Act was promulgated without harmonisation with the local authorities Act of 1992. As an outcome of that, this Act was identified as conflicting with the Local Authorities Act in that the Local Authorities Act empowered local authorities to supply electricity while such power was not extended to these authorities in terms of the Electricity Act. In the opinion of the Mayor, the problem was a result of none consultation by the Ministry of Mines and Energy. It was thus, a clear demonstration that central government does not seem to recognise local authorities as partners in policy formulation. Instead, it considers them as mere agents of the central government.

**(i) Rundu**

Both the Mayor and the Chief Executive Officer were of the opinion that the central government should consult local authorities before formulating policies and programmes pertaining to local authorities. Furthermore they indicated that their town council is better suited to articulate the needs of the local populace than the central government. Their involvement in policy formulation is pivotal for meaningful policies at local level.

The Mayor indicated that his council was not involved in the formulation of the decentralisation policy. In addition, the Mayor expressed his unhappiness with regards to the policy - making process, in particular the division of labour between the central government and local authorities. He mentioned that the central government designs laws which are to be implemented by local authorities. In his opinion, that limits the powers of councillors. Hence,

councillors are reduced to agents of the central government. The situation, so believes the mayor is exacerbated by the lack of communication between his council and the MRLGH.

**(j) Katima Mulilo**

In Katima Mulilo The Mayor and the Town Clerk were also of the opinion that the central government formulates policies and designs programmes without consulting with councillors at local level. As a result, councillors do not even know their role in national policy formulation on matters pertaining to local affairs. They cited the example of national development plan 1 and 2 which, in their view were all products of the central government. However, the MRLGH justified its position by saying it is the duty of central government to prioritise national resources and to fund Katima Mulilo town council. As a result, the MRLGH regards the town council of Katima Mulilo as a quasi –autonomous, a situation that justifies the ministry’s authority over the town council.

**5.3.1 Analysis Of Findings**

Although decentralisation refers to involvement of central government, local authorities and the civil society organizations in planning and implementation of public policies, particularly those of a local nature, councillors and officials interviewed at nine local authorities (Gobabis, Mariental, Rehoboth, Okahandja, Okakarara, Tsumeb, Ondandagwa, Rundu and Katima Mulilo.) indicated that the central government does not often consult them enough before policies and programmes of a local nature are formulated. Hence, the work by ALAN, which is supposed to be the link between the Ministry and local authorities, leaves a lot to be desired. However, the only exceptions come from the City of Windhoek where councillors and the official interviewed acknowledged that the central government often consults their local authority before formulating policies and programmes that affect the City. Important to

note is that local authorities in Namibia are sub-national levels of government created to share political power with the central government on matters relating to local authority level. To that end, it should be accepted that liberty for communities to develop according to their own preference is a powerful ideological element in the introduction of local governments in most countries (Kjellberg 1995: 11-40).

In analysing the data, two views emerged. In one hand MRLGH and NPC officials expressed frustration over the seemingly non-cooperation by councillors and local authority officials. On the other hand the latter argued that central government never consult them. In addition, ALAN as a representative of local authorities was termed wanting as it failed to fulfill its institutional obligations, particularly in terms of facilitating communication among the stakeholders (of decentralization). For example, the Directorate of Decentralisation requested ALAN to submit names of the representatives from local authorities to the taskforce on decentralisation implementation in time when they were requested to do so, but they (ALAN) failed to do so.

The NPC officials equally contended that, councillors were consulted before the NDP1 and NDP2 were formulated. Furthermore, officials at the MRLGH claimed that policy formulation at the central government takes root from workshops and conferences that are usually well attended by councillors and officials from local authorities in Namibia. Therefore, the input from all participants at such workshops is what the MRLGH puts together to formulate such policies. In their opinion, such workshops and conferences represent involvement and consultation. The officials thus, believe that the problem may be attributed to a lack of understanding by councillors of the terms "consultation" and "involvement".

Further investigation revealed that ALAN was indeed consulted right from the initial stage of formulation of the Decentralisation Policy in 1996. This fact was attested by the Director of Decentralisation who presented minutes of consultative meetings where ALAN was represented. The minutes effectively challenged the correctness of the statements made by local authority officials.

In view of the above, consultation in the context of this exercise seems to have been achieved. What seemed to be the only problem area pertained to the inadequate communication between ALAN and local authorities.

Although, the Central government often involved ALAN when formulating national policies and programmes that pertain to local authority affairs, it is clear from the results of this investigation that it rarely communicated the outcome of such meetings to all local authorities. Consequently, most local authorities did not have this information at the time of conducting these interviews. Another interesting finding is that local authority councillors and officials have different opinion on the relationship between the central government and local authorities. In this researcher's view, local authorities are sub-national levels of government created to share political power with the central government.

In critically evaluating the views of some mayors who refer to the relationship between the central government and local authorities as characterised by "a top-down approach where central government prescribes to local authorities what has to be done without necessarily seeking their views," it could be argued to the contrary because for local authorities to operate within the confines of the national ideals, there is need for checks and balances. It is these checks and balances that councillors probably perceive as top-down approach. It is very

important to place emphasis on the sharing of power between central government and the periphery (Robert Dahl as cited in Janda, Berry and Goldman 1989:47).

In view of the above findings, the problem area seems to be that the councillors neither understand nor study the laws under which they operate. Although the Local Authorities Act of 1992, Act 23, 1992 addresses all these issues, councillors and officials at local level do not seem to understand what these pieces of legislation seek to address. Therefore, they are not well informed about the intentions of the laws. Hence, both councillors and officials interviewed admitted being ignorant about their roles and responsibilities.

### **5.3.2 Problems**

Problems regarding consultation, participation, centre-local relationship, division of decision-making powers and separation of responsibilities between the central government and local authorities are indicated on the questionnaire for councillors. The problems include:

- (i) Lack of consultation on matters regarding the formulation of the National Housing Development Act, Amendment of the Regional Council Act, Trust Fund for Regional Development and Equity Development Act, Needs Analysis, formulation of the Decentralisation Enabling Act and of the Amendment of the Local Authorities Act.
- (ii) Lack of partnership between the central government and local authorities in policy-making and implementation.
- (iii) Master-servant relationship between the central government and local authorities.
- (iv) Imposition of centrally planned policies upon local authorities.
- (v) Local authority exclusion from policy initiation and formulation.

- (vi) Lack of autonomy for local authorities.
- (vii) Lack of adequate communication and regular flow of accurate information between the central government and local authorities.
- (viii) Incapacity for local pressure on central government to promote changes in legislation.
- (ix) Lack of trust and honesty between the central government and local authorities.

Problems of consultation, participation, centre-local relationship and division of decision-making powers between the central government and local authorities on the questionnaire for officials at the MRLGH headquarter included the following:

- (i) Lack of decision-making powers for local authorities.
- (ii) Master-servant relationship between the central government and local authorities.
- (iii) Reluctance of local authorities to partake in policy formulation on matters pertaining to local matters.

### **5.3.3 Solutions**

Respondents to questionnaires for councillors recommended that the central government should consult local authorities before formulating policies pertaining to local authority affairs. They further recommend that local authorities should be involved in the whole process of policy formulation, i.e., policy initiation and formulation.

Respondents to questionnaires for officials at the MRLGH headquarter recommended that there should be partnership between the central government and local authorities in policy formulation and implementation. Furthermore, they recommended that under

decentralisation, the central government should transfer political decision-making powers to local authorities, as they are closer to the periphery.

#### **5.3.4 Solutions Proposed By Councillors**

The first recommendation by councillors (most of whom were Mayors) was that the central government should consult local authorities before formulating policies or legislation pertaining to local authority affairs. Second, policy initiatives should take root by way of bottom-up approach as opposed to top-down approach. Third, central government should genuinely consult and involve local authorities in policy and legislation formulation by obtaining input from local authorities for consideration, adoption and inclusion in the final policies or legislation. Fourth, local government legislation should be amended further in order to confer more decision-making powers on local authorities. Fifth, ensure regular contact with local authorities to ensure a continued communication flow between the two levels of policy namely, central government and local authorities.

#### **5.3.5 Solutions Proposed By Officials Of The MRLGH Headquarter**

MRLGH officials recommended that local authorities should take their representative roles seriously, by voluntarily taking part in legislation or policy formulation. In this regard, they urged local authorities to study draft policies or legislation initiated by the central government each time such drafts are forwarded to them so that they can make meaningful comments to the central government for consideration. Second, local authorities should always send enthusiastic and literate representatives to workshops. The representatives should be able to report back on such proceedings in order to share the information with the rest of the councillors upon their return to regions.

### 5.3.6 Analysis Of Findings

Although local authority councillors and officials contend that they were never consulted by the central government when certain pieces of legislation and policies on local authority affairs were formulated, investigation at the Ministry of Regional, Local Government and Housing headquarters, and at the National Planning Commission prove something to the contrary. MRLGH headquarter also provided to this researcher, copies of letters and some responses from different councils pertaining to the formulation of the decentralisation policy. NPC also provided minutes of their meetings with Regional Councils and representatives of local authorities where NDP 1 and NDP 2 featured as subjects discussed. These documents serve as testimony to the fact that councillors do not take their representative roles seriously. In addition, central government contacted the city of Windhoek at the time of formulating the Local Authorities Act of 1992, Act 23 of 1992. In the case of other municipalities, the respondents to the questionnaire were mostly new councillors and seemed to have little knowledge pertaining to the consultation process.

In the context of legislation formulation, local authorities are sub units of government, controlled by local councils that are authorised by the central government to pass ordinances having a local application, levy local taxes or exact labour, and within limits specified by the central government, vary centrally devised policy in applying it locally (Maddik as cited in Mukwena 1988: 36). At the same time, for democracy to be consolidated in a local government setting there is need for partnership to be established between central government and local authorities. Therefore, councillors are supposed to avoid a misconception that they exist independently from the central government. The legal relation between these two levels

needs to be developed into a mutual relationship to promote adequate communication and regular flow of information between them.

### **5.3.7 Analysis Of Additional Data**

After reviewing the minutes of Council meetings of the Gobabis Town Council, Mariental, Katima Mulilo, Tsumeb, Rehoboth, Ondangwa, Rundu, Okakarara and Okahandja it was discovered that the MRLGH allocated an amount of N\$ 500000 to Gobabis Council in the 1999/2000 financial year. The amount was a conditional grant that the central government allocated to the Council without consultation. The money was for erecting houses for destitutes and pensioners who were expected to pay back within a specific period of time to be decided upon by the council. However, the council was not able to implement the decision of the central government during that time because they had to conduct a survey six months from the date of receipt of that amount. As a result, no potential beneficiaries were identified. The money could not be used for something else because central government directives forbid virement of such grants without its prior approval.

In view of the above, it is important to note that had the central government consulted the local authority prior to giving the grant it could have given the council the opportunity to identify what project it wished to fund that financial year. Due to lack of consultation, the Social Housing Fund could not be utilised at all because the Social Housing Project was not a priority for Gobabis at that stage. Therefore, it is clear that had the central government formulated the Housing Fund for local authorities with the involvement of the local clients through their local authority councillors, the problem would not have arisen.

Nonetheless, the majority of the councillors who responded to the questionnaire indicated that they were not happy with the relationship between the MRLGH and local authorities. Although councils sent minutes of their meetings to the MRLGH, the latter failed to pick the councillors' opinion on the MRLGH and local authorities relationship. At the same time, MRLGH did not comment on the changes that the Katma Mulilo Town Council made in July 2000 on its N\$20000.00 grant for refuse removal to the contractor. The grant was raised to N\$25000.00 while the amount budgeted for the same financial year was only N\$20000 and the MRLGH failed to comment. This in the view of councillors called for national government's response, which never came. Paradoxically, the MRLGH only investigated these queries on request by the Town Council in June 2001. MRLGH began to respond to council minutes only in 2001. Another incidence of MRLGH silence on important local authority actions that needed central advice included: The Chief Executive Officer's termination of the tender, which was awarded to the contractor in 2000 without any council resolution. Despite the fact that the action was contained in minutes of council that were also forwarded to the MRLGH, no remedial steps were taken by the MRLGH to correct the situation in order to guard against possible breach of contract by council. This demonstrates a lack of communication between the MRLGH and local authorities. Consequently, central government learnt about mismanagement at local authorities through media reports, and not through communication channels available to them through legislation (minutes of council meetings for local authorities).

## **CHAPTER 6**

### **CONSULTATION AND PARTICIPATION IN POLICY FORMULATION AND IMPLEMENTATION AT THE LOCAL LEVEL**

#### **6.0 Introduction**

This chapter focuses on aspects of consultation and participation in policy implementation at the local level. The aspects referred to in this chapter pertain to the relationship between the elected and appointed officials at the local level with civil society organisations through Local Development Committees. It analyses interview data obtained from councillors, administrative staff, NGOs, and CBOs at the local level. Furthermore, interview data for Councillors who were mainly Mayors or Deputy Mayors will be contrasted against those of the administrative staff who were Chief Executives or Acting Chief Executives, and will be conducted first to ensure a flow of information. Data obtained from the NGOs and CBOs follows.

#### **6.1 Analysis Of Interview And Questionnaire Data Obtained From Councillors, Administrative Staff, NGOs And CBOs At The Local Level**

##### **(a) Windhoek**

The Chief Executive Officer at the City of Windhoek indicated that the City Council has formulated a public participation policy, which provides for stakeholders involvement in policy formulation at local level. Therefore, stakeholders contributed towards the formulation of some policies pertaining to their lives. Although the Local Development Committee does not exist in Windhoek, most development plans at the City are developed from a strategic

planning exercise that receives input from citizens participation undertaken at the City of Windhoek. The programme coordinator of Urban Trust of Namibia (UTN) confirmed that his NGO had been continuously involved in policy formulation. He stressed that the City Council often involves UTN, particularly on matters pertaining to the housing of the urban poor. Furthermore, he indicated that UTN in collaboration with NHE, has collectively influenced policy formulation processes on housing at local level through an enabling environment created by the City Council

**(b) Okahandja**

With regard to the relationship between administrators and councillors at Okahandja, the town's Mayor conceded that the separation of responsibilities between administrators and councillors is quite ambiguous to such an extent that responsibilities of the two levels of administrators tend to overlap all the time. The Mayor attributed the situation to a tendency by councillors interfering in the administrative activities of council. However, the Mayor stated that the community is particularly involved through local development committees in decision-making on matters pertaining to their lives.

On the contrary however, the Acting Chief Executive Officer at the town indicated that although local development committees are established, councillors do not seem to involve the community in policy formulation seriously. He indicated that the council usually takes decisions pertaining to the lives of the people without consulting or involving them. This view was collaborated by a member of Namibia Women Network, an NGO in the town, who indicated that NGOs are at all times excluded in policy-making at Okahandja and that she has never heard about existence of a local development committee. She also confirmed that there

is a big communication gap between the councillors and NGOs in Okahandja in terms of collaborative developmental planning, and on issues that pertain to local affairs generally.

**(c) Gobabis**

Although the Mayor explained the commitment that Gobabis Municipal Council has towards community participation over the years, by upholding the existence of the development committees comprising two councillors and the Chief Executive Officer as secretary, the project manager of Namibia Community Health Programme said the following: “councillors at local level decide who should form part of such a development committee”. Regarding representation of community members to the development committee in the town, the Mayor said not all community members were accommodated by this committee. Apart from the Mayor and CEO, the committee comprises two youth representatives out of which one is female. Furthermore, one other member represents churches in the town. In this connection, the project manager of “Health Unlimited” in the town asserted that councillors at the town do not involve NGOs in the policy making process at local level. She also said several initiatives to seek a collaborative working relationship, particularly on projects administered in the Gobabis Constituency, ended with disappointments due to uncoordinated activities in the town. She further lamented that the council has not institutionalised local development committees in Gobabis. Hence, not much is heard of or known about such committees.

The chairperson of “Save the children,” a CBO also in Gobabis agreed with the project manager of “Health Unlimited”. She said that councillors do not at all involve CBOs in policy making at local level. She also said she was not aware of any local development committee in Gobabis.

**(d) Mariental**

In terms of policy making at local level, the town's Deputy Mayor explained that the municipal council of Mariental did not at all establish a local development committee, and that council was still planning on how to go about establishing such a committee. To confirm the Deputy Mayor's view, a youth worker of "The Bridge", an NGO in the town, disclosed that the Municipal Council of Mariental, did not at all involve the NGOs in policy making at local level. He further indicated that he did not know anything about development committees, and that the concept was new to the community of Mariental.

**(e) Tsumeb**

Regarding policy making at local level, the Acting Chief Executive Officer at Tsumeb said that the local development committee was non-existent. The Council was, at that time, planning to establish one. The Mayor also said that councillors did not have enough time in the past to consider the establishment of a local development committee. However, one community based organisation worked hand in hand with the council in policy making

The Acting Chief Executive Officer cited the involvement of Omutuli Savings Group, which is a CBO, in the provision of housing in Tsumeb. To that end, the CBO controls some of the buildings belonging to council. That means administratively, tenants pay their rentals to the CBO which, in return, pays to the council the cost of bulk water supply to the residents on behalf of the tenants.

One project member indicated her satisfaction with regard to the relationship between the CBO and Council. She viewed the relationship as a partnership whereby council involves the CBO members in respect of any policy regarding housing in Tsumeb. Some of the members

were also members of the Decentralised Build Together Committee that was well established at the Town.

**(f) Rehoboth**

Although the Deputy Mayor viewed the roles of both officials and councillors at Rehoboth to be clearly understood by both parties, the Chief Executive Officer contended that councillors often interfered in administration. To that end, he expressed his dissatisfaction with the politics that appear to dominate the deliberations in council meetings at the expense of development. The town's community Activator supported the CEO's views by asserting that councillors do not seem to involve communities in policy making particularly on matters pertaining to their lives. She further said that a local development committee has never been established in Rehoboth.

The Deputy Mayor explained that the prioritising of projects is normally a decision of councillors without the involvement of the community. However, she indicated that before decisions are taken regarding policies affecting the lives of the residents, councillors often consult with the community.

**(g) Okakarara**

The Acting CEO of Okakarara stated that there is a clear separation of responsibilities between the councillors and Town officials, however, the Mayor said that officials dominated council deliberations during council meetings. Instead of advising councillors through written recommendations, officials argue with councillors in the council chamber during meetings.

With regards to the involvement of community members in policy making, the Mayor indicated that the community participated through regular meetings, in spite of the fact that a local development committee was not yet established. A member of "Women Action for Development", an NGO in Okakarara, supported the Mayor by stating that the council involved her NGO in policy making through direct discussions in meetings. She further indicated that council often considered their policy suggestions.

#### **(h) Ondangwa**

The CEO of Ondangwa also admitted that there is a clear separation of responsibilities between councillors as policy makers and officials as implementers of decisions of council. However, the Mayor did not agree with the CEO. He contended that officials at Ondangwa do not work together with the councillors. In his opinion, the lack of cooperation continued to deter progress at the Town. He attributed the friction to the advice that central government officials provide to their local authority officers.

Regarding the involvement of the community in policy making, particularly on issues pertaining to their lives, the Mayor said that committees that look into the development and problems of the town exist in Ondangwa. Furthermore, the community is usually involved through public meetings with councillors. However, the CEO disagreed, arguing that the community and town councillors do not seem to have a good working relationship. To justify this proposition, he cited a local development committee that was established in accordance with the decentralisation directives but failed to operate in the Town. This led to the establishment of an advisory committee of council. He further indicated that the community does not seem to be motivated enough to seriously participate in policy making at local level.

To amplify this proposition, the CEO asserted that community members were on numerous occasions invited to attend community meetings, but ignored such invitations.

The Mayor was supported by a member of the “shack dwellers association” in Ondangwa, who indicated that council involves the association in housing matters although in the form of explaining national and local policies on housing.

**(i) Rundu**

The Rundu experience also indicated clear separation of responsibilities between the councillors and the town officials, in spite of poor working relationship between the Chief Executive Officer and councillors indicated by the Mayor. The Mayor further alleged that the information from the central government does not reach councillors because the Chief Executive Officer usually keeps it for himself. This situation, in his opinion, creates unhappiness amongst councillors towards the Chief Executive Officer. Although local development committees are not well established at Rundu, the NGO “LUX Development” is fully involved in the development planning with Rundu Town Council. This was supported by the project coordinator of LUX Development in Rundu.

**(j) Katima Mulilo**

Regarding the Town Council, the Chief Executive Officer indicated that there was no clear separation of responsibilities between councillors and officials at Katima Mulilo. She alleged that councillors were interfering in administration at an alarming rate.

According to the CEO, the prevailing situation impedes effective administration of council affairs. But, it was the Mayor’s opinion that the Chief Executive Officer was not cooperating

with the councillors in that she often executed decisions on her own without consultation or seeking approval from council. This, according to the Mayor was what caused friction between the Chief Executive Officer and councillors. However, the Mayor did not indicate what decisions council can take, and what the CEO can do without seeking approval from council.

Regarding the community, the Mayor indicated that the councillors are not in contact with the community. The party-list system could be a factor here because the party than the community members themselves nominated councillors. It could be argued that if the community nominated councillors the likelihood is high that focus could mainly be on those representatives coming directly from the specific wards within the different locations. This scenario could enhance the contact between councillors and the people they represent. Therefore, council does not involve the community at all in policy making on matters pertaining to their lives. Consequently, community members do not attend council meetings. A forum where the community and councillors have to meet and discuss their problems and development plans does not exist at Katima Mulilo. Most importantly, the council did not have an established local development committee.

## **6.2 Separation Of Responsibilities Between Local Authority Councillors And Administrative Staff At The Local Level**

Councillors, in their responses to the questionnaire, indicated a difference of opinion between themselves in that some claimed that the separation of responsibilities between the councillors and officials is clear while others alleged that this separation was ambiguous. As a result, the

duties of these two levels tend to overlap. The administrative staff also confirmed that the separation of responsibilities is not clear.

For policy making at local level to be successful, councillors and officials have to establish a mutual relationship, where policies formulated by councillors have to be implemented by the administrative staff. This augurs well for local government in that local authority councils are referred to in this dissertation as primary local governments directly elected by the people living in specific areas (Mukwena 1998: 36).

### **6.3 Community Involvement In Policy Formulation At Local Level**

Councillors, in their response to the questionnaire, claim that they usually involve their respective communities in decision making at local level. Authentication of this claim prompted the need to contrast responses by councillors and by members of some NGOs and CBOs who alleged that the councillors do not often involve communities in the formulation of policies that pertain to the lives of the local citizenry.

Given the response to the questionnaires, it could be argued that councillors do not often involve communities in the policy formulation process. The decentralisation policy clearly provides for decision-making structures called Local Development Committees that are designed to facilitate community participation in developmental planning at local level. However, the research confirmed that such structures are non-existent at some councils cited in this study. Furthermore, other councillors also confirmed the gap between the community and their councils, especially councils with new council members. One wonders how the community can be engaged in decision making if the communication gap exists.

Local governance is about the ways in which society manages its affairs. It also includes strengthening institutions at sub national level for collective decision making, facilitating collective goals, ensuring fair expression of a range of interests, and guaranteeing adequate arbitration between them. Partnership and relationships between councillors and local citizens are more important for local governance today than hitherto.

Democracy is about putting in place systems, structures and practices of government, which answer the questions of freedom of opinion and accountable administration (Nsibambi 1998: 7). Democracy further requires citizenship and the right to participate in all public matters e.g., the right to be a legal part of the polity (Meyer 1978: 11). To that end, local politics and local government are about widening the basis of political participation and involving citizens in the performance of local public duties (Reddy 1999: 13). It could be argued that democracy can be realised more easily at local level. However, such realisation is depended on the shared values of councillors and community members who would want to realise this political order and the level at which they commit themselves to that.

Participation in policy making by community members is of fundamental importance in the context of local governance in that it serves as an important criterion in examining how local authorities are managed, how decisions about planning and local resource allocation are made, and whether or not they are made in consultation with community sectors. Therefore, participation makes the operation of service delivery more relevant to local needs and increases commitment and involvement in the provision of these services as well as awareness on civic issues. 51 out of 60 respondents (85%) in figure 6.2 indicated “yes” in their response to the question whether councillors allow members of the community to participate in policy-making particularly on issues pertaining to their lives. This attests to the fact that councillors

often allow members of their communities to participate in policy making at local level. To the contrary, the data obtained from the representatives of the people does not seem to tie in at all. This is justified by the fact that there were no LDCs at towns such as Katima Mulilo, Rehoboth and Ondangwa. The same applied to Okahandja and Tsumeb.

Is there a clear separation of responsibilities between local authority councillors and administrative staff at local level, e.g., separation between policy-making (council) and policy implementation (administration)?: Responses of councillors

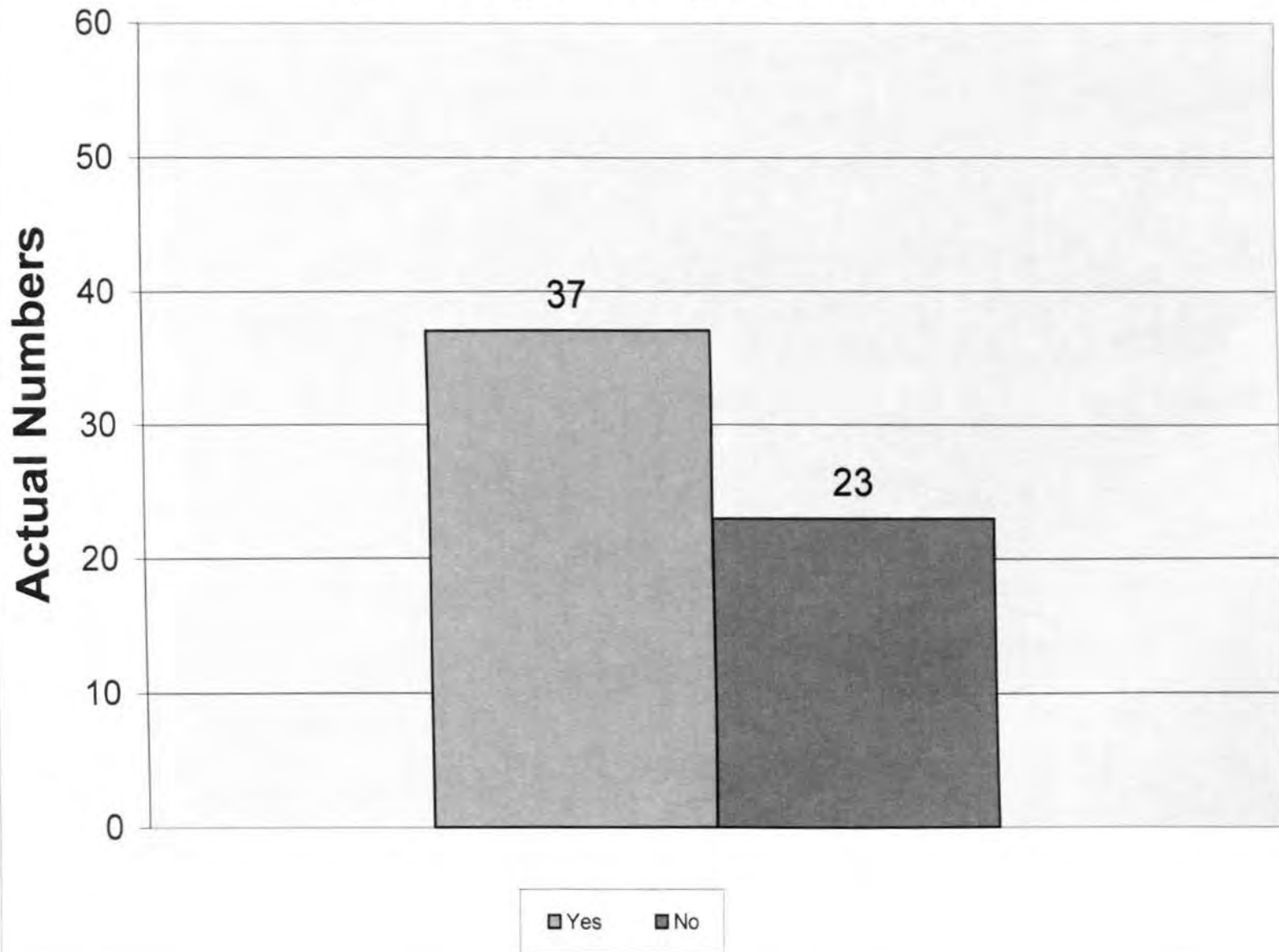


Figure 6.2

Do you as councillors allow members of the community to participate in policy -making particularly on issues pertaining to their lives?: Responses of Councillors

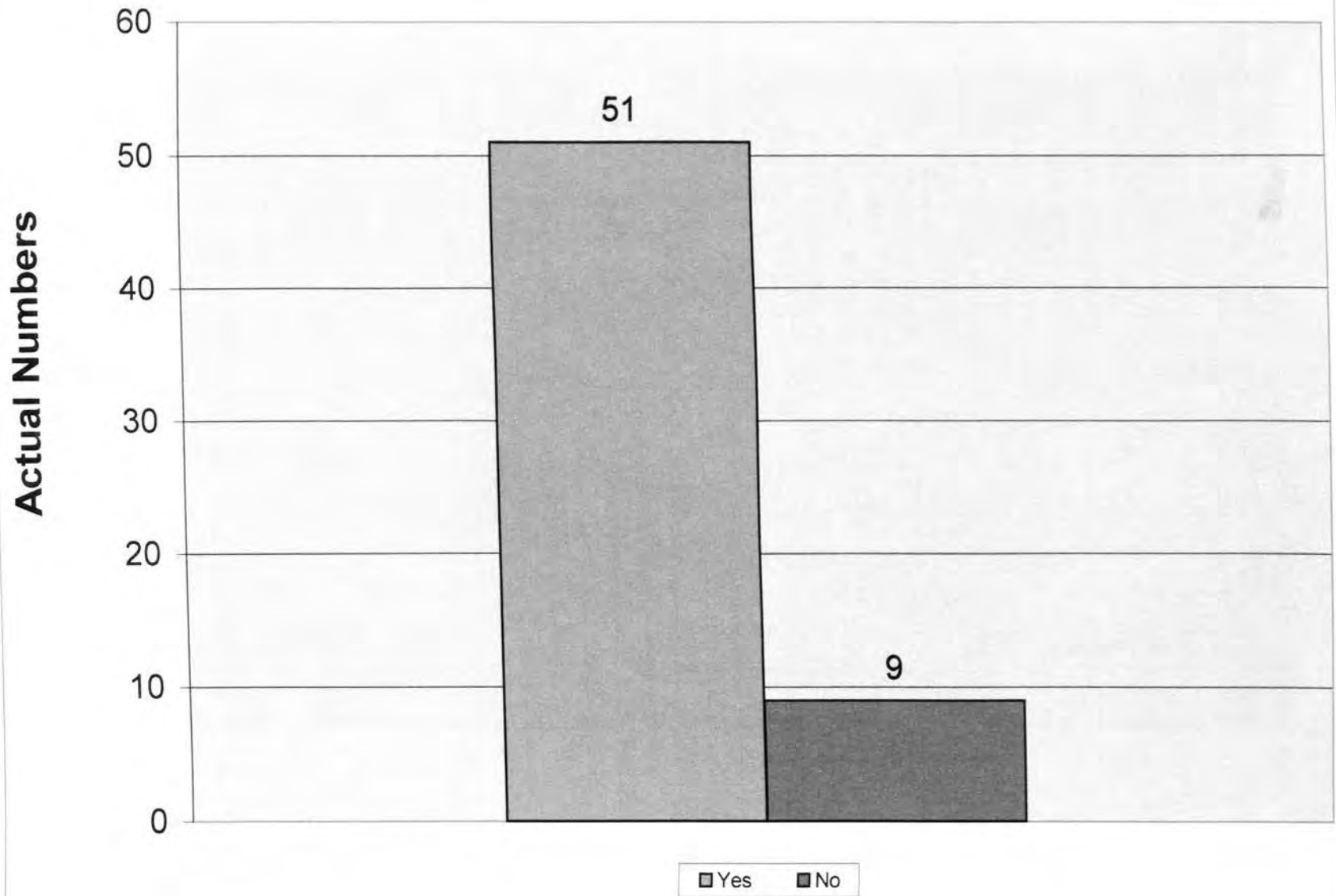
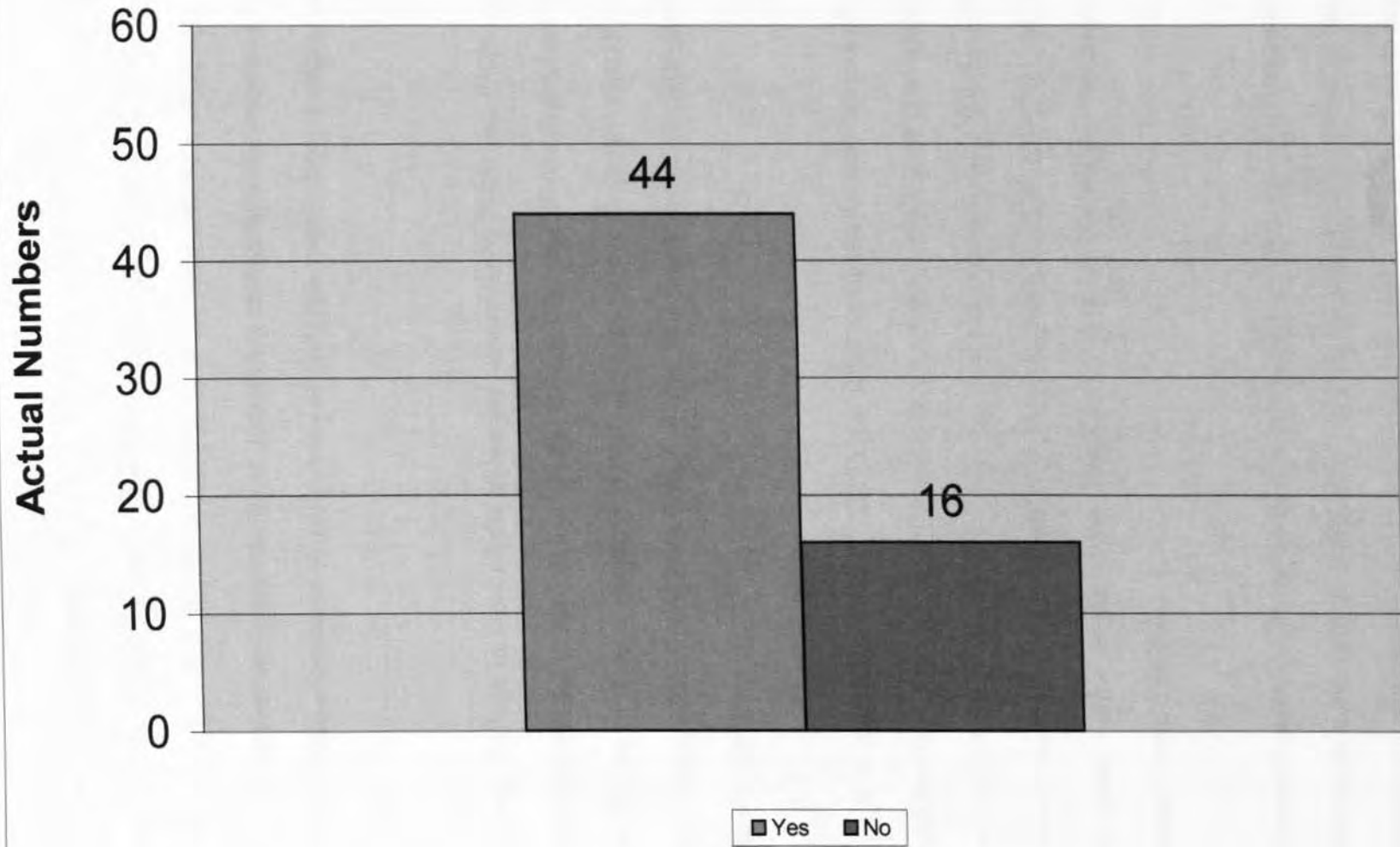


Figure 6.3

In your opinion, are councillors in close contact with local development committees?: Responses of Councillors



#### 6.4 Analysis Of Findings

Decentralisation refers to how the state structure is designed to allow sharing of power between the centre and the sub-national units of the state and the civil society. It could be argued that this arrangement can create an enabling environment for people as individuals or groups to exercise influence on the outputs of decisions, which directly affect them (Higgins 1977:193).

Interesting findings in view of the above are statements by NGO and CBO representatives from seven local authorities who are of the opinion that councillors often do not consult them in the process of making decisions pertaining to their lives. Only four members of the civil society organisations interviewed acknowledged that their councillors often involve them in decision-making.

The validity of statements by the NGO and CBO representatives by way of reviewing who contend that their councils do not involve them in decision-making on local affairs was tested by way of reviewing the minutes from these councils. Mayors and CEOs confirmed the fact that the representatives' statements were true from these councils. However, consultation to a lesser extent seems to be taking place at the City of Windhoek, Tsumeb, Rundu and Okakarara Town Councils.

This research identified the problem area with regard to the councillors-community members' relationship in policy and program formulation on matters of a local nature as being a lack of information on responsibilities. It is clear from this chapter that councillors do not know what role community members should play in decision-making at local level. As a result, councillors often decide for the people without consulting and involving them. Yet, local

governance entails the exercise of political authority in the management of community affairs at local level. The basic quality of participation is that people should have a constant access to decision-making and power in all spheres (economic, social and political). Underlying the concept is the fundamental tenet that there cannot be human development in the real sense if people are not empowered to control their lives; in the absence of such empowerment, people's lives are controlled from above, emptying the whole concept of human development of its fundamental essence (UNDP 1993:2).

The situation (lack of information about responsibilities) can be attributed to the colonial legacy that seems to take root from the colonial local government system that viewed citizens as mere recipients of pre-determined decisions of the ruling elites. In view of the evolution and development of local government in Namibia, it is clear that the colonial local government structures were not democratic. The local authorities of that time were mere extensions of the state, and that such structures regarded the local citizenry as subordinate beings upon which decisions were imposed without consultation.

After a history of colonialism, Namibia committed itself to cooperative democracy that can lexicographically be referred to as participative democracy. The local state had to be redefined, and Bantustans replaced by a new regional dispensation within a unitary state (Töttemeyer 2000:108). As Sono (1993:117) observes, local democracy ensures that one must not be a master of another, but rather oneself and one's life. It is in this sense that democracy is accurately defined as self-government, not government by the other.

As can be observed from our earlier discussions, one could argue that the relationship between the councillors and local citizens lacks aspects of governance. As a result, the local

citizens are not engaged by their leaders in the performance of local public duties, and that, the basis for political participation is narrowed to accommodate local elites only. Participation is a human right and an essential component of democracy as it makes the delivery of services more relevant to local needs and therefore increases commitment and awareness in civic issues. This makes competitiveness an aspect of governance that may stimulate active citizen participation in matters pertaining to their affairs.

Statements by representatives of NGOs and CBOs interviewed indicate a lack of knowledge pertaining to Local Development Committees. Furthermore, they allege that such structures are non-existent at their localities. The validity of these statements was checked with those of councillors from six local authorities cited in this text. Councillors from these councils confirmed that such structures were indeed non-existent. Thus, there is a global acknowledgment that organs of civil society need to be empowered to share the responsibility for governance (Ismail, Bayat, and Meyer 1997: 3). This makes partnership and relationships between government institutions and citizens very important for local governance today.

It should be noted however, that the statements by the respondents were influenced by various political, historical, social, economic, demographic and educational factors. For example, six Mayors interviewed, particularly those from the ruling party SWAPO, expressed their happiness with the relationship between central government and their local authorities whereas three of the Mayors interviewed, who represented the opposition parties, indicated their unhappiness in this respect.

One can also deduce from the statements by respondents from five municipalities, which are economically well-placed that councillors and community members are well informed about

local governance in their respective municipalities. Those from the five towns that were previously proclaimed as communal towns are not well informed about the development activities in their localities because of their economic status. Therefore, economic disparities tend to determine the level and effectiveness of knowledge among councillors about councils.

As can clearly be seen from chapter 4, local authorities classified as municipalities constituted the economically well-placed group of local authorities as opposed to the five communal towns. The economic factor tends to play a role in this when the municipalities and the then communal towns are compared in terms of the level of understanding about local government affairs. The former represent local authorities where formal local government was practiced before independence and that residents in such local authorities are mostly commercial farmers belonging to the previously advantaged groups and literate members employed by the public and private sector organisations in such localities. The latter is constituted by residents who are mainly belonging to the previously disadvantaged groups that never enjoyed a formal local government system by virtue of the apartheid laws that were practiced before independence. As a result of this difference, it could be argued that residents in municipalities seem to have a comparative advantage to an extent that they can question their councillors on civic matters as opposed to residents in former communal towns who, seem to lack the knowledge pertaining to local authority affairs.

Responses from those densely populated local authorities such as Rehoboth, Gobabis, Katima Mulilo and Ondangwa indicate that they are never in contact with their councillors. However, interviewees from low-density towns residents of Rundu, Tsumeb and Okahandja acknowledge that they have contact with their councillors.

Indeed, as seen from chapter 5 seven councillors in the case of part two municipalities and towns are required by the Local Authorities Act of 1992, to represent the people living within a proclaimed local authority area. With regard to Katima Mulilo and Ondangwa where councils experienced problems that pertained to uncontrolled rural-urban migration, the total number of seven councillors may not be sufficient to cover all the segments of the population. In view of this, it can be hypothesised that, the higher the number of residents in densely populated local authority areas the more difficult it becomes for councillors to be in contact with all community members. This means that the number of councillors needs to be increased.

The Mayor of Katima Mulilo informed this researcher that council was unable to maintain the register of residents of Choto and Dairy Compounds in that residents continued to migrate from rural areas to the town and occupied town lands without the permission of council. This led to an increase in the total number of residents of the town, and, unless properly controlled this can result in a loss of contact between the councillors and the community members.

A solution for Namibia in the foregoing case can be sought by learning from the experience of South Africa where the ward system had been established in order to enhance community participation in local governance. In this connection, it can safely be argued that the diversity within densely populated local communities in towns can be given voice through the establishment of decentralised ward committees. Furthermore, the establishment of the ward committees can also enhance the contact between councillors and community members at local level as these committees are area based ward committees that have advisory powers and some form of delegated powers and functions.

The statements by councillors and officials at Katima Mulilo, Rehoboth, Ondangwa and Mariental also indicated that they lack the knowledge of local government affairs. In this connection, they claimed that they do not know the relationship between central government and local authorities. This can be attributed to the lower level of education for some of the councillors and officials interviewed. This researcher arrived at this conclusion after having analysed motivational statements to responses of councillors to the questions in the questionnaire. For instance, 14 of the questionnaires out of which 5 were from Okakarara, 4 from Rundu, 1 from Ondangwa and 4 from Katima Mulilo were returned to them as they were either incomplete or questions in the questionnaire were not clearly understood.

In order to correct the questionnaires referred to in this case, this researcher traveled for the second time to Katima Mulilo, Rundu and Okakarara and discussed with councillors at these towns. All 14 questionnaires, by the end of the visits conducted, were finally completed and ultimately formed part of the 60 questionnaires that were analysed.

As indicated earlier, partnership and relationships between government institutions and citizens are very important for local governance. This is what makes participation an integral element of local governance. However, representatives of NGOs and CBOs allege that councillors do not often involve them in local decision-making. The validity of these statements was established by comparing with the responses of councillors where, they openly acknowledge having carried out very little consultation with citizens when local matters were decided upon. This implies that the councillors tend to concentrate decision-making powers to themselves without sharing them with the people they govern. In this researcher's view, councillors tend to negate the very basis of participatory democracy.

As a consequence, local authorities are not perceived as local democracy by the local citizens. This scenario impedes collective decision-making for facilitating collective goals, ensuring the fair expression of a range of interests and adequate arbitrations between councillors and the local citizens. Hence, it is important to emphasise the fact that partnership and relationships between local authorities and the local citizenry should gain in relevance when considering local governance as councillors are supposed to be the custodians of these concepts.

A major defining characteristic of democracy is that people have a say in political affairs of their country at all levels. Among the popular modalities to ensure this are: checks and balances, cooperate governance and structures promoting empowerment of the people. Cooperate governance refers here to empowerment of civil society to play an active role in governance.

What prevails in local government in Namibia today in terms of the data contained in this chapter is that the modalities of democratic governance have not been institutionalised in the relationship between role players in local government. The observation can be justified by some of the findings in the study e.g., the failure of the central government to effect checks and balances in their relationship with local authorities. The validity of these statements by councillors was checked with the MRLGH headquarters, where Directors responsible for Towns and Villages Coordination acknowledged this communication gap. Furthermore, local citizens protest against some decisions by some councils can also justify the absence of decision-making structures promoting empowerment of the people at local level. These and related incidences result from the tendency of local authorities to centralise decision-making powers to themselves.

Democracy is impossible unless all citizens gather together to make their own decisions and supervise their own government (Janda, Berry and Goldman 1989: 40). Under representative democracy, nothing rules out the possibility that the ruling elites at all levels can benefit than the ordinary citizens from decentralised governance. The best way to avoid this is to make governance as participatory as possible.

NGOs and CBOs recommended that councillors should involve community members in local policy-making on matters pertaining to the lives of the people. Further, they recommended that councillors should not decide for the people but, rather, involve them in the whole process in order to consolidate local democracy.

## CHAPTER 7

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### 7.1 Summary and Conclusions

In order to evaluate the process of decentralisation in Namibia, this study was guided by the following research questions:

To what extent does the central government, local authorities and the civil society adhere to the basic principles that decentralisation seeks to promote, particularly in legislation, policy and programme formulation on matters pertaining to local affairs? Furthermore, what lessons can be learnt from decentralisation and local government experiences of Zambia, Zimbabwe, Botswana and South Africa?

The aim of this dissertation was to evaluate (a) the relations between urban local government and the central government in general and the Ministry of Regional and Local Government and Housing in particular and (b) the relations between local government and civil society organisations through Local Development Committees. In order to achieve this aim, the objectives of this study were: -

- (1) To provide a conceptual framework of variants of decentralisation through the analysis of published sources;
- (2) To examine the experiences of decentralisation and urban local government of Botswana, Zambia, Zimbabwe and South Africa with a view to highlighting possible lessons for Namibia;

- (3) To discuss the provisions of the Local Authorities Act of 1992, the Local Authorities Amendment Act of 2000 and the National policies on Local Government in Namibia as they relate to the policy on local government in Namibia; and
- (4) To assess the effectiveness or otherwise of decentralisation in Namibia, with specific reference to central government-urban local government relations on the one hand, and urban local government and civil society relations on the other hand; and
- (5) To make recommendations aimed at improving (a) intergovernmental relations between urban local government and the central government in general and the Ministry of Regional and Local Government and Housing in particular and (b) the relations between local government and civil society organisations through Local Development Committees.

The rulers and citizens of the country have expected decentralisation in urban local government in Namibia since independence in 1990 to play a significant role in enhancing democracy. Despite these expectations, the process to consolidate democracy particularly in respect of legislation and public policy formulation and implementation on matters pertaining to local authority affairs has been generally unsatisfactory.

Up to the time of conducting this research, there was a lack of a sustainable communication system between the important role players in governance namely, central government, local authorities and civil society organisations. This entails that participants did not operate in partnership with each other in terms of planning, formulation and implementation of legislation and policies that pertain to local authority affairs. The experience of some local authorities together with views by Ministry of Regional and Local Government and Housing

headquarter officials and those of officials from the National Planning Commission provide ample evidence of this fact.

As shown in the preceding chapters, there are so many factors that led to the communication gap between the participants in governance. These include, among others, a lack of trust, lack of communication, ignorance about laws, lack of interest, misunderstanding of the role of local authorities (councillors and officials) and inadequate coordination between the MRLGH and the local authorities. Many of these constraints have in fact hampered the consolidation of decentralisation in urban local government in Namibia.

The establishment of a local government dispensation in Namibia arose from the need to improve and strengthen decentralisation in governance. Article 1 (2) of the Constitution of the Republic of Namibia provides for all power to vest in the people of Namibia who exercise their sovereignty through democratic institutions of the state. This was also the case with the Local Authorities Act of 1992 and the Local Authorities Amendment Act of 2000.

Though the local government dispensation in Namibia provides for the delegation and devolution of decision-making power to sub-national units of government, there is a lack of communication between the central government, local authorities and civil society organisations in the process of planning, formulation and implementation of legislation and public policies. Although the central government attempted to involve local authorities in the process, data in chapter 5 revealed that the local authorities never took such efforts towards consultation seriously because they do not understand their role as councillors in the process of formulating national legislation pertaining to local authority affairs. As an outcome of that, local authorities wrongly view the central government as taking a lead in planning and

formulating national legislation and policies with very little consultation and involvement of local authorities. It is important to note in this respect that this is not by design but merely takes root from the lack of interest that local authorities have shown to the central government when they were often consulted to take part in this process. As a result of this, some of the public policies and legislation pertaining to local authority affairs were formulated by the central government and later implemented with hardships by local authorities. For instance, in the process of formulation of the decentralisation policy of Namibia, central government solicited for inputs from local authorities that they never obtained at all. Furthermore, chapter 5 revealed that local authorities were often invited to participate in meetings at regional level when National Development Plan 1 and 2 were formulated, but local representatives often never took such calls seriously to an extent that only few local authorities participated.

It is therefore a lack of interest that led to the perception by local authorities that both the decentralisation policy and NDP1 and NDP2 were centrally planned and formulated for implementation at local level.

With regard to central – local relations, as we noted in chapter 4 and 5, there is a clear legal relationship between the central government and local authorities in terms of the Local Authorities Act of 1992. However, it is not clear to local authority councillors as to what the relationship between the two levels entails. In view of the findings in chapter 5 and 6 it is clear that the problem results from the failure of councillors to read laws. Hence, the councillors unjustifiably claim ambiguity of the Local Authorities Act of 1992 in this respect.

This researcher agrees with Meyer (1978: 10) who defines local government as local democratic units which are subordinated members of the government vested with prescribed,

controlled governmental powers and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined local areas. There is a division of responsibility between these two levels of government although local authorities ultimately carry out functions at local level. There is also the need for a mutual relationship between central government and local authorities for local government to be successful.

This dissertation has shown that although the relationship between the central government and local authorities seems to be clear to officials at the MRLGH headquarters, a lack of coordination between the MRLGH and local authorities prevailed largely because the central government ignored their responsibility towards local authorities being that of central controls over local authorities. We should however, reiterate that the existence of political and administrative central control in the context of a unitary state should not necessarily be perceived as a negative factor in central-local relations. Central controls can enhance capacity development and usher in local authority operations within the confines of the national ideals, and at the same time, stifle the emergence of malpractices in local authorities.

For instance, with the more effective application of the central controls which existed, the embezzlement of public funds that took place at Katima Mulilo during 2000 could not have gone unchecked for such a long time.

Furthermore, the evidence in chapter 5 and 6 has shown that, although the Association of Local Authorities in Namibia was established in 1993 with the objective of linking together local authorities to share knowledge, information and experience and to represent local government at national level, ALAN has not adequately carried out the duties and

responsibility vested to it by virtue of its establishment. The weak interface between the central government and ALAN in terms of influence on centrally planned legislation and policies that pertain to local authority affairs has contributed to the incapacity for local pressure on central government to promote changes in national legislation. The evidence has also shown that the weak interface between central government and ALAN contributed to a lack of adequate communication and regular flow of accurate information between the central government and local authorities.

We should, however, emphasise that the existence of a countervailing power between the central government and local authorities should not necessarily be seen as an attempt to equate these two levels of government. The countervailing power between the central government and local authorities particularly in national legislation and policy formulation on matters that pertain to local authority affairs can constrain the power of the central government and enhance local pressure on central government to promote changes in legislation. For example, if ALAN was vibrantly and vigorously taking its responsibility of influencing national policies by virtue of its representative role at national level, the perception by councillors as has been seen in chapter 5 that local authorities are excluded from national policy initiation and formulation could not have taken root.

As the analysis in this study has shown, there is no clear separation of responsibilities between councillors and administrative staff at local level. It could be argued that this situation was created from the outset by the progenitors of the Local Authorities Act of 1992, Act 23 of 1992 who excluded the functions of both councillors and administrative staff from this local government legislation. Indeed, both town councils of Katima Mulilo and Okakarara were not in a position to clearly separate the roles and responsibilities of both

councillors and officials. Although amendments to the Local Authorities Act of 1992 through the Local Authorities Amendment Act of 2000 were effected, such amendments have not addressed this situation. This has not been peculiar to Namibia alone. In Zambia, the MMD government in 1991 identified the overlapping roles of councillors and administrators as one of the factors that hampered the functioning of local government. Yet the relationship between the councillors and the administrative staff is crucial to efficient and effective policy making and implementation at local level, for without this relationship being clearly spelt out, it is unlikely that local authority councils can develop the capacity to effectively govern the affairs within their localities.

Democracy is about people ruling themselves and freely managing their own affairs. In this regard, our analysis of the relationship between the councillors and civil society organizations through Local Development Committees has also underlined the importance of citizen participation in the planning and implementation of programmes. But as the Katima Mulilo, Rehoboth, Mariental and Gobabis findings have indicated, even though councillors can be elected to represent community members in the council, under the current state of a lack of partnership between local authorities and the citizens in their respective localities, it is unlikely that local governance can be accessible to all citizens. The problems that affect local authorities in their relationship with the communities they govern have manifested themselves differently in different local authority council settings because of the heterogeneous nature of these councils in terms of such features as geographic locations, population, economic base, and the political history of each local authority council.

Thus the issue of community involvement in programme planning and implementation between local authorities and local citizens, a recurring phenomenon in the development of

local government in Namibia since independence, proved to be far more a problem at towns than municipalities because of differences in institutional capacities. The same was true of the lack of knowledge for laws pertaining to local government affairs, which was particularly acute at Rundu, Katima Mulilo and Okakarara Town Councils. Again, due in part to the institutional capacities of Gobabis, Okahandja, Tsumeb and Mariental in comparison to Rehoboth, Katima Mulilo and Okakarara, there was some effort towards the involvement of communities in their affairs at least through community meetings despite the fact that such meetings were often poorly attended.

As discussed in chapter 5, the fact that councillors at Windhoek, Gobabis, Okahandja, Mariental and Tsumeb have illuminated a degree of knowledge than at Okakarara, Rehoboth, Rundu, Ondangwa and Katima Mulilo, have gone a mile in their understanding of local authority affairs, can be attributed to the fact that there were some forms of local government in those local authority areas before independence. The residents there are more aware of the civic affairs than at newly proclaimed towns in Namibia.

This dissertation has underlined the fact that the issue of creating sustainable communication, partnership and relationships between the central government, local authorities and the civil society organisations must be taken into consideration when planning, formulating and implementing legislation, national policies and programmes that pertain to local authority affairs. For example, one of the major factors that militated against decentralisation in urban local government was the Colonial Government's failure to share policy-making powers with the Blacks. Thus, the lives of the people were centrally controlled in that the people were not allowed to have a say in matters that affected their political and social life. Although there were local government structures in some local authority areas, extensive centrally

determined rules governed such activities as development planning and policy-making at urban local government level.

Fortunately at independence in 1990, the Government of the Republic of Namibia established a three-tier government system, which ushered in a decentralised local government system that allows people to be in control of their own affairs. Yet, while the distinction between the pre and post-independence local government systems were important, we have argued that the failure to take into account the historical political differences of local authorities in Namibia resulted in local government legislation continuing to fall short of addressing the problems affecting local authorities both in their relationship with the central government, and the communities they govern, especially those local authorities that are classified as towns in terms of schedule 2 of the Local Authorities Act of 1992.

For example, the central government failed to take into account the fact that, due to the difference among municipalities and towns in terms of political history, local government policies and programmes were likely to have differently impacted such local authorities. The National Development Plan 1 and 2 that were aimed at reducing the developmental disparities at regional and local level in Namibia by requiring all local authorities to work in collaboration with Regional Councils in identifying possible development projects that were to be financed by the central government, could not succeed in the cases of Katima Mulilo, Rundu and Okakarara due to a lack of knowledge on development planning and intergovernmental relations. As a result, the three councils did not fully participate in this programme and ended with only recurring projects prioritised by the MRLGH through previous project identification forms presented directly to the MRLGH by these respective councils. Moreover, on the institutional capacity side, the failure by the central government to

take serious account of the political history of local authorities, especially the difference between Towns and Municipalities, proved to be a persisting weakness in the Namibian local government.

While the study has shown that the relationship between the role players in urban local government in Namibia, namely the central government, local authorities and the civil society organisations is important to consider when evaluating decentralisation in urban local government in Namibia, it should be emphasised that this cannot be the only yardstick in measuring this phenomenon because issues in local government today cut across boundaries. Indeed, as noted in chapter 4 in the case of the relationship between the three tiers or levels of government in Namibia, there are clearly defined responsibilities between central government and local authorities, which tend to constrain the autonomy of local authorities to operate independently of the central government. For instance, the central government is responsible for both regional and local authorities, despite the fact that these sub-national units of government are placed at highest policy making levels within their areas of jurisdiction in terms of chapter 12 of the Constitution of the Republic of Namibia. However, the three levels do not seem to operate in partnership in practice. The unitary state hierarchy implies that the central government is the highest level in this three-tier arrangement and its political decision-making power tends to prevail over those of the sub-national units of government. The only major source of power for local authorities is the Local Authorities Act of 1992, which also shares decision-making powers between the central government and local authorities.

We should, however, reiterate the point that the existence of this three tier government that places central government above local authorities should not necessarily be seen as a negative factor as the Constitution does not provide for "dictatorship" in respect of this arrangement.

If taken in good faith, this governmental arrangement can enhance support by the central government to local authorities. For instance, the central government can institutionalise through monitoring mechanisms the principles of co-operative governance and those of consultation, clarity and reasonable limits. Furthermore, the central government can support and promote the development of capacity for local authorities.

The theoretical aspects and the experiences of decentralisation and urban local government of Botswana, Zambia, Zimbabwe and South Africa were examined in order to highlight possible lessons for Namibia. An interesting finding was that the pre-independence SWAPO like all pre-independence political parties in Africa had very centralised power tendencies, a trait that they largely exhibited in the formulation of the Decentralisation Enabling Act of 2000. This piece of legislation, under devolution, makes reference more to functions than powers. Therefore, it seems to exclude the discretion that local authorities are supposed to exercise during execution of such mandates. As indicated earlier in chapter 4, simply taking away functions from the central government to the local authorities without conferring decision-making powers to local authorities would not make decentralisation a reality. Government can be democratic to the extent by which local authorities are able to influence the process and substance of decisions made by the central government that are likely to affect them.

Lessons were also drawn from decentralisation and local government experiences of Zambia, Zimbabwe, Botswana, and South Africa. With regard to the lessons for Namibia from these SADC countries, it should be pointed out here that any decentralization programme should be contextualised to a particular situation. Before such lessons were listed in this section, a number of observations were made on Zambia, Zimbabwe, Botswana and South Africa.

However, it should be noted here that SADC countries cited here could also learn from Namibia's decentralisation experiences.

In the case of Zambia, the observation pertains to the 1980-decentralisation reforms. It is important to note here that political support in the polity and the political leadership are pivotal to the successful implementation of any reform process. As Chikulo (2000:42) observes, "inadequate political will" contributed to the partial implementation of the 1980 Act. This could be justified by the fact that this Act was passed but not supported by the corresponding changes in the administrative procedures mainly those relating to finances and personnel (Ibid.)

Although Zimbabwe, like other SADC countries, is a democratic government, the actual performance of the decentralised governance in this country seems to be affected by the lower degree of political commitment to decentralisation at the national political level. In spite of the fact that some functions have been decentralised from the central government to local authorities, for example, primary health care, major political authority has remained at the centre. Consequently, urban councils seem to be in service of the central government. In the context of the example cited, regarding the health function, one can safely point out that while the central government is very keen to decentralise and has in fact decentralised some major functions, a workable and reliable funding mechanism has not been put in place in support of the decentralisation policy.

Although Botswana being a unitary state is generally perceived in the whole of SADC region as a politically stable country, certain observations can be made pertaining to democracy within its political system. For instance, power sharing between the central government and

local authorities seems to be uneven, in that local authorities seem to operate as mere extensions of the state besides the fact that it is a unitary state. Hence, they seem to lack autonomy. This can be assumed as taking root from the premise that local authorities have no powers derived from the Constitution. This may be true because they are established through a subsidiary legislation (Cap 40: 42). By virtue of the above, we can deduce that local authorities can be abolished at any time by the parliament without seeking constitutional amendment.

It suffices to say generally that decentralised governance in Botswana has progressed particularly in the areas of infrastructure development. One can attribute this proposition to schools, roads, and adequate provision of essential services such as water in most urban areas. However, it is important to note here the weakness that continues to prevail in the political and structural levels of local government of Botswana. Many other areas can be acknowledged generally, but for the purpose of this study, focus shall be limited to the weakness that pertains to the relationship between the central and local level. In this connection, it is clearly observed that in spite of the government's commitment to local government that was clearly demonstrated by the creation of subsidiary legislation that gave birth to local authorities, the central government does not seem to have empowered these sub-national units enough to enable them to carry out their functions independent of the centre. This implies that local authorities seem to lack decision-making powers. They cannot initiate development independent of central government.

The other important observation to note here can be administrative. In this regard, the centrally controlled administrative structure of employment, deployment, training and budgeting seem to deter self-governance and initiative. Although local authorities in

Botswana are legal entities that can sue and be sued in their own name, the mere fact as indicated earlier in this discussion, that they were established by subsidiary legislation rather than by a provision in Botswana's Constitution, tends to weaken their authority and bargaining power. This scenario, apart from deterring self-governance, can also severely burden the central government, particularly in the context of provision of services to its citizenry.

Sharma (1999) sees the "nature of development in Botswana, despite the declared objective of "bottom-up" planning continuing to be what is generally known as "top down planning". He further argues that "policies as well as allocation of resources are determined at central government level" (Sharma 1999:78). In view of the above discussion, one can assume that consultation between the central government and local authorities may be taking place in the form of explanation of policies and elaboration of plans formulated at the central government level.

Despite the fact that the new Constitution of the Republic of South Africa tends to be more inclined towards a considerable degree of centralisation within a unitary state framework, Parliament enacted pieces of legislation on local government seeking to address the question of vertical division of governmental power as opposed to a hierarchical relationship between the different spheres of government.

Although local authorities govern their affairs subject to national and provincial legislation, their powers and duties as enshrined in the Constitution do not seem to overlap. Hence, national and provincial government may not deter local authorities from carrying out their functions. Furthermore, local government is constitutionally acknowledged in terms of the

Constitution Act of South Africa (Act 108 of 1996). Therefore, parliament cannot simply dissolve local authorities without seeking recourse to the public like it may be in the case of Botswana.

Another interesting observation is that national government within a unitary framework as envisaged by the Constitution sets a legislative tone where matters should be regulated nationally or according to uniform norms via framework or policy legislation, but there can always be consultation between SALGA and national government on matters pertaining to local government. Such consultation is guaranteed by the recognition of SALGA in section 2(i) (a) of the Organized Local Government Act, 1997 (Act no. 52 of 1997). SALGA represents the organised local government institutions of South Africa on policy matters pertaining to local government affairs at the national level. This means that the national Minister responsible for local government may amend legislation on local government or determine the categories of municipalities subject to consultation with SALGA.

Another observation is about active engagement of communities in the affairs of municipalities that in the context of the new local government system may be viewed as a legislative imperative. This can be justified in view of chapter 4, sections 16 – 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

Finally, national government in principle, as Reddy (1999:216) observes, “is committed to avoiding unfunded mandates and to providing a basic minimum funding (which is yet to be clarified) to support any additional government function”. He further sees “the white paper, on decentralisation and assignment of powers in favour of a process of coordinated decentralisation and assignment of powers thereby ensuring integrated decision making.”

The first lesson in the case of Zambia for Namibia deals with the limits for free and fair elections. I agree with (Nsibambi 1998:7) who observed that free and fair elections, while they serve as good indicators for democratic governance, are not ends to themselves but can serve as a means to an end in consolidating democracy. Using a free and fair elections yardstick alone could qualify Zambia's Second Republic (13 December 1972- December 1990) as democratic although it was a one-party democracy because the government of this Republic was established through elections. To determine whether the Second Republic was democratic or not one could focus on how far the government during this period institutionalised democratic political processes and practices, e.g., developmental planning and community participation during that period. Note that the Third Republic that came into being in 1990 to date, could qualify as democratic in that government reforms in place seem to demonstrate commitment to democracy.

Deducing from the above, it is clear that for democracy to be meaningful and institutionalised, the rulers must demonstrate commitment to democracy. "Government by the people" must be accessible by treating the preferences and demands of all citizens – organised, corcodant, precedented or imprecedented – as equally qualified and worthy of consideration in the making of public choices (Schmitter 1996: 327).

Second, one party system of government is the mother of the institutionalised – "top down politics" which subordinates local government institutions and renders them redundant, and creates an idea that politics only exists at the national level.

Problems associated with centralisation can only be decelerated by the process of decentralisation that Smith (1985: 1) refers to mean “both reversing the concentration of administration at a single centre and conferring powers to local government”.

Third, civil society organisations provide important checks and balances on government power. By channeling people’s participation in economic and social activities, civil society organisations provide a collective voice to groups that would otherwise find it difficult to organise or to be heard enabling them to influence public policies.

Fourth, one would agree with Mawhood (1983), Rondinelli and Cheema (1983) who observe that the extent to which the design and practices fit the expectations held by democratic decentralists or the proclaimed values of the political leadership is one of the important indicators of decentralisation. When Zambia re-introduced multiparty democracy in 1990, it demonstrated its commitment to decentralisation through the enactment of the 1991 Act that provided for the re-introduction of representative local government. In this researcher’s view, the district councils structurally seem to promote decentralisation in that it is a system founded on the principle of direct representative democracy. It is important to note here that district councils are organised under a system of standing and occasional committees that this dissertation argues, can enhance local democracy and citizen participation in local matters. Decentralisation is a “creation of bodies” separated by law from the national centre, in which local representatives are given formal power to decide on a range of public matters (Mukwena 1998: 30). The aspects cited earlier about Zambia’s transition from authoritative to democratic governance serve as a lesson for Namibia.

Fifth, as reflected in chapter 2 of this dissertation, local governance refers to strengthening institutions at sub national level for collective decision making, for facilitating collective decision making, collective goals, ensuring fair expression of a range of interests. But for that to be realised, local government has to be capacitated and empowered to be strong enough to be in a position to control the tendency of central government to become all powerful (checks and balances). I agree with Reddy (1999: 17) who observed that local government is a training ground for democracy.

Although the Government of the Republic of Zambia amended the Local Government Act of 1991 by the promulgation of the Local Government Amendment Act of 1992 in order to empower local authorities to mobilise resources without seeking Ministerial approval, local authorities were not capacitated enough to take over such a noble responsibility. Consequently, they were unable to design programmes and propagate civil responsibilities to communities.

Sixth, decentralisation can be seen as a mechanism for overcoming the service limitations of centrally controlled national planning (Reddy 1999:18). However, the Government of the Republic of Zambia overlooked the delegation to officials at district level of some control and authority in national development. Consequently, officials and institutions at local level were not well empowered to coordinate their operations. Putting together development planning and coordination structures alone cannot guarantee total participation unless power and authority accompany such decision-making structures.

In the case of Zimbabwe, the lesson for Namibia relates to decentralisation. There are three elements of decentralisation, namely, deconcentration, delegation and devolution. Zimbabwe

adopted delegation as a form of decentralisation. Delegation entails the transfer of responsibility for specifically defined functions to organisations that are outside the regular bureaucratic structure and are only indirectly controlled by the central government (Meenakshisundaram 1994: 14). In this regard, the national government decentralises functions from the central authorities to local authorities while the political base remains with the centre. This situation places the urban councils in the service of the central government. Furthermore, this arrangement encourages the central government to retain the right to overturn local decisions and can, at any time, take the functions and powers back.

Decentralisation of power in Zimbabwe can be viewed as merely declared in documents than put in practice by the government. As cited earlier this can be justified by the provision of section 223 (6) of the Urban Councils Act that empowers the Minister of Local Government, Rural and Urban Development to enter into service agreement on behalf of an Urban Council regardless of the reasons for Council's refusal to enter into such a agreement. This arrangement leaves a council with no power to resist. The local political elite can act independently and effectively in making decisions and carrying them out only if decentralisation is correctly implemented.

In the case of Botswana, the first lesson for Namibia deals with democracy at local level. Local authorities are constituted to act as a voice to express needs and wishes of citizens who are geographically located far from the capital. Like in other democratic countries in SADC, local authority councillors are elected to office through political parties. Therefore, once in power at local level, councillors strive to promote good governance, through gaining and maintaining decisive political power of leading areas under their control in accordance with their political party's vision and objectives. The sharing of decision-making power between

the rulers and the ruled is the bone of contention at local level. The recruitment of councillors through the party organisations often gives the choice to party loyalists only. Consequently, local politicians tend to subscribe to a particular set of values and principles in social, political and economic spheres, and they adhere to programmes that promote the party and its policies at the expense of the entire citizenry.

Under chapter 2 it is argued that democracy is about people ruling themselves, ordering, organising and managing their own affairs freely, but also about the relationship between the rulers and the ruled. In this regard, parties in Botswana, particularly at local level, are intensely competitive in seeking the mandate from the electorate. This is a factor that very often can wear away democracy and the effectiveness of councils in the conduct of their business.

Another lesson for Namibia is the constitutionality of local government institutions. Unlike in Namibia where local governments are constitutionally entrenched, local government institutions in Botswana were created through subsidiary legislation. The position of local government institutions in that country is a delicate one in that sub national-units of government depend on the benevolence of the government of the day. The President can dissolve them anytime without recourse to the electorate.

This researcher views local government to mean a sphere of government closer to the people, vested with powers from the centre, to decide in collaboration with the people it governs on matters relating to their lives. There is need for a strong system of local government in a democratic environment. Given its locus in a government structure, local government's

constitutional recognition is important not only to make it difficult for central government to abolish or weaken them but also to enjoy their powers as local governments.

At the time of conducting this research, there was no evidence that pertained to the existence of recognised fora for community participation in decision-making at local level. People seemed to receive their amenities as decided by local authorities without their involvement. Decisions about roads and water points and all other decisions that affected the lives of the local citizenry seemed to be carried out by the councillors alone.

So much of the skills, resources and experience that can possibly lead to the enhancement of councillors' capacity to govern can remain unmobilised for as long as communities are not accorded an opportunity to participate in their own affairs. Participation of all citizens at all levels of administration and government can ensure the extension of democracy to all levels of government (Meyer 1978: 10). As cited earlier, partnership and relationships between government institutions and citizens today have led to the shift in emphasis from "government" to "governance". Therefore, the civil society needs to be empowered to share the responsibility for governance (Ismail, Bayat and Meyer 1997: 3).

In chapter 2 of this dissertation, participation was considered as an important criterion in examining how the central and local authorities are managed, how decisions about planning and resource allocation are made, whether or not they are made in consultation with the diverse interests of stakeholders (civic, private and community sectors). In central-local relations, local authority associations are important, as they play an influential role in government policies. This implies that, the central-local relations do not work in one direction. The expression of local interests can best be represented in the creation of a

National Association of Local Authorities. A national local authority can be established without the consent of a government. However, what is important is that it is recognized by the government. In this regard, the government of Botswana established the Botswana Association of Local Authorities (BALA) whose functions among others include:

- Presenting local government views to central government on major issues like reforms and restructuring;
- Studying particular problems;
- promoting better officer-councillor/employer relations, and
- Providing training for members including exposure to international bodies (BALA 2000: 98).

In the case of South Africa, one lesson for Namibia is based on the commitment to participation of communities in their own affairs. Democracy is impossible unless all citizens gather together to make their own decisions and supervise their own government (Jean Jacques Rosseau as cited in Janda, Berry and Goldman 1989: 39). Government by the people means operating through competing interest groups (Robert Dahl as cited in Janda, Berry and Goldman 1989: 39). The fundamental axiom of pluralist democracy is that “instead of a single centre of sovereign power there must be multiple centres of power, none of which is or can be wholly sovereign” (Robert Dahl as cited in Janda, Berry and Goldman 1989: 39). To put this theoretical assumption into practice, the Republic of South Africa enshrined in section 152 (1) of its Constitution a number of objectives of local government, included, among others, is encouraging the involvement of communities and community organisations in matters of local government. This objective was extended to the local citizenry as a constitutional right and was thus, inculcated in the Enabling Act of Parliament (Republic of South Africa 1998a) to ensure its enforcement by urban councils.

The South African situation can guarantee the participation of communities in local government matters and can also hold councillors accountable to the electorate. Citizens can hold their elected leaders accountable through regular consultation and non-arbitrary deliberations (Schmitter 1996: 327). Deducing from the above theoretical underpinnings, it can be argued that the South African situation can be a good lesson for Namibia because it has a potential to stimulate active citizen participation. This argument is derived from the ward system type of representation applied by South Africa, Zambia, Botswana and Zimbabwe, as opposed to the proportional system that Namibia uses. To that end, it can be argued that the ward system is based more on the principle of direct democracy than the latter, whereby councillors representing wards are directly elected by the residents of respective wards to represent the residents of those wards in local authority councils whereas councillors elected through the proportional system are not directly elected by local residents and do not represent any particular section of the local authority area. Further, under the ward system local residents can also vote for independent candidates if they are not happy with the candidates nominated by political parties whereas under the proportional representation system there is no provision for independent candidates.

Given the above phenomenon, this researcher believes that the ward system promotes councillors' direct accountability to the people as opposed to the proportional system that promotes accountability of councillors to the respective political parties they represent. As can be seen from this explanation, South Africa's ward system guarantees community participation and enhances direct accountability of councillors to the electorate.

“Responsiveness” and “competitiveness” as discussed in chapter 2 of this dissertation, can encourage authorities to be accessible to public demands, enforce accountability on the part of

the policy implementers, and can also ensure that collective choices will be responsive to the diversity of a given society (Schmitter 1996: 328).

## **7.2 Recommendations**

Bearing in mind the above observations, a number of recommendations are made on specific aspects of intergovernmental relations between central government and selected local authorities in Namibia, local authorities and civil society organisations as a way of illuminating a plethora of perceived shortcomings with Namibia's local government system. Intergovernmental relations with reference to the decentralisation process is a wide subject, and the following list of suggestions has reflected an effort to deduce from the research undertaken a number of reforms, which can be seen as remedial. Furthermore, they may also serve as a recipe in enhancing decentralisation in local government.

### **(a) Centre-local relationship**

As can be noted in chapter 4, the local government system in Namibia provides for the central government to delegate and devolve functions, responsibilities, powers and resources to lower levels of government. Although a hierarchical pattern of institutionalised government prevails in Namibia like it is in Zambia, Botswana and Zimbabwe as shown in chapter 3, these latter SADC countries are in dire need of democratic local governance that harmonises the sharing of responsibility between central government and local authorities, and that empowers people, and shares the responsibility of deciding on policies that affect the people's daily life. To cement this ideal, the government for the Republic of Namibia enshrined the provisions of Article 1 (2) in the Constitution of the Republic of Namibia that serves as the commitment by the ruling SWAPO government to cooperative democracy.

As it can clearly be seen from the foregoing, Article 1 (2) seems to deter any form of dictatorship between the democratic institutions of the State that form the three tier government structure namely central government, regional councils and local authorities. In order to uphold this democratic imperative that Article 1 (2) of the Constitution for the Republic of Namibia seeks to address, indeed, there is need for the local state to be strengthened by localising democracy that implies, among other things, developing at local level an operative and effective capacity to control power at central level (Tötemeyer 2000:108).

To achieve the above democratic objective, the government for the Republic of Namibia should confer decision – making powers to local authorities than merely devolving functions to these sub-national levels of government (local authorities) while the discretionary powers remain with central government as local government should constitute the institutionalised form of local democracy.

It should be noted that the interrelation and interface between central government and local authorities in policy formulation and implementation particularly on matters that pertain to local authority affairs is of particular importance to a unitary state that is committed to democracy. Such a state, in the absence of a significant partnership between central government and local authorities in policy formulation process, can ultimately result in a dominant central government that cannot augur well for empowerment of the people at grassroots level.

In order to empower local authorities, the basis for political participation between central government and local authorities should be widened. Indeed, widening the basis for political

participation can enable the central government to create "good governance" that Keulder (2000:98) refers to as a democratic, open and accountable government. In order to achieve the foregoing, government for the Republic of Namibia can apply the Constitution of the country as a tool in achieving these ideals and prevent the arbitrary exercise of power between the central government and local authorities.

It must be appreciated here that the Namibian Constitution is in principle quite adequate with respect to these matters. The ideals of separation of powers between central government and local authorities are provided for in this constitution as it can clearly be seen from chapter 4 of this dissertation. Apart from the constitution, decentralisation as it was argued in chapter 2, can also serve as a tool of empowerment as it can enhance intergovernmental relations if local authorities are vested not only with responsibilities but also with the legal authority to decide and commit allocated resources in discharging those responsibilities (Nsibambi 1998:9).

I agree with Kjellberg (1995:11-40) who argues that liberty for local communities to develop according to their own preference is a powerful ideological element in the introduction of local government systems in most countries.

As was pointed out in chapter 5, the lack of a sustainable communication system between the two levels of government namely, central and local authorities affect their relationship. The reluctance by councillors in seriously partaking in national legislation and policy formulation on issues that pertain to local authority affairs has resulted in the central government imposing centrally planned legislation and policies upon local authorities for implementation at local level. Although national policy making on matters pertaining to local authority affairs in Namibia is a responsibility of the central government, the democratic setting and the political

system in place provides for such national policies to be influenced by the inputs of local authorities.

As stressed in chapter 2, local authorities are created to share decision-making power with the central government. The current relationship between the two levels in the context of national legislation policy formulation has proved to be ineffective in the context of intergovernmental relations, as it does not reflect a desirable level of consultation between the central government and local authorities that is necessary for decentralisation in local government. Therefore, this relationship that is a two-way traffic needs to be revamped as a matter of urgency, if local authorities are to play the representative role as agencies of the central government through which the central government can consult the local citizenry before taking concrete decisions on matters that affect their lives. However, it is importance to note here that the initiative to rectify such a shortcoming should not be expected to come from the central government only but also from local authorities.

As it has been mentioned in chapter 5, local authorities have the power to petition the central government on bills, amendments and other laws that pertain to local authority affairs. Although Namibia's government setting in view of the foregoing has successfully created an enabling environment for democracy through the establishment of its local government system, this may not be enough. I would concur with Töttemeyer's observation that "in a local government setting, local democracy implies, among other things, developing – at local level – an operative and effective capacity to control power at central level (2000, p. 109).

Indeed, as we have seen in the case of Katima Mulilo and Rehoboth, though local authorities are established, councillors are not capacitated and as an outcome of this, they are not aware

of their own roles as councillors. As can be seen from chapter 5, the Mayor of Katima Mulilo informed this researcher at the time of conducting this research that councillors in his council do not know the relationship between council and the MRLGH in policy formulation and implementation on matters pertaining to local authority affairs. Given this state of affairs, they are unable to influence national policies.

It should be noted here that it is not about capacity but also a matter of attitude. Katima Mulilo is a very good example of this ignorance of rules and procedures. The decision by this council to increase their allowances without approval of the Minister of MRLGH in terms of section 18(1)(2) of the Local Authorities Act, 23 of 1992 despite having been informed by the CEO shows their bad attitude. This decision by Katima Mulilo Town Council can safely be viewed by this researcher as a question of their bad attitude as council was aware of the Directives from the central government dated 1 July 1997 that pertained to the remuneration of councillors as the Directives were addressed to local authorities through the President of ALAN who later distributed them to all local authorities in Namibia.

It is therefore, this state of ambivalence in which local authorities find themselves that necessitates immediate revamping of their capacities as indicated earlier in this chapter. For the moment, to ensure that even councillors at towns such as Rundu, Katima Mulilo and Rehoboth are at par with municipalities, the capacity building program of the MRLGH for councillors should be revised.

An intensified programme pertaining to the roles of councillors in policy making and implementation in local government would have an impact on the capacity of local authority councillors, and would in addition, have an advantage of widening the scope of knowledge for

councillors, thereby contributing to enhancing the level of trust between the councillors and the MRLGH headquarter officials generally, and the central government in particular. As on 26 November 2001, 18 local authorities were at that time benefiting from the capacity building programmes that were being conducted by GTZ and CABLE. Ondangwa, Katima Mulilo and Rundu were identified as three of the towns that benefited from these two programmes (Director of Decentralisation 2001).

To make this recommended programme intensive, a number of interventions can be sought from the relevant bodies. However, the Deputy Minister of MRLGH informed this researcher that a draft manual for local authority councillors was at the time of conducting this research under review by the consultants. Although reference was made by the Deputy Minister to the draft manual for local authority councillors, this researcher argues, after having reviewed this draft in collaboration with chief executive officers from municipalities, towns and village councils of Walvisbay, Windhoek, Tsumeb, Swakopmund, Gobabis, Ongwenda, Arandis, Luderitz, and Kamanjab during the workshop held at Safari hotel on 16 January 2003, that this draft manual did not seem to have adequately addressed the role of councillors and administrators. Echoing this researcher are participants at this workshop who latter recommended to the MRLGH to consider the inclusion of the roles and functions of local authority councillors and administrators in the manual than to focus mainly on the code of conduct for councillors and the standing rules at meetings of local authority councillors. This will be explained later in this chapter.

Additional to this draft manual, the MRLGH in collaboration with ALAN should consider workshops that can be conducted at municipalities and towns such as Mariental, Okahandja, Rehoboth, Okakarara, Ondangwa and Katima Mulilo, identified in this dissertation as

requiring knowledge on the role of councillors and administrators at local level. This would in fact, capacitate local authority councillors and equip them for the upcoming decentralisation era that requires them to take charge of their own destiny in terms of development and local governance.

Since the ultimate goal is to devolve functions from the central government to local authorities as capacity of local authorities develop to the satisfaction of the central government, the MRLGH headquarter officials should change their perception towards local authorities from that of viewing local authorities as recipients of centrally planned policies to that of partners in governance. Such an approach would help both local authorities and MRLGH headquarter officials to develop a relationship between them that is necessary for a sustainable communication system between these two participants in local governance.

As can be seen from chapter 3, reforms in local government in Zambia can serve as a lesson to Namibia, particularly when the purpose for establishment of local government has been stressed, among others, as that of providing an enabling environment for local communities to plan and implement their own development, and most importantly to represent the views of the local people at national level. Cardinal to this whole arrangement, this dissertation has argued, is the creation of the limited and passive state that Kjellberg observes from a liberalistic notion (1995, p11 –40). The above arrangement if put to good use, can create multiple centres of power, non of which is or can be wholly sovereign (Janda, Berry and Goldman, 1989: 40). If well natured, the relationship between the central government and local authorities in this respect, can reflect a “divided authority” and “open access” that Robert Dahl emphasises in his advocacy towards pluralist democracy (Janda, Berry and Goldman 1988: 47).

Furthermore, a mutual relationship that should be established between the central government and local authorities can also serve, to transform government into a “polyarchy” that is referred to in this dissertation as a government of the state by many, a concept that applies also to the local level, where it refers to the government of the city by many (Robert Dahl as cited in Keulder, 2000: 9).

We should, emphasise here, however that the theoretical aspects incorporated in this section, could, if put to good use, assist the government of the Republic of Namibia in its endeavour to strengthen the relationship between the central government and local authorities, and particularly in the context of local authority consultation and involvement in national development planning, legislation and policy formulation on matters pertaining to local authority affairs.

As can be seen from chapter 1, the idea of creating levels of government is not new, as a similar arrangement was in place during the colonial times between 1884 and 1989. To avoid a repeat of the problems the colonial governments faced, the central government for the Republic of Namibia, in their thrust to empower local authorities, should considerably develop a central- local relationship that is complementary and supportive. Although the central government is charged with the responsibility to formulate national policies that pertain to local authorities in Namibia, it is virtually axiomatic for the central government to empower local authorities to take part in formulation and implementation of national policies and programmes of a local nature.

Moreover, the locus of local authorities in the government structure, places it close to the people at local level, therefore, this comparative advantage it commands when contrasted against the central government in this respect, can be put to good use, in the creation of partnership between these two levels of government. In the thrust to develop this mutual relationship, local authorities should be responsible for the matters pertaining to local authority affairs, whereas the central government should provide guidance, and proper control of local authorities.

The South African local government system can serve, as a lesson to Namibia, should thrust be pursued by GRN in local government reforms. As can be seen from chapter 4, the South African local government system can provide a classic example of a health relationship between different spheres of government. In an effort to create this relationship, the government for the Republic of South Africa enacted the municipal structures Act of 1989, a piece of legislation on local government that advocates for a vertical division of power, leaving all spheres of government with equivalent status.

**(b) Formulation of National legislation and policies pertaining to Local Authority affairs**

As can be learnt from chapter 4, the Association of Local Authorities in Namibia was conceived to act as a voice of the local authorities, and to influence national legislation on local government. The establishment of ALAN, this dissertation argues, cannot be viewed as an automatic creation of a democratic order at National level, more importantly, it should be viewed as a development of an institution that is aimed at establishing or sustaining the quality relationship that should exist in the context of national legislation and policy formulation between the central government and local authorities.

If upheld in good faith by the central and local authorities, ALAN, in playing its role of influencing legislation at National level, can axiomatically develop a countervailing power between the central government and local authorities that is necessary in a democratic setting. Indeed, the presence of a countervailing power between these two levels of government, if put to good use, can constrain on the power of the central government, particularly in the formulation of national legislation and policies that pertain to local authority affairs.

In order to create a robust institution this author deliberately considered the case of Botswana in an attempt to suggest ways through which ALAN can be strengthened. A robust ALAN, if put to good use can provide for expression of local interests at National level. Instead of focusing on the basic representative roles, this dissertation argues, ALAN should also include the representation of local authority views to central government on major issues such as, reforms and restructuring. This if carried out as intended, can enable local authorities to sharpen their problem solving skills at local level.

Furthermore, ALAN should be taking the responsibility of promoting a better councillor – administrative staff relation that was cited as one of the problems at local level in Namibia. Indeed, as it clearly can be seen from chapter 5, some of these problems, can have their solutions should ALAN be robust to effectively carry out its mandate as intended. Much attention needs to be given to ALAN as a facilitator of democratic governance at local level, also articulator and mediator of local interests, thus in the policymaking and empowerment process.

**(c) Development Planning**

As can be seen from chapter 4, the Ministry of Regional, Local Government and Housing in collaboration with National Planning Commission that are all centrally placed are charged with the responsibility for national development planning. This scenario, this dissertation argues, can negate meaningful development at the periphery that the decentralisation policy of Namibia seeks to promote. Indeed, as can be seen from the cases of Katima Mulilo and Gobabis, the central government through the MRLGH and the NPC identified the development projects for Katima Mulilo without council's involvement.

Similarly, a Housing Fund that was aimed at provision of housing for destitute and pensioners backfired at Gobabis. Indeed, if the central government solicited for input from the Gobabis Municipality, they would have correctly identified the development needs for Gobabis. Instead, the identification seems to have been carried out centrally. As an outcome of this, the funds remained unutilised as the beneficiaries could not be identified at all by the local authority council of Gobabis.

It should be stressed, here, that national development planning in Namibia should not be viewed as a negative factor in a decentralised government system. If carried out in consultation with the local authorities, that are the representatives of the people at local level, it can unequivocally be a solution to the historical development inequities that continue to affect Namibia since independence. As stressed by the analysis in this dissertation, intergovernmental relations are widely believed to be an essential ingredient of the development process. Participation as was clearly emphasised in chapter 2, is an important criteria in examining how the central government and local authorities are managed, how

decisions about planning and resource allocation are made, whether or not they are made in consultation with the diverse interests of stakeholders (civic, private and community sector).

If local authorities can be empowered to participate directly in identifying the development needs of the localities in collaboration with the people they govern, national development programmes, can impact positively on the developmental needs of local authorities.

As can be seen from chapter 6, the central government solicited for project identification forms from the local authorities in order to identify what projects or development programmes local authorities intended to carry out for its people. Although local authorities indicated their wishes in terms of priorities, the central government finally prioritised the projects for local authorities without their involvement, a scenario that created problems at some local authorities, particularly the towns of Katima Mulilo and Gobabis whose cases were cited earlier in this text. To improve the quality of national development programmes, a change in approach to national development will have to be effected.

In order to realise the above, the local authorities should be empowered through the decentralisation policy of Namibia to participate in prioritising the projects that they wish to implement, in view of the fact that they are usually aware of the needs of the people they govern, and that they can have best solutions to local problems.

As we have shown in chapter 3, there were attempts by the Government for the Republic of Zambia to decentralise development planning in line with the above suggestion that can serve as a lesson for the Namibian government. Deducing from the experience of Zambia, the

Government of the Republic of Namibia in its thrust to transfer development planning to local authorities, should consider a number of preconditions that should exist before such reforms are put into play. Important in the menu of this dissertation can be the following:

- (i) To allocate this responsibility with a corresponding authority to approve such plans; and
- (ii) The MRLGH and the NPC to decentralise field officers from the central government to local authorities, who should be responsible for advising local authorities on how to carry out that function, and also engage the regional councils to coordinate such operations between the central government and local authorities.

**(c) Councillor – administrative staff relationship at local level**

Although mayors and chief executive officers who were interviewed as can be seen from chapter 6 stated that the roles of councillors and administrative staff are not clearly separated at local level, the Deputy Minister of MRLGH (2002) informed the researcher that these roles are separated but not applied as such. He further argued that they do not need to overlap as there are clearly laid down rules for both councillors and administrators.

It must be noted here that this researcher echoes the views of the Deputy Minister of MRLGH only up to an extent where it becomes agreeable that the draft code of conduct for councillors and the standing rules at meetings of local authority councils can be accepted as rigidly inclined to normative than practical aspects of the relationship between councillors and administrators.

It can be argued that problems indicated by both councillors and officials at local level as can be seen in chapter 6, seem to be more of a practical nature than normative in that some of them seem to be aware of the fact that councillors are policy makers whose responsibility is that of making decisions to be implemented by administrators. What seems to create a capricious behaviour between councillors and administrators in the view of this researcher can be the fact that, operationally, the Act of 1992 does not seem to clearly spell out the operational roles of councillors and administrators and there are no clear policy directives from the MRLGH that specifically articulate what councillors and administrators must carry out in the day-to-day activities of council.

To justify the foregoing, let us analyse two clauses extracted by this researcher from the draft manual for local authority councillors referred to in this text. Clause L.05.2.4 (1) of the draft code of conduct for councillors provides that an individual councillor has in his or her capacity as an individual councillor no administrative or executive powers in the operation of a council whereas, rule L05.3.51 of the draft standing rules and procedures at meetings of local authority councils provides that, any official communication on behalf of the council, a committee or committee of the whole council, may only be made by the CEO or by a council member or staff member designated to do so by the council.

When critically analysed from a practical point of view, this researcher views the two clauses as conflicting with each other as the latter seems to authorise councillors to designate any member of council to make any official communication on behalf of council although, such authority in terms of the former seems to be an administrative function that vests in administrators. Unless circumstances under which such designation can be enshrined in the latter, such ambiguity is likely to cause an overlap in the duties of councillors and

administrators in the day-to-day operations of council. It must be noted that ambiguities in certain regulations can foil the coordination that is necessary between councillors and administrators, as most often than not, such ambiguities can be used as a weapon by councillors in their power struggle with administrators at the local level. Indeed, the cases of Katima Mulilo and Okakarara postulated problems in carrying out their duties and functions. Although this problem was so acute at Katima Mulilo, councillors from Rundu and Ondangwa also indicated the prevalence of this problem in their respective councils, in their responses to the questionnaire.

A mutual relationship between councillors and administrative staff is fundamental to effective and efficient administration of local authorities. If roles of both councillors and administrative officers at local level can be clearly spelt out like it is in the cases of South Africa and Zambia, local authorities can be strengthened for collective decision-making. Spelling out clearly the roles, duties and responsibilities of councillors and administrators in an Act of Parliament can serve as another way to foster this complementary relationship between councillors and the administrative staff at the local level.

Furthermore, the MRLGH can also formulate regulations that can adequately address the practical aspects pertaining to the relationship between councillors and administrators in the operation of council as indicated earlier in this text.

This problem was not peculiar to Namibia. As can be seen in chapter 3, Zambia identified the overlapping roles of councillors and administrative staff in 1991, as one of the factors that hampered service delivery at local level. As part of its reform programmes, the government of

Zambia overcame this problem by clearly spelling out the roles of councillors and officers in the Local Government Act of 1991, Act 21 of 1991.

In view of the foregoing it can clearly be seen that there can be a permanent solution to this problem, especially when the experiences of Zambia and South Africa are put in practice in order to curb the capricious behaviour that tends to prevail at local level between councillors and the administrative staff. As can be seen in this chapter, there is a need to immediately draw a separation between the roles of councillors and administrative staff at local level. To solve this problem, the government for the Republic of Namibia can consider further amendments to the current legislation on local government in Namibia in order to incorporate the roles of councillors and administrators by learning from the experiences of South Africa and Zambia who have already applied this approach.

**(e) Councillors – Community members relationship**

As has been shown in this dissertation, the relationship between councillors and community members at local level has fallen short of the standard necessary to ensure meaningful democracy, as there cannot be any meaningful democracy without the local people participating in the whole process of governance.

Local democracy ensures that one must not be master of another, but rather oneself and one's life. It is in this sense that democracy is accurately defined as self-government, not government by the other (Sono 1993:117).

I concur with Hofmeister and Scholtz's observation that "subsidiarity is a principle in the context of permitting and encouraging local participation and self government, and that the

principle of subsidiarity obliges larger communities and – ultimately – the state to go into action whenever circumstances begin to overcharge the capabilities of individuals or smaller Communities” (1977:15).

Decentralisation and local government, this dissertation argues, are words found in partnership. As we have observed in chapter 2, local government has its basis in local democracy, and it is a means through which local communities can govern themselves. While democratisation efforts have been put up by the central government for the local authorities, e.g., the establishment of Local Development Committees as can be seen from chapter 5 and 6, there remains glaring areas of a lack of partnership at the grass root level, that is necessary to create a sustainable communication system between councillors and community members. To make good this democratic deficit at local level, councillors should commit themselves to consultation and involvement of the local citizens, CBOs and NGOs in the decision-making process at local level.

This can be achieved through a commitment by the local authorities in Namibia to the principle of bottom-up approach instead of a top-down planning. Botswana, as has been observed in chapter 3, can serve as a classic example in this case, in their effort to engage stakeholders in the process of developmental planning, adopted the bottom-up approach to development planning. As an outcome of this, an opportunity was afforded to all participants in local governance cited elsewhere in this dissertation, to own the development process.

Furthermore, the MRLGH in Namibia should monitor local authorities in their effort to establish Local Development Committees, and support local authorities in establishing such committees at local authorities such as Katima Mulilo, Rundu, Ondangwa and Okakarara.

Lessons that this dissertation has deduced from the SADC Countries cited in this chapter, can also guide the Government for the Republic of Namibia in ushering the decentralisation process towards enhancement of intergovernmental relations between central government and local authorities, and local authorities with civil society organisations.

**APPENDICES****Appendix 1: Questionnaire for Local Authority Councillors****UNIVERSITY OF NAMIBIA****DEPARTMENT OF POLITICAL AND ADMINISTRATIVE  
STUDIES****Ph.D. RESEARCH QUESTIONNAIRE FOR LOCAL AUTHORITY COUNCILLORS**

Intergovernmental relations between central government and selected local authorities in Namibia with special reference to the decentralisation process.

A Questionnaire compiled to review and evaluate processes of decentralisation in policy formulation and implementation in urban local government.

This questionnaire is targeted at local authority councillors in Namibia to measure the level at which consultation and participation takes place in policy formulation and implementation between the two policy levels namely, the Central government and Local Authorities



A (ii) If not, for what reason should you have been consulted?

.....

.....

.....

Is the Central government likely to consult when deciding on the following activities: Highly Likely (HL), Likely (L), Not Sure (NS), Unlikely (U), Highly Unlikely (HU)

**(A) (iii) Consultation on:**

1. Deciding on the powers and functions of local authorities
2. Deciding on by laws for local authorities
3. Deciding on functions to be delegated to local authorities
4. Privatizing national development programmes
5. Prioritizing national development programmes
6. Prioritizing national projects for Regional and Local Authorities
7. Social amenities local authorities have to provide to its people
8. Evaluating national development programmes
9. Evaluating ways of improving national development projects
10. Evaluating national policies

HL	L	NS	U	HU

**Section 3**

Are local authorities likely to participate in the following activities?: Highly Likely (HL), Likely (L), Not sure (NS), Unlikely (U), Highly Unlikely (HU)

**(B) Participation**

1. Deciding on the powers and functions of local authorities
2. Deciding on by laws for local authorities
3. Deciding on Functions to be delegated to local authorities by ministries
4. Privatizing national development programmes
5. Prioritizing national development programmes
6. Deciding on training programmes for local authority councillors
7. Social amenities local authorities have to provide to its people
8. Evaluating national development programmes
9. Evaluating ways of improving national development projects
10. Evaluating national policies

HL	L	NS	U	HU

**Section 4**

- (C) (i) In your opinion, was consultation with your local authority by the central government necessary, during the formulation of the local authorities act of 1992? (this question is valid only to those local authorities that existed in 1990-1992).

Yes

No

Not Sure

(ii) Why is this your opinion?

.....

.....

.....

D. Did your local authority participate in the formulation of the decentralization policy of Namibia?

Yes

No

E. (i) Do you think it is necessary for your local authority to be consulted by the central government prior the formulation of policies and programmes pertaining to the Local Authority matters?

Yes

No

(ii) Why do you think so?

.....

.....

.....

F. (i) In your opinion, are you happy with the policy making processes by the central government particularly on policies relating to local authority affairs?

Yes

No

Not Sure

(ii) Explain reasons for your response

.....

.....  
 .....

### Section 5

- G. (i) Are you happy with the relationship between the central government and your local authority in policy formulation and implementation.

**Yes**

**No**

- (ii) Explain reasons for your response:

.....  
 .....

- H. (i) Are you happy with the division of decision- making powers in terms of the local authorities Act of 1992 between the central government and your local authority?

**Yes**

**No**

- (ii) Explain reason for your response:

.....  
 .....

- I. (i) In your opinion what should be done to improve the central government's level of consultation with your council prior formulation of policies pertaining to local authority matters?

.....  
 .....

- (ii) What initiative has been taken by your council to make an input on legislation pertaining to local governance and administration?

.....  
 .....

- J. Any other comments you want to make on the relationship between local authorities and the Ministry of Regional and Local Government Housing? How for example it could be improved?

.....  
 .....

### **Section 6**

- K. (i) Is there a clear separation of responsibilities between local authority councillors and the administrative staff at local level (e.g. separation between policy making) council and policy implementation (administration)?

- (iii) Explain reasons for your response:

.....  
 .....

- L. Any other comments you want to make on the relationship between the local authority councillors and the administrative staff? How for example it could be improved?

.....  
 .....

**Section 7**

- M.** (i) Do you as councillors allow members of the community to participate in policy making particularly on issues pertaining to their lives?

**Yes****No**

- (ii) Explain reasons for your response:

.....

.....

.....

- N.** (i) In your opinion, are councillors in close contact with the local development committees?

**Yes****No**

- (ii) Explain reasons for your response:

.....

.....

.....

- O. Any other comments you want to make on the relationship between councillors and the community in policy making at local level? How for example it could be improved?

.....

.....

.....

**Appendix 2: Questionnaire for MRLGH Head Quarter Officials****UNIVERSITY OF NAMIBIA****DEPARTMENT OF POLITICAL AND ADMINISTRATIVE****STUDIES****Ph.D. RESEARCH QUESTIONNAIRE FOR MRLGH HEADQUATER OFFICIALS**

Intergovernmental relations between central government and selected local authorities in Namibia with special reference to the decentralisation process.

A Questionnaire compiled to review and evaluate processes of decentralisation in policy formulation and implementation in Urban Local Government.

This questionnaire is targeted at Ministry of Regional and Local Government Head Quarter Officials to measure the level at which consultation and participation take place in policy formulation and implementation between the two policy levels, namely, the central government and local authorities.



**(A) (iii) Consultation on:**

1. Deciding on the powers and functions of local authorities
2. Deciding on by laws for local authorities
3. Deciding on functions to be delegated to local authorities by Ministries
4. Privatizing national development programmes
5. Prioritizing national development programmes
6. Prioritizing national projects
7. Social amenities local authorities have to provide to its people
8. Evaluating national development programmes
9. Evaluating ways of improving national development projects
10. Evaluating national policies

HL	L	NS	U	HU

**Section 3**

Are local authorities likely to participate in the following activities?: Highly likely (HL), Likely (L), Not sure (NS), Unlikely (U), Highly Unlikely (HU)

**(B) Participation**

1. Deciding on the powers and functions of local authorities
2. Deciding on by laws for local authorities
3. Deciding on functions to be delegated to local authorities
4. Privatizing national development programmes
5. Prioritizing national development programmes
6. Deciding on training programmes for local authority councillors
7. Social amenities local authorities have to provide to its people
8. Evaluating national development programmes
9. Evaluating ways of improving national development projects
10. Evaluating national policies

HL	L	NS	U	HU

**Section 4**

- (C) (i) In your opinion, was consultation with local authorities by the central government necessary, during the formulation of the local authorities act of 1992? (this question is valid only to those local authorities that existed in 1990-1992).

Yes

No

Not Sure

- (ii) Why is that your opinion?

.....  
 .....  
 .....

- D. (i) Have local authorities participated in any amendments to the local authorities Act 1992?

**Yes**

**No**



- (ii) If "yes" give details

.....  
 .....  
 .....

- (iii) Do you think such participation was necessary?

**Yes**

**No**



- (iv) Why do you think so?

.....  
 .....  
 .....

- E (i) Are you happy with the relationship between the central government and local authorities in policy formulation and implementation pertaining to local authority matters?

**Yes**

**No**



- (ii) Motivate your reply:

.....

.....

.....

.....

- F. (i) Are you happy with the division of decision-making powers in terms of the local authorities act of 1992 between the central government and local authorities?

**Yes**

**No**

- (ii) Explain reasons for your response:

.....

.....

.....

.....

### **Section 5**

- G. (i) In your assessment, is your Ministry relating to the local authorities in policy formulation and implementation?

**Yes**

**No**

- H. In your opinion, what should be done to improve the central government's level of consultation with local authorities prior to the formulation of policies pertaining to local authority matters?

.....

.....

.....

.....

- I. Any other comments you want to make on the relationship between the Ministry of Regional and Local Government and Housing and Local Authorities? For example, how it could be improved?



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