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**THE CONSOLIDATION OF DEMOCRACY IN NAMIBIA:  
ASSESSMENT AND RECOMMENDATIONS**

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A

Executive Summary	ii
Table of Contents	vi
Acronyms	viii
I. Purpose and Perspective of the Assessment:	1
II. The Political and Economic Context	2
1. Historical Overview of Namibian Politics and Political Culture	2
2. The Namibian Economy	9
3. The Prospects for Consolidating Democracy in Namibia	12
III. Findings from the Assessment	16
1. Status of Key State Institutions	16
a. The executive	16
b. The legislature	18
c. Regional and local government	21
d. The judiciary and the rule of law	26
e. The Auditor General and the Ombudsman	29
f. The role of the security forces	31
2. Civil Society	31
a. Political parties	31
b. The media	36
c. Trade unions and interest groups	38
d. Business organizations	41
e. National service oriented NGOs	42
f. National NGOs with explicit DG agenda	45
g. Church and religious organizations	46

h. The University of Namibia	47
i. Women's organizations	49
j. Emergent CBO activity	51
3. The Role of the Donor Community in Support of Democratization	52
IV. Criteria for Determining USAID's Democracy/Governance Program in Namibia	57
V. Recommended Areas of Institutional Development and Capacity Building	58
1. Building Advocacy Capacity	60
2. Facilitating Decentralization	63
3. Enhancing the Transparency and Accountability of Parliament	66
4. Strengthening the Rule of Law and Human Rights	70
5. Supporting the Media	76
VI. Implications for USAID and US Embassy Windhoek	79
Annex A: List of Interviews Conducted by Assessment Team	81
Annex B: List of Namibia's Thirteen Regions and Their Constituencies	91
Annex C: E-Mail Capabilities in Namibia	94
Annex D: Submissions from the Ministry of Justice (Chief of Lower Courts) and from the Legal Assistance Centre	96
Annex E: Descriptions of Donor DG Programs in Namibia	97
Bibliography	98

C

## EXECUTIVE SUMMARY

This assessment of the prospects for the consolidation of democracy in Namibia was researched and written by Joel D. Barkan, professor of political science at the University of Iowa, Gretchen Bauer, assistant professor of political science at the University of Delaware and Carol L. Martin of the department of political science at Yale University. Research for the assessment commenced on July 1, 1994, with the final report completed on July 28, 1994. During the intervening period, the assessment team visited nine of Namibia's 13 administrative regions and interviewed more than 170 leaders of a wide array of Namibian institutions and organizations. A list of these individuals by region and affiliation appears in Annex A.

The purpose of this assessment is to provide the USAID mission to Namibia with a comprehensive analysis of the Namibian political system in order to enable the mission to arrive at a final design and project paper for a four year program to consolidate democracy in the country. As such, the assessment team commenced its work with no preconceptions of what specific initiatives it would ultimately recommend. The main criterion was that the recommendations should facilitate the long-term development of those institutions that we would identify as being most critical for the consolidation of Namibian democracy. We also determined that we should pay particular attention to the array of organizations and governmental structures that operate as intermediaries between the central government and local communities. Based on our past knowledge of Namibia, we were concerned that there exists a vast institutional gap between central government agencies and most Namibian citizens. We therefore decided that our inquiry should explore the dimensions of this gap to determine its extent, and quality, as well as the actions that should be taken to close the gap.

In the course of our investigations we confirmed that there is indeed a serious institutional gap between central political authorities and the population they purport to govern; so much so, that the state is virtually "suspended" over Namibian society. This problem is exacerbated by our second principal finding: that there is a widespread lack of advocacy capacity on the part Namibian citizens and local and regional leaders, as well as of leaders of major interest groups and NGOs, to articulate and lobby for their needs vis-a-vis the state. The Namibian political system is sufficiently open that most groups and associations have opportunities to assert their interests, but they are unable to take advantage of these opportunities. For example, Parliament debates issues of policy on a daily basis, but public galleries are empty; NGOs have the opportunity to make input into the work of the National Planning Commission, but cannot articulate such input in a manner that is digestible by the Commission; there is a system of district labor courts, but the trade unions have no legal expertise to defend their members who wish to seek remedies through these courts, etc.

The two problems of a lack of advocacy capacity and the lack of intermediary institutions between state and society are interrelated, and to some degree mutually reinforcing. The lack of advocacy capacity means that there is an absence of the kind of activities such as lobbying by interest groups that give rise to vibrant political parties and other institutions for holding the state accountable to the governed. Conversely, because there are few existing linkages, both the government and centrally based

11

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NGOs face great obstacles in mobilizing citizens for a variety of forms of community and collective action.

In the assessment that follows we begin with an overview of the current state of the Namibian political system and economy. We then turn to a systematic review of all but one of the institutions and organizations, both public and private, whose activities directly affect the consolidation of democracy in Namibia. The one exception is the security forces which, for reasons stated in the narrative, were beyond the scope of our investigations. The review of both governmental institutions and civil society describes--organization by organization--why the absence of institutional linkages and an advocacy capacity are the two principal obstacles to the consolidation of democracy in the country.

After a discussion of the criteria USAID should employ when identifying specific areas for its programmatic initiatives in support of democracy, we turn to an extended discussion of our principal recommendations in section V. Here, we both describe what these initiatives should entail and discuss, to the extent that we are able, the methods by which the USAID mission to Namibia, together with the U.S. Embassy and USIS, might implement these recommendations.

Our recommendations cluster into five interrelated realms of activity which, if pursued, will result in an integrated program to support the consolidation of democracy in Namibia by addressing its principal constraints. The program areas are (1) building advocacy capacity; (2) facilitating decentralization; (3) enhancing the transparency and accountability of Parliament; (4) strengthening the rule of law and human rights; and (5) supporting the media.

To build advocacy capacity in Namibia, we recommend the establishment of an Advocacy Center in Windhoek which would provide an array of specialized and needed resources to the NGO community, the trade unions, and church based development organizations as well as to other actors in the Namibian political system. The center probably would be established under NANGOF, the Namibia Non-Governmental Organisation Forum. The center, which would serve as a base for specialists in public interest law, labor relations, community organizing, etc., would have a small library and an E-mail capacity to link member organizations and to provide information rapidly. Indeed, the establishment of E-mail in Namibia, while not a programmatic area itself, was mentioned again and again in the course of our investigations as a priority need by the key institutions that we recommend supporting in all five programs. The strengthening of advocacy capacity will also require the establishment of more modest, yet much needed, centers at the regional and constituency level across Namibia. In our discussion, we suggest how such centers might be established, by whom, etc.

The second major area of emphasis is decentralization. Stated simply, until meaningful decentralization takes place in Namibia--that is to say until there is a real devolution of power to the existing and elected local and regional councils--the institutional gap between the central government and individual Namibians will remain acute. In the course of our investigations we were constantly made aware of a rising level of frustration on the part of most locally elected leaders and their constituents that they are unable to deal with the problems of their communities, because they are kept on a short leash by the central government, especially the Ministry of Local and

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Regional Government and Housing, and because they have no independent sources of revenue. Both the constitution and the legislation which specifies the role and authority of local and regional government are vague, but the redrafting of both is obviously beyond the scope of what USAID might do to strengthen these institutions. We therefore recommend several programs which could be pursued under the auspices of the Ministry of Regional and Local Government and Housing to strengthen and increase the autonomy of these local bodies. Some involve training. Others involve the development procedures for regional planning, finance, and improved public management.

Our recommendations to enhance both the National Assembly and the National Council focus on the need to improve the capacity for policy research analysis so that the members of both houses will have a better understanding of pending legislation. We also suggest that support be provided to improve and extend media coverage of the legislature, and that some attention be paid to strengthening MP skills at constituency service. These recommendations build upon several successful, albeit short term programs which the United States has sponsored in this area since 1991.

The fourth area of emphasis is the rule of law, especially the strengthening of the lower courts. Two types of courts are responsible for the administration of basic justice in Namibia--community courts and magistrate courts. Unfortunately, the number of trained Namibian magistrates is too few, and the courts over which they preside lack basic reference materials such as handbooks, complete sets of statutes, etc. To overcome these deficiencies, the assessment team recommends support for the Justice Training Centre, a small institute established for the sole purpose of upgrading skills of those who staff the lower courts, as well as training of the police. We also suggest that support be provided to the Legal Assistance Centre, and possibly to the Human Rights and Documentation Centre at the University of Namibia.

Finally, we complete our discussion of recommended programs by suggesting what USAID can do to strengthen the broadcast and print media. The most fundamental problem is the dearth of trained journalists, especially journalists in specialized fields of reporting such as economic policy and finance. To this end we recommend a number of initiatives in support of the Media Institute of Southern Africa--Namibia. These include provision of a core grant to facilitate the establishment of the Namibia branch, support for a legal defense fund for the media, provision of an E-mail facility to MISA-Namibia as well as a subscription to the on-line news service Nexus. A primary task of MISA will also be to provide training opportunities to upgrade the skills of Namibian journalists, and the team recommends that technical assistance be provided to provide such training. The assessment also recommends support to the Namibia Broadcasting Corporation in a number of discrete areas. These includes the provision of cameras and other necessary equipment for a live broadcast television facility from the National Assembly and National Council, and to strengthen community based broadcasting.

Our assessment concludes with a short section on the implications our proposed program will have for USAID. We strongly recommend the appointment of a resident democracy and governance advisor to direct the program, and of a project manager who would be responsible for handling a substantial amount of paperwork. A

discussion of the type of person who should be recruited to serve as the DG advisor is outlined.

We believe that this paper will enable the mission to move quickly towards a final project paper in time to mount a country DG program by February or March of next year. To facilitate the development of the project paper, the assessment team has taken great pains to collect an array of documents and materials on local organizations and establish a file of these materials. These files should form the core of a mission library for democratization and governance issues in Namibia.

## Acronyms

AG	Attorney General
ACN	Action Christian National
CASS	Centre for Applied Social Sciences
CBO	Community Based Organization
CCN	Council of Churches of Namibia
DTA	Democratic Turnhalle Alliance
DWA	Department of Women's Affairs
ELCIN	Evangelical Lutheran Church in Namibia
FCN	Federal Convention of Namibia
FES	Friedrich Ebert Stiftung
GRN	Government of the Republic of Namibia
HRDC	Human Rights and Documentation Centre
ICFTU	International Confederation of Free Trade Unions
IMLT	Institute for Management and Leadership Training
JTC	Justice Training Centre
LAC	Legal Assistance Centre
LAUN	Local Authorities Union of Namibia
MANWU	Metal and Allied Namibian Workers Union
MISA	Media Institute of Southern Africa
MOJ	Ministry of Justice
MRLGH	Ministry of Regional and Local Government and Housing
MUN	Mineworkers Union of Namibia
NAFAU	Namibia Food and Allied Union
NAFWU	Namibia Farmworkers Union
NANAWO	National Namibian Women's Organisation
NANGOF	Namibia Non-Governmental Organisation Forum
NANGOS	Namibian Association of Non-Governmental Associations
NANSO	Namibia National Students Organisation
NANTU	Namibia National Teachers Union
NAPWU	Namibia Public Workers Union
NATAU	Namibia Transport and Allied Union
NAU	Namibia Agricultural Union
NBC	Namibia Broadcasting Corporation
NBWU	Namibia Building Workers Union
NCSL	National Council of State Legislatures
NDAWU	Namibia Domestic and Allied Workers Union
NDF	Namibia Defence Force
NDT	Namibia Development Trust
NEPRU	Namibian Economic Policy Research Unit
NEF	Namibia Employers Federation
NGO	Non-governmental Organization
NID	Namibia Institute for Democracy
NIED	National Institute for Educational Development
NISER	Namibian Institute for Social and Economic Research
NNCCI	Namibia National Chamber of Commerce and Industry
NNF	Namibia National Front
NNFU	Namibia National Farmers Union

NNRCCI	Northern Namibia Regional Chamber of Commerce and Industry
NPC	National Planning Commission
NPF	National Patriotic Front
NPSM	Namibian People's Social Movement
NWRWU	Namibia Wholesale and Retail Workers Union
NUNW	National Union of Namibian Workers
PLAN	People's Liberation Army of Namibia
PSC	Public Service Commission or Public Service Contractor
PSF	Private Sector Foundation
PSUN	Public Service Union of Namibia
PVO	Private Voluntary Organization
RISE	Rural People's Institute for Social Empowerment in Namibia
SADC	Southern African Development Community
SIDA	Swedish International Development Agency
SWAMU	South West Africa Mineworkers Union
SWANU	South West Africa National Union
SWAPO	South West Africa People's Organisation
SWATF	South West African Territorial Force
UDF	United Democratic Front
UNAM	University of Namibia
UNIN	United Nations Institute for Namibia

5

## I. PURPOSE AND PERSPECTIVE OF THIS ASSESSMENT

The purpose of this assessment is to provide the USAID mission to Namibia (as well as the US Embassy and USIS) with a comprehensive analysis of the Namibian political system to enable the mission to arrive at a final design and project paper for an integrated program to support the consolidation of democracy in Namibia. As such, this assessment examines all areas of Namibian politics except civil-military relations. The assessment is thus purposely broad and open-ended. Although we conclude this assessment with a discussion of five programmatic areas that we believe should be the focus of USAID's support, it is important to emphasize at the outset that these areas and the specific activities within them are the result of our effort to consider the widest range of opportunities available to the mission. Not all of the programs we propose will be equally feasible for USAID to pursue in the short term. Some may need to be initiated on a pilot basis, and expanded over the course of the project. Still others may require coordination and/or co-financing with other donors. All, however, are "doable" over the expected duration of the mission's democracy and governance program. None should be excluded simply because they appear complicated and experimental compared to USAID's conventional portfolio.

This assessment seeks to answer three basic questions: (1) What is the current condition of Namibia's nascent democracy and the institutions and organizations which comprise the Namibian polity? (2) What needs to be done to consolidate the democratic process in Namibia? (3) What specific activities can USAID support to address the most pressing needs given the available personnel and delivery mechanisms available to the mission? To arrive at the answers to these questions we have interviewed more than 170 Namibians from a wide range of organizations, both public and private in nine of the country's 13 regions.<sup>1</sup> The consistency of their responses regarding the current situation in Namibia, and what needs to strengthen democracy in the country was itself one of the principal findings of this assessment. Time and time again, albeit in varying ways, we were told that there is a danger that the Government of Namibia (GRN) is losing touch with the governed, that the government is overcentralized, and that it is in many respects "suspended" over the society it purports to rule. While the era of good feeling derived from independence continues, the honeymoon is nearing its end as an increasing number of citizens at the grassroots of Namibian society, and especially their local leaders, believe that their voices are not heard or respected by the center. Any program mounted by USAID to consolidate Namibian democracy will need to address this basic problem head-on.

Three assumptions have guided us in this assessment. First, it is assumed that USAID Namibia will mount an integrated program to support the consolidation of Namibian democracy of four years duration with the possibility of renewed assistance if measurable results are achieved during the life of the project. Second, it is assumed that most of the activities initiated by the mission will be sustained over the life of the project in order to strengthen key democratic institutions, especially those which comprise civil society. The activities proposed in the five areas recommended for support have not been conceived as "single shot" efforts of short term duration, but rather as clusters and sequences of activities to nurture the evolution of selected

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<sup>1</sup> A complete list of individuals interviewed by region and position is provided in Annex A.

democratic institutions of countervailing power. This is the essence of nurturing pluralism in Namibia. Our perspective is explicitly developmental and medium to long-term in perspective, because there are no short cuts to democracy.

Our perspective and recommendations reflect USAID's policy in this new and experimental area of development assistance. As set forth in the Agency's policy paper, *Strategies for Sustainable Development*, USAID's strategic objective of achieving the transition to and consolidation of democracy through the world will be realized "through the establishment of democratic institutions. . . the promotion of democracy is [therefore] a long-term process that will require sustained commitment and timely and politically adept interventions."<sup>2</sup> While our recommendations to USAID Namibia are framed in terms of what the mission can reasonably accomplish during the time-frame of its initial democracy and governance program, the proposed program should be regarded as first steps towards a sustained commitment to the consolidation of Namibian democracy that may last up to ten years.

Finally, we have assumed that the mission's program to consolidate Namibian democracy will be guided by the presence of a full-time resident democracy/governance (DG) advisor assisted by a part or full-time project manager who will move the relatively large amount of paper (mainly purchase orders for grants and technical assistance) that will be required to implement the envisioned program. Discussion of the background and skills of the type of person required to be the DG advisor is found in section VI of this assessment.

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<sup>2</sup> *Strategies for Sustainable Development* (Washington: U.S. Agency for International Development, March, 1994), p. 18. See also the penultimate draft of USAID's "Democracy Implementation Guidelines," June 6, 1994.

## II. THE POLITICAL AND ECONOMIC CONTEXT

### 1. HISTORICAL OVERVIEW OF NAMIBIAN POLITICS AND POLITICAL CULTURE

#### The Pre-Independence Period

The name, "Namibia," originates from the word "/Namib/", which means "protective shield" in one of the country's local languages. It is significant that the Namib Desert derives its name from this same expression: that is, "the shield that protected the territory and the inhabitants, the people on or in it from foreign encroachment and occupation for at least some time."<sup>3</sup>

Germany occupied the territory of Namibia in 1883, later establishing a colonial administration. German administration ended during W.W.I, when the territory was occupied by South African forces in 1915. On December 17, 1920, South Africa undertook the administration of South West Africa under the terms of the Covenant of the League of Nations. Although the United Nations revoked the League of Nations' mandate in 1966, South Africa continued to rule the Namibian territory, even following a 1971 advisory opinion in which the International Court of Justice determined that the South African presence in Namibia was illegal, and that South Africa should therefore immediately withdraw from the territory.

In 1977, Western members of the UN Security Council - Canada, France, Federal Republic of Germany, United Kingdom, and the United States -(known as the Western Contact Group) launched a joint diplomatic effort to bring a peaceful transition to independence for Namibia. Their efforts resulted in the an April 1978 proposal, approved as Security Council Resolution 435. Resolution 435 *inter alia* provided for Namibia's independence following free and fair elections to be supervised by the United Nations. South Africa, nevertheless, defied the UN, holding elections in December 1978 and continuing to administer Namibia.

The catalyst for the implementation of Resolution 435 was the quadripartite talks held in 1988 between Angola, Cuba, South Africa, and the United States. The resulting Brazzaville Accord signed by Angola, Cuba, and South Africa pledged that Cuban troops would be withdrawn from Angola in conjunction with the implementation of Resolution 435. On April 1, 1989, the United Nations Transitional Working Group (UNTAG) led by UN Special Representative for Namibia, Martti Ahtisaari, established its presence in Namibia to monitor the electoral process and the transition to Namibia's independence.

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<sup>3</sup>See, Debates of the Constituent Assembly, "Motion on the Name, Namibia," November 29, 1989, pp. 41-43, p. 41. The name "South West Africa" or the name SWA/NAMibia were rejected on the grounds that they are meaningless and colonially imposed, in addition to being merely geographical expressions.

## The Constituent Assembly and Independence

The elections for a Constituent Assembly took place November 7-11, 1989, and were certified as free and fair by the UN Special Representative. The members of the Constituent Assembly drafted the Constitution of the Republic of Namibia, which it adopted on February 9, 1990, and elected Sam Nujoma as President. Namibia joined the international community of sovereign states on March 21, 1990. Namibia's three branches of government are subject to checks and balances and provision is made for judicial review. The judicial structure is based on Roman-Dutch law, which was declared the common law of the territory in 1919. The Constitution also states that Namibia shall have a mixed economy.

The government of independent Namibia, however, continued to be compelled to contest South Africa's territorial claim on the port enclave of Walvis Bay. Walvis Bay finally was integrated into Namibia on February 28, 1994. Voter registration continues to the present in preparation for municipal elections August 15-16, 1994. The newly elected municipal officers will be installed on August 17, 1994.

Independent Namibia would face a variety of difficult issues. The challenges are summarized in the *White Paper on National and Sectoral Policies*, the government's first major national policy statement:

"The first challenge relates to political issues embracing problems such as: dealing with the vestiges of apartheid and other existing aspects of colonialism; the need for land reform; the issue of Walvis Bay; and the challenge of molding one nation out of eleven splintered administrations ... The second challenge is that of...promoting peace and unity through reconciliation ... The third challenge is to promote and sustain economic and social development ... The fourth challenge is that of overcoming the impact of years of isolation ... The fifth challenge involves reforms in the organization and functioning of the machinery of government ... The sixth challenge relates to tackling crime by addressing the complex issues that have contributed to it ... the seventh challenge is to promote the internalization of the Constitution of the Republic of Namibia amongst our people."<sup>4</sup>

In the words of the Prime Minister, Hage Geingob, the *White Paper* was intended to be seen as a "plan of action;" it also aimed "to provide a framework for debate on the direction of government policies," thus inviting the participation of all Namibians, and subjecting the government to the demands of accountability.<sup>5</sup>

The choice of English as the official language as a means to facilitate access to the international community posed challenges for a country in which nearly all whites are literate (although very few whites speak English as a first language) while an estimated 60 percent of blacks are illiterate. Debate still continues concerning how to integrate English into the school curriculum so that all Namibians eventually will be fluent in their official language.

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<sup>4</sup>Debates of the National Assembly, March 11, 1991, pp. 226-227.

<sup>5</sup>Statement by the Prime Minister, Debates of the National Assembly, March 20, 1991, p. 169.

The choice of English also created additional tensions: the majority of Namibians who were educated in exile received training in English, which gave them an advantage over those who studied within Namibia who could not attend alternative schools (such as the independent schools in the south). Moreover, those in exile were afforded the opportunity to acquire professional skills (becoming lawyers, doctors, engineers, etc.) and technical skills (acquiring skills in plumbing, motor mechanics, etc.). Nevertheless, even the skilled would feel that they were neglected by the government. In the spirit of national reconciliation, the new government pledged to retain civil servants employed during the colonial period. As a result, there were very few openings for the newly returned, especially given that the government simultaneously was embarking on the rationalization and restructuring of the different colonial administrations, and therefore was freezing posts.

### National Reconciliation

The issue of national reconciliation continues to be a contentious one, especially in the context of the apartheid legacy of the wide disparity in income levels between white and black Namibians. Black Namibians suffer severe inequalities in access to services and productive resources in all sectors, including agricultural extension services and credit, educational resources, and housing and employment opportunities. In this context, and given the previous history of the different constituent political groups in Namibian society, the issue of national reconciliation is sure to arise periodically, if only as a check on the pulse of progress towards nation-building. In the words of Prime Minister Hage Geingob,

"Reconciliation is rooted in pragmatism and hard facts. The Government's reconciliation effort is based on bringing together estranged communities, whether political, military, or social, into one non-antagonistic whole - all working towards a common goal of making a better Namibia. Reconciliation for us is to heal the wounds of war and of many years of discrimination."<sup>6</sup>

The Minister of Mines and Energy describes the government's policy of national reconciliation as "the only viable option to nation-building."<sup>7</sup> Still, as inequalities persist and black Namibians feel that their objective situation has improved little since independence, there is increasing feeling that national reconciliation is a one-way street - the government is reaching out to the white minority at the expense of the black majority.

### Affirmative Action

Related to the policy of national reconciliation is the issue of affirmative action. In the words of an opposition MP,

"The founding fathers of our Constitution, spurred on by the troubles of our past, and espousing the most basic principles of democracy, unanimously agreed to

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<sup>6</sup>Debates of the National Assembly, March 20, 1991, p. 176.

<sup>7</sup>Debates of the National Assembly, Vol. 2, June 1-July 11, 1990, p. 160.

build into the law of the land a mechanism by which those of our nation who have been deprived through the ages, could be brought in from the cold, to enjoy the fruits of life which have been given to them by the Creator. This mechanism became known as Affirmative Action, which is embodied in our Constitution."<sup>8</sup>

He adds, "Affirmative Action must take place but must be a gradual process - though not an eternal undertaking ... The principle of merit must be the accepted norm in all appointments and promotions in the Public Sector."<sup>9</sup> As with the policy of national reconciliation, the meaning of affirmative action is open to interpretation and the issue of how to implement it is guaranteed to be a perennial challenge.

### Human Rights Issues

In October 1990, Amnesty International recommended that the Namibian government conduct an inquiry into alleged violations of human rights by SWAPO during the struggle for independence. At least 350 people who had been imprisoned by SWAPO during the struggle were reported to be unaccounted for in late 1990. In November 1990, the National Assembly voted to request the International Committee of the Red Cross (ICRC) to ascertain the status of the missing detainees. In June, the ICRC issued its final report on its tracing efforts. The ICRC noted that SWAPO responded to only a small fraction of the ICRC's inquiries - the number of SWAPO detainees still unaccounted for ranges from 154-256 - and urged family members to approach SWAPO directly for additional information. The controversy that surrounds this issue is likely to continue until the government conducts and releases the results of a full investigation.

A related issue, and one that was particularly acute at independence, is whether persons deemed responsible for past human rights abuses should be held legally accountable, and whether government officials credibly linked to serious human rights abuses in the pre-independence period should be permitted to remain in office. Certain legal constraints apply, however. Prior to independence, certain indemnities and amnesties were granted which could have the effect of ruling out any possible prosecutions - although there may be a basis in law for contesting the validity of these amnesties granted by the South African government. Moreover, there is the possibility that prosecutions would be counterproductive in the context of a government policy of national reconciliation. Ultimately, however, national reconciliation may best be served by thorough investigations of past abuses, an exercise that can be achieved without involving and resulting in prosecutions. In this manner, the truth, once established and publicly proclaimed, can be a catalyst to the healing process that is important not only to the victims and their families, but also to Namibian society as a whole.

Notwithstanding the above, Namibians enjoy a wide range of political and civil liberties. During 1993, there were no reports of political or other extrajudicial killings; there were no reports of disappearances occurring during 1993; and there were no reports of Namibians being exiled for political reasons. There were, however, over 20

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<sup>8</sup>Mr. Matjila, DTA, Debates of the National Assembly, Vol. 10, April 19, 1991, p. 143.

<sup>9</sup>Mr. Matjila, DTA, Debates of the National Assembly, Vol. 10, April 19, 1991, p. 149.

allegations of torture and other abusive treatment by police and security forces during 1993, incidents that were all highly publicized locally. Civil liberties, including the freedom of speech and press, freedom of assembly and association, and freedom of religion, were all respected in practice during 1993. The government's handling of citizenship and refugee issues, however, has come under repeated criticism by the local press, local NGOs, and opposition parties. Much of the criticism focused on the lack of a consistent refugee or asylum policy. As of March 1993, the Namibian government had neither acceded to the 1951 Convention relating to the status of refugees, nor adopted domestic legislation to regulate the situation.

### Major Achievements of the Namibian Government

It is useful to remember that Namibia is a young nation, and one that faces particular challenges that originate from its colonial legacy. Since independence, Namibia has acquired the symbols of a nation, adopting a flag, a presidential seal and a coat of arms, and a national anthem resulting from an open competition to compose the lyrics and the music. In addition, many institutions have been inaugurated, including the establishment of the Supreme Court of Namibia, the Bank of Namibia, and the National Council.

Some of the government's major achievements include: promoting the policy of national reconciliation by inviting members of the opposition to become ministers and deputy ministers in the new government; integrating and unifying two previously antagonistic fighting forces, namely the People's Liberation Army of Namibia (PLAN) and the South West African Territorial Force (SWATF) into one force, the Namibia Defence Force; and ending international isolation, becoming the 160th member of the United Nations on April 3, 1990, the 50th member of the Commonwealth at Independence, and the 10th member of the Southern African Development Community (SADC), in addition to joining the Organization of African Unity, the African, Caribbean, and Pacific Group of Countries, the International Monetary Fund, and the World Bank. Namibia has also reached a favorable Lome agreement and the limits of the country's off-shore exclusive economic zone have been established.

In the policy arena, the government has addressed the major issue of redressing colonial inequalities by focusing on income generation through job creation; land tenure; and fair labor practices. Thus, the government has:

- Organized a successful Investors Conference in February 1991 and has since produced an Investment Code in keeping with the country's commitment to a mixed economy;
- Organized a National Conference on Land Reform and the Land Question in June-July 1991, to attempt to resolve the land issue within the framework of the policy of national reconciliation and the obligations enshrined in Article 16 and 23 of the Constitution pertaining to property rights, apartheid and affirmative action. Efforts currently are underway to table a Land Act in the National Assembly;
- Promulgated a Labor Act

Although all these initiatives require additional attention, and some are likely to remain contentious for a long time to come, they at least form the foundation for future implementation. It is in this context of the deepening and consolidation of institutions and conventions that programs for strengthening democracy and promoting effective governance in Namibia should take place.

### The Challenges Ahead

A frequent observation offered at all levels of government as well as in the non-governmental sector, is that democracy is a new concept in Namibia. As such, Namibians require intensive and long-term civic education, not only to understand what rights they possess, but also the mechanisms by which to exercise those rights, and how to be an effective advocate if rights are compromised or denied. The extent to which democracy will flourish in Namibia, therefore, is to a great extent dependent upon the ability of the Namibian people to exercise their constitutional commitment to democratic principles, including civil, political, and economic liberties. At present, the Parliament is engaged in passing enabling legislation to further enhance the protection of those rights. Once passed, the legislation must be implemented, and enforced, and the implementation and enforcement mechanisms must be strengthened if the exercise of the laws are to become common practice and convention.

In addition, civic education in the context of voting, that is, the understanding of voting as being a cyclical activity to renew government representatives, is needed. The overwhelming majority of Namibians participated in the 1989 elections. In 1992, for the local and regional elections, although participation remained quite high, Namibians seemed uninformed about the meaning and the purpose of the elections, expressing surprise that they were voting, "again." Preparations for the 1994 National Assembly elections, scheduled for December, are only just getting underway, with many political parties yet to devise a manifesto and develop a campaign strategy. This being the case, Namibian voters may again be caught by surprise. The development of a voting culture takes time, and encompasses many issues: the intricacies of the registration process, the need for timely registration, the differences between the local, regional, and national levels of government, the electoral law, the rights of voters, how to vote, the conduct of political parties and candidates in an election campaign, and the meaning of free and fair elections. In sum, Namibians require greater understanding of the participatory role of the voter in a democracy.

The 1989 elections resulted in a National Assembly composed of seven political parties, in order of representation, SWAPO (41 of 72 seats), the DTA (21 seats), the UDF (4 seats), the ACN (3 seats), and the FCN, NNF, and NPF (1 seat apiece). The 1992 elections resulted in a National Assembly composed of just two parties, SWAPO, with 19 of 26 seats, with the remainder being occupied by the DTA. The 1992 results seem to indicate that SWAPO has emerged as a national political party with a national agenda. In the context of the forthcoming 1994 elections, however, fears have been expressed of the possibility of a de facto one-party state especially since the opposition parties are considered to be weak. It is, however, dangerous to lose sight of the fact that the political outcome in 1992 was the result of free and fair elections. Pluralism, insofar as it occurs, is the result of real differences of philosophy and vision that distinguish constituencies from one another. Local demand and local ferment then

become transformed into the political agendas that typically orient the work of political parties. The absence of distinct political agendas cannot be compensated for by the mere existence of opposition political parties.

Many Namibians have suffered either in exile or within the country, while others have paid the ultimate price for the sake of freedom; they are likely to safeguard that freedom. In addition, the constitution, hailed as one of the most democratic in the world, provides the foundation for Namibians to transform its tenets into conventional practice. Moreover, Namibia is born of the UN, and is likely to continue to command special attention from the international community. To the extent that a culture of respect for democratic principles and human rights is cultivated, and a climate of pluralism and tolerance persist, Namibia is likely to remain a peer amongst democratic nations.

## 2. THE NAMIBIAN ECONOMY

The many limitations of the Namibian economy must be taken into account when formulating strategies for political and social development in this newly independent country. A 1991 World Bank report described the 'dual economy' inherited by the government at independence: the situation was marked by two societies and economies - one north of the 'red line' and the other south of the red line. One was "wealthy, educated, healthy and European - the other poor, illiterate, malnourished and African." Gross inequalities existed in incomes and access to services. Moreover, the same dualism characterized the productive sectors of the economy, for example, in the contrast between mining and commercial agriculture, on the one hand, and subsistence agriculture, on the other. The World Bank reported that the five percent of the Namibian population received 70 percent of gross domestic product (GDP) while the poorest 55 percent received only three percent. Early reports from the Central Statistic Office's recently completed Household and Income Survey suggest that this gap is persisting, if not widening. The World Bank further noted that 25 to 30 percent of the formal sector labor force was unemployed and two-thirds of those in subsistence agriculture were underemployed. The tax base for government was narrow and highly dependent on diamond and uranium revenues. The wage bill for general government was excessive and current expenditures were high while services for the majority were of low quality. In addition, independent Namibia inherited a budget deficit of R556 million for 1990/91 and a foreign debt amounting to R726.5 million.

Despite the dualism, according to a macroeconomic and sectoral overview of the Namibian economy by the United Nations Development Program, the outstanding characteristics of the economy were the overwhelming but declining importance of the primary sectors (mining, fishing and commercial agriculture), and the economy's export orientation (of minerals, fish and beef). During the 1980s mining and commercial agriculture were contributing less to GDP than in the past, due to depletion of resources and falling demand (diamonds and uranium, respectively), and to drought. Some of the fall in the primary sector had been made up for by growth in the secondary sector (where manufacturing, however, still accounted for only five percent of GDP), due to growth in the construction industry in the 1980s, and in the tertiary sector following the establishment of ethnically based 'second tier' administrations and increased military and police expenditures

According to the World Bank report, the trade-off for the government as it sought to dismantle the inherited apartheid system, would be between immediate redistribution of assets and income, and long-term sustainable growth. The recommendation of the Bank for the medium and long term was for a focus on economic growth and the creation of greater employment opportunities and a more skilled and productive workforce. Reactivating the economy called for stimulating investment, increasing public investment and maintaining an enabling environment for private sector activity. In other words, specific tasks of the government would include: addressing the equity problem without jeopardizing growth; creating enough employment opportunities to absorb the currently unemployed and new entrants to the workforce; and changing the composition of expenditures, increasing their efficiency and containing their growth.

Still, in terms of domestic output the economy has grown since independence, according to the Ministry of Finance's 1994 *Economic Review*. The average annual increase in Namibia's real GDP between 1990 and 1993 amounted to 2.2 percent while the average growth in real gross national product (GNP) was 2.8 percent. These rates of economic growth are, however, exceeded by Namibia's population growth rate of about 3 percent per year. Thus, per capita income declined slightly during the first four years of independence. According to the *Economic Review*, however, the sluggish performance of the economy and its inability to sustain economic growth rates that exceed the population growth over the medium term should be viewed against the background of a harsh external environment, including a severe drought during 1991/92, a protracted recession in the world economy, and a long recessionary cycle in South Africa, Namibia's main trading partner.

Given the protracted weakness of the regional and international economies and the persistent tension in some commodity markets (diamonds, copper, uranium) on which Namibia relies heavily, the Namibian economy has not had the opportunity since independence to expand at rates which could be described as its full potential growth. Still, considerable progress has been made in reviving and developing the fishing sector and key industries in the manufacturing sector (construction and fish and meat processing). Steady growth in agricultural output and a post-independence expansion of government functions and services have also been experienced. As the *Economic Review* notes, the general atmosphere of peace and stability (and a favorable Investment Code enacted in 1990) have played a significant role in enhancing the general business environment. The net number of companies registered jumped from 378 in 1992 to 600 in 1993 (though these are not necessarily 'productive' undertakings).

No overall consumer price index (CPI) covering major areas of Namibia has yet been developed. Instead, the CPI for Windhoek, available since 1972, has been taken as a proxy for the CPI of the whole country. Inflation was exceptionally high in 1992 at an average annual rate of 17.9 percent as compared with 11.6 percent in 1991, with the 1992 rate representing a record high for Namibia. The main reasons for the sharp annual increase were a substantial decline in cereal crop production in Namibia and South Africa and a rise of about 12 percent in petrol prices. Inflation was also fueled by a 22 percent increase in the money supply. By 1993 the inflation rate had slowed to 8.5 percent, attributable mainly to lower production prices in South Africa, relatively strict anti-inflationary monetary policies followed in Namibia and South Africa, and the low level of economic activity in both countries in 1993.

With the moderate rise in economic activities, the unemployment situation appeared to improve in 1991 and 1992. By the end of 1992 and into 1993, however, retrenchments at the Consolidated Diamond Mines (the largest private employer in the country) and at the Rossing uranium mine, and the government decision to freeze all vacant posts in the public sector likely had an adverse effect. In addition, as a result of the drought and the perceived high cost of the new labor legislation, many subsistence farmers and farmworkers on commercial farms lost their only means of survival. Actual employment data is scarce in Namibia. A labor force sample survey conducted by the Ministry of Labour and Manpower Development in 1991 showed about 41 percent of the labor force to be employed, 41 percent to be underemployed and 18 percent to be unemployed. The unemployment rates were 35 percent in urban areas and 10 percent and 4 percent, respectively, in rural commercial and rural communal areas. Namibia's economically active population was estimated by the International Labour Organisation in 1990 to be about 550,000. Of these about 200,000 are in the formal sector labor force and the rest in subsistence agriculture and the informal sector. The single largest employer in Namibia is government, employing about 65,000-70,000 people. In the recent past about 35,000 people were employed on commercial farms though that number has most probably dropped by about half of late. Other large employers include the tourism, construction, transport and mining industries.

Namibia's economic prospects for the mid to late 1990s, according to the *Economic Review*, are favorable. This projection hinges mainly on the mild economic upswing expected in the world economy and the South African economy. Growth rates of more than 5 percent are predicted for 1994. A number of factors will determine the future outlook. First, climatic conditions have improved considerably already yielding good crops and better grazing in early 1994. Moreover meat prices remain attractive thus making for a slightly accelerated agricultural output growth rate. Second, Namibia's diamond output will remain low although an improved market is expected to provide a slight recovery to the industry during 1994. The continued success of offshore marine operations are expected to further enhance the prospects for this industry. Third, Namibia's uranium output stabilized already in 1993 and export prices improved. Slight production increases are planned for 1994. Fourth, the fishing industry is expected to continue its fast expansion. The output of the fishing industry is further enhanced by the expansion of the Namibian fishing fleet. The decrease in foreign participation in the fishing sector also has a corresponding beneficial impact on the balance of payments. Previous experience has shown that the rest of the Namibian economy will benefit considerably from the advances made in the primary sectors. The situation after 1994 becomes less predictable, according to the *Economic Review*, given Namibia's "rather irregular cyclic developments." Still, apart from the deterioration in other mining output (aside from diamonds and uranium) and the gradual slowdown in the output growth of fish and fish products, there is little evidence for a serious setback during 1995.

Namibia's *Transitional National Development Plan* and *White Paper on Sectoral and National Policies* indicate four development priorities of the Namibian government: reviving and sustaining economic growth, creating employment opportunities, alleviating poverty, and reducing income inequalities. Priority sectors for development have been identified as agriculture and rural development, education and training, health and social services, and housing. While growth rates in the early 1990s have been favorable, especially considering the world recession, they are not sufficient to go far towards reducing unemployment and

poverty. Investment trends have been disappointing, with not one Certificate of Status Investment, provided for in the Foreign Investment Act, issued since its promulgation. While the step drop in investment which occurred around independence appears to have been reversed, the continued depressed state of mining investment means that overall investment has stabilized at lower than previous pre-independence levels. The high investment required for high future growth is yet to materialize. As for employment prospects, diamond mining and general government continue to make the largest sectoral contributions to GDP. Diamond mining is a decreasingly labor intensive industry and general government can only grow as the larger economy grows.

An outstanding issue of some concern to the government of Namibia remains the land question. While the constitution of Namibia protects private property and precludes the possibility of expropriation of land without just compensation, popular pressure on the government for a redistribution of land or land reform has been increasing. While a National Conference on Land Reform and the Land Question was convened in June 1991 and attended by 500 delegates from communities throughout Namibia no concrete actions were taken as a result of the conference. A Technical Committee on Commercial Farmland was established thereafter by Cabinet and that report was submitted in late 1992. At present new land legislation is being prepared for submission to Parliament although the contents are not known. Popular pressure on the land question has been fueled by the recent formation of an NGO Committee on Land Reform which plans to hold its own conference on the land issue in September, commission its own research on land in Namibia and monitor carefully the progress of the expected land legislation. No concrete position on the land question has yet been publicly articulated by the NGO Committee, however.

For the ruling party and government the land question is a complex one. The greatest concentration of the Namibian population (60 percent) is confined to a relatively small area along Namibia's northern border. This land was never alienated and thus pressures for a return, for example, of 'ancestral lands' are not great from northern Namibia (also the ruling party's greatest constituency). In these areas the greater concern is for access to water and agricultural extension services and the legal implications of communal land tenure. Central and southern Namibia—where the land was taken from the Herero, Nama and Damara peoples living there—are dominated by about 4,500 large (8,000 plus hectares) commercial farms that raise commercial livestock and game and have survived for years only with government subsidies. These farms contribute the bulk of Namibia's agricultural output (9 percent of the 12 percent sectoral contribution to GDP) and it seems unlikely that the government would be willing to jeopardize this important contribution to the economy.

### **3. THE PROSPECTS FOR CONSOLIDATING DEMOCRACY**

In many respects, the prospects for the consolidation of democracy in Namibia are good. Namibia's constitution is lauded as one of the most democratic in the world. Free and fair elections were held in 1989 and 1992, and Presidential and National Assembly elections will be held again later this year. Seven political parties are represented in the National Assembly, two in the National Council and three in local and regional councils across the country. A relatively independent press monitors the actions of government. At

the same time, especially over the past year, worrying trends have emerged that may threaten the consolidation of democracy in Namibia. For example, there is a marked tendency towards the centralization of decision making power in Windhoek and little apparent commitment to the devolution of power to regional and local government. There is growing evidence of the abuse of government office in the form of corruption and nepotism, and a growing feeling that proper procedures are frequently not adhered to in government. The ruling political party SWAPO has only grown stronger while the opposition political parties have weakened. Organizations of civil society are ill equipped to lay their claims upon the state and there appears to be an increasing intolerance of open political debate and even constructive criticism throughout the land. Thus, many challenges to the consolidation of democracy in Namibia lie ahead.

To a large extent, these challenges stem from the twin legacies of the pre-independence internal political dispensations and the externally based liberation struggle, neither of which was democratic. In general, we found that there is a profound lack of understanding among the populace of what democracy is and what it means to exercise one's democratic rights. Democracy is a new concept in Namibia and there has been little in the way of civic education to date, except for a number of campaigns under the rubric of "Know Your Constitution." In some cases democracy is viewed in narrow politicized terms—as the exclusive purview of a particular political tendency; in others democracy is viewed very broadly as meaning that one may do anything one likes or has the immediate right to a house and a job. Perhaps in part because of these misconceptions, there is a clear undercurrent of frustration throughout state and society with this nascent democracy and a concern about the growing signs of abuse.

Another challenge facing the consolidation of democracy in Namibia is the acute shortage of appropriately skilled personpower. At all levels of government and within the professional, NGO, church, trade union and political party communities there is a dire need for training. Regional governors, mayors, Members of Parliament, magistrates, journalists, paralegals, small entrepreneurs, party activists and trade unionists alike complain that they do not have the skills to perform their jobs. In part this is because so many of these institutions within which these people work are simply new, and in part because before independence many Namibians did not have access to these positions. The system of education in Namibia before independence prepared people poorly if, at all, for these vocations and the training that many people received in exile was not always appropriate to the situation in Namibia.

At the same time, there is a serious shortage of information, research and reference material in Namibia—or a lack of access to it. Again, this is because much necessary information was simply not gathered in useful form before independence or because new structures requiring new research and documentation are now being put in place. For example, trade unionists do not have the access to economic data that they need and magistrates do not have in their offices the law books and journals that they need. Existing libraries and resources centers in Namibia are far too few and usually poorly endowed, with much of the older material only available in Afrikaans or reflecting only the previous dispensations. While the telephone system is excellent in Namibia and most offices are fully equipped with computers there is virtually no use made of services such as Internet and E-mail.

Another challenge confronting the consolidation of democracy in Namibia is the insufficient linkage between the "center" and the "periphery." First and foremost, this refers to the lack of linkages between the people and their elected representatives and the lack of adequate means for facilitating those linkages. For example, while regional government was meant to "bring the government to the people," regional councilors are poorly equipped to do this given that they have no offices, money or transport. In addition, while a number of national NGOs have satellite offices in several of the regions there remain too few intermediary institutions to link the majority of Namibians to the center in Windhoek in general and to national government in particular. Similarly, there is an insufficient information and communication flow within government and within the NGO community and, certainly, between the two. Namibia's vast size and very small and dispersed population compound this fundamental problem, although telecommunications are excellent between regions and the center.

Together these challenges lead to a tremendous lack of advocacy capacity on the part of actors in civil society vis-a-vis government. Throughout Namibia NGOs—from community based organizations to those national groups based in Windhoek—and trade unions, political parties, and the churches all feel that they do not have the capacity to lobby government. They do not have the ability to participate in the policy making process. They are not able to evaluate proposals and documents given to them by government, nor are they able to articulate their own original policy positions. This is, again, because many organizations are new and are busy building their own organizations. In general they do not have the money, time or expertise to devote to the research necessary for inputs into policy and lobbying the government. At the same time, regional and local councils are similarly unable to assert themselves vis-a-vis the central government. This is for many of the same reasons—new structures and insufficient resources, time, and expertise. In the case of the regional councils there is also considerable ambiguity about just what their mandate is.

The lack of an advocacy capacity among so many of the actors in civil society in Namibia and the absence of linkage institutions between state and society in Namibia represent serious challenges to the consolidation of democracy. If Namibian citizens are not able to make their demands on government and have those demands effectively represented, and if the decision making processes of government are not transparent and accountable then Namibia's newly created democratic structures may easily be undermined. Rising frustrations on the part of those who have not benefited tangibly from the policy of national reconciliation, continued discrimination in the workplace, a failure to address the land question, a lack of effective power at the level of local and regional government, and so on, will lead to the declining legitimacy of the Namibian government and a serious questioning of the very value of democracy itself. As the "post-independence honeymoon" ends, as it inevitably will, Namibia will risk the same slide into authoritarian rule that has characterized so much of the rest of Africa.

While many people consider the specter of one-party rule to be the greatest threat to democracy in Namibia, a focus on strengthening opposition political parties will not be sufficient to prevent the move toward authoritarian or one-party rule in Namibia. Given the lack of capacity among political parties in Namibia (with the exception of SWAPO), it is felt that any activities undertaken to strengthen political parties would, in the end, strengthen the only party that can absorb such activities—SWAPO. [For a greater discussion of political parties in Namibia, see section III.2.a and the introduction to section V.] Indeed, the more significant countervailing forces in Namibian society are to be found among the NGOs, the

trade unions, the churches, and the women's and students organizations, and it is from these sectors that eventually new, more viable, constituency based political parties will emerge. In the interim, it is felt that the greatest opportunities for enhancing the prospects for the consolidation of democracy in Namibia must lie in the two broad areas of building advocacy capacity and fostering linkages between state and society. As such, enhancing the prospects for democracy is understood as facilitating pluralism at all levels in Namibian polity and society and as strengthening those forces that will counter the concentration of power at the center.

### III. FINDINGS FROM THE ASSESSMENT

#### 1. STATUS OF KEY STATE INSTITUTIONS

##### a. The Executive

###### The Office of the President

The President of the Republic of Namibia is elected by direct universal and equal suffrage and must receive more than 50 percent of the votes cast. The term of office is for five years, and the same individual may not hold office for more than two terms [Article 29, (3)]. President Sam Nujoma continues to enjoy enormous popularity from supporters and detractors alike who see him as a leader who is personally committed to democratic principles and who works hard in the interest of Namibia. President Nujoma is widely expected to win his 1994 bid for re-election handily.

The powers and the duties of the President are outlined in Chapter 5 of the Namibian Constitution. The executive power of the Republic of Namibia is vested in the President and the Cabinet. The President appoints the Prime Minister, the Ministers and Deputy Ministers, the Attorney General, and the Director General of Planning (National Planning Commission). The President also appoints the Chief Justice, the Judge-President of the High Court and the other Judges of the Supreme Court and High Courts, the Ombudsman, and the Prosecutor-General on the recommendation of the Judicial Service Commission. On the recommendation of the Public Service Commission, the President appoints the Auditor-General, the Governor, and the Deputy Governor of the Central Bank. In addition, on the recommendation of the Security Commission, the President appoints the Chief of the Defense Force, the Inspector General of Police, and the Commissioner of Prisons.

###### The Cabinet

The Cabinet is drawn from Members of Parliament (MPs). Members from the National Assembly may be appointed as ministers, while deputy ministers can be appointed from the National Council. Currently, 35 of the 78 National Assembly MPs serve as Ministers or Deputy Ministers, and virtually all of Cabinet is composed of members of the ruling party. Two National Council MPs, both members of the ruling party, serve as deputy ministers: the Deputy Minister of Trade and Industry, and the Deputy Minister of Youth and Sports. The concentration of ministers and deputy ministers in the Cabinet poses particular challenges for the workings of the National Assembly, since the effectiveness of the party whips is circumscribed, and the number of backbenchers is severely reduced.

###### The Office of the Prime Minister

The Office of the Prime Minister (OPM) plays a pivotal role in defining the direction of policy-making as well as defining the priorities for national development.

The OPM generally has been seen to be open to the process of inclusion; in the words of the Prime Minister, "This Government is committed to being an open government. All Namibians should have an opportunity to provide their input. To ensure this input, consultation is of paramount importance."<sup>10</sup> Indeed, the elaboration of the *White Paper on National and Sectoral Policies*, the Government's first major policy statement and "plan of action," and the organization of the National Land Conference in 1991 was widely acclaimed for being based on numerous consultative meetings with representatives from the different interest groups that would be affected by the policies. More recently, however, there seems to be increased confusion amongst various interests groups concerning at what point they should be involved in policy- and decision-making exercises, as well as the extent to which the understandings that emanate from consultations should be translated into concrete government action.

### The National Planning Commission

The task of the National Planning Commission (NPC) is to plan the priorities and direction of national development and economic planning. At the time of the Constituent Assembly, two main options were discussed: to incorporate the NPC as a separate ministry, or to follow the United Nations Institute for Namibia (UNIN) proposal to have it constituted within the Office of the President. The decision to place it within the Office of the President was intended to facilitate the government's ability to have access to the information needed to formulate policy for pressing national goals and to coordinate the sectoral development efforts of the various ministries.

One perennially frustrating legacy of the colonial administration and a challenging problem for the current government, however, is the lack of a national information base concerning the existing situation in Namibia. The absence of national and sectoral data is primarily due to Namibia's previous division into eleven different ethnic administrations with no provisions for standardized data collection. The consequences of the fragmentation is that no reliable national statistics can be gleaned, making it difficult for the government to proceed with development initiatives in the absence of baseline data in virtually all sectors. As a result, a great deal of effort is now being devoted to conferences, workshops, and other forums, in addition to research efforts in the form of surveys, studies, and reports to assess the current situation in Namibia in order to promote sound development planning.

The NPC has the mandate to be the locus for interaction, cooperation, and coordination not only among government ministries, but also between government and international and domestic donors and NGOs. The NPC's capabilities, however, are at times stretched given the pace at which the government is initiating various development projects and programs, many of which require simultaneous attempts to coordinate and channel the range of human, financial, and material resources that are being made available from a variety of external and internal sources. As a result, some donors opt to approach individual ministries directly with project proposals, while others continue to channel funds through NGOs. In addition, although a liaison officer has been identified to staff an NGO desk, the desk is not yet fully operative. For the sake of

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<sup>10</sup> Debates of the National Assembly, March 11, 1991, p. 224.

the long-term development and planning capacity of the NPC, however, as well as its ability to carry out its institutional mandate, it may well be, as one analyst put it, "the duty of the government as well as aid donor nations to support the NPC and to ensure that it functions properly."<sup>11</sup>

## b. The Legislature

Namibia's constitution provides for a bicameral legislature consisting of a National Assembly and a National Council. The function of the National Assembly is to enact, amend, or repeal legislation in the national interest, while the National Council reviews bills passed by the National Assembly and recommends legislation on matters of regional concern.

Namibia's first National Assembly has its origins in the 72 individuals who were elected to the Constituent Assembly on 7-11 November 1989. These individuals, who were elected from a national party list on the basis of proportional representation, became Members of Parliament (MPs) at Namibia's Independence on March 21, 1990. In addition, the Constitution provides for the President to nominate a maximum of six additional, non-voting Members to the National Assembly for reasons of exceptional leadership qualities or particular expertise. The 72 Members from the Constituent Assembly were joined by six Members nominated by the President, bringing the chamber's total membership to 78. MPs are elected for a five-year term.

The National Council is comprised of 26 MPs, with two MPs being elected from amongst the members of each of Namibia's 13 Regional Councils. The MPs who comprise Namibia's first National Council were elected on 11 February 1993 by their colleagues in the Regional Council, who were themselves elected during 30 November through 4 December 1992. Members of the National Council are elected for a six-year term.

Parliament is convened in Namibia's capital city, Windhoek. Although the two chambers currently sit in different locations, plans are under way to construct a building for the National Council near the premises of the National Assembly. The sessions of the National Assembly generally are held during the months of February-March; May-July/August, and October/November-December. The chamber sits Tuesday through Thursday from 14h30-17h45, and on Fridays from 9h00-12h30, public holidays excepted. The sessions of the National Council generally coincide with those of the National Assembly. The National Council generally sits Monday through Thursday from 9h30-13h00, public holidays excepted.

Ideally, the Parliament should provide a forum for national dialogue on the issues of the day—affirmative action; economic, labor, and land policies; national reconciliation—and thus contribute to the Constitution's stated aim of promoting national "unity, liberty, and justice." The reality, however, is that the Parliament's activities seem to occur well beyond the purview of Namibia's citizenry. Although the Constitution

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<sup>11</sup> See Svend E. O. Janson, *Environmental Profile of Namibia*. Report prepared for the Swedish International Development Authority (SIDA), Windhoek, Namibia, March 1991, p. 26.

specifically provides for public access to the meetings of the National Assembly the general public rarely attends its sessions. On a typical day, even when the National Assembly and the National Council are in session, its halls and corridors are woefully empty. Moreover, the activities of the National Council continue to be largely excluded, even from the NBC's nightly "Parliamentary Summary," which concentrates primarily on the deliberations of the National Assembly. In addition, there continues to exist a great deal of confusion in Namibia regarding the nature of the two chambers. In all sectors in society, including the governmental, non-governmental, and the press, observers repeatedly refer to "Parliament" when they actually mean the "National Assembly." The tendency to call the National Assembly the "Parliament" arises because the legislative branch functioned without its second chamber for three years. This having been the case, there is continued confusion as to where the National Council fits into the scheme of government institutions.

Contributing to the lack of clarity are the MPs themselves, who have become fixated on the correct terminology to apply when referring to one or the other chamber. Since the National Assembly chronologically came into existence first, its MPs refer to themselves as belonging to the "first chamber" or, the "upper house," which they liken to the US Senate since the National Assembly is comprised of legislators with considerable political experience. Yet, given that the National Council's MPs are elected from regionally-based constituencies, the National Council actually is more analogous to the US Senate. The distinction between the two chambers also contains a functional element: the power to initiate legislation resides with the National Assembly, which is analogous to the British House of Commons, or, the "lower chamber."

The confusion stems in part from the order in which the National Assembly and the National Council were elected, an order that in essence determined the composition of each. In other countries with bicameral legislatures, politicians typically begin their career in the chamber that initiates legislation, thus gaining experience in representing a particular constituency and acquiring specialized knowledge on salient and perennial issues. Following the accumulation of such experience and wisdom, politicians then aspire to the chamber of review, analogous to the US Senate or the British House of Lords. In Namibia, the majority of the most experienced politicians were elected to the Constituent Assembly, and thus to the National Assembly. As a result, the National Council largely is elected from individuals who generally have less legislative experience and less exposure as politicians. Consequently, some in the National Assembly see the National Council as being composed of relative newcomers to government, while some in the National Council may view colleagues in the National Assembly as being far more experienced, and therefore defer judgment to them. These differences in composition, however, are likely to become less distinct over time.

To further complicate matters, there is a perceived inequality of the two chambers, an inequality that stems from the origin of the National Council, which was born of compromises made during the Constituent Assembly. The opposition accepted the SWAPO constitution draft as a working document (each of the parties involved prepared drafts for a constitution). The differences between the SWAPO and the opposition proposals were confined to three major areas: (1) SWAPO insisted on an executive president with all the accompanying powers whereas the opposition was more in favor of a figurehead president; (2) SWAPO proposed a House of Chiefs whereas the opposition was disposed to a second chamber; (3) The use of national

party lists or proportional representation as the basis for elections was contested, but it was essentially a non-issue since the modality for electoral rule was stipulated in Resolution 435. Issues (1) and (2) were resolved via a compromise: the opposition accepted SWAPO's proposal for a presidential regime in return for SWAPO's agreement to implement a second chamber, the National Council, as opposed to a House of Chiefs. The National Council would be elected from regional constituencies proposed by a delimitation commission. The approval of the constituencies would be subject to vote by the National Assembly. After the constituencies were approved, regional and local elections would be held, elections that the opposition felt it stood a strong chance to win, especially given what it presumed to be superior support at the local levels in key economically developed regions. Although the opposition did not sweep the local and regional elections, and although SWAPO in fact won 19 of the 26 seats in the National Council, there seems to be a lingering perception on the part of the ruling party that the National Council is an unnecessary and illegitimate body.

Indeed, provisions for the National Council differ markedly from those made for the National Assembly. For example, the National Council suffers from budgetary constraints that inhibit its ability to function as an autonomous unit. A prime example is that National Council MPs have no offices. In addition, the National Council has had to conduct its business by using the staff of the National Assembly, creating a situation in which already severely stretched staff could not properly respond to the urgent demands of a institution eager to get underway.

Moreover, constitutional prescriptions for the relations between the National Council and the National Assembly (and for the relations between the National Council and the regional councils) are ambiguous. For example, there exist no clear provisions for joint sessions of the National Assembly and the National Council, or for joint committee meetings once the committees are operational. The lack of clear guidelines concerning the institutional relationships between key organs of the legislative process coupled with the lack of institutionalized procedures and mechanisms for enacting laws poses an obstacle to proficient legislating.

Finally, the effectiveness of the legislative structures has been hampered by the lack of adequate parliamentary staff. The issue of the staffing of Parliament has been contentious, and has been subject to discussion and compromise between the two chambers for months. The controversy has centered upon the structure of the staff, and the various ranks of its constituent members, which has major repercussions in terms of appropriate access to other government institutions and protocol issues. For example, if the Parliament is to be afforded proper status as the legislative branch of the government, the rank of the Secretary of each chamber should be at par with that of the permanent secretaries in the ministries. At issue, also, was the extent to which the staff would be shared by the National Assembly and the National Council, a consideration that hinged not least on budgetary concerns.

The structure of the first tier of staff for Parliament has only recently been approved. Each chamber will be provided with an accounts officer and a legal advisor, while the Parliament as a whole will be administered by a secretary at the rank of the ministerial permanent secretaries. There is also one staff position for a Parliamentary library, a facility that will be shared by both chambers. Yet, the issue of understaffing still may be far from resolved since these positions must first be publicly advertised,

and potential candidates must be approved by the Public Service Commission (PSC). In situations in which appointments are not yet confirmed by the Public Service Commission, qualified personnel may seek employment elsewhere. The Parliamentary Library, for example, has been plagued by a situation in which research assistants, impatient to be confirmed, leave for better jobs, sometimes just weeks after they have been hired. Moreover, while these staff positions have been agreed to through extensive negotiations between the two chambers, and between them and the cabinet, funding for the two staff members of the National Council has been to be assured.

The National Council possesses a broad mandate that offers it wide latitude for its activities. Its functions are to review the bills passed by the National Assembly, to investigate and report to the National Assembly on any subordinate legislation, reports, and documents tabled in the National Assembly and referred to the National Council for advice, and to recommend legislation of matters of regional concern for submission to and consideration by the National Assembly. If in its review the National Council disapproves of the "principle" of a bill, the National Assembly is required to reconsider and reaffirm the principle by a two-thirds majority, or else the bill lapses. How the National Council ultimately chooses to interpret its mandate will emerge from the precedents that are now being established, precedents that will provide the basis for conventions, if not for legislation, that defines its role more precisely.

As the National Council and the National Assembly succeed in defining their respective roles, as well as their roles vis-a-vis one another, Namibian citizens will be the beneficiary of better and more effective legislating, a situation that will do much to address the imbalances that persist as legacies from the country's apartheid heritage. In addition, Namibians will have access to legislators who are more cognizant not only of their mandate to represent their constituents, but who will be better equipped to do so. As Namibians begin to see the legislature as being responsive to their needs, and competent in representing them, the prestige of the legislature will be immeasurably enhanced. As a result, the Parliament will perform its democratic function as the voice of the people, and be a full partner with the executive and the judiciary in the governmental system of checks and balances.

### **c. Regional and Local Government**

The existence of elected local and regional councils in Namibia holds out the promise for the eventual establishment of meaningful decentralized institutions of government. There are 13 regional councils and 71 local authorities in Namibia. However, these councils operate within the constitutional framework of a unitary state and are accountable to the Minister of Regional and Local Government and Housing (MRLGH). Their powers are limited and consist of those administrative and decision-making functions which the central government via the Ministry devolves to these lower tiers of government. Their present legal status, authority and role is also highly ambiguous, a situation which requires clarification either through the amendment of the Namibian constitution and/or the amendment of the Local Authorities Act and of the Regional Councils Act of 1992.

The ambiguity of functions and powers is especially true for the regional councils whose real powers are, for all practical purposes, nil. On the one hand, they are charged with taking care of the needs and development of all areas outside existing municipalities, towns, and villages *on behalf of the central government*. On the other, they have no independent source of revenue although they may (subject to the approval of the MRLGH) raise revenue and share in the revenues raised by the central government in the regions. Regional councils are also entitled to receive five percent of the property taxes obtained by local authorities within their regions, but few do. Nor do the councils have any specific duties other than to advise the central government of the needs of their regions, make annual budgetary requests to the Ministry of Finance, and consult with the National Planning Commission during the planning process for their regions.

The local authorities fare somewhat better, but suffer from similar limitations. Of the 71 local authorities in Namibia, 43 are village councils, 12 are town councils and 16 municipal councils. Prior to independence, most of these bodies did not exist as elected councils were provided for only a handful of urban areas such as Windhoek, Luderitz, Keetmanshoop, Grootfontein, Tsumeb, and Swakopmund that catered to and were reserved for whites. No officially recognized forms of local government existed north of the "red line," the most populous regions of the country. As a result, the new councils have been elected to govern new towns which must first be formally *proclaimed* before the elected councils which are charged with running them can fully exercise their authority. In contrast with the regional councils which have no clear mandate, the local authorities are responsible for specific municipal services including the provision of water, electricity, sewage and refuse removal, and the paving and maintaining of streets. Local authorities also have, or eventually will have, their own sources of revenue. Most important of these are the fees obtained from the provision of water and electricity, and the taxes from rateable property. However, until an area is officially recognized as a local authority by being proclaimed as such, local councils must turn over all revenue to the Ministry of Regional and Local Government and Housing. This situation in turn means that most local authorities do not forward the required five percent of their property taxes to the regional councils thereby exacerbating the budgetary constraints on those bodies.

Both the local councils and the regional councils also suffer from a serious lack of experience in governing as well as a lack of knowledge about how regional and local government, and government in general works. Part of this problem arises from the simple fact that these are new bodies whose members were elected for the first time less than two years ago. Not only are they inexperienced, there is no "institutional memory" to accelerate their learning on the job. Nor has the Ministry of Regional and Local Government and Housing been in a position to provide adequate and sustained training and handbooks of operations for councilors--a problem which is candidly acknowledged by the MRLGH. An exception to this situation are those few towns and municipalities which operated prior to independence and where holdover staff, most of which is white, backstops the new councilors. However, the degree of cooperation in such towns has been mixed as the incoming councilors, who are overwhelmingly black, have been eager to quickly rectify the injustices of the past, while the holdover staff has been placed in the awkward position of slowing the process down to be consistent with

what these authorities can afford. Not surprisingly, charges of footdragging abound--some of which are probably valid.

The result is a high level of frustration at two levels of elected government that are critical to the future of Namibian democracy, and between the elected personnel at these levels and the ministry which oversees their operation. Apart from the local courts (see section III.2.d below), it is at the local and regional levels that most Namibians come in contact with government and will develop their attitudes about what democracy is and whether "democracy works." If meaningful elected government is not established at the local and regional level in the short to medium term over the next five to ten years, it is certain that many citizens will become dissatisfied with the SWAPO government and perhaps "democracy." Put bluntly, if the problems of local and regional government are not ultimately solved, the likelihood of a crisis of legitimacy of the Namibian state will greatly increase. The reason for this is not merely because the local and regional councils are the closest governmental authorities to the people, but also because of the method of election to each of these bodies in contrast to the method of election to the National Assembly.

As discussed in the section on Parliament, the National Assembly is elected on the basis of proportional representation while the National Council is indirectly elected by the regional councils. Members of the dominant legislative chamber do not have a geographic constituency to which they can be held accountable; rather they are accountable to senior party officials who determine where they rank on the party's list at the time of each parliamentary election. Put differently, members of the National Assembly must "look up" rather than "down." Most are rarely or only periodically seen in their home areas; and when they do turn up, they are not specifically charged with tending to matters of constituency service. Although SWAPO has tried to institute an informal system of constituency responsibility by assigning its members of the National Assembly to canvass public opinion in a series of geographic areas around the country, the MPs cannot be sanctioned by the public if they do not perform this task. Members of the National Council, on the other hand, do represent specific geographic areas, but many regions are very large and members of the National Council are invariably most concerned with their own specific constituency rather than with their region as a whole, because it is the people in the former who will determine whether they will be reelected first to the regional councils. The relative powers of the two houses also downgrades the extent to which Parliament remains in touch with the grassroots.

By contrast, members of the regional councils are elected via a system of single member constituencies for which they alone are responsible and of which there are 95. Under the provisions of the Regional Councils Act, each region must be divided into no fewer than six and no more than 12 constituencies. The current maximum number of constituencies--in Ohangwena and Oshikoto regions--is ten.<sup>12</sup> The result is that it is the regional councilors, not the Members of Parliament, who are in greatest contact with Namibian citizens in the rural areas, and who are the prime targets of constituent demands, but who at the same time constitute the category of elected officials which is

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<sup>12</sup> For a summary profile of each region, including lists and maps of all constituencies, see Gerhard Totemeyer, Victor Tonchi and Andre du Pisani, *Namibia Regional Resources Manual* (Windhoek: Friedrich Ebert Stiftung, 1994)

least able "to deliver the goods." This is probably the greatest structural anomaly in the Namibian system. Time and time again the members of every regional council we visited stated that they were "unable to deliver the goods;" the phrase became a mantra. In this regard it was particularly interesting to note that regional councilors do not shrink from the expectations thrust upon them. Most are eager to do more, but complain that the Ministry of Regional and Local Government and Housing does not provide them with sufficient authority, training or financial resources to get on with the job. They further submit that members of the National Assembly should be elected by single member constituencies so as to be more sensitive to the people and to the pressures on the regional councilors. Many say that they will press actively for such a change for the 1999 parliamentary elections, and that many incumbent members will be thrown out in the process. Judging from the experience in those African countries (e.g. Kenya and Tanzania) where incumbent MPs stood for reelection in single member constituencies after independence, the prediction of the regional councilors is valid.

While the method of election to the local authorities is also by party list, the problem of "staying in touch" with one's constituents is not as great given the relatively limited geographic areas of most towns. It was nonetheless interesting to hear many local councilors tell us that they preferred a single member system of representation which would enable them to be responsible for a more limited and manageable portion of the population and with whom they could then develop a strong working relationship. Some also expressed frustration at being held accountable by people who came from parts of town where they were not known. In short, the negative effects of the party list system in towns and municipalities is different than in respect to MPs. Councilors can be held accountable by the citizenry, but feel that they are unable to develop strong ties to a manageable constituency. Many stated frankly that they expected to be defeated at the next election if their towns were not officially proclaimed so that they could get on with the business they were elected to perform. Others fear that turnout in the next round of local and regional elections would fall. Like the regional councilors, local councilors complained that the MRLGH kept them on a short leash and provided them with no revenue even though they were collecting significant revenue within their boundaries.

In most towns visited by the assessment team, the councils were falling behind in collecting the service fees due for electricity and water, a fact for which they have received considerable criticism and exhortations from the MRLGH. Their reply is that it is increasingly difficult to collect these fees and that the arrears are mounting because people refuse to pay. Some refuse because they can no longer afford the services, but many refuse because they see no point in parting with cash if it is to be turned over to a central government body with no guarantee of being used to improve services in *their* community. The story is an old one: "No taxation without representation." Conversely, citizens—even poor ones—will part with their resources if they get something in return.

The Ministry of Regional and Local Government and Housing acknowledges most albeit not all of the frustrations articulated by the local and regional councilors, but defines the problem from the perspective of the center. From its vantage point, the fundamental problem is not the absence of delegated authority, but rather the fact that the councilors are inexperienced and undertrained. Once these shortcomings are overcome or measurable progress is achieved at resolving them, the MRLGH states

that it is prepared to devolve some measure of authority. Until then, such moves would be premature. Ministry officials also complain that councilors are merely preoccupied with obtaining greater perks, and are not mobilizing their communities to provide for their own needs. Were local officials to spend more time thinking creatively, collecting the revenues available to them, and nurturing programs of self-help, their problems would begin to be solved. Nevertheless, one senses from discussions with senior officials in the Ministry that the pressure building for a measure of devolution is appreciated--at least at a rhetorical level. The long term proof, however, will be in the proverbial pudding: what the MRLGH actually does to overcome the problems in training and what it does in terms of delegating more authority to the periphery. Discussions with SWAPO regional leaders further suggest that the political pressure for change is mounting within the party as a younger generation of leaders based in the regions are echoing the complaints of the councilors via party fora, including the central committee.

A final set of relationships which will determine the success or failure of local and regional government in Namibia, are the relationships between the local and regional councils on the one hand, and the local and regional offices of "line" ministries as well as the National Planning Commission on the other. These relationships are currently minimal, but could be greatly strengthened--a step which might alleviate some of the frustrations on the part of the councilors. Line ministries currently carry out their work under direction from Windhoek. Although "interministerial committees" have been instituted at the regional level and although the regional governors and regional officers (the civil servant attached to each regional council) participate in these committees, the degree of coordination, and especially the degree of input from the elected councils, is still very limited. The establishment of these committees, however, holds out the prospect of providing the regional councils with an important vehicle for holding line ministries more accountable at the regional and local level. The same is true for the process of regional planning which the NPC has more or less delegated to the MRLGH, but for which the Ministry has yet to establish detailed procedures in the field.

In sum, the opportunities for consolidating Namibian democracy at the regional and local level are great, but so are the challenges. Much can be achieved in this area if local and regional councilors are provided with adequate training, handbooks and resource materials for guidance, and the strengthening of the process of regional planning and interministerial coordination at the regional level. Local and regional councils must also be given greater control over the revenues they raise. Finally, it must also be recognized that the legislation governing local and regional authorities must eventually be rewritten to provide for greater authority and autonomy on the part of these bodies. In short, the challenges in realizing the potential of decentralized government in Namibia is part technical and part political. The United States should be prepared to lend its support to meeting each.<sup>13</sup>

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<sup>13</sup> The assessment team is not alone in its diagnosis. A recent assessment of local and regional government conducted for the MRLGH by Coopers and Lybrands and funded by the British High Commission reached similar conclusions. The report, which was written in April, 1994 and submitted to the Ministry in June has yet to be released.

#### d. The Judiciary and the Rule of Law

The Namibian judiciary consists of a Supreme Court, a High Court, approximately 40 magistrate courts, and a system of community or traditional courts. The Supreme Court functions as a court of constitutional review and as a court of appeal while the function of the High Court is to review cases and decisions which are referred to it from the magistrate courts. The community courts are primarily concerned with civil matters and are staffed by traditional leaders who apply the customary law of their areas to the cases which come before them.

As with other governmental structures in Namibia, this four-tiered system is a holdover from the colonial period during which the three highest tiers were staffed entirely by South Africans or white Namibians. The same is true of the Ministry of Justice which remains responsible for the administration of the judicial system. Although the laws of South West Africa evolved independently from those in South Africa after 1980, Namibia's judicial system was an extension of the South African system until independence in March, 1990. As such, Namibia must deal with three legacies of the past to establish an independent judiciary. The first, is the shortage of trained and experienced black Namibian attorneys to staff the judicial system. The second is the carryover of the procedures of Roman-Dutch law as practiced in South Africa in contrast to judicial procedures in other Anglophone countries. The third, is the perspective of the average Namibian of the judicial system and the access she or he enjoys to the courts.

Prior to independence, opportunities for black Namibians to obtain advanced legal training was limited to a handful of individuals who received such training in South Africa or in Europe or the United States. While a number of initiatives have been since undertaken to expand the number of black Namibian attorneys, the process will take several years before the number of attorneys is significantly increased. The training of attorneys--a combination of university degree work followed by an extended in-service apprenticeship or "articles"--takes seven years. Moreover, many of those who have been recently trained, find they can earn significantly higher salaries by entering private practice or joining an established law firm. The result is that the recruitment of black Namibians onto the High Court and Supreme Court has barely commenced, while the process for the magistrate courts--while well underway--has been tortuous.

Most citizens who come into contact with the judicial system do so at the level of the magistrate or community courts. During the colonial period, the magistrate courts were staffed entirely by whites and justice was rendered in a manner consistent with apartheid laws. Not surprisingly, many citizens had a very negative view of the judicial system as well as the state since the courts were the principal point of contact between Namibians and the government. To overcome this situation, approximately 40 individuals received two years of legal training at the UN Institute for Namibia in Lusaka, Zambia prior to independence with the view towards posting them to the magistrate courts immediately after independence. Most of these individuals had not previously completed secondary school. None received a full legal education. None were trained in the procedures of Roman Dutch law. None received any in-service training subsequent to the diplomas they were awarded in Lusaka before taking up their posts. The results were predictable: Most of these individuals who were

ultimately posted to the magistrate courts failed to perform at an acceptable level. Decisions reached by the new magistrates were often reversed by the High Court, and a backlog of cases piled up at the courts staffed by the new recruits. These problems were compounded by a lack of trained prosecutors as well as a shortage of trained police responsible for obtaining evidence and witnesses for the courts in a timely manner.<sup>14</sup> Compounding this situation of near breakdown even further is the fact that the district magistrate courts are required to sit periodically as labor courts under the provisions of the Labour Act of 1992. The bottom line is that South West Africa's system of apartheid justice has been replaced by a system of poorly administered justice which greatly frustrates both litigants and magistrates.

To overcome these problems the Ministry of Justice determined in 1991 that it should establish a Justice Training Centre (JTC) to provide compensatory instruction to those who had received their initial training in Lusaka as well as to those returning with law degrees from abroad to take up positions on the magistrate courts. The need for supplementary training is particularly great as roughly half of those who trained in Lusaka have since left government service while the number of magistrate courts has expanded to 31 and will top out at 32. Approximately 80 trained magistrates will ultimately be required to staff this system. Today there are 26 resident magistrates, or chiefs of the magistrate courts, and another 51 magistrates. The Justice Training Centre is also responsible for providing short courses for public prosecutors, police investigators, and clerks and other court personnel.

Unfortunately, the Justice Training Centre presently lacks the personnel or financial resources to carry out its charge, though this situation could change. Although the need for the Centre originated in the Ministry of Justice because it is the agency responsible for staffing the magistrate courts, the Ministry determined that the best home for the Centre would be the Faculty of Law at the University of Namibia (UNAM)--or so it was thought. Under a Memorandum of Understanding signed between the Ministry and UNAM the latter was supposed to provide core staff and office facilities for the new center while the Ministry assumed responsibility for obtaining funding from interested donors. At the time of this assessment three donors--the Ford Foundation, SIDA, and GTZ--had made grants totaling approximately \$450,000 which will fund the Centre through 1995 after which the Centre will be on its own. The basic need will be for salaries or partial salaries for its core staff. The University has recently assumed responsibility for roughly half of what is required to sustain the JTC (roughly \$39,000) but whether it will be in a position to provide the remainder is unknown. The current director of the JTC is a South African civil servant who retires on March 31, 1995 and whose salary or that of his successor must be assumed by the Centre at that time. Discussion of this and other needs of the JTC to maintain its operation is presented in section V below, including tentative plans by other donors to provide support. The need for the Centre to expand its array of short-term courses to backstop the operations of the magistrate courts and ultimately the community courts is likely to continue through the end of the 1990s and into the next decade. It is also highly

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<sup>14</sup> For example, in Oshakati the local magistrates reported that they were approximately three months behind in their work, a backlog of several hundred cases. In Rundu, the backlog of cases recently exceeded 200.

desirable that the JTC mount a program of in-service training, an exercise it cannot take on given its current capacity.

In addition to suffering greatly from a dearth of adequately trained personnel, the system of magistrate courts suffers from a shortage of appropriate reference materials which the magistrates require to carry out their work. These include handbooks for magistrates, a complete and annotated set of the Laws of South Africa (1915 to 1980), Southwest Africa (1980 to 1990), and the Laws of Namibia, and a complete set of Law Reports. Some magistrate courts have complete sets of these materials; most do not, and some have none. In summary, a combination of training and materials is required to enable this crucial component of the Namibian judicial system to function properly.

The lowest tier of Namibia's justice system are the community or traditional courts. The specific jurisdiction of the community courts, and their relationship to the magistrate courts as well as the division of labor between them is highly ambiguous. While the community courts are primarily concerned with civil disputes, judicial proceedings in respect to civil matters may also be initiated via the magistrate courts. Community courts do not presently have the means (i.e. access to the police) to enforce their decisions with the result that individuals receiving favorable decisions from the community courts must often initiate proceedings in the magistrate courts to obtain enforcement of the earlier decisions. The community courts are also viewed as "small claims" courts that should be easily accessible to the rural poor. Litigants before the community courts usually represent themselves without legal counsel, but such practice is at variance with the Namibian constitution which requires that litigants be represented by counsel. Because customary law varies from one group to another, the consistency of judicial standards between regions and with the laws of Namibia are also sometimes in doubt. Resolution of these issues is in the process of being defined by the Ministry of Justice which is drafting new legislation to define the purpose and statutory authority of the community courts. An act of Parliament was supposed to be passed in early 1994, but was yet to be fully drafted at the time of this assessment. It is anticipated that the act will be drafted and passed by the end of the year though the issue of consistency between customary practice and the laws of Namibia may take longer to resolve—if indeed it is ever possible to fully solve this problem. Once the act is passed, there will be a need to train local community/traditional leaders in the basic procedures of judicial practice.

Two other important dimensions of the legal process need mention. The first is the Law Reform and Development Commission attached to the Ministry of Justice. Article 66 (1) of the Constitution states that "Both the customary law and the common law of Namibia in force on the date of Independence shall remain valid to the extent to which such customary or common law does not conflict with this Constitution or any other statutory law." In practice, the acts and ordinances originating from customary law and from statutory law enacted under the South African government will remain in force until such time as they are specifically repealed by the present government, a situation that is a problematic obstacle to change. Moreover, government objectives, such as its commitment to affirmative action and to gender equality, are at times undermined by the existence of laws that run contrary to the intent of constitutional provisions. Although some areas of law have been attended to, others remain to be

addressed. For example, juvenile law and laws pertaining to women concerning marriage and inheritance.

The second dimension is the composition and professional norms of the legal profession and the training of black Namibians for the bar. The Law Reform and Development Commission has been in existence for over a year to systematically revise statutes enacted prior to independence to be consistent with Namibia's constitution. In addition, the Law Reform Commission will determine what new legislation is required to fully realize provisions of the constitution (e.g. equality of gender). The work of the Law Reform Commission is proceeding slowly but surely, and appears to be adequately financed through a combination of GRN and donor funds.

The training and incorporation of black Namibians into the Namibian bar will be a lengthy process lasting well into the next decade. Namibia presently has roughly 100 fully trained attorneys in private practice of which roughly only a half-dozen are black. There are only two black law firms in Windhoek. Compounding this situation is the near total absence of a tradition of public interest litigation in Namibia save the programs of the Legal Assistance Centre. Put simply, virtually all law firms are white and serve white and corporate clients--the upper-middle class of Namibian society. The training of black Namibians in the law will eventually mitigate this situation, but is no guarantee unless law clinics are established which will employ the new trainees. The training of black Namibians to become attorneys is also an expensive and lengthy process. However, without the provision of such training, there will be no significant change in the composition or orientation of the Namibian bar. The issue of advanced legal training also raises questions as to where and how such training should be obtained. The University of Namibia has established a Faculty of Law, but most outside observers agree that it would be more cost effective to send would be attorneys to South Africa for their legal studies. Should USAID consider the provision of assistance in this area, it will need to make a determination on this issue.

In summary, the weakest links in the Namibian legal process are at the level of the magistrate courts and in the overall composition of the legal community. Overcoming the problems of the legal process is essential for a functioning democracy. An overview of the various forms of assistance that USAID might provide to strengthen the legal process is discussed in section V.

#### **e. The Auditor General and the Ombudsman**

The Office of the Auditor General and the Office of the Ombudsman are two independent state agencies that have made significant progress toward establishing themselves as autonomous institutions. Namibia's first and only Auditor General to date is Fanuel Tjingaete, an ex-boxer and ex-professor with a Ph.D. in macro-economics who clearly relishes his role as the independent conscience on how government manages its finances. Though provided for in Namibia's constitution, the post of Auditor General was not filled until mid-1993 with the result that government accounts to date have only been audited for 1991 and 1992. These reports have been quite critical resulting in harsh replies by sensitive ministers whose ministries were singled out for incompetence as well as by the secretary-general of SWAPO. It is too early to determine whether the Office of the Auditor-General in Namibia will be

successful in curbing the degree of financial irregularities and outright corruption that have plagued other African countries. However, it is clear that the combination of an independent and bright incumbent of the office coupled with an aggressive and independent press can put the spotlight on malfeasance or simple incompetence.

The Office of the Auditor-General is responsible for auditing the finances of all government ministries and agencies including parastatals and local authorities. The office has an authorized establishment of 80 and an annual budget of \$N 3.8 million. Due to the limited availability of suitably trained personnel, the actual number of staff is 45 which has forced the Office to contract out roughly 25 percent of its workload to private firms. Notwithstanding the current shortage of trained personnel and the fact that the A-G's office suffers from high turnover because many staff use it a stepping stone to higher salaries in the private sector, Dr. Tjingaete estimates that the office will have a full complement of staff within two to three years. The A-G's Office is currently supported in its work by two Swedish and one British advisor which has enabled the office to begin to introduce procedures of performance auditing in addition to the more conventional auditing of financial accounts.

Critical to the long-term prospects for the institutionalization of the office is the security of tenure of the present incumbent and his successors. The A-G is nominated by the Public Service Commission and then approved by the National Assembly for a term of five years, and can only be removed by a vote of two thirds of the lower house. The current incumbent believes his position is secure, but one wonders what might occur should SWAPO achieve a two-thirds majority in the forthcoming elections for the National Assembly or whether he or a similarly independent personality will be named to the post when his current term ends in 1998. In this regard, it is significant to note that the ambassadors from the Nordic countries felt it necessary to make a demarche to the GRN following the attacks on Dr. Tjingaete following the submission of his Office's audit for 1991. Given the relatively smooth functioning of the Office, future support required from the United States will most likely be political rather than financial or technical.

More tenuous yet nonetheless encouraging is the Office of the Ombudsman. It is staffed by the Ombudsman and Deputy Ombudsman supported by several secretaries. The Ombudsman and his deputy are nominated by the Judicial Services Commission and appointed by the President. The former was not appointed until May, 1992 while the latter was named in January, 1993. The Ombudsman, Fanuel Kozonguizi was on sick leave from September, 1993 until May, 1994 with the result that the office is only now operating at capacity. A previous inquiry into the operations of the Ombudsman by a member of the assessment team in June, 1992 suggested that the incumbent was somewhat timid and unsure about how to pursue complaints brought to him for action. Current queries by the same member of the assessment team suggest that the Office is now up and running and does not shy away from sensitive cases. For example, the Ombudsman pursued the case of alleged corruption by a government minister in the drilling of state financed boreholes on his property to the point that the Prime Minister established a commission of inquiry to resolve the matter. More recently, the Ombudsman has been named as the chair of the Commission of Inquiry into the operations of the University of Namibia. It would thus appear that the Office of the Ombudsman has made progress in establishing its role and gained stature in the process. Unfortunately, the work of the office is severely

limited by a lack of *any* trained investigators. Both the Ombudsman and Deputy Ombudsman would like to establish a office in each of Namibia's 13 regions, but this would require at least one investigator per region. Until such time as the Office of the Ombudsman can expand its establishment, its activities will be limited to the efforts of the incumbent and his deputy.

#### **f. The Role of the Security Forces**

The role of the security forces and the dynamics of civil-military relations were not examined for this assessment due to limited time, and because USAID is prohibited from providing assistance to the military or police by the Foreign Assistance Act. Civil-military relations in Namibia also appear to be on a sound footing insofar as the security forces are responsible to an elected civilian government, and instances of human rights abuses are few. However, many members of the security forces, especially the police, are hold-overs from the period of South African rule when the police operated under few restraints and were largely feared and/or despised by the majority of the population. Relations between the police and ordinary citizens at the level of the local community could probably be improved to foster a greater degree of mutual trust, and a sense of ownership on the part of the citizenry that the police were there to serve and protect their persons. Should the Foreign Assistance Act be amended or superseded by new legislation as the Administrator has proposed to permit USAID to implement programs to improve civil-military relations, the mission in consultation with the military attaché at the US Embassy, should conduct a "mini-assessment" of this area to determine whether or not future programming is warranted. It should also be noted that while the assessment team was in Namibia to write this report, a regional conference of SADC members was held in Windhoek on the subject of civil-military relations and democracy in Southern Africa. All states represented at the conference, including the GRN, pledged themselves to work towards the demilitarization of the region and improve civil-military relations as they are a critical component to the consolidation of democracy. Improvement of civil-military relations is thus part of the official agenda of the GRN, a fact which USAID should consider when the time allows

## **2. CIVIL SOCIETY**

### **a. Political Parties**

More than 40 political parties and coalitions participated in the 1989 Constituent Assembly elections. Of the various parties and coalitions, the following managed to elect members to the Constituent Assembly, which subsequently became the National Assembly: Action Christian National (ACN); the Democratic Turnhalle Alliance (DTA); Federal Convention of Namibia (FCN); Namibia National Front (NNF); National Patriotic Front (NPF); South West Africa People's Organization (SWAPO); and the United Democratic Front (UDF). A brief discussion of the parties follows:

### Action Christian National (ACN)

The ACN, composed of two member parties, the National Party of South West Africa and the German Action Committee, was founded in early 1989 with the backing of the National Party. The ACN's program advocates a system of independent local authorities with maximum autonomy, especially in the area of education, and a free market economy.

### Democratic Turnhalle Alliance (DTA)

The DTA was founded in November 1977 by participants in the Turnhalle Constitutional Conference. Since its inception, the DTA campaigned for the recognition of Namibia's "internal parties" as equal negotiating partners with SWAPO and South Africa, rejecting the UN's recognition of SWAPO as the "sole and authentic representative of the Namibian people."

The DTA was composed of nominated representatives from each of Namibia's ethnic groups, with the largest and the smallest having approximately equal representation. The South African expectation was that the DTA would prepare a constitution based on the principle of ethnic equality, in disregard for actual population numbers, an equation that would give whites a more substantial position in Namibia than their numbers otherwise would indicate.

The DTA program during the 1989 elections was based on the principles of democracy, the rule of law, fundamental freedom and responsibilities, and a mixed economy.

In late July 1991, the South African government admitted that it had provided some R100 million in funding for the DTA and several other political parties which were opposed to SWAPO prior to the election of 1989. DTA-gate, as it was called, served to discredit the party and reopened latent suspicions about the extent to which the elections actually could be considered to have been free and fair.

At the end of November 1991, the DTA voted to reorganize itself from a coalition of parties into a single party, known as the DTA of Namibia. According to its Mission Statement, "The DTA of Namibia is a political party which arises from and is rooted in the cultural multiplicity of the people of Namibia, with the fundamental aim to advance and maintain peace and prosperity and to achieve national unity based on a multiparty democracy.

### Federal Convention of Namibia (FCN)

The FCN was founded in late 1988 in Rehoboth. The coalition has a strongly Christian-based platform that advocates a federal system of government and a mixed economy.

### Namibia National Front (NNF)

The NNF, organized on the slogan "Give the land back to the people," was formally established in February 1989. The coalition's intent was to expand its base by entering into alliances with other progressive parties in Namibia. Its policies are based on the fundamental principles of democracy, with the active participation of the state in the major aspects of the economy to safeguard and extend the interests of all citizens.

### National Patriotic Front (NPF)

The slogan of the NPF coalition is "reconciliation, democracy, development." It was founded in March 1989. Its fundamental mission is to create a new country and a new society based on equal rights and opportunities, and favors a mixed economy.

### South West Africa People's Organization (SWAPO)

SWAPO has its origins in the Ovamboland People's Congress (OPC) and the Ovamboland People's Organisation (OPO) founded in 1958 and 1959 in Cape Town. The OPO was founded from among contract laborers in Cape Town by Andimba Toivo ya Toivo, Andreas Shipanga and others. The OPO's immediate aims were to fight the contract labor system and to represent the politically voiceless workers. Soon after the founding of OPO, a decision to attempt to unite all non-whites into a single party resulted in the founding of the South West Africa People's Organisation (SWAPO) in 1960. Sam Nujoma was elected President of SWAPO at its founding.

Already in the early 1960s SWAPO established a base in exile (in Tanzania) and began to send cadres for military training. The armed struggle against the South African forces of occupation in Namibia began with the first incursions of SWAPO combatants into Namibia in 1965 and 1966. Eventually SWAPO moved its exile base to Zambia and, after 1974, to Angola where several thousand Namibians spent more than 15 years in camps in exile. While SWAPO was never formally banned inside Namibia its activities were, for all practical purposes, suppressed by the colonial authorities.

In 1976 the United Nations declared SWAPO "the sole and authentic representative of the Namibian people." From 1978 SWAPO participated in the negotiations of the Western Contact Group of the United Nations to achieve independence for Namibia via Security Council Resolution 435. During the years of exile many SWAPO cadres were trained at the United Nations Institute for Namibia in Lusaka, established in 1974, and others were sent abroad for training and further studies. SWAPO exiles returned to Namibia in 1989 under a United Nations sponsored repatriation effort. SWAPO transformed itself from a liberation movement into a political party at its first congress in an independent Namibia in December 1991. SWAPO's post-independence program is based on redressing the past grievances of the majority of the Namibian population. The SWAPO program is guided by the policy of national reconciliation and endorses a mixed economy for Namibia.

### United Democratic Front (UDF)

The UDF was founded in February 1989 as a centrist movement between SWAPO and the DTA. The coalition of parties was joined by the Workers Revolutionary Party in August 1989. Its program is based on the principles of democracy and it favors a mixed economy.

In 1989, SWAPO won 57 percent of the vote, which translated into 41 of the 72 seats of the Constituent Assembly. The main opposition party, the DTA, won 29 percent of the vote, or 21 seats. The UDF earned 4 seats, the ACN 3, and the FCN, NNF, and NPF earned one seat apiece.

SWAPO consolidated its strength as a party during the 1992 regional and local elections, which determined the composition of the municipalities, towns, and villages, and the composition of the Regional and National Councils. At the regional level, although the elections were contested by seven political parties (the DTA, NPF, SWANU, SWAPO, UDF, and the Worker's Revolutionary Party), SWAPO garnered 19 of the 26 seats in the National Council. The DTA is the only other party that is represented in the National Council, occupying the remaining 7 seats. At the constituency level, SWAPO won 71 of the 95 constituencies; the DTA 21; and the UDF, 3. SWAPO won outright victories in 10 regions, the DTA in 3.

Following these developments, and in the context of the presidential and National Assembly elections scheduled for December 1994, there is widespread concern that this time around SWAPO will win more than a two-thirds majority. If this should happen, SWAPO would be in a position to rewrite portions of Namibia's highly acclaimed Constitution. In fact, some feel that SWAPO would be compelled to do so in order to address the widespread problems of persistent inequalities in such important areas as land, housing, education, and employment. There are also rumors that the Constitution would be rewritten to allow President Nujoma to continue for more than the currently stipulated two terms.

Although a coalition of parties recently has formed, its status remains unclear. Beyond agreeing that the coalition will be nonethnic and nonracial (which is a provision of the 1992 Electoral Act), and that the coalition's approach to the land issue would be "within the framework of the Namibian Constitution," the UDF, NPF, SWANU, ACN and FCN have not yet managed to progress further towards consolidating themselves as a political force - despite elections being only a matter of months away.<sup>15</sup> Indeed, the UDF decided not to join the coalition because it would first like to define itself as a party, as opposed to part of a larger group. At present, only three parties are continuing discussion about the coalition, the ACN, the NPF, and SWANU. These parties are organizing a congress that apparently is scheduled to take place sometime in the near future. Although the DTA leadership was not interested in a pre-election coalition, it may be willing to consider cooperation after the elections. It therefore

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<sup>15</sup> See "Revised Third Report by the Steering Committee for Unification/Coalition (SCU/C) to the Executive Bodies of the Negotiating Parties (UDF, NPF, SWANU, ACN & FCN),"

9 May 1994, Windhoek.

remains to be seen what the status of the coalition will be in the near future, before the elections, and once the elections have taken place.

In this context, emphasis on fostering multipartyism - the mere existence of "opposition" political parties - for opposition's sake, is not, in the long term, the most appropriate or necessarily the most effective means of addressing what is in essence a problem of the perceived illegitimacy of the political parties as they currently exist. The principal opposition actors continue to be discredited by their participation in the interim governments prior to the 1989 Constituent Assembly elections, and by the revelations of DTA-gate in 1991.

In addition, it is important to note that none of the coalitions and parties differ substantially in ideology from the orientation of the ruling party, SWAPO. Given that there seems to be consensus concerning the basic tenets of Namibian society, one might expect the opposition vigorously to advance alternative proposals about how better to address Namibia's material needs, especially in the areas of land tenure, jobs creation, and improved facilities in education, housing, and health, as well as how best to accomplish the goals of national unity and affirmative action. In the more than four years since independence, however, none of the parties has really consolidated its position. Even the "loyal opposition" tends to be virtually moribund until an election approaches, when it scrambles to mount a campaign. Most importantly, Namibia's parties are seemingly singularly unable to articulate a program, and thus attract members and supporters.

Given the above, the opposition parties as a whole are perceived to offer no viable alternative to SWAPO and its government policies. Indeed, representatives from the DTA frequently lamented that SWAPO has incorporated all of its major policy tenets, leaving it little room for policy-making maneuver. Indeed, all the political parties interviewed pronounced themselves satisfied with the opportunities that exist for constructive dialogue with the government, and that the climate for political action generally is open and tolerant (there are important exceptions to this latter sentiment in specific areas, most notably in various constituencies in the northern part of the country).

On a final note, it should be recalled that Namibia's past is one of highly partisan politics. In post-independence Namibia, there are many people who would like to move beyond these past party political differences. For example, the women's movement, the trade union movement, even the NGO community to a certain extent, continue to be divided along party political lines. There is a pronounced feeling that these divisions along party lines are hampering development efforts while reducing the strength and the bargaining power of these different movements and organizations. Most importantly, unlike other organizations in Namibia, most political parties appear to lack an active and easily identifiable constituency. Thus, activities aimed at strengthening the capacity of the various groups in Namibian society, including the political parties, to more effectively interact with the government and to advance their interests, will contribute to consolidating democracy and more effective governance.

## b. The Media

### The Media Institute of Southern Africa (MISA)--Namibia

The Media Institute of Southern Africa, MISA, is a regional secretariat intended to promote free, independent, and pluralistic media in southern Africa. It is the only organization of its kind in the region. MISA arises from a consensus concerning the desirability of promoting the free flow of information and cooperation between journalists as a principal means of nurturing democracy and respect for human rights in Africa. MISA results from a series of meetings that began in 1989; most of the meetings were financed by the Swedish International Development Authority (SIDA). MISA was established in March 1991 and adopted the Declaration of Windhoek on Promoting an Independent and Pluralistic African Press in May 1991. A meeting financed by SIDA and UNESCO in Windhoek in August 1992, capitalized on the SADCC summit, which enabled more than 50 journalists from the region to participate in roundtable discussions concerning how to operationalize MISA and its objectives.

The MISA Secretariat is located in Windhoek. In addition, each member country is expected to constitute its own country chapter. These local chapters would identify priorities and projects in their respective countries. MISA-Namibia is just getting underway and is slated to be formally constituted in the near future. It shares the offices of the MISA Secretariat, and has a core staff. Gwen Lister, Editor of *The Namibian*, is the Chairperson of MISA-Namibia. Membership in MISA is to be on an institutional and individual basis. The only requirement for members, who will be drawn from the constellation of media workers - editors, journalists, reporters, typesetters, media academics, etc. - is that they subscribe to MISA-Namibia's aims and objectives.

Although the importance of an independent press in support of democracy is generally acknowledged by government as well as in the nongovernmental sector, the press in Namibia is vulnerable. *The Namibian* is the only independent paper; the rest are government or party-owned. In addition, in the absence of vigorous activity from political parties, the media is in the awkward position of being perceived to be the real opposition in Namibia. This perception complicates the media's relationship with government.

Moreover, a troublesome trend in both the broadcast and the print media is that reporters feel increasingly subject to self-censorship. This self-censorship arises in part as a result of the not so subtle situations in which Ministers openly complain that "our reporters are not professional" in response to a particular article or broadcast, in many cases implying that the information somehow was distorted or untrue. In addition, reporters feel compelled to cover events simply because they are attended by political figures, irrespective of the newsworthiness of the activity. If they do not, they feel that that are being seen to be "disloyal" to the government. The Media Council, which could to some extent mediate between government and the press, is seen to be virtually inactive. Moreover, it is perceived to be plagued by conflicting interests that present obstacles to its smooth functioning.

Reporters would like to augment their coverage of local and regional government activities, in addition to more penetrating coverage of national government

activities, but, apart from equipment and staffing impediments, feel that they require training in methods of investigative journalism, as well as an increased understanding of economic and political affairs. Such training would also be valuable to individual reporters who are experiencing difficulty in making the transition from being party activists to objective reporters in the national interest. Such training would address the issue of self-censorship, since more professionalized reporters and media workers would develop an identification foremost as a media, rather than as individuals with partisan interests. In addition, in order to enhance the ability of the broadcast and print media to be more self-sufficient, and self-sustaining, training is required in the areas of management, advertising, and distribution.

#### The Namibian Broadcasting Corporation (NBC)

The Namibian Broadcasting Corporation (NBC) is Namibia's only national public radio and television service. The NBC is an autonomous broadcasting service run by an independent board. The Board formulates NBC's policies, which are then executed by the management committee, which is composed of the Director General and seven Controllers: Programs, Human Resources, News, Public Affairs, Administration, Finance, and Technical. The Director General also serves on the Board. Although one of the NBC's goals is to become more self-sufficient, the bulk of its funding at present continues to be derived from government subsidy.

The NBC has its origins in the South African Broadcasting Corporation (SABC) which was transformed into the NBC immediately following independence. The transformation has been accompanied by several changes in the philosophy and approach to public broadcasting in Namibia. Most notably, though with much institutional trauma, the NBC has committed to affirmative action employment policies and to becoming an instrument for democracy, national reconciliation, and nation-building.

NBC Radio consists of nine different language services. The National Service broadcasts in English and is the only service heard in the early morning and later evening hours. The other language services can be heard during the daytime hours. In addition to 18 daily news bulletins, the radio programs include phone-in and discussion programs that deal with a diversity of opinions on controversial and topical issues. The radio service also functions as a notice board, communicating messages between people in remote areas, especially at times of emergency. A network of FM 35 transmitters make the radio accessible to about 90 percent of the population. A recent development in Namibia is Radio 99, the first private commercial radio station. For some time, efforts have been underway to organize a community based radio service in Katutura though this has not yet materialized.

The NBC's single television channel is transmitted to 35 percent of the population for 6 hours daily between Monday and Saturday, and 10 hours on Sunday. A daily news bulletin is broadcast each evening. Beginning August 1, 1994 CNN news will be carried every morning from 6:30 to 7:00 and every midday from 1:00-2:00. At present, most programs, except for the news, are not locally produced. One of NBC's aims is to increase its capacity for local program production.

NBC's activities are conducted in cooperation with two language services based in Oshakati and Rundu and three contribution centers in Otjiwarongo and two other towns. Although the centers function as "contribution" units which prepare programming that is then forwarded to Windhoek for final editing and broadcast, the general feeling is that the Windhoek office respects the autonomy of the centers in selecting newsworthy events. Still, given limited broadcast time, the feeling is that urban areas and particular regions tend to receive more exposure than others.

The NBC contribution center differ in their access to materials and the extent to which they can effectively cover news events in their assigned areas. For example, a common difficulty experienced by NBC reporters is their inability to cover events that occur outside the urban areas, especially in the far corners of their wide-reaching districts. Since access must be by road, coverage can be limited if vehicles are not available. Moreover, news coverage is constrained by the limited equipment in the contribution centers; for example, the Otjiwarongo office was without a camera because the one it possesses was in Windhoek for repairs. Some of the contribution centers feel understaffed, a situation with implications for both the quantity and the quality of coverage. For example, in some of the more remote areas, coverage is time-consuming, since the reporters in some cases must arrive at least a day in advance of a scheduled event. In addition, communications difficulties in the rural areas also mean that sometimes events occur without the NBC's receiving advance notice.

### **c. Trade Unions and Interest Groups**

The trade union movement in Namibia is relatively young and inexperienced; most of the currently existing trade unions emerged only in the mid 1980s or after independence. As in other sectors, trade unions remained divided by political orientation. At present nearly 20 trade unions (in a formal sector labor force of about 200,000) are organized into two trade union federations, with a few unions remaining unaffiliated to either federation.

The National Union of Namibian Workers (NUNW), the larger of the two federations, includes the Namibia Public Workers Union (NAPWU), the Namibia Transport and Allied Workers Union (NATAU), the Mineworkers Union of Namibia (MUN), the Namibia Domestic and Allied Workers Union (NDAWU), the Metal and Allied Workers Union (MANWU), the Namibia National Teachers Union (NANTU), the Namibia Food and Allied Workers Union (NAFAU), and the Namibia Farmworkers Union (NAFWU). The NUNW and federated unions claim a membership of about 65,000. The NUNW is formally affiliated to the ruling political party SWAPO. Several NUNW officeholders are members of the SWAPO Politburo or Central Committee.

The second trade union federation, the Namibia People's Social Movement (NPSM), includes the Public Service Union of Namibia (PSUN), the Namibia Building Workers Union (NBWU), the Local Authorities Union of Namibia (LAUN), the Namibia Wholesalers and Retail Workers Union (NWRWU), the South West Africa Mineworkers Union (SWAMU), and the Bank Workers Union of Namibia (BWON). Some of these unions have their origins in white staff associations formed some time before independence. The NPSM claims a total membership of about 30,000. As the name implies the NPSM would eventually like to constitute a broad social movement, rather than simply a trade union federation; it is are

currently seeking funding for a newspaper and youth program. The NPSM claims no political orientation or affiliation. Unaffiliated unions include the Namibian Pelagic Motorman Union and the Namibian Telecommunications Union.

The unions of the NUNW were very much born out of the liberation struggle in Namibia and since independence have sought to make the transition to a new role. Progressive, new labor legislation was implemented in November 1992 (Labour Act No. 6 of 1992) and yet because of a lack of capacity the unions are not able to take full advantage of the new law. The Act firmly entrenches the International Labour Organisation notion of 'tripartism' in labor relations in Namibia, and provides for the establishment of a number of tripartite structures such as the Labour Advisory Council in which unions are expected to participate. At the same time the unions are hampered by a lack of adequate finances, insufficient and untrained staffs, weak structures, no research or planning capacity, little access to vital economic data, no full-time legal counsel or labor economist of their own and so on, which precludes their effective participation in the new tripartite labor relations. The NUNW has a well equipped national center in Katutura and regional offices in Tsumeb, Swakopmund and Keetmanshoop, each of which is staffed by a regional coordinator. Member unions share office facilities at those four centers. The NUNW runs a number of programs in conjunction with the International Confederation of Free Trade Unions (ICFTU), with Southern African, pan-African and international trade union bodies and with their respective International Trade Secretariats.

A number of issues concern trade unionists in Namibia today. There are complaints about national reconciliation and the fact that it appears to be reinforcing the status quo. Little has changed for ordinary workers at the workplace as whites continue to occupy the professional and managerial posts and black Namibians continue to be relegated largely to unskilled and semi-skilled positions. In the view of many, an important economic element of democracy is being ignored as the pre-independence wealth and income disparities continue. Trade unionists see themselves as representing an important taxpaying base in the country and as playing a role in Namibia's democratization as 'part and parcel of civil society.' Some complain about the lack of an open debate within the country and charge that there is much labeling of those who openly criticize or disagree with the ruling party.

There is much ferment within the NUNW about the federation's affiliation to SWAPO. There have been numerous attempts, at recent congresses, to disaffiliate from SWAPO, but never successful. Many within the unions feel that SWAPO, as a nationalist movement, cannot privilege worker interests and that the party takes the workers' support for granted. There has been talk of the unions fielding their own candidates in the upcoming elections (which has elicited harsh rebukes from SWAPO) or even, eventually, of some trade unionists leading a break away faction within SWAPO. At present, the issue of political affiliation is the single greatest obstacle to unity between the two trade union federations.

Other important interest groups in Namibia include the Namibia National Farmers' Union (NNFU) and the Namibian National Students Organisation (NANSO). The NNFU was formed in June 1992 as an organization to promote the interests of communal farmers in Namibia; as such it has a potentially vast rural membership and represents an important constituency. There had been sporadic efforts to organize communal farmers before independence, mostly under the auspices of the commercial farmers' union, the Namibia Agricultural Union (NAU). At independence, communal farmers requested the NAU to

change its constitution and restructure itself to accommodate the aspirations of communal farmer. When this did not happen quickly enough communal farmers approached the Namibian Development Trust for assistance and eventually the NNFU was launched. At present the NNFU claims to have 40,000 dues paying members. Members are organized first into associations or clubs which then form regional or district unions which then affiliate to the NNFU. Currently, there are regional unions in Caprivi, Omaheke, Hardap and Karas together, Okavango, Kunene and Erongo regions. Much work is still needed in the four regions of former Ovamboland where a first regional union has just been formed, and in Khomas and Otjozondjupa regions. There are also regional offices of the NNFU, for example, in Rundu. The NNFU derives financial and project support from a number of international NGOs and works in collaboration with many Namibian NGOs.

The NNFU sees its priorities as strengthening the organization's institutional capacity, making the organization economically viable, obtaining a researcher for issues such as marketing and the land question, training small and subsistence farmers, and democratizing member associations which tend still to be autocratic. The Ford Foundation has just made a grant to the NNFU so that they may hire an economist to strengthen their analytic capacity on land and agricultural policy issues. The NNFU is very inclined to become involved with government on a number of relevant policy issues and seems well positioned to do so. At present they feel they have good access to government, mostly through Permanent Secretaries at the national level. In regional offices such as the one in Rundu there have been considerably more problems in eliciting prompt responses from government officials. The NNFU has been the instigator of the NGO Committee on Land Reform, comprised of more than 12 Namibian NGOs and formed to increase pressure on the government vis-a-vis the land issue in Namibia. The NGO Committee on Land intends to hold a conference on the land question in September and follow closely the development of the new legislation on land. Politically, the NNFU is a very diverse organization, reflecting the widely varied regional memberships and, as such, likes to stress 'agropolitics' over party politics.

NANSO is an independent national secondary school and university student organization formed in 1984. Before independence NANSO branches were active in secondary schools throughout Namibia and at South African universities with significant Namibian populations such as the University of the Western Cape. NANSO was important in leading school boycotts and at least one national strike in the final years of the liberation struggle in Namibia. In 1989 NANSO decided to affiliate formally to SWAPO and one year later, in 1990, NANSO decided to disaffiliate from SWAPO. This disaffiliation has had deleterious consequences for the organization. While NANSO had about 61,000 members in 1990/91 NANSO officeholders estimate that they now have about half that number of members. In addition, a second student organization, mostly representing secondary students in northern Namibia, has now been formed and is affiliated to SWAPO. But this second student organization has yet to write its own constitution or to take a different name other than NANSO-affiliated. NANSO has said it would like to have a working relationship with SWAPO while still maintaining its independent position. SWAPO has sent NANSO mixed signals about its position toward NANSO, and many NANSO leaders have been labeled and badmouthed because of the disaffiliation. NANSO operates on very little money at the moment. They are conducting two media training programs with IBIS (formerly WUS-Denmark) and one AIDS education campaign with Oxfam Canada. NANSO conducts workshops for members in leadership training, gender sensitivity and has undertaken a campaign to have Student Representative Councils elected in all secondary

schools in Namibia so that pupil interests are well represented on school management committees. NANSO has branches at many schools around Namibia. They feel that civic education is vital, but this must be education that teaches about democracy and different systems of government and not simply the colors and symbols of different political parties. NANSO's most recent effort is to design a student empowerment program which will work through debates and other instruments to teach students how to defend their own interests. They would like to encourage regional and international student exchange programs and have been involved in the recent launching of the Southern African Students Union.

#### d. Business Organizations

The business community in Namibia remains largely in the hands of Afrikaans and German speaking white Namibians and some South African and transnational corporations. Some sectors, such as mining and commercial agriculture, have been organized for decades into their respective professional associations - for example, the Chamber of Mines which represents about 35 mining companies and the Namibian Agricultural Union (NAU) which represents 3,900 out of 4,500 commercial farmers in Namibia. Before independence there was no national chamber of commerce or national employers' federation in Namibia, although efforts to establish an employers' federation began already in the early 1980s. Instead, a number of regional chambers of commerce existed which were affiliated to the Association of Chambers of Commerce and Industry in South Africa. The largest and most powerful of these was the Windhoek Chamber of Commerce and Industry. Since independence there has been pressure on the business community from government to form one employers' association and one chamber of commerce. In 1993 a Namibia Employers' Federation (NEF) was finally established, although according to some in the business community the trade associations such as mining, agriculture and tourism associations remain the far more important organizational fora.

The Namibia National Chamber of Commerce and Industry (NNCCI) was established in 1990 as an umbrella organization to which all existing and newly created business organizations could affiliate. This was seen as an important step towards uniting Namibia's fragmented private sector - the established Windhoek based companies on the one hand and the emergent small business sector outside Windhoek on the other - and creating a strong and unified voice for business after independence. While initially seen as a chamber for 'black business' only, the NNCCI is increasingly seen to represent a 'nice mix.' Given the lack of a 'chamber culture' in Namibia, the NNCCI has only nine affiliated regional chambers, one affiliated sectoral chamber (Namibia Chamber of Crafts) and nearly 20 corporate members. The NNCCI encourages local chambers such as those in Grootfontein, Otjiwarongo, Mariental and Luderitz to join the national body and so help to unite the Namibian business community. The functions of the NNCCI include providing a forum for the discussion of matters of concern to businesspeople, representing the views of commerce, industry and crafts, and providing a range of benefits and services to members. Services include small business assistance, interaction with government, training in small business development and chamber management development, advocacy on economic issues, trade and marketing information, and promotion of Namibian businesses. The Chamber sees itself as playing an important role in the new tripartite labor relations dispensation.

Regional chambers, such as the Northern Namibia Regional Chamber of Commerce and Industry (NNRCCI) in Ongwediva conduct their own programs in collaboration with the NNCCI. In northern Namibia significant efforts are underway to develop and diversify people's entrepreneurial and management skills. Through the Small Business Development Program management training courses and a credit scheme are offered. The program relies upon existing financial institutions rather than direct lending in order to build credit ratings for recipients. The NNRCCI has developed its own relevant training material that is action oriented and demand driven. Other activities of the NNRCCI include conducting business English classes and organizing a regional trade fair. The NNRCCI is concerned to enhance the crafts industry in the northern Namibia and to monitor carefully government action on the land question; this is of particular importance of potential entrepreneurs anxious to secure land for a business.

Relations between government and the private sector seem to vary considerably. The larger, more important sectors such as mining, fishing and commercial agriculture seem to have quite amicable relations with government. Through their trade associations they participate in various ministerial advisory boards and other government structures such as the Labour Advisory Council. They appear to have immediate access to the highest echelons of government. They are fully aware of their contribution to the gross national product and derive their leverage and bargaining power from this. They will give government credit 'for a job well done' but are not afraid to criticize on other occasions. They feel government must create the 'enabling environment' for the private sector to thrive and thereby strengthen the economy. Until now, only the larger mining companies in Namibia, such as the Consolidated Diamond Mines and Rossing Uranium Limited, have demonstrated significant social responsibility toward the communities in which they operate although with the increasing importance of the fishing industry and the incorporation of Walvis Bay into Namibia, more fishing companies are beginning to move in this direction.

For the smaller, though still 'established' businesses in Namibia - for example, retail trade and commerce - the situation is somewhat different. For the first time, these medium-sized, largely white-owned businesses are being exposed to increased competition and they are being forced to innovate much more than in the past. They realize their skills deficits and feel much in need of low interest loans and advanced training in a number of fields. This sector tends to be more hostile to government for party political reasons. There is considerable frustration with the Labour Act which is deemed too expensive for an economy such as Namibia's but again, through their trade associations, these businesses are negotiating with government. Relations between government and the newly emerging 'black' businesses are just evolving.

#### **e. National Service-Oriented NGOs**

About 120 non-governmental organizations (NGOs) are currently active in Namibia. Among these are a number of larger national service oriented NGOs. These include the Namibia Development Trust (NDT), the Rossing Foundation, the Private Sector Foundation (PSF), the Institute for Management and Leadership Training (IMLT), the Rural People's Institute for Social Empowerment in Namibia (RISE) and the recently formed Urban Trust.

NGOs and CBOs in Namibia are organized into one umbrella organization, the Namibia Non-Governmental Forum (NANGOF).

The Namibian Development Trust is a national service organization that, before independence, helped to facilitate donor-NGO contacts and undertook its own community development programs. NDT now has three regional offices - in the North, in the South and in Windhoek (from where programs in the West and East are operated). Their rural development program is geared toward increasing rural household income and food security, and to that end they provide assistance in the form of technical advice and training for small entrepreneurs and start up loans of up to \$N5,000.

The Rossing Foundation was established in 1979 in Namibia with money from Rossing Uranium Limited (RUL). In recent years, however, RUL has had to withdraw most of its support for the Foundation. Rossing Foundation projects have either become self-financing or have been eliminated, and the Foundation has been forced to seek some foreign donor assistance. The primary mission of the Foundation is to train Namibians in a variety of skills; the Foundation has now established 13 centers throughout Namibia with programs as diverse as small business development, food production, adult literacy and maritime training. The Rossing Foundation has a longstanding Youth Award Program which would like to incorporate a democracy component. Rossing's centers are available for developmental activities by other organizations.

The Private Sector Foundation, modeled on the Urban Foundation in South Africa, was established in 1981 in Namibia. Initially the PSF worked in five program areas: labor relations, low cost housing, education and training, community development, and small business development. Funding for the Private Sector Foundation has come from member businesses and through programs such as the READ program at USAID, UNIFEM, and the Canada Fund. In recent years funding for the PSF has dwindled "to a trickle," causing it, among other things, to close its office in Ongwediva in 1992. The PSF provides training in business management, secretarial practice, English literacy, and technical skills to private individuals, government ministries and local and foreign NGOs. The PSF also provides advisory services to these same clients. In the past the PSF has worked widely in funding small business and microenterprises for women, although it is no longer able to because of funding constraints. The PSF continues to search for funds to finance its micro credit and loan schemes and has applied to a number of foreign donor agencies.

The Institute for Management and Leadership Training, established in 1983, aims to provide practical training and/or consultancy services to individuals and organizations in key sectors of the economy, both public and private. The IMLT has five departments which represent their primary areas of activity: small enterprise development, business development, computer training, business survey services, and consultation. The small enterprise development program works together with the Ministry of Trade and Industry to provide loan capital (N\$5,000-10,000) from the Ministry's Revolving Credit Fund. The IMLT has regional offices in Oshakati and Rundu. Women are the majority of the participants in IMLT programs. The IMLT works in conjunction with the NNCCI in the provision of training and credit. The IMLT has been supported since its founding by the Hans Seidel Foundation although now Hans Seidel is withdrawing some of its funding and the IMLT is attempting to become self-financing.

The Rural People's Institute for Social Empowerment in Namibia has been active to date mainly in southern Namibia, although it is now expanding to become a national organization. RISE functions principally as a service organization, assisting farmer associations to establish savings and loan schemes, and organizing marketing and other services. The Ford Foundation has given a grant to RISE to support rural community economic development programs in eastern Namibia and would like to help to establish a rural policy unit in RISE in 1995.

The Urban Trust has recently been formed as a technical service organization with special emphasis on urban poverty research and advocacy. The Urban Trust has received a two year start-up grant from the Ford Foundation. The primary goal of the Urban Trust is to promote policies, strategies and projects that support comprehensive, integrated, financially sustainable and participatory approaches to urban management and urban poverty alleviation. Specific objectives include, among others, promoting policies for balanced urban and economic growth, promoting the informal, small and medium enterprise sector throughout the policymaking process, encouraging policies that foster self-reliance, a sense of community, citizenship and nation-building.

The Namibian Non-Governmental Organisation Forum was formed as an umbrella organization and a lobby organization for NGOs in Namibia in April 1991. NANGOF has yet to establish a secretariat in the form of a staffed office in greater Windhoek although it plans to do so soon. NANGOF has more than 50 member organizations ranging from individual community based organizations to regional and national level organizations. To date, NANGOF has sponsored a number of workshops on issues such as NGO-government relations, housing, gender sensitivity, and cooperatives. NANGOF is not an implementing body and so assigns different tasks to its member organizations. For example, NDT is responsible for training programs while the small community development organization Bricks is responsible for communication through its newspaper.

NANGOF sees its primary function as lobbying government on behalf of the NGO community. NANGOF has a loose, verbal agreement (eventually to be formalized) with the NUNW and the Council of Churches of Namibia (CCN) - that the three will act together in making their demands to government. For example, the NUNW and NANGOF together walked out of a meeting with the National Planning Commission about the national development plan, when they felt they had not been adequately consulted. Ultimately, members of NANGOF were also instrumental in the establishment of an NGO Government Task Force. This task force was established in an effort to facilitate relations between government and NGOs and to identify a contact point for the two. The contact point will be an NGO liaison office within the National Planning Commission, given that the national development plans are drawn up at the NPC.

Before independence, the NGO community in Namibia was strongly divided along party political lines; these divisions corresponded largely to the NGOs' stance toward the interim governments (whether to participate in them or not) and were reflected in their funding sources and the political orientations and affiliations of those sources. Immediately after independence such tensions surfaced again during the attempt to form an umbrella organization for NGOs. Nine organizations including the NDT, Bricks, the CCN, the Namibia Credit Union League (NACUL), the LAC, the National Job Creation Service (NJCS), the Namibia Returnees Self-Help Project (NRSHP), the NUNW and NANSO joined forces to form a steering committee for formation of NANGOF. Some Namibian NGOs

claimed that they were not invited to join NANGOF and rejected the perceived association of NANGOF with SWAPO. Thus, a second NGO umbrella body, the Namibian Association of Non-Governmental Organisations (NANGOS) was formed. The existence of NANGOS was shortlived, however, and today most Namibian NGOs are united within NANGOF.

Indeed, most people in the NGO community seem anxious to move beyond these past political differences and to focus more intensively on their constituents' development needs. Moreover, the NGOs as a group find themselves in an increasingly adversarial relationship with government - for which they must be united. While in the early days of independence many leaders in government praised the NGO community and welcomed their participation in the management of development efforts and in development planning, some in government today view the NGO community as "stonethrowers," according to one NGO leader. To a large extent, NGOs are poorly equipped to play this new role in the policy making process and so are further discrediting themselves in the eyes of many in government. Most NGOs are overwhelmed by the simple task of building their own organizations and managing their own programs. They are not able to devote the time, resources or expertise to participating in the policy making process, despite the fact that they all recognize the necessity and importance of doing so.

#### **f. National NGOs with a Democracy and Governance Agenda**

Outside of the University of Namibia, only the Legal Assistance Centre (LAC) and the Namibia Institute for Democracy (NID) have an explicit human rights or democracy and governance agenda in Namibia. The Legal Assistance Centre was established in 1988, with the first office—the Human Rights Centre at Ongwediva—situated in the heart of the then war zone. Before independence 75 percent of the LAC's cases involved human rights abuses by the South African and "South West African" security forces, but with independence and a new constitution the program of the LAC and affiliated offices has changed markedly. In addition to the Human Rights Centre at Ongwediva and the head office in Windhoek, the LAC network includes the Rundu Advice Office, the Walvis Bay Legal Advice Office and the Keetmanshoop Advice Office. Since independence the LAC and its affiliated centers have embarked on a number of programs. The Legal Education Project, launched in 1991, is aimed at schools, churches, trade unions, and community and women's organizations. Through a program of civic education people are helped to understand documents like the Constitution, the Labour Act and international conventions on human rights. From the beginning the LAC has worked closely with Namibian trade unions. More recently, the LAC has become involved in legal reform and land reform in Namibia and has initiated a Gender Research Project, a pilot labor research project, and a juvenile justice project to support the work of the Law Reform and Development Commission of the Ministry of Justice. The LAC also sponsors a bursary program to train black Namibian lawyers.

In the regional offices of the LAC most cases brought to the centers concern labor disputes, maintenance problems, and land issues (especially in the communal areas). Staff at the regional offices conduct numerous workshops on a range of topics throughout their vast regions. All of the offices are staffed only by paralegal coordinators and so that work requiring a lawyer must be sent to Windhoek. All of the offices could use assistance in their outreach work in the form of materials and equipment and more personnel.

The Namibia Institute for Democracy (NID) was established in late 1991 by the Konrad Adenauer Foundation in Windhoek. The NID's primary vocation is to conduct training and civic education programs aimed at educating Namibians about the contents of the Namibian constitution and the principles of multiparty democracy. Six part-time teachers conduct the training and civic education programs in satellite offices in Rundu, Oshakati, Swakopmund and Katima Mulilo and from the Windhoek office. The NID also sponsors occasional conferences on topics such as "Ethnicity, Nation Building and Democracy in Namibia" and publishes the proceedings. NID works through the schools, which teach civic education in grade seven, by sponsoring competitions and going directly to classrooms. They also work through churches and NGOs and other community organizations. They make regular use of the radio, with their own program called 'Know Your Constitution' funded by an NED grant. In Oshakati the regional coordinator is very active in encouraging communities to organize themselves for advocacy purposes.

#### g. Church and Religious Organizations

A very high proportion of Namibia's population is Christian. About 50 percent of the population belong to the Lutheran Church while the rest belong to the Anglican, Roman Catholic, Dutch Reformed and other churches. The Christian presence in Namibia is longstanding with the first missionaries arriving in 1802 from the London Mission Society; German and Finnish Lutherans began to set up missions in Namibia in the 1840s. A progressive role on the part of some Namibian churches is considered to date from the 1971 Bishops' Letter to the South African Prime Minister from leaders of Namibia's two major Lutheran churches, the (then) Evangelical Lutheran Ovambo-Kavango Church and the Evangelical Lutheran Church of South West Africa. The Letter complained of violations of human rights and called for an end to the contract labor system, a peaceful solution to Namibia's problems and independence for the territory. The Council of Churches of Namibia (CCN) was formed in 1978, uniting many Namibian churches and providing a forum and resources for community development (and relief). The CCN also served as a conduit for external funding for those church and development efforts inside Namibia linked to the liberation struggle.

Before independence the CCN had an active legal assistance department to assist those whose human rights were violated by the apartheid system, for example, by providing legal advice and helping with court fees. After independence this legal desk became a human rights desk; among other things the human rights desk program, using Legal Assistance Centre materials, encouraged education about the constitution, especially at the level of the congregation. The human rights desk is currently unoccupied, however, and so no program exists. The CCN operates on the basis of a number of clusters: social services, development, training and upgrading (English instruction and scholarships), and faith and justice and society. There are regional offices in the South (part of the women's desk) and in the North, and there are regional ecumenical communities that keep the CCN informed of what issues need to be addressed. The CCN was actively involved in voter education during the 1989 election, but had no program for the 1992 elections and has no plans for the upcoming election.

In many respects, the position of the CCN has changed since independence. The CCN has lost much of its donor support since independence, as donors are now able to channel their funds directly to other recipients, with the result that many CCN programs have been cut. In addition, many of CCN's most capable people have gone to government, the private sector or the NGO community. The CCN has failed to identify new goals now that the liberation struggle is over; the member churches lack a common vision as in the past and have been struggling to identify issues on which to work. Many churches are turning inward to get 'their own houses in order' and have less time for the Council of Churches than in the past. Many people have complained of the CCN's silence on a number of important issues since independence, such as national reconciliation and the land issue, but according to the CCN General Secretary this silence simply reflects the trust the churches have placed in the government. At the same time, the General Secretary worries that this trust might be too much and by the time they realize this it could be too late.

Many of the member churches of the CCN, such as the Evangelical Lutheran Church in Namibia (ELCIN), have experienced the same loss of funding and personnel and lack of a clear programmatic vision for the future since independence. Many churches have handed over to the government their schools and clinics in the rural areas although in some case they are still administering them and in others people are calling for the churches to take them back. Churches such as ELCIN see themselves as continuing to play an active role in training and in policy debates, for example, the whole question of national reconciliation.

#### **h. The University of Namibia**

A university component has existed within "the Academy" in Namibia since 1985. After independence, however, a new University of Namibia (UNAM) was founded. It is experiencing many of the same difficulties of other organizations in Namibia that are attempting to restructure the old institutions and form new ones. UNAM includes a number of components of relevance to democracy and governance initiatives in Namibia. These include the Faculty of Law, the Justice Training Centre (JTC), the Human Rights and Documentation Centre (HRDC), the Centre for the Training of Public Servants and the Multidisciplinary Research Centre.

A Faculty of Law has recently been up at the University of Namibia. The Faculty of Law will offer Bachelor of Law (LLB) degrees, Diplomas in Law (Ordinary and Post-Graduate), Diplomas in Human Rights, and Certificates of Attendance from the Justice Training Centre and the Human Rights and Documentation Centre. The Justice Training Centre (JTC) at UNAM is meant to provide, in conjunction with the Ministry of Justice, supplementary and in-service training for Namibian magistrates, public prosecutors, police investigators, clerks and other court personnel. For a more extensive discussion of the purpose of the JTC, see section III.1.d above.

The Human Rights and Documentation Centre (HRDC) at UNAM is Namibia's contribution to a consortium of Southern African universities including the University of the Western Cape, the University of Zimbabwe and the Eduardo Mondlane University in Mozambique. UNAM's contribution to the consortium, through the HRDC, is to cover the areas of human rights, democracy and the law. Given that there is no National Commission

on Human Rights in Namibia, the HRDC sees itself as taking on that role. The HRDC is concerned not only with human rights violations in Namibia but with monitoring the development of human rights in Namibia. As such, its staff are actively involved in the drafting of new legislation such as the Children's Act, and in designing curricula and textbooks for human rights and civic education in Namibian schools. Together with the Law Faculty the HRDC is embarking upon a program to develop a two-year course to train paralegals. Eventually the HRDC would also like to be involved in training lawyers, especially those who would be involved at the community level in applying theory to practice. Many of these initiatives appear to overlap the activities of the Legal Assistance Center, but the assessment team was unable to determine the degree of cooperation or competition between the two entities.<sup>16</sup> Staff of the HRDC have also been providing lectures in human rights to other faculties at UNAM. Ultimately, the HRDC will house a documentation center although this has not yet happened.

Like the Justice Training Centre, the HRDC is in need of funding for staff and curriculum development. They would like to facilitate exchanges with lawyers who have worked on poverty and justice issues in other countries, and they need material for their documentation center, especially basic human rights journals and access to other material through, for example, Internet and electronic mail. The HRDC is also like the JTC in that it operates within the Faculty of Law but is not regarded as a priority of this division of UNAM whose main purpose is to train attorneys, and which is itself also short of resources. The HRDC and the JTC play complementary roles, and enable UNAM to make a direct contribution to the application of justice in Namibia. Their presence within the Faculty of Law will also enrich that division of the university, but whether UNAM can afford either or both of these centers remains unclear.

The Centre for the Training of Public Servants is another quasi-independent, understaffed, and under funded entity at UNAM. It is directed by Andre du Pisani, who is also the Head of the Department of Political and Administrative Studies. The purpose of this center is to provide short-term training to Namibian civil servants to upgrade their skills in a variety of public management and finance areas. As of this writing, the Centre exists largely in name as the director's first responsibility is running his department, and the staffing of the Centre remains unclear. Professor du Pisani has also become the chair of the Strategic Planning Committee established recently at UNAM, a task which he regards as his most important responsibility in the short term.

A Multidisciplinary Research Centre (MRC) has also been established at the UNAM. The MRC has three divisions - the Science and Technology Division, the Life Sciences Division, and the Social Sciences Division (the former Namibian Institute for Social and Economic Research or NISER). The Social Sciences Division (SSD) has carried out a wide range of socioeconomic research since it was founded (as NISER) in 1989. The SSD has undertaken a number of baseline surveys throughout Namibia, often in conjunction with United Nations agencies. The SSD has also undertaken a number of studies at the request of international donor agencies. Researchers at the SSD also do research, at a reduced rate, for community based organizations and Namibian NGOs when they have the time. Research topics have included a vast range of issues such as the situation of repatriated

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<sup>16</sup> The director of the Legal Assistance Center, Andrew Corbert was seriously ill during our visit and thus unable to discuss this issue.

Namibians, the land question in Namibia, the legal standing of women in Namibia, urban upgrading schemes in northern Namibia, labor intensive road building projects, community development in southern Namibia, anticipated effects of retrenchments on mining communities in Namibia and more.

Given the tremendous challenges posed by restructuring an old institution and creating new programs and centers, UNAM has encountered a number of problems and received much criticism for its handling of some of these tasks. The basic criticism is that the university administration is trying to do too many things given the limited resources available and what a small developing country like Namibia can afford to spend on higher education. A more fundamental criticism is that neither the university administration nor its faculty have reached a consensus as to what the mission of UNAM should be, and hence have been so far unable to determine which of its programs are most essential to its operations and which are not. In response to student and other pressure, the GRN established a commission of inquiry chaired by the Ombudsman in early 1994 to investigate possible administrative irregularities at UNAM. The commission is due to make its report public in August 1994. In the meantime a Strategic Planning Committee has been established by the university itself to enable it to sort out its priorities. Given the current lack of priorities, most donors who were previously predisposed towards assisting the development of higher education in Namibia are taking a "wait and see" attitude before making substantial commitments. The Ford Foundation is one such donor, but has moved to assist UNAM in establishing its priorities by providing a consultant in university planning to facilitate this process. The consultant will be attached to the Strategic Planning Committee.

Notwithstanding this situation, the Vice-Chancellor, Peter Katjivivi, has suggested a number of other ways in which the University can make a contribution to the democratization process in Namibia. For example, there could be greater cooperation between libraries of the UNAM and the Parliamentary Library, and Members of the National Assembly and National Council could make greater use of the University in meeting their own research needs. In addition, an internship program involving students from the University could place students in the National Assembly and National Council in a research or committee capacity until those positions are able to be fully staffed by the Parliamentary bodies themselves. While some public lecture fora do exist at present at the University these could be expanded to provide the community with greater access to visiting scholars, activists and dignitaries, especially those from elsewhere in Africa. Most of these ideas are both worthy and relatively inexpensive to implement. The idea of parliamentary interns is particularly timely and is discussed further in section V.3 below.

#### **i. Women's Organizations**

While the Namibian constitution is celebrated for its sensitivity to gender issues and women hold a number of significant posts in government (two women ministers, one deputy minister, two permanent secretaries, one deputy permanent secretary, more than two dozen directors and deputy directors, two members of the Public Service Commission), the vast majority of women in Namibia continue to be excluded from effective participation in national affairs and in critical areas that affect their daily lives. Most women in Namibia have had little opportunity for formal training and those that have been mostly channeled into the teaching and nursing professions. While the 1991 Land Conference issued a number of

resolutions concerning women—that they should have the right to own the land they cultivate and to inherit land and property, that programs of affirmative action should be introduced to assist women through training and low interest loans to compete on equal terms with men, that women should be fairly represented on all future district councils, land boards or other bodies that deal with the allocation or use of land in the communal areas - much of the discriminatory customary and statutory law continues to exist. Indeed a Women and Law Committee of the Law Reform and Development Commission has been formed and is working very actively to address specifically the needs of women in law reform in Namibia.

The women's movement in Namibia has historically been split by the same kinds of party political tensions that have divided other movements. As with other movements in Namibia, there have also been tensions within the women's movement within the broader liberation movement. For example in the mid 1980s, SWAPO women and community activists inside Namibia were suspended by SWAPO in exile for organizing Namibian Women's Voice - a women's group outside of SWAPO structures. Namibian Women's Voice was ultimately disbanded in 1989 to avoid further conflict. To a certain extent this situation has only been exacerbated since independence, in particular with the establishment of a Department of Women's Affairs (DWA) in the Office of the President. The DWA was established within the Office of the President (as opposed to being a separate ministry) in order to ensure that substantive aspects of gender issues be the responsibility of all in government.

In the view of many within the women's movement, however, the DWA is little more than an extension of the SWAPO Women's Council. This perception was reinforced when various women's organizations including the Sister Collective, Women's Solidarity, the CCN women's desk, the SWAPO Women's Council and others came together to form a national women's organization. The groups spent two years discussing whether to form a federation or an organization and on what basis organizations or individuals would be represented. A consensus was never reached and eventually the Namibia National Women's Organisation (NANAWO) was formed by the SWAPO and SWANU women's bodies with no participation from other women's groups. At the same time, NANAWO is presented to donors as the national women's organization representing all Namibian women. It is claimed that officeholders in both the DWA and NANAWO are political appointees and not particularly qualified for their positions. Similar tensions have emerged now as NANAWO has been given the task of selecting Namibian women to attend the Fourth World Women's Conference in Beijing in 1995 and it appears that only women in government and in SWAPO are being selected.

There are also divisions within the women's movement between rural and urban women and uneducated and educated women, with the more educated, urban women tending to speak on behalf of all women in Namibia. In addition to addressing the inequities in the law, women's groups in Namibia see their main tasks as educating women, providing them with access to income-generating opportunities, training them in small enterprise development and the informal sector, providing women with counseling and alternative accommodation in the case of domestic violence, raising awareness around maintenance (child support) issues, and so on. The Sister Collective in Windhoek sponsors an occasional Women's Forum in Windhoek for the open discussion of issues of concern to

women. In addition the collective publishes the magazine *Sister*. Women's Solidarity provides counseling services for rape victims and other victims of abuse.

#### j. Emergent CBO Activity

Emergent CBO activity in Namibia is very difficult to document and quantify. Community based organizations only really emerged in Namibia in the early to mid 1980s and first in the Katutura and Khomasdal townships. Community based organizing was discouraged both by the colonial regime - which interpreted such activity as political and potentially destabilizing--and by the externally based liberation movement which sought to preclude the expenditure of time and resources on any efforts, even development efforts, other than the one goal of national independence. By the mid 1980s, however, community activist Andre Strauss identified nearly 30 major community organizations in Namibia working in literacy, legal advice, housing, education, agriculture, sports, community drama, labor, and with women.

Given the failure by government to mobilize a "self-help culture" in Namibia until recently, there is a surprising amount of community based self-help activity at present, especially in the rural areas. For many people there is a clear recognition that through organization they can improve their situation. For others self-help is simply a last resort in the face of widespread unemployment and neglect by the state. Finally, it seems that this community based organizing is encouraged and perhaps even facilitated to a large extent by regional and town councilors. Most regional and town councils have set up advisory boards from among their constituents in order to facilitate dialogue and to help meet their constituents' needs. In addition, in some regions Community Development Officers from the Directorate of Community Development in the MRLGH have assisted these new organizations.

Thus, in a community such as the Orvetoweni township of Otjiwarongo one can find a squatters' committee, a brick making cooperative, two sewing projects, a garden project and, as in many townships, the Build Together (housing) project. In Kalkfeld, the poorest village in the Otjozondjupa region, we found a brick making project, a sewing project and a garden project. In Rundu two relatively successful cooperatives are the Mbangura Woodcarving Cooperative and the Kauvi Sewing Cooperative. And yet there are still enormous obstacles; people lack the start-up capital and the equipment--concrete mixers, sewing machines, etc.--they need to begin such projects. People tend to replicate the same projects over and over again, because that is all that they know. There is a need for training in technical skills--sewing, brick making--and in management, accounting, marketing techniques and so on. Though rudimentary, these examples suggest that community based self-help initiatives could eventually be harnessed for grassroots development in Namibia.

### 3. The Role of the Donor Community in Support of Democratization in Namibia

#### a. Donor Activities Prior to and Just After Independence

Donor assistance in support of democratization in Namibia began via assistance to Namibian church organizations. By the 1970s, the church leadership predominantly was comprised of Namibians who were actively involved in the struggle for national liberation.<sup>17</sup> In the early 1970s, the various Namibian church denominations entered into a loose association, the Christian Center. The role of the Center was two-fold: "to speak as a united voice against injustice on behalf of the voiceless and to initiate relief projects for the poor."<sup>18</sup> In 1978, the initiative of the Christian Center was broadened, encompassing not just relief projects but also self-help programs for the poor, a development that resulted in the formation of the non-partisan Council of Churches in Namibia (CCN). Increasingly, the international donor community—primarily Norwegian, Danish, and Swedish solidarity groups and the British Council—channeled funds for human rights and anti-apartheid activities in Namibia through the CCN.

Just after Independence, support to consolidate democracy came largely from two countries: Germany and Sweden. The Freidrich Ebert Stiftung (FES) in consultation with the Office of the Prime Minister, sent permanent secretary-designates to neighboring countries to familiarize themselves with ministerial structures and to acquaint themselves with their future colleagues in the area. In May-June 1990, the FES facilitated an international symposium on local government to consider how to set up local government structures in Namibia. The Foundation also provided consultancy services to the Delimitation Commission that devised the constituent boundaries for the local and regional elections; the latter provided the representatives who formed the National Council. Recently, the FES offered training courses for local and regional government officials.

Sweden (via SIDA) has provided considerable assistance designed to strengthen government's capacity for more effective planning, creating a personnel consultancy fund to secure expert consultants in various fields critical to development concerns, including: providing a deputy governor for the Bank of Namibia; technical assistance to the Ministry of Education and Culture; provision for a National Planning Commission Central Statistics Office; and support for a National Census that took place in 1991. Sweden's assistance in education broadly supports reforms and the development of basic education for children and adults, "so contributing to a system based on democratic principles which would enhance an equitable distribution of opportunities."<sup>19</sup> SIDA also supports Namibian NGOs involved in integrating gender issues into mainstream programs. A SIDA-financed democracy and human rights program that featured seminars on Journalistic Ethics and Standards of Journalism in Namibia (Windhoek, March 7-10, 1991) and Media Cooperation in Southern Africa

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<sup>17</sup> See Vezera Kandetu, "The Role of the Church in Namibia," in Peter Katjavivi, Per Frostin and Kaire Mbuende, eds., *Church and Liberation in Namibia*. London: Pluto Press, 1989, pp. 207-214.

<sup>18</sup> *Ibid.*, p. 208.

<sup>19</sup> *Ibid.*, p. 9.

(SADCC) resulted in the decision to establish a Media Institute for Southern Africa (MISA) to be based in Windhoek.

#### **b. U.S. Government Programs to Support Democracy and Governance**

Despite not having a formal democracy and governance program in Namibia, the US government has provided support for a wide range of human rights and democratization activities in Namibia from 1991 to 1994. Many of these activities have been funded with grants from the Human Rights Development Fund of the Department of State under section 116e of the Foreign Assistance Act. Such activities have included provision of legal reference materials for the offices of the Attorney General, the Chief Justice of the Supreme Court, and the Legal Assistance Centre and a grant to the LAC for production of a film for human rights civic education. Upcoming 116e grants include one administered by the LAC to assist in rewriting the Namibian Police Act, another through the Human Rights and Documentation Centre to assist in amending the Children's Act of 1960, and another through the Namibia Institute for Democracy to assist in civic education.

A number of 116e grants have been made to the National Democratic Institute for International Affairs (NDI) for work in Namibia. Through this mechanism, NDI sponsored a symposium on "The Parliament and Democracy" for members of the National Assembly in March 1991 and a symposium on "Parliamentary Organization and Systems" to provide legislation and constituency insights to Members of the National Assembly and National Council. NDI also organized Parliamentary staff training to provide administrative and managerial insights to support Parliamentary support staff and Whips and workshops and seminars on Regional Governance for members of the National Council. NDI also conducted a media voter education project for the 1992 regional and local elections and a workshop in May 1994 for Namibian political parties. The NDI programs also resulted in the publication of the Standing Rules and Orders of the National Assembly and the Standing Rules and Orders of the National Council. Other funding for NDI programs has been provided by the National Endowment for Democracy (NED) and by the African Regional Election Assistance Fund (AREAF). A Parliamentary directory and a handbook on legislative procedure were slated to be published as part of NDI's program of assistance. The preparation of these two publications, however, proved not to be possible during the period of the grant. Although the directory has largely been compiled, and a working outline exists concerning how legislation is enacted, additional funding would be required in order to publish them. Working together with NBC, NDI will conduct another voter education project in advance of the upcoming Presidential and National Assembly elections.

The United States Information Service (USIS) office in Namibia has been very active in democracy and governance initiatives. In late 1991 USIS sent nine members of the National Assembly to the US to observe US legislative practices and in 1994 10 members of the National Council visited legislatures in the US. USIS has organized a number of regional media workshops on Democracy in Africa, civic education seminars for Namibian educators, and a training program for Namibian legislative staffers conducted by the US based National Conference of State Legislatures. Through USIS a Fulbright scholar from the US has been brought in to work with the University of Namibia's Law Faculty and a Namibian has been awarded a Fulbright scholarship to study law at the graduate level in the US. USIA Voluntary and International Visitor programs have sent 23 senior Namibian officials, including the Speaker of the National Assembly, the Minister of Justice and five

members of his staff, the Attorney General, the Minister of Regional and Local Government and housing and more than a dozen Parliamentarians to the US for programs focusing on the US political process, administration of justice and the role of a free press. In future, USIS intends to organize an internship program for up to 10 Namibian professionals for training in legislative staff affairs and the administration of executive offices.

With Department of Defense and International Military Education and Training (IMET) funding the US mission in Namibia has undertaken a number of other democracy and governance related initiatives. These include two weeks of training for 27 Namibian military and civilian personnel on the better utilization and stewardship of governmental resources by the Defense Resource Management Institute, two week-long seminars on "The Role of the Military in a Democracy" conducted in April 1994 by the US Army Reserve's 353rd Civic Affairs Command, and the training in the United States of 15 Namibian students in subjects that will better prepare them for roles as professional military officers. Also under the IMET initiative, five military or civilian employees of the Namibian government are selected annually for training in the US on subjects dealing with respect for human rights, better resource management and the role of the military in a democratic society, including civilian control of the military. As noted in section III.1.f of the Assessment, the team has not examined civil-military relations as an area of future possible democracy and governance programming because USAID is prohibited from providing assistance to the military or police by the Foreign Assistance Act.

### **c. DG programs of Other Key Bilateral Donors and Foundations**

Notwithstanding the various programs and materials funded by the United States under 116e, and the independent efforts of NDI, the U.S. is perceived in many quarters as only an "occasional player" or a "late player" in comparison to the DG programs of other donors in Namibia. While the United States may have been among the "first" as a result of its involvement in the 1989 elections, other donors, particularly the Scandinavians, had formed earlier links with Namibians via SWAPO in exile and/or the churches. Several donors have also assumed a higher profile in this field of foreign assistance since independence by the mere fact that they have mounted modest yet more visible programs than the United States by making a relatively large number of small grants on a continuous basis and by designating a member of their staff to devote one quarter to one half or more of their time to administering these programs. The Germans via the Konrad Adenauer Foundation, the Friedrich Ebert Stiftung and GTZ, the Swedes via SIDA, the Norwegians and the Dutch, and to a much lesser extent the United Kingdom, are all examples of this approach. A listing of the programs of these donors, to the extent that the assessment team was able to obtain such, is provided in Annex E. Most of the grants made by these donors are relatively small—in the range of \$25,000 to \$50,000 per year and rarely more than \$100,000—and are thus similar in size than the grants made by the United States via 116e. The difference is that each of these donors maintains a rolling and continuous portfolio of such grants that totals to between \$300,000 and \$1,000,000 per year.<sup>20</sup> These donors also often support a particular program or recipient for several years. When coupled with the ongoing presence of designated personnel, these donors are perceived as

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<sup>20</sup> The annual budget of the Friedrich Ebert Foundation is presently \$675,000.

making a greater impact than the United States, and indeed this is probably true. They do not operate under the constraints and proposal cycles of the 116e program, and are able to establish a relationship with a recipient institution that is sustained over several years. Most important, these donors have developed "user friendly mechanisms for moving large numbers of relatively small amounts of money. It is an example USAID must follow if it is to become a major player in the DG field.

The one exception to these generalizations about American support for democratization and human rights in Namibia is the Ford Foundation. With an annual program budget of \$1,000,000, the Windhoek office of the foundation maintains a current portfolio of 13 two-year grants that range from \$15,000 to \$150,000 per annum. Most will be renewed or are themselves renewals of previous assistance as the Foundation takes the view that the process of institutional development may require four to eight years of assistance. Like the aforementioned bilateral donors and the German party foundations, the Ford Foundation has tended to concentrate its support on Namibian service NGOs such as the Legal Assistance Centre and the Rural Peoples' Institute for Social Empowerment. The Foundation has also supported the National Planning Commission and the Justice Training Centre as well as the Namibia Media Trust (i.e. The Namibian).

Given the anticipated magnitude of USAID's program to support the consolidation of democracy in Namibia, as well as the wealth of technical assistance which the mission can access from Washington, there is no reason why the mission cannot match and eventually exceed the programs of other donors in this field. Although the aforementioned donors are adept at moving large numbers of small grants, they are usually (though not always) less sophisticated than the United States when it comes to identifying and providing appropriate forms of technical assistance that meet the specific needs of recipient organizations.

Because USAID will be a "late player" when it comes to mounting a broad based portfolio of assistance in the DG field, the mission will need to coordinate its efforts closely with other donors. This does not mean that the mission should "back off" when it encounters another donor providing support to the same recipient. Rather, it means that the U.S. will need to design its support to complement the efforts of other donors--at least in the short run. Conversely, once USAID's DG program is up and running, the mission will be in a position to advance its agenda through coordination by using its support to stimulate co-financing for priority programs from other donors. Mention is made here of donor coordination, because the level of coordination in Namibia is low in respect to DG assistance compared to what is occurring in other African countries where the donor community provides substantial support for democratization (e.g. in Kenya, Ethiopia, Uganda, and Zambia). The only donor coordination that appears to exist in Namibia beyond an ongoing series of one-on-one discussions is in the area of women in development (WID). An ad hoc donors group that supports WID programs is presently led by the International Labour Organisation (ILO) and involves SIDA and the Ford Foundation, among others. Ford also coordinates its assistance to indigenous NGOs with other donors. Donor coordination would both eliminate duplicate funding and overfunding to recipient organizations and facilitate adequate amounts of funding to meet the needs of recipients in need of substantial support (e.g. the Justice Training Centre and the Ministry of Justice for programs to support the development of the lower courts, the Legal Assistance Centre). Increased coordination would also save

Namibian organizations considerable time, because they could submit a single comprehensive plan and budget for their operations to joint forums. This would in turn enable individual donors to more quickly determine whether and what support they can provide, because each will know what its counterparts are prepared to do. Sweden and Norway, among others, would welcome increased coordination. Once USAID has appointed a full-time DG advisor to guide its program, and perhaps even before, the Embassy and the USAID mission should promote the advantages of increased coordination. It would not be advisable, however, for the US to assume the leadership of any coordination group but rather to persuade a player of longer duration to chair any group of like-minded donors.

#### IV. CRITERIA FOR DETERMINING USAID'S DEMOCRACY/GOVERNANCE PROGRAM IN NAMIBIA

Having reviewed the status of the principal institutions and organizations which comprise the Namibian political system, we turn to a discussion of five areas of programmatic activity which we believe offer the greatest promise for consolidating democracy in the country. Before commencing this discussion, it is important to state the criteria we employed for identifying the five areas and especially the specific activities which can be pursued in each.

Two sets of criteria have guided our conclusions. The first set is what we believe are the most basic needs for consolidating democracy in Namibia. The second is three additional criteria which should guide mission choices when determining its portfolio of activities that address the basic needs. Put differently, it is a necessary but insufficient requirement that all DG programs initiated by USAID to support the consolidation of democracy in Namibia by addressing either or both of the basic needs to advance that process; the proposed activities must also be viable in terms of three other criteria which address the feasibility of these initiatives.

As stated in the Executive Summary of this assessment, and in our overview of the challenges and opportunities to the consolidation of democracy in Namibia (section II.3), there are two basic needs which must be addressed. The first need is to build and strengthen the capacity of intermediary institutions, both public and private, to effectively link individual Namibian citizens to their government. The second need is to assist citizens and organizations to effectively identify, articulate and assert their demands on the Namibian state to hold the state accountable to their interests. Over the long run, the second of these needs cannot be fully met without progress towards meeting the first. During the short to medium term (two to five years), progress towards establishing intermediary institutions will in part depend on more sophisticated and forceful demands emanating from Namibian society. The envisaged DG program addresses both of these needs.

In addition to the question of whether the proposed activity addresses one or both of the basic needs, three additional questions must be asked to determine the feasibility of the activity. (1) Are there willing Namibian partners with whom USAID can work to pursue the proposed activity? (2) Is the activity or program feasible from standpoint of USAID's capacity to implement the activity? (3) Is the activity one in which USAID has a comparative advantage over other donors, or can make an important contribution that complements and/or enhances programs supported by other donors?

Activities that do not meet all of the aforementioned criteria should not be pursued by the mission no matter how attractive they might appear before being evaluated against these measures. Conversely, not all activities that "pass" these criteria should be pursued by the mission in its initial round of DG support.

## V. RECOMMENDED AREAS OF INSTITUTIONAL DEVELOPMENT AND CAPACITY BUILDING

Based on the aforementioned criteria, the assessment team recommends that the USAID mission to Namibia pursue an integrated program of institutional development and capacity building in five interrelated areas. These are as follows: (1) building advocacy capacity; (2) facilitating decentralization; (3) enhancing the transparency and accountability of Parliament; (4) strengthening the rule of law and human rights, especially at the lowest levels of the Namibian judicial system; and (5) supporting the media. In our discussion of the specific initiatives to be undertaken in each of these areas, we recommend a package of assistance that is feasible via the standard USAID methods of disbursing funds and providing technical assistance (e.g. via PSCs, cooperative agreements, contracts with U.S. based PVOs, and via centrally funded mechanisms of buy-ins). Nothing that we propose is unfeasible though some are certainly more complex and, in some cases, more delicate politically.

In identifying these five main areas of activity three additional considerations should be kept in mind. First, the five areas are inter-related. Some component initiatives in each area could be shifted to others (e.g. the establishment of the constituency resource centers discussed in the section on building advocacy capacity could have been included in the section on facilitating decentralization). In other words, some initiatives have been recommended because they address two or more related needs. Indeed, we hope that these initiatives will yield a measure of synergy across thematic areas during the life of the project. For this reason, we are reluctant to prioritize any of the five areas of activity over the others. All five are priorities, and the best place to begin is to select those individual programs or activities that lend themselves to the types of support that USAID can render quickly, and then proceed to those which are more complex. We would therefore suggest that during FY95 the mission begin with a portfolio of grants to those Namibian institutions which can implement programs on their own once provided with the cash.

At the same time, the mission should begin negotiations for those initiatives that will require technical assistance provided by U.S. based PVOs, programs that will require cooperation or co-financing with other donors, etc. While we suggest that the mission begin with a portfolio of grants, we frankly worry that this will become the mode of operation for the entire project. In this regard the mission must resist the temptation to shy away from initiatives that are more complex and risky. Put simply, "grants alone do not a democracy make," and the Namibian DG project must be more than a continuation of 116e. In suggesting that the mission begin with a grants program, we envision that the mission will provide sustained funding of two to four years duration to those Namibian institutions that can get on with their agendas on their own if provided sufficient resources.<sup>21</sup> As stated at the outset of this assessment, the perspective must be medium to long-term and developmental in approach.

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<sup>21</sup> A good way to provide such funding while reducing USAID's exposure is to provide the funding in tranches or phases of no more than two years each, but plan for at least one renewal. The Ford Foundation--which has considerable experience in making such grants, is a model of this procedure.

A second consideration--one that may cause some unease--is that DG projects, by their very nature, require "a rolling design." This is because of the often fluid and unpredictable nature of the development of political institutions. These projects normally consist of a sequence (or sequences) of non-repetitive activities, each building upon the one before. As such, DG projects are personnel intensive. They are also often characterized by what one might term "stop-go." Progress in any one area will not always be smooth. Sometimes a contemplated initiative will be stalled for several months. It is for this reason as well that we recommend activities in five different areas and are reluctant to fix rigid priorities. To do so may be to forgo some opportunities while becoming locked in to others that for one reason or another become problematic. Prioritization, in short, should be a function of what is most feasible according to the three supplementary criteria discussed in section IV.

Third, the identification of these five areas of programmatic activity by the assessment team is itself a prioritization insofar as it has explicitly excluded other initiatives which might appear appropriate. With respect to political parties, we share the mission's concern about current trend toward a one-party or one-party dominant state in Namibia. At the same time, as we have noted elsewhere in this assessment, we do not feel that the best way to facilitate multipartyism and pluralism in Namibia is by mounting programs to strengthen the existing political parties. The existing "opposition" political parties are largely discredited by the majority of the population because of their participation in pre-independence governments and their lack of any articulate, coherent political program or vision that differs substantially from that of SWAPO. Moreover, they lack the institutional capacity to absorb party building activities. At the same time we were informed over and over again of a growing ferment *within* SWAPO and among non-governmental and community based organizations generally in Namibia. As a result, it is felt very strongly around the country that the only viable opposition in Namibia will come from within SWAPO itself. This is not unexpected given the nature of broad nationalist movements such as SWAPO which attempt to incorporate all of society's varied interests into one body. After the unifying goal-- national independence--has been achieved, however, the coalition begins to weaken and break down.<sup>22</sup> Thus it is likely to be the pluralism within SWAPO, reinforced by a growing ferment within other constituency based organizations, that will contribute to a broader pluralism in Namibia. We feel that all of the recommendations that we are making in this assessment will facilitate, even hasten, that process of building pluralism and strengthening countervailing forces in Namibia. In view of our findings, the team recommends that the issue of political parties be reinvestigated after the forthcoming national elections. It will only be at that point that it can be determined whether SWAPO will seek to amend the constitution to create a one-party state, and what the post-election dynamics within the party are likely to be.

In sum, the assessment team makes the following recommendations because we believe that they address the basic challenges facing the consolidation of democracy in Namibia, and because the opportunities for implementation are good. These recommendations are also consistent with USAID's overall strategy to support transitions to democracy world wide.

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<sup>22</sup> Historically, this has been the tendency of nationalist movements around the world: The Indian National Congress, Solidarity in Poland, and most recently the ANC are all examples of this process. One should not be surprised that SWAPO is not an exception to this phenomenon.

## 1. BUILDING ADVOCACY CAPACITY

As noted in section III.3. of this assessment, there is a tremendous lack of advocacy capacity among organizations of Namibian civil society—political parties, trade unions, NGOs, business associations, churches and women's groups, and community based organizations. Members of all of these groups complain of a lack of qualified staff such as economists, public interest lawyers, labor relations and land reform experts as well as other specialized personnel. In addition, these groups lack access to the particular information and resource materials they need in order to be able to participate in the policy making process. Unless advocacy skills are developed and people are empowered at the local and regional levels, pluralism will not flourish in Namibia and policy makers will continue to make policy largely without effective input from the public. The assessment team feels that a greater advocacy capacity among organizations of civil society in Namibia can be supported in at least three ways: (1) through the establishment of an Advocacy Center in Windhoek to enhance public input into the policy making process; (2) through the establishment of regional and constituency based resource centers to facilitate individual and group empowerment at the local and regional levels; and (3) by strengthening civic education at all levels of Namibian society.

### a. Establishing an Advocacy Centre

The assessment team recommends the establishment of an Advocacy Center in Windhoek for use by Namibian NGOs, trade unions, churches, women's and student organizations, political parties and community based organizations. The team further recommends that the Advocacy Center be established in collaboration with NANGOF, the NGO lobby organization that represents more than 50 NGOs in Namibia and works in tandem with the National Union of Namibian Workers (NUNW) and the Council of Churches of Namibia (CCN) in a number of policy arenas. NANGOF fully supports the establishment of an Advocacy Center through its organization. A governing structure for the Advocacy Center would be devised by NANGOF together with other key umbrella organizations such as the National Union of Namibian Workers and the Council of Churches of Namibia. The Advocacy Center would help the NGO community to meet their information retrieval needs, to disseminate information among themselves and with their own and other regional and local offices, and to increase their policy analysis capacity.

One important component of the Advocacy Center would be a small resource and documentation center. It would be equipped with a modest library of books on Namibia, government publications, locally produced research (for example, from NISER, NEPRU, CASS, LAC) and so on. The library would also contain relevant regional material from similar more experienced institutions in Southern Africa, for example, the Labour Research Service in Cape Town, the Centre for Rural Legal Studies in Stellenbosch, or the Legal Resources Centres in Durban and Johannesburg. In addition, the library could serve as a gathering point for studies on Namibia and other publications by international organizations such as the Economic Commission for Africa, International Labour Organisation, other United Nations Agencies, the Organisation for Economic Cooperation and Development. In addition, the resource center and the larger Advocacy Center would provide client organizations with an E-mail link. This would provide instant, cost effective access to

specialized agencies and other organizations around the world with information and experience that could be of use to NGOs, trade unions and other groups in Namibia. The E-mail link would also facilitate the development of an E-mail network among NGOs in Namibia similar to SANGONET in South Africa. Such a link would also enhance communications between the Advocacy Center and national service-oriented NGOs in Windhoek with their satellite offices at the regional level.

A second and critical component of the Advocacy Centre would be the research and policy analysis it provides to client NGOs. There is a limited research capacity in Namibia generally, although the Namibian Economic Policy Research Unit (NEPRU) provides research to government agencies, the Social Sciences Division of the Multidisciplinary Research Centre provides research to paying clients such as donor and other international agencies, and the Legal Assistance Centre conducts much important research through its Gender Research and Labor Research Projects. All three of these institutions are frequently called upon to assist the NGO and trade union communities but do not have the staff to conduct the additional research and policy analysis. This component would require the funding of two to three staff researchers with specialized expertise in areas such as land reform, labor relations, gender and affirmative action, the environment, and the economy. Such researchers would conduct research as required for client organizations of the Center so that they are better equipped to make inputs into government policy making. In addition, these staff will play an important training role, first, in teaching member organizations how to evaluate policy documents from government and, second, in training future researchers from the NGOs, trade unions, churches and women's organizations. Provision of this type of expertise would probably be best implemented via a U.S. based PVO such as the Community Housing Foundation, PACT or World Education, etc.<sup>23</sup> Special care must be taken to insure that resident U.S. staff be kept to a minimum and do not overwhelm local staff thereby defeating the purpose of Center. In addition, implementation of the Advocacy Center might draw on the expertise of the Advocacy Institute in Washington, or involve the provision of internships for appropriate Namibians if such could be arranged.<sup>24</sup>

A third task of the Advocacy Center would be dissemination of the information obtained and developed through its research. This would require a modest desk-top publishing capability which could be secured with a standard 468 desk-top computer and a good HP laser 600 d.p.i. printer, as well as a budget for printing materials produced. The Advocacy Center would also organize seminars and workshops for client NGOs to facilitate the discussion and internalization of such information. Dissemination of research to field offices would also be facilitated by E-mail.

Finally, the Advocacy Center would assist NGOs in learning how to use the information generated from its policy-analysis and information retrieval capacity. Mere dissemination of information is not enough, the Center must demonstrate how appropriate

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<sup>23</sup> These organizations are cited only for example as the assessment team has no detailed knowledge of their capacity to mount the recommended program. The mission should consult thoroughly with USAID Washington to determine the universe of US PVO that are capable of assisting projects like the Advocacy Center.

<sup>24</sup> Drawing on technical assistance from the Advocacy Institute or arranging for internships at the Institute might be a useful follow-up to a study tour to the Institute now being arranged by the Ford Foundation.

knowledge can be translated into more effective lobbying efforts on behalf of the client organizations.

#### **b. Establishing Regional Resource Centers**

Building advocacy capacity in Namibia also requires empowering people in those areas outside Windhoek where the bulk of the Namibian population lives. As such, the assessment team recommends the establishment of regional and constituency based resource centers (corresponding to Namibia's 13 regions and 95 constituencies). The long-term goal would be to establish small resource centers in each of Namibia's 95 constituencies. Over the life of the DG project, however, the plan would be to initially establish one resource center in each of the 13 regional capitals and up to a dozen additional constituency-based resource centers in selected regions. Such resource centers could be housed within the regional or satellite offices of organizations such as the Legal Assistance Centre, the National Union of Namibian Workers, the Namibia National Farmers Union, the Rossing Foundation or any other appropriate non-governmental organization. Alternatively, small centers consisting of two offices to three offices and a meeting room could be built on a semi self-help basis by interested communities utilizing locally produced materials such as bricks from brick making projects. Each center would be equipped, again, with a small library of books and documents of use to organizations in that region or constituency, or provide access to such material through the regional centers access to the Advocacy Center in Windhoek. Indeed, an important component of the regional resource centers would be the link and the access they would provide to the Advocacy Center and its work in Windhoek. As noted previously, an important means by which to facilitate that link would be via the provision of E-mail capabilities.

The importance of establishing these field-based resource centers cannot be overemphasized as we believe that they are key to empowering and mobilizing citizens at the grassroots of Namibian society. Not only will such centers facilitate the spread of NGO activity in the areas beyond Windhoek, they will also facilitate contact between local elected leaders, especially regional councilors, and their constituents. Indeed, this should be a major objective of the centers.

The establishment of such centers will be painstaking work, and will require the provision of one or two individuals experienced in the organization of local communities. As with the Advocacy Centre, such personnel should probably be recruited and provided by an appropriate U.S. based PVO in consultation with leaders in the local NGO community. The establishment of resource centers at the regional capitals should proceed slowly through the initial opening of two to four offices during the first year in which staff of the U.S. PVO are resident in Namibia (which may not be until FY96 or the second year of the DG project). The establishment of centers in a selected number of constituencies should also proceed slowly and utilize local field personnel wherever possible. Finally, the establishment of such centers, both at the regional capitals and in the constituencies, should be coordinated with other donors that support community development via Namibian NGOs including the Ford Foundation, Norway, SIDA as well as donor supported northern PVOs that are already active in this realm (i.e. CONAMCO, IBIS, etc.). Not all of these donors have an explicit DG agenda, but their interest in strengthening activities of collective action at the grassroots—even if purely “developmental” is part and parcel of the empowerment process. Put differently, a successful USAID program of the type suggested will require some brokering

and possibly even co-financing with other donors. The DG advisor should be involved in the formulation of such arrangements.

### **c. Strengthening Civic Education in Namibia**

A final component of the effort to build advocacy capacity in Namibia would be strengthening civic education in Namibia. Civic education in the form of ongoing course could be conducted by community development officers in the regional and constituency resource centers. Civic education campaigns, in the form of voter education efforts such as those conducted by the National Democratic Institute for the 1992 elections and planned again for the upcoming elections, could be undertaken together with local media, in particular the Namibian Broadcasting Corporation.

USAID should also consider support for curriculum development and the publication of textbooks to enhance civic education at the primary and secondary school levels in Namibia. In this regard, the assessment team recommends that the mission contact Ms. Helgard Patemann, an advisor to the National Institute for Educational Development (NIED) on social studies curriculum, and Director of the Center for Applied Social Sciences (CASS), a German funded NGO. CASS and NIED are currently in the process of writing a series of textbooks for the social studies curriculum for grades 4 through 7 and 11 and 12. Examples of the initial materials produced through this effort are to be found in the file marked "Civic Education" in the DG resource files assembled by the assessment team for the mission. The textbook for grades 11 and 12 has already been published by Longman (Namibia), and is of high quality. The only reservation team members expressed of these materials is that a greater proportion of space could have been devoted to the discussion of political participation and democracy. Such added emphasis might still be possible in the remaining volumes which are still under development. The overall orientation of the textbooks is consistent with USAID's objectives of enhancing community participation and empowerment. Unfortunately, the Ministry of Education does not have funds to purchase sufficient numbers of these textbooks to insure that all schools which have adopted the new social studies curriculum will be able to provide books to their students. For example, in 1995 36,000 textbooks will be needed to implement the new curriculum at grade 4 at a cost of N\$ 20 to \$26 per book or N\$720,000 for all schools. A similar figure will be required in 1996, 1997 and 1998 to phase in the entire curriculum.<sup>25</sup> The assessment team therefore recommends that the mission consider partial funding for the purchase of the books to implement this curriculum as it would complement other USAID efforts to strengthen primary education in Namibia.

## **2. FACILITATING DECENTRALIZATION**

As discussed throughout this assessment there is an urgent need for decentralization and the strengthening of local institutions in Namibia--and on many fronts: the system of local and regional government, the system of lower courts, regional NGOs and CBOs, the media. Without the development of decentralized

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<sup>25</sup> All of these estimated costs were supplied by Helgard Patemann of the National Institute for Educational Development.

institutions neither pluralism nor a central government that is accountable to its citizens is likely to evolve. The state will become increasingly out of touch and "suspended" above the population it purports to rule, and ultimately suffer from a similar loss of legitimacy and authority that has beset most other states in Africa. Put differently, in a largely rural and agrarian society such as Namibia, and especially in one so vast in size with a dispersed population residing hundreds of miles from central governmental institutions, *decentralization is essential*.

How can USAID, and indeed the United States nurture the process of decentralization in Namibia? First and foremost by simply talking about its necessity with a somewhat louder and more frequent voice. This is, of course, a topic of some controversy and political sensitivity—but so, for that matter, is the USG's entire strategic objective of democracy and the steps USAID is charged with taking to nurture democracy worldwide. The US mission as a whole—the Embassy and USIS as well as USAID—must raise its voice in support of decentralized institutions. It is essential to suggest to the leaders of the GRN that it is in *their own* political interests to devolve a measure of power to regional and local authorities, and that the US and other donors stand ready to assist this process. When raising our voice, the Embassy and USAID should consult with other members of the donor community, particularly the Scandinavians, the Germans and the British—all of whom support democratic initiatives in Namibia and worldwide, and all of whom are becoming increasingly concerned about the rising demand on the part of local and regional officials to assume greater control over their affairs. In short, USAID's ability to nurture decentralization and hence democratization in Namibia will require sustained diplomatic support.

Apart from strengthening the lower courts, the greatest need for decentralization is in the realm of local and regional government. The basic problems with the current system have been discussed at length in section III.1.c and need not be repeated here, but the bottom line comes down to whether or not the Ministry of Regional and Local Government and Housing (and indeed the GRN as a whole) has the political will to shift a significant measure of authority to the councils that are currently accountable to the Ministry. As previously noted, the MRLGH is reluctant to devolve authority until it is confident that the councils have the capacity to shoulder any additional responsibilities. The councils, however, must be provided the means to take on these responsibilities. To facilitate more rapid decentralization and encourage the MRLGH to move more assiduously towards this goal, the following forms of assistance might be offered to the Ministry.

- Medium to long-term training for local and regional councilors, in an array of specialized skills required to strengthen local and regional government, especially in the areas of public finance and management. The MRLGH has already identified specialized training as a basic need. Training is also required at a more introductory and general level on what it means to be a councilor, how to interact with the MRLGH, how to deal with constituents, etc. The Friedrich Ebert Stiftung (FES) has already sponsored one round of introductory short-term workshops on these topics, and is likely to organize a follow-up exercise. USAID should be careful to complement what it provides in terms of training by concentrating on specialized needs identified by the MRLGH, and by providing training that is of longer and more sustained duration than that provided by the FES. Such training

may be accessible through the Harvard Institute for International Development (HIID) as members of its staff have designed decentralized systems of governance in Kenya and other countries, and trained personnel for these institutions. A variety of consultant firms are also in a position to provide such training.

- Provide appropriate technical assistance to strengthen, indeed initiate, the process of regional development planning, that is presently stalled within the MRLGH and to assist the Ministry to integrate regional planning with the overall planning process of the National Planning Commission. From discussions with relevant personnel at the NPC the assessment team learned that it is the Ministry, not the NPC which is responsible for organizing the planning process at the local and regional level, because government authorities at this level are its responsibility. By strengthening the process of planning at the local level, including the intensification of discussion within the newly created "interministerial committees," USAID could perhaps "open some political space" within which local and regional councils could begin to implement their concerns.

Sooner or later, meaningful decentralization—that is to say the *devolution* of authority requires the establishment of independent or semi-independent sources of revenues for the governmental units concerned. In this regard, USAID should consider three options, one relatively simple and short term, the other two more complex, but potentially feasible over the life of the DG project.

- Provide surveyors and other relevant forms of technical assistance to the MRLGH and to local authorities to expedite the process via which towns are officially proclaimed. As noted above, delays in the process of proclamation are one of the main sources of frustration to local councilors for until such time as their communities are proclaimed they must turn over all revenue they collect to the MRLGH. In respect to surveyors, it is our understanding that the U.S. Department of Defense can provide surveyors for up to several weeks each.
- Provide appropriate technical assistance to establish a meaningful annual budgetary process for the regional councils so that they develop the capacity to manage any funds that might come under their control. One cannot train members of the regional councils to manage their fiscal affairs until these councils establish a set of procedures for this exercise. The process of budgeting should also be integrated with the process of regional planning. In this regard, the mission should note that USAID, via the Harvard Institute for International Development, established such a system of decentralized planning and budgeting in Kenya during the 1980s that continues to function despite other administrative breakdowns in that country.
- Work with the MRLGH to establish some form of "block grants" to the regional councils. A variety of formulas could be established for such grants including unrestricted grants, fixed amounts for regions based on population and other considerations, a system of matching grants which would provide an incentive to regional councils to generate their own revenue, grants that are tied to particular policy areas such as the building of primary schools or health clinics, etc. It is important to stress that such grants are hardly new to the developing world. In

Nigeria, 10 percent of the federal government's budget is automatically passed on to the countries 200 plus local authorities. In Kenya, there is the district development fund. In India, especially in the state of Karnatika, a system of tied grants coupled with district regional planning has done much to improve the effectiveness of local government, and with it a sense of ownership on the part of the local population. USAID, together with other donors, should explore the possibility of partially funding such grants via the establishment of a regional development fund. This should only be attempted if done on a matching basis. An opportunity for such matching assistance may already exist in the form of the Regional capital fund at the MRLGH.<sup>26</sup> In short, the Ministry already has a set aside funds for capital improvements in each of the regions; the only problem is that the fund is controlled entirely from Windhoek with no significant input from the regional councils. The challenge is to persuade it to loosen its purse-strings by shifting control or partial control over these moneys to the regions.

Decentralization will also be facilitated by increasing the demands for such from below. The establishment of regional and constituency resource centers discussed above and the strengthening of an advocacy capacity at the local and regional levels on the part of Namibian NGOs will increase the pressures for a devolution of authority within the government. The establishment of an information retrieval capacity at the proposed regional resource centers will also enable local elected officials to become increasingly informed about how to mobilize their constituencies on the one hand, and how to insert themselves into the governmental process more effectively.

### **3. ENHANCING THE TRANSPARENCY AND ACCOUNTABILITY OF PARLIAMENT**

Four years after independence, the task of strengthening the institutional capacity of the Namibian Parliament remains critical to sustaining democratic governance. At the same time, transparency and accountability is constrained. The reputation and the survival of democracy in Namibia in part hinges upon the perception that the legislature properly carries out its mandates and functions.

#### **a. Facilitating Policy Analysis and Research**

During the short period between March 21, 1990 and December 1991, the National Assembly passed approximately 68 laws and debated close to 70 government and opposition initiated motions. Although the quantity of bills and motions attended to is impressive, rapid legislating--despite real and urgent needs--should not proceed at the expense of quality. Moreover, given that in many respects the autonomy of the National Assembly continues to be circumscribed, the lack of experience in legislative processes restricts its ability to carry out its oversight functions and to effectively evaluate government policies and initiatives.

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<sup>26</sup> For a summary of the amounts allocated to each region see *Estimate of Expenditure on Development Projects for the Financial Year Ending 31 March 1995*, (Windhoek: National Planning Commission, n.d.), pp. 159-161.

In addition, it is becoming a trend that contentious and/or specialized bills such as the Annual Budget or the Police Act of 1992 require amendment to correct the unintended results of having passed laws without proper preparation and scrutiny. In order to competently exercise its constitutional authority, the National Assembly and the National Council must increase their capacity to function in an informed manner that is responsive to the needs and demands of Namibian society. To do so requires enhanced institutional capability to facilitate appropriate debate and to engage in transparent legislative oversight and public policy initiatives.

A functional system of legislative committees would both enhance members scrutiny of legislation and provide important points of access for public involvement in the legislative process. In Namibia, however, the viability of such committees remains restricted because the committee system itself remains at a nascent stage. Although MPs have selected assignments for specific committees, the committees are not fully operational, partly because of the lack of sufficient staff. Since the staffing issue is soon to be resolved, the opportunity now exists for the MPs of the National Assembly and the National Council to finalize the terms of reference for the various separate and joint committees that have been identified, and to concentrate on making them work. In order to increase the viability of the committees and to make them truly accessible to the general public, MPs will require technical training in a variety of areas, including how to schedule meetings, assign tasks, conduct public hearings, and how to evaluate the information gleaned from hearings. These skills will enable MPs to make informed and independent policy assessments and thus contribute to public debate on issues of national importance.

Another constraint on the ability of members of both houses to understand and more carefully analyze proposed legislation is the lack of important reference materials, automated services and technology, and the absence of research personnel who typically perform invaluable support services in modern legislatures. For example, Namibian MPs have limited access to the information required for effective functioning: Government Gazettes are not published and distributed in a timely manner; the *Debates of the National Assembly* and the *Debates of the National Council* are not published and distributed in a timely manner; and there are no available, consistent, or reliable summaries of pending legislation (impact, intent, provisions, etc.). The above situation could be alleviated by attention to several areas, including:

- The development of linkages to information from the various Ministries and reference resources in Namibia as well as to international resources through an E-mail capability.
- The development of an internship program for university students in public policy, public administration and law to train and recruit future parliamentary staff in how to conduct research, assess policy issues, and write legislative briefs. Such a program could be organized through the Parliamentary Library in cooperation with the University of Namibia (UNAM). The Vice-Chancellor of UNAM, the Speaker of the National Assembly, and the Chairperson of the National Council are all keenly interested in the possibility of establishing such a program, and consider it to be a high priority. USAID should be too, as such a program would be relatively inexpensive to support. Moreover, such a program would increase the likelihood

that Parliament would eventually authorize an appropriate staff establishment to provide for research staff. If the experience of the British House of Commons and American state legislatures is any guide, trained student interns will not only provide useful services, but also generate a demand on the part of MPs for full-time professional staff. Such internships will also be a valuable form of civic education for those interns who do not eventually join the legislature after the completion of their studies.

- The recent authorization and recruitment of an accounts officer and a legal advisor for each house of the legislature partially resolves a long out-standing issue of who will staff Parliament. Now that this issue has begun to be resolved, USAID can consider the provision of staff training. This may not, however, be an area in which the U.S. has a comparative advantage, at least not at the outset. The Namibian Parliament follows procedures of operation that are essentially those within the Commonwealth parliamentary tradition. Training of clerks, for example, is best left to the Commonwealth Parliamentary Association or individual Commonwealth countries such as the U.K. which have already offered to provide assistance in this area. The same may be true for the two initial members of staff appointed for each house. USAID, however, should seriously consider training for whomever is appointed to be the new parliamentary librarian once she or he is appointed. Consistent with our conversation with the Speaker, we would suggest that the librarian be sent to the U.S. for an internship at the library of an American state legislature for a period of one to three months. Such in-service training and exposure at a legislature of modest size (definitely *not* Congress) could be arranged by the National Conference of State Legislatures (NCSL),<sup>27</sup> the Congressional Research Service, the State University of New York at Albany, and possibly NDI. As the complement of Parliamentary staff expands through the life of the DG project, the mission's DG advisor should periodically monitor the training needs of those who assume new positions to determine whether the U.S. can provide appropriate assistance.
- USIS can continue involvement in supporting appropriate Namibians on limited occasions to travel to the United States and elsewhere to observe and learn from the operational practices and procedures in other legislatures. It is important, however, that study tours be organized with great care and not simply be generalized exercises which familiarize MPs or parliamentary staff with the American political system. Tours which expose legislators and staff to the workings of American state legislatures as opposed to Congress are particularly useful given that Namibia is in no position to imitate the operations of the latter. Continued assistance in the design of such tours should be sought from the National Conference of State Legislatures. In the unlikely event that the number of staff requiring training should rapidly increase, consideration should be given to

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<sup>27</sup> A two person team from the Washington office of the NCSL headed by Klare Rosenfeld visited Windhoek in November, 1993 to assess the facilities and staff of the National Assembly and National Council. Their assessment, funded by USIS, should be retrieved as the present assessment team was unable to locate the document. The NCSL is in a position to arrange internships at American state legislatures. NDI may also be able to arrange internships though this is not their primary area of expertise.

mounting an extended (1 to 2 month) in-service training program in Namibia for such staff. Again, the NCSL or NDI might be called upon to run such a course.

The resources outlined above should be made available to the members and staff of each party caucus.

#### **b. Strengthening Constituency Relations**

Given that the National Assembly MPs were selected on the basis of proportional representation for the whole country, they have no individual constituency that they represent. Rather, they are individually and collectively accountable to and responsible for the entire country. The case for the National Council MPs is different since they are directly accountable to the particular regionally-based constituency that elected them.

Despite the difference in the nature of constituency base, however, the MPs from the two chambers have repeatedly articulated the necessity for improved and more effective access to one another. For example, while National Council MPs lamented their inability to provide a facility in which to hold regular meetings in their constituencies, National Assembly MPs requested assistance in learning how to define and identify a constituency. In addition, MPs require technical assistance to develop mechanisms for systematic communication with their constituents, including scheduling meetings, attending constituency-based functions, etc.

Enhanced access by MPs to their constituents and constituent access to MPs could be accomplished through a variety of means, including:

- Improved media coverage of the deliberations of both chambers; such coverage would communicate to constituents that their representatives are actively engaged in addressing their concerns. It is particularly important that Parliament be given greater coverage by the broadcast media, including continuous or semi-continuous TV coverage of Parliamentary debates. Increased coverage by the broadcast media would not only contribute to the civic education of Namibians, it could also serve as a device to improve MP participation in and preparation for Parliamentary debates. By putting MPs under greater public scrutiny, accountability will be increased. Such coverage is desired by both the Speaker of the National Assembly and by the Chairperson of the National Council, and eagerly sought by the Director-General of NBC. Discussion of how USAID can facilitate such coverage is discussed below in section V.5.
- Organized group visits to the Parliament coordinated through the Parliamentary Librarian. Visits by groups of school children and secondary school students to introduce them to their legislators should be particularly encouraged as political socialization is generally most effective during one's youth.
- The production and dissemination of a Parliamentary Directory and appropriate pamphlets that explain the workings of Parliament.

- Training for MPs on how to maintain field offices and keep in touch with their constituents.

Various resources exist to help to conceptualize in more detail the activities proposed above, and various organizations exist to provide technical support, including SADC, the Commonwealth Parliamentary Association, the Congressional Research Service, and the National Conference of State Legislators, NDI and the State University of New York at Albany.

#### 4. STRENGTHENING THE RULE OF LAW AND HUMAN RIGHTS

##### a. Strengthening the Lower Courts

The lower courts are in great need of strengthening for which two types of support are required: (1) Support for the Justice Training Centre to fully establish and mount its program of supplementary and in-service training for magistrates, prosecutors, clerks, police and staff of the community courts. (2) The production and provision of operations manuals and reference materials so that all local magistrates and ultimately staff of the community courts will have access to complete sets of basic reference materials in their courts. This should be a high priority for USAID for at least three reasons. (1) The need for strengthening the lower courts—especially the magistrate courts—is critical for the consolidation of Namibian democracy. (2) The cost of proposed programs will fall well within the expected USAID/DG budget, and other donors are likely to co-finance. (3) The support will be relatively easy to provide as it will consist mainly of grants to Namibian institutions. In other words, the major task for USAID will be to write the relevant purchase orders, and then to monitor and evaluate the impact of U.S. support. It will also be necessary, via the mission's DG advisor, to coordinate support in this area with other donors.

As discussed above, the greatest need for the Justice Training Centre in the short term is the provision of salaries for key personnel. There are presently three staff members at the JTC with the anticipation of a fourth: These are (1) the director of the center, (2) the assistant director, (3) a secretary, and (4) an additional instructor who will be responsible for upgrading the skills of Namibians who obtained their legal training in Cuba and Eastern Europe. The Centre also hopes to add (5) an administrative assistant to handle accounts in 1995. The salaries of the first three individuals are presently covered through a combination of a grant from the Ford Foundation and the secondment of a retired judge by the Republic of South Africa who presently serves as the Center's director. The salary of the director will cease to be covered by South Africa on March 31, 1995, and the grant from the Ford Foundation which is a one-time package will cease at the end of 1995. The Ministry of Justice is committed to providing the salary of the additional instructor, the former Chief Justice of Zambia, but has asked that the donor community provide a top-up to this individual's salary. The projected combined salaries of the director, assistant director, secretary, and administrative assistant will be approximately \$92,000. in 1996. The amount required to "top up" the salary of the former Chief Justice of Zambia is unknown.

Notwithstanding the issue of sustainability, USAID should seriously consider providing a portion of the required salaries beginning in late 1995, that is to say, at the start of FY96. It is suggested that USAID provide salary support subject to three conditions. (1) That the "home" of the JTC is finalized subject to pending negotiations between UNAM and the Ministry of Justice, and that suitable physical facilities are provided by either of these agencies. (2) That a Memorandum of Understanding is signed between USAID and the official home of the JTC whereby the home institution approves a formal line item for the center's staff with a budgeted salary for each position. This will enable USAID to provide salary support on a declining matching-grant basis. One possible formula would be to provide 75 percent of the required salaries in FY96, 50 percent in FY97 and 25 percent in FY98, the last year of the planned DG project. Put simply, USAID should be prepared to provide salary support if this support can be used to lever the home institution into assuming responsibility for salaries over the long term. (3) That the program of training mounted by the JTC during the balance of 1994 and early 1995 is deemed valuable by the mission's DG advisor. There is some disagreement among staff at the MOJ concerned with the lower courts of the impact of the training to date. Some observers including some holdover magistrates within the Ministry of Justice believe that the JTC should emphasize in-service training over the current program of short courses. The program of short courses, however, has only just gotten underway and it is premature at this point in time to assess their impact. Such an assessment, however, should be one of the first tasks of the DG advisor following her/his appointment and arrival at post. The DG advisor should also further explore the potential and likely cost of in-service training. Technical advice on this matter might also be obtained via the existing USAID/Africa Bureau cooperative agreement with Checci Associates and Howard University.

An assessment of the effectiveness of the current director and his successor, if one is selected, will also be required. It is the impression of the assessment team that while the current director is a knowledgeable and pleasant individual who may have been a good judge, a fireball administrator he is not. He has managed to get the JTC up and running under very difficult circumstances, but is also eight months away from retirement. The current director is prepared to stay on after his retirement from the South African civil service as he plans to take on Namibian citizenship. On the other hand, he is also prepared to retire to Swakopmund. This will be a hard call. The situation will be further complicated by the anticipated arrival of the former Chief Justice of Zambia. Whether he has come merely to augment the instructional staff or whether he is the director in waiting could not be determined by the assessment team.

Support for the Justice Training Centre will also require funding for the courses run by the center. Each course presently lasts from one to two weeks duration, and is attended by approximately 15 trainees each. The trainees are mainly, though not exclusively, current employees of the magistrate courts or the police and as such they must be brought in from the towns to which they are posted. Funding is thus required for transportation, food and lodging. The present director estimates that it costs approximately \$8,000. to support a group of fifteen students at the center per month, and that when the center is fully up and running it will offer courses for up to ten months per year. In other words, each stream of courses will cost \$80,000. per year while a second stream, and the addition of an in-service program will cost more. It is very difficult for the current director to project the costs of the JTC, because it only

commenced operation in March and because there has not been time to evaluate and adjust its program of instruction.

Lastly, there are the cost and reproduction of teaching materials. Here again the JTC has no budget of its own, although in respect to these items it has been able to draw on the facilities of the Faculty of Law and of the Human Rights and Documentation Centre at UNAM. To be fully operational, the JTC probably requires a modest desk-top publishing capability, in other words a standard 468 desk-top machine with a good HP laser 600 d.p.i. printer.

It is the opinion of the assessment team that the JTC will require an annual budget of somewhere between \$225,000 and \$250,000. How much should USAID provide? Given the anticipated budget of the mission's DG program, it will be possible for USAID to provide the entire amount. Whether it should do so, however, is another question. As suggested above, funding should be subject to the fulfillment of certain conditions to assure sustainability over the long term. If the JTC is a priority for Namibia, then it is not too much to ask that either UNAM or the Ministry of Justice picks up an appropriate portion of the costs, especially core salaries by the end of the DG project. Second, there is the issue of the quality of the programs. There is absolutely no doubt in the minds of the assessment team that the wide range of training the JTC is supposed to provide is very much needed. But as stated above, no one knows whether the current curriculum is working or will work because it is too early to tell. This is a classic example of the experimental and inherently risky nature of DG programs. Finally, although the Ford Foundation support will cease at the end of 1995, it is likely that Sweden, the European Community and Germany (via GTZ) might all be prepared to provide modest amounts of support, though less than what USAID is in a position to consider. In light of these considerations, it is suggested that USAID consider providing support for the JTC at a level of between \$100,000 and \$150,000 per year for FY96 through FY97, and an initial grant of \$75,000. in FY95. No moneys should be granted until the aforementioned conditions are met or assessed. Funding should be in conjunction with funding by other donors. In this regard, it is likely that the U.S. can be the lead donor and use its funds to lever support from other donors.

In addition to training, the lower courts urgently require the supply of adequate reference materials to assist magistrates in their work. As discussed in III.1.d, few of the 11 magistrate courts have complete collections of the Laws of South Africa and Namibia, and the Law Reports of Namibia. Some of this material has already been published by JUTA, the South African firm which specializes in legal publishing. Other material such as the annotated law reports for Namibia for 1991 through 1995 are currently being edited by the Legal Assistance Centre and will be updated annually after next year. However, these materials will still require publication and dissemination, and the estimated cost varies from \$100,000. to \$500,000. depending on the method used. At the request of the assessment team, the Chief of Lower Courts of the Ministry of Justice is preparing an estimate of the cost of the materials required by the magistrate courts including handbooks for the magistrates. This estimate is attached as Annex E to this assessment. Because this attachment was prepared at short notice it may be supplemented or replaced through a subsequent communication by the Chief of the Lower Courts to the Director of USAID, Windhoek. It is hoped that all necessary submissions by the MOJ will be delivered to the mission

by the time the mission writes the PP for this project and must arrive at more precise budget estimates for FY95.

Finally, magistrates around the country would also benefit from an E-mail link to the JTC and to the Chief of the Lower Courts in the Ministry of Justice. The importance of E-mail has been already noted in respect to the establishment of the Advocacy Center, and the linkage of the AC to the constituency based resource centers which are also proposed in section V.2.

The reader will note that we have not said much about potential assistance to the community courts. This is true for three reasons. (1) Until such time as Parliament passes an act defining the jurisdiction and office holders in this system, little can be done to strengthen the community courts. (2) One of the most useful ways to strengthen the community courts will be to empower the magistrate courts with the automatic authority to enforce decisions of the community courts. This, of course, will require a change in the legislation, but it further suggests that at least in the short run, the best way to strengthen the community courts will be to strengthen the magistrate courts. (3) Provision for training personnel of the community courts is part of the mandate of the JTC. By supporting the Centre, USAID may ultimately be able to strengthen this lowest tier of the judicial system.

#### **b. The Human Rights Documentation Centre**

The Human Rights and Documentation Centre, as Namibia's contribution on human rights, democracy and the law to a Southern African consortium of universities, and as a proxy National Commission on Human Rights in Namibia, is in need of concrete support in four distinct areas: first, funding for staff and curriculum development for the training of paralegals in conjunction with the Law Faculty at UNAM. This two-year training program is intended for secondary school students who have completed matriculation and would help to bring legal assistance in the form of trained paralegals to smaller communities throughout Namibia. Second, the HRDC is in need of long and short-term legal expertise on a range of issues. In the view of HRDC staff, although since independence there have only been two major constitutional cases, it is likely that in the future decisions in the courts in Namibia will be key in determining how "human rights" are defined in the country. To this end, exchange programs through the Fulbright Scholars program, the international visitors program of the United States Information Service, or legal services organizations in the US could be arranged. At present one Fulbright scholar and poverty lawyer from California is working with the HRDC. Such individuals, with experience in poverty and justice issues in underprivileged communities outside of Namibia, could make an important contribution in the training of paralegals and curriculum development at the HRDC and in the broader activities of the Centre such as helping to draft new legislation or acting on behalf of threatened indigenous communities. Third, the HRDC's documentation center, seen as a clearinghouse and repository in Namibia for law and human rights related documentation, is in need of donations on a long term basis of a few human rights journals such as *Human Rights Reporter* and *Human Rights Quarterly*. Finally, together with the Justice Training Centre, the Human Rights and Documentation Centre would benefit greatly from a modest desk-top publishing capability in order to be able to produce its own teaching materials.

Access to Internet and E-mail would also greatly enhance the HRDC's ability to make use of international organizations and materials not widely available in Namibia.

### c. The Attorney-General's Office

Discussions with the Attorney-General and his Chief Legal Officer resulted in two modest yet important requests which USAID in conjunction with USIS could easily provide. The first is an E-mail capability with access to Lexus, the on-line legal retrieval system on U.S. law available to subscribers via Internet. The second is access to short-term yet highly specialized legal expertise in such areas as the law of the sea. Support to meet both of these requests would be mutually reinforcing. Support for E-mail and Lexus would also be valued by the Legal Assistance Centre and could be provided to that organization at no extra cost.

The A-G's need for short-term expertise could be met via two and possibly three programs available to the mission. The first is the pro-bono program run by the American Bar Association (ABA) in consultation with the Human Rights and Democracy Bureau of the Department of State. Advice on how to access this service can quickly be obtained from the former Deputy Assistant Secretary of State in the Bureau, James Bishop, who is currently serving as a consultant to USAID on the Southern Africa initiative. Bishop is thoroughly familiar with the ABA program. A second method is the USIS academic specialist program via which leading legal authorities from American law schools could be brought out to Namibia for the period required. Should USIS face a budgetary constraint in accessing such personnel, USAID should be able to access such personnel directly via a consultant's purchase order. Yet another method, provided its contract is renewed, is to buy in to the cooperative agreement between Checci Associates and the Africa Bureau. If the agreement is not renewed, it will be replaced by a similar agreement to provide technical assistance to support the rule of law that will undoubtedly be established by the new Center for Democracy in the Global Bureau.

The need to establish the use of E-mail in Namibia has already been noted in earlier sections of this report, and the procedures for facilitating this are presented in Annex C. Via E-mail, relevant Namibian organizations and government agencies that are critical to the consolidation of democracy in the country can be linked to an almost infinite array of technical assistance and on-line information services around the world via Internet. One example of such on-line information service is Lexus. Lexus is available to registered subscribers at a cost that is a function of the amount of time the system is used. Details of the cost per minute as well as the amount of any basic monthly or annual fee are not known to the members of the assessment team, nor is the possibility of discounts to periodic users located in developing countries. Such information, however, can be quickly obtained via any law library at one of the top twenty law schools in the U.S., all of which support Lexus.

The value of providing an E-mail facility to the Attorney-General's office goes beyond mere access to services like Lexus. Through E-mail the AG and his Chief Legal Advisor can quickly correspond with legal experts around the world, and maintain contact with such individuals as might periodically visit the AG's office to provide short-

term expertise. This would do much to cement relationships facilitated by USIS and other specialist programs such as those of the ABA.

#### d. The Office of the Ombudsman

As discussed in section III.1.e above, the most pressing need of the Office of the Ombudsman is the addition of trained staff, especially investigators. To determine whether this problem can be mitigated, the mission should discuss whether the establishment of the Office of the Ombudsman can be increased, and if so whether donor funding would be required to phase in additional personnel. Only if the question of expanding the establishment is clarified should the mission take up the possibility of training appropriate staff. It is premature to determine where such staff could be trained, but several options present themselves, provided the institutions in question can take on the added task. These are (1) the Justice Training Centre whose current limitations have already been noted, (2) the Legal Assistance Centre, and (3) the Faculty of Law at the University of Namibia. Here again, these discussions are best initiated after the appointment of the resident DG advisor.

#### g. Legal Assistance Centre

The Legal Assistance Centre has long been at the forefront of defending human rights in Namibia. The principal task of the LAC is to provide legal assistance which it is doing via a series of regional field offices around Namibia. In addition to this core task, the Centre also supports the work of the Law Reform Commission, is editing the Laws of Namibia for the Ministry of Justice, training paralegals, and administering a bursary program for 10 Namibians now training at faculties of law in South Africa. In addition, the LAC has also entered the area of policy analysis, particularly in respect to juvenile law, gender issues, the environment and labor relations.

Several donors including Norway, SIDA and the Ford Foundation support the LAC, and the Center is reluctant to take on new programs. The question then remains as to whether USAID might facilitate the Centre's current portfolio of programs and if so how. The assessment team was unable to answer this question because the Director of the LAC, Andrew Corbett was seriously ill during the team's visit. Although we did meet with one of his assistants, she was not able to provide details as to which programs require additional support. The only program for which the team learned that supplementary funding is quickly needed is the bursary program. The Ford Foundation initiated the bursary program in 1991, but due to rising costs and other factors the program will experience a shortfall during the forthcoming year. It was also suggested that as no new students have been provided with bursaries since 1991 that it might be desirable to fund one or two additional bursaries. However, now that the Faculty of Law at UNAM is up and running, the assessment team suggests that some caution be taken in respect to any funding beyond what is needed to bring the program initiated by Ford to completion. Needless to say, the Ford Foundation should also be contacted as to whether it intends to provide such supplementary support. Additional material on the LAC may be found in the file on Namibian NGOs, but the mission is urged to meet with Andrew Corbett as soon as he is well--sometime in late August. Ironically, as the assessment team was writing this section, Mr. Corbett called from his home and reviewed some LAC's current activities and needs over the phone. He noted that the

LAC is prepared to work with NANGOF to establish the Advocacy Center. He also noted that the LAC is contemplating research support to the National Assembly. Given these and other evolving programs at the LAC, we agreed that he and his staff would prepare a submission to USAID which should be the basis for future discussion (which, we assume, would occur before the preparation of the project paper). This submission should be inserted into Annex D to complement the submission from the Ministry of Justice.

## 5. SUPPORTING THE MEDIA

### a. Media Institute of Southern Africa (MISA)--Namibia

MISA-Namibia, though still a nascent entity, has strong potential to contribute to fostering a democratic climate tolerant of critical analysis and constructive criticism. An independent, self-sustaining, and professional media is thus an important arena for strengthening and consolidating Namibia's democracy.

- USAID should consider the provision of a core grant to facilitate the establishment of MISA-Namibia. Given the promise of this organization, it is likely that other donors would co-finance.
- MISA-Namibia is also interested in setting up a legal defense fund for the media. The fund would defend journalists as well as test cases of constitutional principle in addition to testing existing laws.<sup>28</sup>
- The provision of an E-mail facility to MISA-Namibia, as well as support for a subscription to Nexus (an on-line news service), would also be a valuable way to assist the organization. Access to E-Mail would enable MISA-Namibia to send news to their counterparts in the region via the Internet as well as to report more accurately events elsewhere in the region that may have repercussions for Namibia. For example, MISA-Namibia already has links with the *Jornal de Angola* in Angola and the *Weekly Mail and Guardian* in South Africa. In addition, MISA-Namibia would like to have a Gopher capacity and access to economic reporting. The existing links and the required computers are currently being supported by SIDA, which has made a commitment for one year. However, access to Nexus will incur charges based on the amount of time the service is used. Some of these costs can be recovered by subscriber fees from other local users. For more detail about the possibilities for E-Mail in Namibia, see Annex C.
- Namibian journalists, via MISA-Namibia and perhaps, the Advocacy Center described in section V.1 above, would benefit immensely from a resource and documentation facility. Journalists presently have limited facilities for securing background information for their stories, especially in technical areas. An enhanced research capability along with training in critical analysis would contribute

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<sup>28</sup> USAID-Nairobi has recently begun to establish such a fund in Kenya together with DANIDA with the same objectives in mind.

- o Under the expanded IMET, 27 Namibian military and civilian officials were provided two weeks of training on the better utilization and stewardship of governmental resources by the Defense Resource Management Institute (DRMI) (FY-94 IMET)
- o Two week-long seminars on "The Role of the Military in a Democracy" conducted in April 1994 by the U.S. Army Reserve's 353rd Civic Affairs Command (FY-94 DOD funding)
- o 116(e) grant (FY-93) to NDI for workshops and seminars on "Regional Governance" (emphasis on constituent services and national-regional-local interfaces) for members of the National Council - (\$100,000)
- o Workshops/seminars to help Namibia's political parties achieve their goals of informed debate and effective outreach in the lead-up to the early 1995 general elections, conducted by NDI in May 1994 (FY-94 NED funding)
- o Three week U.S. visit by ten members of the National Council to observe U.S. legislative practices at the State and Federal levels, conducted by the Institute for Representative Government (IRG) in June/July 1994 (FY-94 USIA funding)

#### Ongoing Activities

- o 116(e) grant (FY-93) to help the Ministry of Justice conduct training programs for community court officials in the new Justice Training Centre - (\$80,000)
- o 116(e) grant (FY-93) for legal reference materials for the Ministry of Justice Library - (\$8,000)
- o 116(e) grant (FY-93) for legal reference materials and shipping charges for Attorney General's library - (\$23,000)
- o Two-part training program for Namibian legislative staffers on "The Role of the Legislative Staff and Information Resources in the Legislative Process" conducted by the National Conference of State Legislatures (NCSL) (FY-94 USIA funding)
- o "Celebration of Democracy in Namibia", second phase of a nationwide school competition on knowledge of Namibia's Constitution. Conducted by FEDU in mid-1994. (FY-94 NED funding - \$35,000)
- o Fulbright Scholarship for a Namibian to study law at the Graduate level and a U.S. Fulbright professor to work with the University of Namibia's new Law Faculty to develop its training and research capabilities (USIA central funding)

- o USIA Voluntary and International Visitor programs have sent 2 senior Namibian officials, including the Speaker of the National Assembly, Justice Minister and 5 members of his staff, Attorney General, Minister of Local Government, Minister of Defense, and over a dozen Parliamentarians to the U.S. for programs focusing on the U.S. political process, administration of justice, and role of the press in a free society (Continuous - USIA central funding)
- o USIS programs and activities on public diplomacy and logistical support, including Cultural Center programs on American governance and human rights issues, i.e., the Civil Rights struggle and the 1992 Presidential primaries, general elections, and Presidential Inauguration. (Continuous)
- o The ongoing Peace Corps program in Namibia (English, Math, and Science teachers, teacher trainers and Youth Development Officers) and USAID's major programs ("Basic Education Support" and "Reaching out with Education to Adults for Development") to create an educated, informed electorate, as necessary precondition for practicing and sustaining democratic values at the grassroots level (Continuous)
- o USIS donations of reference works to the Chief Justice's Library, the Attorney General's Office, and the Legal Assistance Centre (Continuous)
- o For the past 3 years, DAO use of the International Military Education and Training (IMET) program to send some 15 Namibian students annually to U.S. training in subjects that will better prepare them for roles as professional military officers. As an additional result of the interactions with U.S. military counterparts, Namibian officers have developed an understanding of how military and civilian personnel interact in a democracy. (Continuous)
- o Under the expanded IMET initiative, 5 military or civilian employees of the Namibian Government are selected annually for training in the U.S. on subjects dealing with respect for human rights, better resource management, and the role of the military in a democratic society, including civilian control of the military (IMET funding - Continuous)

Upcoming and Prospective Activities

- o An AREAF grant (FY-94) to NDI to conduct voter education for the December 1994 general and presidential elections. NDI will work with NBC radio/TV services to inform voters, particularly those who are illiterate and live in remote areas, on the importance and methods of voting. Programming will be conducted in several local languages (July 1994 - March 1995) (\$250,000)
- o 116(e) grant (FY-94) on Human Rights, to assist in rewriting the Namibian Police Act and supplemental legislation in order to strengthen the observance of human rights by police authorities. Activities to be conducted by the LAC. (\$20,000)
- o 116(e) grant (FY-94) on Human Rights, to help amend the Children's Act of 1960, through a workshop to gain community input. Activities conducted by the University of Namibia's Human Rights and Documentation Centre (HRDC). (\$5,500)
- o 116(e) grant (FY-94) for a Civic Education project to instruct local primary and secondary school teachers on the Namibian Constitution and civic privileges and responsibilities. Activities will be conducted by the Namibia Institute for Democracy (NID). (\$20,000)
- o 116(e) grant (FY-94) on Human Rights, to help conduct training in indigenous peoples' rights to the Himba tribes in Kunene. Activities conducted by the University of Namibia's Human Rights and Documentation Centre (HRDC). (\$6,500)
- o U.S. internship program for up to 10 Namibian professionals in a variety of areas, including legislative staff training and the administration of executive offices. (FY-94/95 USIA funding)

U. S. DEMOCRACY AND HUMAN RIGHTS ASSISTANCE TO NAMIBIABACKGROUND

SINCE ITS 1990 INDEPENDENCE, NAMIBIA HAS COMMITTED ITSELF TO INSTITUTIONALIZING A MULTIPARTY, PUBLICLY ACCOUNTABLE, MULTIRACIAL DEMOCRACY. IN DOING SO, IT HAS LED THE WAVE OF DEMOCRATIZATION SWEEPING AFRICA. NAMIBIA'S CONSTITUTION CONTAINS ENTRENCHED FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS, IS CONSIDERED AMONG THE MOST ENLIGHTENED IN THE WORLD, AND IS RESPECTED IN PRACTICE. THE PARLIAMENT IS COMPOSED OF THE NATIONAL ASSEMBLY (72 MEMBERS ELECTED ON A NATIONWIDE PROPORTIONAL REPRESENTATION BASIS) AND THE NATIONAL COUNCIL (26 MEMBERS ELECTED ON A CONSTITUENCY BASIS). IT ENJOYS VIGOROUS PUBLIC DEBATE AMONG THE SWAPO MAJORITY AND SIX OPPOSITION PARTIES. IN LATE 1992, INDEPENDENT NAMIBIA'S FIRST ELECTIONS, FOR NEW LOCAL AND REGIONAL BODIES DESIGNED TO DECENTRALIZE THE DECISIONMAKING PROCESS, WERE CATEGORIZED AS GENERALLY FREE AND FAIR. GENERAL ELECTIONS WILL BE HELD IN LATE 1994/EARLY 1995.

NAMIBIAN LEADERS POINT OUT THAT PERIODIC, FREE AND FAIR ELECTIONS ARE ONLY THE START OF THE DEMOCRATIZATION PROCESS. THEY SPEAK OF THE NEED TO BUILD STABLE, RESPONSIVE INSTITUTIONS AND TO DEVELOP A DEMOCRATIC POLITICAL CULTURE TO ENSURE THAT THE COUNTRY'S POLITICAL SYSTEM REMAINS ACCOUNTABLE TO THE ELECTORATE AND PROTECTS FUNDAMENTAL HUMAN RIGHTS. THE SINCERE DESIRE TO ACCOMPLISH THESE GOALS HAS BEEN HINDERED BY WEAK CIVIL INSTITUTIONS LINKING THE NAMIBIAN STATE TO ITS RURAL COMMUNITIES--A LEGACY OF DECADES OF APARTHEID. FURTHERMORE, NAMIBIA'S MINORITY POLITICAL PARTIES HAVE DESCRIBED THEIR INABILITY TO DEVELOP STRONG MEMBER-DRIVEN PLATFORMS AND EFFECTIVE MOBILIZATION TECHNIQUES. IN ADDITION, THERE IS A SHORTAGE OF TRAINED LEGISLATIVE AND JUDICIAL PERSONNEL, AN HISTORIC LACK OF EXPERIENCE IN PARLIAMENTARY AND GOVERNMENTAL PROCEDURES, A NEED FOR HIGHLY TRAINED LOCAL COURT OFFICIALS, AND INADEQUATE LEGAL REFERENCE MATERIALS. FINALLY, SOME HUMAN RIGHTS ABUSES, ALTHOUGH SPORADIC AND OFFICIALLY CONDEMNED, CAN BE ATTRIBUTED TO INADEQUATELY TRAINED DEFENSE AND POLICE PERSONNEL.

DEMOCRACY AND HUMAN RIGHTS GOALS

THE SUCCESS OF NAMIBIA'S DEMOCRACY IS EQUALLY IMPORTANT TO THE UNITED STATES. HELPING NAMIBIA STRENGTHEN ITS COMMITMENTS TO DEMOCRACY, THE RULE OF LAW, CIVIL SOCIETY, POLITICAL PLURALISM, AND HUMAN RIGHTS IS OUR HIGHEST PRIORITY. WE HAVE HELPED AND WILL CONTINUE TO EXPLORE WAYS IN WHICH WE MAY BE ABLE TO WORK JOINTLY WITH NAMIBIA IN THE FOLLOWING AREAS:

- TRAINING PARLIAMENTARIANS AND LEGISLATIVE STAFF IN PARLIAMENTARY AND INTRA-GOVERNMENTAL PROCEDURES AND IN ESTABLISHING A RESEARCH CAPABILITY;
- EDUCATING NAMIBIA'S ELECTORATE FOR THE UPCOMING GENERAL ELECTIONS TO BE HELD IN LATE 1994/EARLY 1995;
- ASSISTING NAMIBIA'S POLITICAL PARTIES TO ACHIEVE THEIR GOALS OF INFORMED DEBATE AND EFFECTIVE PUBLIC OUTREACH;

THE FORD FOUNDATION  
OFFICE FOR NAMIBIA

GRANTEE LIST - JULY 1994

LEGAL ASSISTANCE TRUST

SUPPORT FOR A PUBLIC INTEREST LAW CENTER.

NAMIBIAN ECONOMIC POLICY RESEARCH UNIT

SUPPORT FOR RESEARCH ON POVERTY IN NAMIBIA.

LEGAL ASSISTANCE TRUST

SUPPORT FOR A COMPETITIVE LAW SCHOOL SCHOLARSHIP PROGRAM.

UNIVERSITY OF NAMIBIA - SOCIAL SCIENCES DIVISION

SUPPORT FOR RESEARCH AND TRAINING ON RURAL DEVELOPMENT.

NATIONAL PLANNING COMMISSION

SUPPORT FOR TRAINING OF ECONOMISTS AND STRENGTHENING ECONOMIC PLANNING AND RESEARCH CAPACITY IN THE PUBLIC SECTOR.

UNIVERSITY OF NAMIBIA - JUSTICE TRAINING CENTER

SUPPORT FOR A TRAINING PROGRAM FOR PUBLIC SERVANTS IN JUDICIAL ADMINISTRATION.

RURAL PEOPLES' INSTITUTE FOR SOCIAL EMPOWERMENT IN NAMIBIA

SUPPORT FOR RURAL COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS IN EASTERN NAMIBIA.

THE URBAN TRUST

SUPPORT FOR A NEW URBAN POVERTY RESEARCH AND ADVOCACY ORGANIZATION.

NAMIBIA MEDIA TRUST

SUPPORT FOR A TRAINING PROGRAM FOR BLACK NAMIBIAN JOURNALISTS AND NEWSPAPER PROFESSIONALS.

AGENCY FOR COOPERATION IN RESEARCH AND DEVELOPMENT (ACCORD)

SUPPORT FOR TRAINING OF STAFF OF RURAL NAMIBIAN NGOS IN PLANNING, PARTICIPATORY RURAL APPRAISAL TECHNIQUES AND GENDER ANALYSIS.

NAMIBIA NATIONAL CHAMBER OF COMMERCE AND INDUSTRY

SUPPORT FOR A PROGRAM ON RACE AND GENDER RELATIONS AND AFFIRMATIVE ACTION IN THE PRIVATE SECTOR.

NYAE NYAE FARMERS' COOPERATIVE

SUPPORT FOR ORGANIZATIONAL AND STAFF DEVELOPMENT ACTIVITIES IN A COOPERATIVE REPRESENTING INDIGENOUS COMMUNITIES IN N. E. NAMIBIA.

UNIVERSITY OF NAMIBIA

SUPPORT FOR A STRATEGIC AND FINANCIAL PLANNING STUDY AT THE UNIVERSITY OF NAMIBIA.

TRAINING JUDICIAL AND COURT OFFICIALS

-- FINANCIAL ASSISTANCE FOR TRAINING PROGRAMS TO BE CONDUCTED FOR COMMUNITY COURT OFFICIALS BY THE MINISTRY OF JUSTICE

-- A FULBRIGHT SCHOLARSHIP FOR GRADUATE LAW STUDY, AND A U.S. FULBRIGHT PROFESSOR TO WORK WITH THE UNIVERSITY OF NAMIBIA'S LAW FACULTY TO ENHANCE ITS TRAINING AND RESEARCH CAPABILITIES

PROVIDING LEGAL REFERENCE MATERIALS

-- U.S. LEGAL REFERENCES FOR NAMIBIA'S ATTORNEY GENERAL, SUPREME COURT CHIEF JUSTICE, MINISTER OF JUSTICE, AND THE LAC

DEVELOPING PROFESSIONAL MILITARY AND POLICE

-- THE U.S. DEPARTMENT OF DEFENSE'S INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET) PROGRAM HAS GIVEN U.S. TRAINING TO NAMIBIAN MILITARY STUDENTS IN SUBJECTS THAT WILL BETTER PREPARE THEM FOR ROLES AS PROFESSIONAL MILITARY OFFICERS. AS A RESULT OF THEIR EXPERIENCE, NAMIBIAN OFFICERS HAVE DEVELOPED A CLEAR VIEW OF HOW AMERICAN MILITARY AND CIVILIAN PERSONNEL INTERACT IN OUR CIVIL SOCIETY.

-- UNDER AN EXPANDED IMET INITIATIVE, MILITARY AND CIVILIAN EMPLOYEES OF THE NAMIBIAN GOVERNMENT ARE SELECTED FOR TRAINING IN SUBJECTS DEALING WITH RESPECT FOR HUMAN RIGHTS, BETTER RESOURCE MANAGEMENT, AND THE ROLE OF THE MILITARY IN A DEMOCRATIC SOCIETY, INCLUDING CIVILIAN CONTROL OF THE MILITARY.

-- NAMIBIAN MILITARY AND CIVILIAN OFFICIALS ALSO PARTICIPATED IN A TWO WEEK SEMINAR IN EARLY 1994 WITH THE DEFENSE RESOURCE MANAGEMENT INSTITUTE (DRMI) ON THE BETTER UTILIZATION AND STEWARDSHIP OF GOVERNMENT RESOURCES.

-- THE AFRICAN AMERICAN INSTITUTE (AAI) CONDUCTED A REGIONAL CONFERENCE IN BURUNDI ON THE ROLE OF THE MILITARY IN A DEMOCRACY WITH FIVE NAMIBIAN MILITARY AND CIVILIAN PARTICIPANTS.

-- TWO WEEK-LONG SEMINARS ON THE ROLE OF THE MILITARY IN A DEMOCRACY WERE CONDUCTED IN APRIL 1994 BY THE U.S. ARMY RESERVE'S 353RD CIVIC AFFAIRS COMMAND.

NAMIBIA AS AN EXAMPLE AND VENUE

-- A 1992 REGIONAL CONFERENCE IN NAMIBIA ON ADVANCING AND STRENGTHENING DEMOCRATIC ELECTIONS IN SOUTHERN AFRICA, BY NDI

-- THE NATIONAL ACADEMY OF SCIENCES CONDUCTED A 1992 REGIONAL CONFERENCE IN NAMIBIA ON DEMOCRACY IN AFRICA

-- USIS CONDUCTED A REGIONAL MEDIA WORKSHOP IN NAMIBIA TITLED "DEMOCRACY IN AFRICA: COVERING THE POLITICAL PROCESS"

82

-- USIA VOLUNTARY AND INTERNATIONAL VISITORS' PROGRAMS TO SEND SENIOR NAMIBIAN OFFICIALS, INCLUDING THE SPEAKER OF THE NATIONAL ASSEMBLY, THE JUSTICE MINISTER AND MEMBERS OF HIS STAFF, THE ATTORNEY GENERAL, THE MINISTER OF LOCAL GOVERNMENT, THE MINISTER AND DEPUTY MINISTER OF DEFENSE, AND OVER A DOZEN PARLIAMENTARIANS TO THE U.S. FOR PROGRAMS FOCUSING ON THE U.S. POLITICAL PROCESS, THE ADMINISTRATION OF JUSTICE, AND THE ROLE OF THE PRESS IN A FREE SOCIETY

ELECTORAL EDUCATION

-- A MEDIA VOTER EDUCATION PROJECT FOR LOCAL AND REGIONAL ELECTIONS, WHICH PROVIDED VOTER EDUCATION AND INFORMATION FOR THE LATE 1992 LOCAL AND REGIONAL ELECTIONS THROUGH THE NAMIBIAN BROADCASTING CORPORATION (NBC) RADIO SERVICE IN SEVERAL LOCAL LANGUAGES, BY NDI

ASSISTANCE TO NAMIBIA'S POLITICAL PARTIES

-- WORKSHOPS/SEMINARS TO HELP NAMIBIA'S POLITICAL PARTIES ACHIEVE THEIR GOALS OF INFORMED DEBATE AND EFFECTIVE OUTREACH IN THE LEAD-UP TO THE LATE 1994/EARLY 1995 GENERAL ELECTIONS

PROMOTING HUMAN RIGHTS AND CIVIC EDUCATION

-- A CIVICS EDUCATION SEMINAR IN WINDHOEK FOR NAMIBIAN EDUCATORS AND LOCAL NGO'S, BY "HEARTLAND INTERNATIONAL"

-- A NATIONWIDE SECONDARY SCHOOL COMPETITION ON KNOWLEDGE OF NAMIBIA'S CONSTITUTION, BY THE NAMIBIA INSTITUTE FOR DEMOCRACY (NID) AND THE NATIONAL ENDOWMENT FOR DEMOCRACY (NED)

-- FINANCIAL ASSISTANCE FOR A FILM TITLED "HUMAN RIGHTS AND THE LEGAL ASSISTANCE CENTRE IN NAMIBIA" FOR HUMAN RIGHTS/CIVIC EDUCATION, BY THE LEGAL ASSISTANCE CENTRE (LAC) -- A LOCAL NGO, HIGHLY REGARDED FOR ITS ADVOCACY OF HUMAN RIGHTS ISSUES

-- A PROJECT TO ASSIST IN REWRITING THE NAMIBIAN POLICE ACT AND SUPPLEMENTAL LEGISLATION TO STRENGTHEN THE OBSERVANCE OF HUMAN RIGHTS BY POLICE AUTHORITIES, BY THE LAC

-- A CIVIC EDUCATION PROJECT TO INSTRUCT LOCAL PRIMARY AND SECONDARY SCHOOL TEACHERS ON THE NAMIBIAN CONSTITUTION AND CIVIC PRIVILEGES AND DUTIES, BY NID

-- USIS IS ACTIVELY PROMOTING THE ABOVE-LISTED THEMES AS WELL AS AMERICAN DEMOCRACY AND HUMAN RIGHTS ISSUES RELEVANT TO NAMIBIANS, INCLUDING THE CIVIL RIGHTS STRUGGLE AND THE U.S. PRIMARIES AND GENERAL ELECTIONS.

-- THE ONGOING PEACE CORPS PROGRAM IN NAMIBIA (ENGLISH, MATH AND SCIENCE TEACHERS, PLUS TEACHER TRAINERS AND YOUTH DEVELOPMENT OFFICERS) AND USAID'S MAJOR PROGRAMS ("BASIC EDUCATION SUPPORT" AND "REACHING OUT WITH EDUCATION TO ADULTS FOR DEVELOPMENT") SEEK TO EMPOWER PEOPLE AND CREATE AN EDUCATED, INFORMED ELECTORATE, NECESSARY PRECONDITIONS FOR MAINTAINING AND PROMOTING DEMOCRACY AT THE GRASSROOTS LEVEL.

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83

- PROMOTING CIVIC EDUCATION THROUGH LOCAL NONGOVERNMENTAL ORGANIZATIONS (NGO'S) TO ENHANCE THE CITIZENS' KNOWLEDGE OF THEIR PRIVILEGES AND RESPONSIBILITIES IN A DEMOCRATIC CULTURE;
- TRAINING JUDICIAL AND COURT OFFICIALS (PARTICULARLY AT THE REGIONAL AND LOCAL LEVELS);
- HELPING TO PROVIDE RELEVANT LEGAL REFERENCE MATERIALS;
- ASSISTING TO DEVELOP PRO-DEMOCRACY, PROFESSIONAL MILITARY AND POLICE FORCES THAT RESPECT HUMAN RIGHTS; AND
- PROMOTING NAMIBIA AS A POSITIVE EXAMPLE AND A VENUE FOR REGIONAL DEMOCRACY AND HUMAN RIGHTS ACTIVITIES.

DEMOCRACY AND HUMAN RIGHTS ACTIVITIES

PLANNING HAS BEGUN FOR A LONG TERM USAID BILATERAL DEMOCRACY AND GOVERNANCE PROGRAM. THE FIRST STEP IN THIS PROCESS WILL BE A FULL-SCALE ASSESSMENT, TENTATIVELY SCHEDULED FOR JUNE/JULY 1994, BY A TEAM THAT WILL MAKE RECOMMENDATIONS ON A COMPREHENSIVE APPROACH TO DEMOCRACY AND HUMAN RIGHTS ASSISTANCE IN NAMIBIA. ACTIVITIES WOULD MOST LIKELY COMMENCE IN EARLY FY-1995. SINCE 1991, HOWEVER, SEVERAL AMERICAN INSTITUTIONS AND THEIR NAMIBIAN COUNTERPARTS HAVE PLANNED AND WORKED TOGETHER ON A NUMBER OF SHORT-TERM PROJECTS TO ADDRESS DEMOCRACY AND HUMAN RIGHTS NEEDS. THESE INCLUDE:

TRAINING FOR PARLIAMENTARIANS AND LEGISLATIVE STAFF

- PARLIAMENTARY WORKSHOPS TO SHARE LEGISLATIVE AND CONSTITUENCY INSIGHTS WITH MEMBERS OF NAMIBIA'S NATIONAL ASSEMBLY AND NATIONAL COUNCIL, BY THE NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI)
- PARLIAMENTARY STAFF WORKSHOPS TO SHARE ADMINISTRATIVE AND MANAGERIAL INSIGHTS WITH PARLIAMENTARY SUPPORT STAFF, BY NDI
- REGIONAL GOVERNANCE WORKSHOPS FOR MEMBERS OF THE NATIONAL COUNCIL ON CONSTITUENT SERVICES AND NATIONAL/REGIONAL/LOCAL INTERFACES, BY NDI
- A TRAINING PROGRAM FOR NAMIBIAN LEGISLATIVE STAFFERS ON THE ROLE OF LEGISLATIVE STAFF AND INFORMATION RESOURCES IN THE LEGISLATIVE PROCESS, CONDUCTED BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL)
- A U.S. INTERNSHIP PROGRAM FOR UP TO 10 NAMIBIAN PROFESSIONALS IN A VARIETY OF AREAS, INCLUDING LEGISLATIVE STAFF TRAINING AND THE ADMINISTRATION OF EXECUTIVE OFFICES
- A U.S. VISIT BY TEN MEMBERS OF THE NATIONAL COUNCIL TO OBSERVE U.S. LEGISLATIVE PRACTICES AT THE STATE AND FEDERAL LEVELS, BY THE INSTITUTE FOR REPRESENTATIVE GOVERNMENT (IRG)

84

DEMOCRATIZATION AND HUMAN RIGHTS ASSISTANCE  
BY THE U.S. TO NAMIBIA - 1991 TO 1994

Completed Activities

- o 116(e) grants (5 during FY-91/92) to provide U.S. legal reference materials for the offices of the Attorney General, Chief Justice of the Supreme Court, and Legal Assistance Centre (LAC) - (1991-1992) - (\$16,000)
- o Three week U.S. visit by nine members of the National Assembly to observe U.S. legislative practices at the State and Federal levels, coordinated by the State University of New York (SUNY) (FY-91 USIA central funding)
- o NDI-sponsored regional conference on "Advancing and Strengthening Democratic Elections in Southern Africa" at Mt. Etjo Lodge - January 1992 - (NED funding)
- o National Academy of Sciences regional conference on "Democracy in Africa" - April 1992 - (USAID central funding)
- o USIS regional media workshop on "Democracy in Africa: Covering the Political Process" - May 1992 - (USIA central funding)
- o AREAAP "Media Voter Education Project for Local/Regional Elections" conducted by NDI - November 1992 - (\$145,000)
- o AAI Regional Conference in Bujumbura on "The Role of the Military in a Democracy" (5 Namibian military and civilian participants) - February 1993 - (AID/USIS/DOD funded)
- o "Celebration of Democracy in Namibia", a nationwide secondary school competition on knowledge of Namibia's Constitution, conducted by FASE. Initially proposed as a 116(e) project, but funded by NED (February to June 1993) - (\$24,000)
- o Civics education seminar for some 40 Namibian educators and local NGO representatives conducted by "Heartland International" - (FY-93 USIA central funding)
- o 116(e) grant (FY-92) to NDI for "Parliamentary Organization and Systems" to provide legislative and constituency insights to Members of National Assembly and National Council - (September 1992 to December 1993 - (\$100,000)
- o 116(e) grant (FY-92) to NDI for "Parliamentary Staff Training to provide administrative and managerial insights to support Parliamentary support staff and Whips (September 1992 to December 1993 - (\$100,000)
- o 116(e) grant (FY-93) to the Legal Assistance Centre (LAC) for production of a film on "Human Rights and the LAC in Namibia for human rights/civic education - (\$22,000)

## ANNEX E: DESCRIPTION OF DONOR DG PROGRAMS IN NAMIBIA

The principal donors in support of democracy and governance in Namibia apart from the United States are the Netherlands, Norway, SIDA, GTZ, the Ford Foundation, the Friedrich Ebert Stiftung, and the Konrad Adenauer Stiftung. All of these agencies has a part or full-time resident program officer assigned to manage their DG portfolios. Some have more. In addition, the United Kingdom, and the ILO provide periodic support in this area.

The assessment team was able to obtain detailed lists of the current portfolios of the United States, SIDA and the Ford Foundation which are attached as part of this annex. The program officers responsible for DG for the Netherlands and Norway were out of the country, and therefore unavailable for discussion. The main DG activity of the Konrad Adenauer Stiftung is the Namibian Institute of Democracy for which it provides roughly 90 percent of the funding. The Friedrich Ebert Stiftung has focused its support in five areas: (1) strengthening the local and regional councils via the holding of workshops and the production of resource materials; (2) voter education and civic education via the Directorate of Elections, (3) support for labor inspectors at the Ministry of Labour, (4) support for the rule of law via the Justice Training Centre and the Faculty of Law, and (5) support for NGOs, principally the NNCCI and the Centre for Applied Social Sciences.

The United Kingdom does not have a program officer designated specifically for DG support, and does not therefore mount a sustained program in this area. The UK, however, has provided technical assistance to the National Planning Commission, the Auditor General's Office, and recently funded a detailed study by Coopers and Lybrand of local and regional government for the Ministry of Local and Regional Government and Housing.

## COSTS IN 00's US \$ \* (IN '000 Rand)

ITEM	YEAR 1	YEAR 2	YEAR 3
Accommodation of Trainees	* 1	* 1	33 (107.2)
Salaries external Lecturing Staff	* 1	25 (81.5)	17 {* 2} (55.2)
Visitations to Legal Clinics and gathering of teaching materials	* 1	15 (48.7)	
Furniture: Lecture rooms	6 (19.5)	6 (19.5)	
Office Furniture 5 Offices	14 (45.5)		
Computer, Photocopier, Fax machine, etc	25 (81.2)	11 (35.7)	
Auxiliary Personnel	17 (55.2)	18 (58.5)	* 3
Office Equipment	10 (32.5)	5 (16.2)	* 3
Operating and Administrative Costs	8 (26)	9 (29.2)	* 3
Individual Textbooks for Trainees	20 (64.9)	9 (29.2)	* 3
TOTAL	100 (325.3)	100 (325.3)	50 (162.4)

Based on rate of exchange of Rand 1 = US \$ 3,249 as per Jun 1993.

\*1 Obtained from other financial resources.

\*2 Balance to be financed by Recipient.

\*3 To be financed by Recipient.

6TZ total funds ↓ set JTC off gov  
1=F

	1994. N\$ 416000-GTZ.	1995 N\$ see para.9	1996 N\$ 107200 FF. 260000 SF.	1997. N\$ 410000 SF.
Accommodation trainees and travelling expenses.				
Salaries external lecturing staff.	78000 GTZ.	81500 FF.	55200 FF.	60000 SF.
Visitations legal clinics gathering teaching material	26000 GTZ	48700 FF.	nil	nil.
Furniture; lecture rooms	19500 FF.	19500 FF.	5000 SF.	6000 SF.
Office furniture 5 offices.	45500 FF.	3000 SF.	4000 SF.	6000 SF.
Computers, Photocopiers, Fax machine etc.	81200 FF.	35700 FF.	2000 SF.	3000 SF.
Auxiliary staff	55200 FF.	58500 FF.	260000 SF.	300000 SF.
Office equipment.	32500 FF.	16200 FF.	1000 SF.	1500 SF
Operating and Admin. costs.	26000 FF.	29200 FF.	30000 SF.	35000 SF.
Individual textbooks for trainees.	64900 FF.	29200 FF.	3000 SF.	3500 SF

GTZ.-----German Grant.

FF.-----Ford Foundation Grant.

~~FF~~ SF-----State Funds.

ANNEXURE "A"

AB

SUMMARY OF DONATIONS

YEAR 1	F F	G T Z
	N\$	N\$
Furniture lecture rooms	19500	
Office furniture	45500	
Computors, photocopiers		
Fax machine etc.	81200	
Auxiliary personnel	55200	
Office equipment	32500	
Operating and admin costs	26000	
Individual textbooks for trainees	64900	
Acommodation & Grants		416000
External teaching staff		78000
Teaching materials		26000

→ F F -Ford Foundation 1st year grant covers period 1/9/1993 to 31/8/1994  
 GTZ from 9/9/1993 to 31/12/1994 - Application has been made to have the period extended to 31/12/1995

YEAR 2	F F
	N\$
Salaries external teaching staff	81500
Visitations to legal clinics & gathering teaching materials	48700
Furniture lecture rooms	19500
Computors etc	35700
Auxiliary personnel	58500
Office equipment	16200
Operating admin costs	29200
Individual textbooks	29200

YEAR 3	F F
	N\$
Accommodation trainees	107200
Salaries external teaching staff	55200
SWEDISH GRANT	100000

E E C GRANT	
Accommodation trainees	70000
Salary secretary	24000
Teaching literature	6000

6. Naturally, if salaries for the Director and his assistant are to be paid by the State then the following additional amounts will be added to the budget:

1994	-	N\$ 200 000
1995	-	N\$ 220 000

7. A secretary could be remunerated from donor money under the heading "Auxiliary Personnel".

8. It will be noticed that under the heading "Accommodation Trainees etc." for 1995 no amount has been allocated. The reason being that according to the GTZ grant no money will be distributed after 31 December 1994.

9. I have in mind however, to approach GTZ in order to distribute the amount over two (2) years and as follows:

1994	-	N\$ 300 000
1995	-	N\$ 116 000

This could benefit us and only leave a shortage of N\$ 134 000 for 1995 which amount plus 10% would have to come from Government or other sources.

10. You will notice that the GTZ grant was initiated during September 1991 and January 1992. The intention then was that JTC would operate from early 1993 and the funds would then have been spread over the entire year of 1993 and 1995. However, due to the late start we have lost considerable ground, timewise. For this reason I am of the opinion that GTZ would probably agree to extending the final date to 31 December 1995.

11. The final budget as regards the involvement of the State funds will therefore look as follows:

1995	-	N\$ 205 400	see para 9.
1996	-	N\$ 656 000	
1997	-	N\$ 824 000	

12. Your letter was only received by me on 24 September 1993.

Yours sincerely

J. P. F. Verwey  
DIRECTOR: JTC

90

LAW FACULTY  
JUSTICE TRAINING CENTRE

27 September 1993

The Permanent Secretary  
Ministry of Justice  
WINDHOEK

Dear Sir

NATIONAL DEVELOPMENT PLAN 1

1. Annexure A is a budget for the next 4 years. Having regard to the fact that the JTC has only been in operation for about one (1) month it is impossible to speculate beyond 1997 because we have absolutely no idea as to the trainees etc., who will be attending courses during the next year.
2. I must also point out that it is impossible for me, alone, to handle the day to day activities of the JTC.
3. I wish to point out that the Memorandum of Understanding between MOJ and UNAM provides for the following staff:
  - 1 x Director
  - 1 x Assistant Director (full-time lecturer)  
Part-time lecturers to be identified by the Director  
consultation with the Ministry
  - 1 x Assistant full-time Librarian
  - 1 x Administrative Officer
  - 2 x Secretaries.
4. It is imperative that the Assistant Director and at least 1 secretary (who, could also act as part-time administrative officer) be appointed immediately.
5. I would suggest that instead of making an entirely new appointment to the post of Assistant Director, a staff member from MOJ who is suitably qualified, be seconded to the JTC. This person's vacancy could then be filled by a graduate who leaves a university at the end of the year.

ALL OFFICIAL CORRESPONDENCE SHOULD BE ADDRESSED TO THE VICE CHANCELLOR

13 STORCH STREET, PRIVATE BAG 13301, WINDHOEK, NAMIBIA. TEL: (061) 307-9111. FAX: (061) 307-2444

BEST AVAILABLE COPY

91

11(a) The core staff for the Department for the next three years and their salary structures will be as follows:

1995: 1. Director - N\$ 130 000  
 2. Assistant Director - N\$ 105 000  
 3. Secretary - N\$ 34 000

1996: 1. Director - N\$ 143 000  
 2. Assistant Director - N\$ 116 000  
 3. Secretary - N\$ 38 000  
 4. Administrative officer - N\$ 35 000

1997: Same as for 1996

- (b) After 1996 this burden will be the sole responsibility of UNAM unless further donors can be secured.
- (c) The Salary of the Director is presently being paid by the Republic of South Africa but as from 1 April 1995 this burden will have to be addressed either by donor-funds or UNAM. There is a possibility that Ford Foundation may be willing to assist in this regard.
- (d) The salary of the Assistant Director, who will be appointed in all probability as from 1 August 1994 will be funded by Ford Foundation. It would also seem as if Ford Foundation will be of assistance in this regard in 1995/6.
- (e) The salary of the secretary who commenced duty on 13 April 1994 has also been secured through Ford Foundation.
- (f) The donors mentioned in paragraph 8 are not funding staff salaries.

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- (f) The donors mentioned in paragraph 8 are not funding staff salaries.

The programme for 1996 and 1997 would be more or less the same as for 1995.

7. No additional staff should be required in the near future unless an additional burden is placed upon the J.T.C. of which nobody is aware at this stage.

8. Funding:

GTZ Grant - Period 9 September 1993 to 31 December 1994. (Application for extension to 31 December 1995 has been made). 300 000 DM has been made available. N\$ 100 000 have been released.

*core funding  
and the  
1994 date*

Ford Foundation Grant: This extends over a period of 3 years commencing on 1 September 1993 to 31 August 1996. The yearly grant is US\$ 100 000. — total \$300,000

*funding under*

Swedish Grant: N\$ 100 000: Full particulars of the allocations and release of funds are pending.

*>  
more money*

EEC Grant: N\$ 100 000: We are still waiting for the approval of our suggested allocations and the release of funds.

9. The only course which was conducted so far in 1994 was a Prosecutors' course during January/February 1994. Eight graduates attended: 3 males and 5 females.

The Director also conducted workshops on the Labour Act at Windhoek, Swakopmund, Keetmanshoop, Rundu, Oshakati and Otjiwarongo.

10. It is impossible to predict how many persons will attend any particular course or workshop.

*ad*

- (a) In July 1994 there will be courses for Court Interpreters. These will last one week and will be spread over the whole month. The interpreters will be introduced to Court Procedure, elementary criminal law and law of evidence, interpretation, language skills and elocution.
- (b) During August 1994 there will be courses for magistrates. These will last one week but spread over the whole month. Practical problems will be identified before commencement of the course and these will then be addressed. In addition certain capita selectae on criminal law and Procedure will be dealt with.
- (c) During September 1994 courses for Prison officials will be held. The details are still to be worked out, but instruction will be given to officers who are involved in trials; they will be lectured on procedure.
- (d) In October it is anticipated that a workshop will be held on the application of Drug Laws and Police officials as well as experts in this field will participate.
- (e) In November 1994 a similar course as the one mentioned in (c) above for Police officials will be conducted.
6. The proposed working plan for the next few years will be as follows:

1995: February/March - Training of Prosecutors  
 May/June - Training course for Magistrates  
 August/September - Training course for Interpreters  
 and Court Clerks  
 October/November - Refresher course for Justices

It is envisaged that short legal seminars/workshops will also be conducted.

MEMORANDUM

TO : PROF. M. HINZ  
DATE : 14 JUNE 1994  
SUBJECT : 5 YEAR DEVELOPMENT PLAN

1. The Courts in Namibia play a vital role in the administration of Justice. These courts are the following:
  - (i) The Supreme Court,
  - (ii) The High Court;
  - (iii) The Labour Court;
  - (IV) The Magistrate's Court
  - (v) The District Labour Court.
  
2. It is also anticipated that Community Courts are to be established in the near future.
  
3. The Justice Training Centre has a role to play as far as these courts are concerned and that is to see that the personnel ie. the Magistrates, Prosecutors and Justices of the Community Courts have the necessary skills, training and expertise to perform their tasks satisfactory, efficiently and fairly.
  
4. The programmes of the Justice Training Centre consist of the following:
  - (i) Pre-service and in-service training for law administration personnel which would include the following: Magistrates, prosecutors, community court justices, court clerks and court interpreters. This would also include practical training for law degree holders before admission to practice and also refresher courses.
  
  - (ii) In-service training of law enforcement personnel under the administration of any Ministry which would not result in a law degree.
  
5. The current programme for 1994 is the following:

9/6

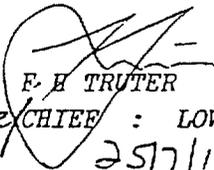
Needs for 1997

Training of Magistrates(JTC)

N\$300 000

A more detailed report and budget will be prepared by this Ministry and handed to Mr Ed Spriggs towards the end of this year.

Yours sincerely,

  
E. H. TRUTER  
CHIEF : LOWER COURTS  
25/7/1994

3. Another need which deserves urgent attention is the reproduction of Namibian laws and more specific the South African Laws and South West Africa Laws still to be applied in terms of the constitution. To have these laws reprinted will cost about NS2 000 000. It will however be possible to reproduce the legislation at a cost of approximately NS100 000 if a Risograph Digital Copy Printer (or similar equipment) with the necessary accessories and material can be supplied to the Ministry of Justice. Binding will be done locally by private firms.
4. Namibian Law Reports are now being prepared with the assistance of the Legal Assistance Centre. It would seem that the reports for the six years from 1990 to 1995 will only be available by the middle of 1996. The Ministry will be able to buy the current law reports from own funds but the backlog which will have to be met in 1996 may amount to about NS100 000. For this purpose the Ministry of Justice will not have the funds.
5. Donor assistance to the Justice Training Centre has been given by the German firm known as Gesellschaft für Technische Zusammenarbeit (GTZ) and the Ford Foundation. This assistance will however, in terms of the present agreements, not cover the total costs for 1996 and no assistance will be given for 1997. There will therefore be a need for additional assistance for 1996 and it may be necessary to provide for donor money to supplement state funds in 1997. An amount of approximately NS260 000 may be needed for 1996 and NS300 000 for 1997.

6. SUMMARY

Needs for 1995 :

Community Court Justices	NS230 000
Reprint of Namibian Laws	NS100 000
	<u>NS330 000</u>

Needs for 1996 :

Namibian Law Reports	NS100 000
Training of Magistrates (at JTC to Supplement grant by Ford Foundation for accommodation and travelling expenses of trainees)	NS260 000
	<u>NS360 000</u>

98



REPUBLIC OF NAMIBIA

MINISTRY OF JUSTICE

Tel. (061) 239280

Fax (061) 221233

Telex 635

Enquiries Mr F H Truter

Private Bag 133

WINDHOEK

9000

Our Ref

Your Ref

INFORMAL MEMO

TO : DR. JOEL D BARKAN

FROM : CHIEF : LOWER COURTS, NAMIBIA

DATE : 25 JULY 1994

DEMOCRACY / GOVERNANCE ASSISTANCE PROGRAMME : AID TO THE MINISTRY OF JUSTICE

1. In terms of Activity Agreement No. DER-93-673-02 of 30 July 1993 between the Government of the United States of America and the Government of Namibia, an amount of US\$80 000 was allocated to Namibia for the training of Community Court Justices. This grant could not be utilized for the original purpose, as the conditions of the agreement could not be met. The conditions may be amended to use the grant for other purposes.
2. When considering assistance to the Government of Namibia for 1995, the training of Community Court Justices must again be kept in mind as the Ministry of Justice is still working on the legislation needed for the creating of Community Courts. An amount of N\$230 000 will be needed for this purpose.

**ANNEX D: SUBMISSIONS FROM THE MINISTRY OF JUSTICE (Chief of Lower Courts) AND FROM THE LEGAL ASSISTANCE CENTRE**

The submission from the Ministry of Justice is attached behind this cover page, and was prepared by F.H. Truter, the Chief of the Lower Courts.

A submission from the Legal Assistance Centre will be prepared by its director Andrew Corbett who is currently ill. He expects to submit a series of proposals which address several of the recommendations in this assessment sometime in August, 1994, at which point it should be inserted into this annex of the assessment.

100

computers with modems to be installed in the rural areas, and phased financial support beginning with N\$10,000/month for at least two years (N\$7,000 in the third year, etc.). The link-up would also require the services of a full-time staff person.

After receiving initial assistance to lease the line, and phased-out support over two to three years, the network should become self-sufficient. The Directorate of Water Affairs and the Ministry of Education and Culture could pay subscriber fees of N\$500 per month; the Ministry of Fisheries and NBC have also indicated a willingness to contribute once the service is established. Dr. Lisse is keen to have commercial subscribers, who eventually could bear the brunt of the expense. (In the US, the National Science Foundation does not allow commercial use.) Rossing and the Consolidated Diamond Mines are interested.

In addition, Dr. Lisse has been in contact with other donors concerning the prospect of upgrading the system to allow for national usage that would be interactive and that would support access to the rural areas of Namibia. Telecom Namibia is currently installing fiber optic cable, which would mean that Namibia would have the capability to link to the major regional centers throughout the country. These centers thus would all have the ability to access the Internet, Gopher, WAIS (Wide Area Information Search), etc. UNDP will be providing additional hard drives and modems. UNESCO and UNICEF are contributing a N\$15,000 router to allow for faster access through the UN Commission for Africa in Addis Ababa. Mrs. Hamutenya, Director, Data Systems and Services in the Office of the Prime Minister, is enthusiastic about his efforts.

Efforts to date largely have concentrated on the possibility of a dedicated line to South Africa because it is the cheapest option. Telecom has an X25 link, but the rates are too high. In order for Namibia to possess independent capabilities, it would be necessary to find out if Telecom has linked into an Intelsat. If it has, a lease line (transponder) could be bought on Telecom's dish, or Telecom might even be persuaded to donate it. Or, UNAM could be supplied with its own dish with a satellite link to the US or Europe, in essence building an independent station. The costs of this and the Telecom alternative would have to be determined. Dr. Lisse, however, feels that rather than invest in the latest technology, efforts should be directed to ensuring that as much of Namibia be linked into a system that has already proven to be viable.

Dr. Lisse is a computer expert who is conversant with the latest communications technology. Dr. Lisse has been invited to a number of conferences to share his expertise in setting up a system for a country with limited resources. The expertise thus exists locally to maintain the service, which might be known as "NAMNET," and to troubleshoot as the network expands. In his absence, there are a number of others in Namibia who could maintain the service, and, this pool will increase as more students are trained at UNAM. It therefore is unlikely that the services of outside contractors, such as Baobab Consultants, are necessary. Indeed, the UN brought in a computer consultant who apparently concluded that his services were not necessary in this area since the capability exists locally.

Dr. Lisse can be contacted for costing information, a list of current subscribers, and information about the status of the Internet Committee. Tel: 22 4014. He may also be reached via his E-Mail address, el@lisse.a, or his beeper, 203-2106.

## ANNEX C: E-MAIL CAPABILITIES IN NAMIBIA

The assessment team strongly recommends that the mission support the establishment of E-mail in Namibia, particularly access to the Internet, and that it also consider support, where appropriate, to subscriber data and information services such as LEXUS and NEXUS. E-mail by itself does not, of course, constitute a separate thematic area for the consolidation of democracy in Namibia, but as noted throughout our recommendations, the establishment of this technology would enhance many of the programmatic initiatives we propose.

The core coordinating group for the development of E-mail and other communications capabilities in Namibia are Dr. Eberhard Lisse, the Internet Administrator, Dr. Ben Fuller, Social Science Division, UNAM, and Tim Priebe, Systems Analyst, Computer Science Department, UNAM.

Since January 1994, Namibia has had access to E-mail via a dial-out night system in which compression software and high speed modems have been employed to dial out to South Africa on an hourly basis at night, when the rates are cheaper. The dial-up link is through the Council of Social and Industrial Research (CSIR) in Pretoria, which then provides the link to Rhodes University in Grahamstown (which is linked to Oregon in the USA). The Universities of Botswana, Mozambique, Zambia, and Zimbabwe are also linked to Rhodes University. UNAM is currently paying N\$600/month for the use of the E-mail facility; the telephone cost alone for the first three months was N\$150.

The current system is self-funded and self-sustaining. UNAM currently has basic hardware and the necessary software to access the service. Users pay between N\$10-50/month. The constituency of users includes: The Office of the Prime Minister, the Ministry of Education, both campuses of UNAM, MISA-Namibia, and the Geological Survey.

There is increasing interest in Namibia for expanded E-mail and Internet capabilities. A February 1994 meeting attended by various Ministries, major banks, and telecommunications users resulted in the consensus that UNAM is the logical place to house the capacity (indeed, universities around the world are typical locus points). Although Dr. Lisse agrees that UNAM is the most logical place to house the hardware, especially since it possesses back-up systems and the computer can be used to train students, he is concerned that UNAM may find itself in financial difficulties and thus be unable to sustain the effort. In addition, the initiative should be totally independent and autonomous in order to implement policies, apply sanctions as necessary, and to prevent any possibility of censorship. Thus, the hardware should be owned by an independent board established as a non-profit entity, with its operating expenses subject to audit (which could be done by UNICEF).

Since the February meeting, Lisse, Fuller, and Priebe have been trying to build a larger network of users in order to justify the cost of getting a dedicated line to South Africa, which would cost roughly N\$5,000 to N\$8,000 per month. Dr. Lisse has had conversations with GTZ and the British High Commission, who may be interested in contributing should USAID take the lead. The costs involved are as follows: Hardware in the form of a 486 machine with 16-32M memory and a 200MB hard drive, a back-up tape drive, additional

Region	Constituencies	Party
OMUSATI (9)	Onesi	SWAPO
	Okalongo	SWAPO
	Haikella	SWAPO
	Okahau	SWAPO
	Tsandi	SWAPO
	*Uutapi	SWAPO
	Anamulenge	SWAPO
	Ogongo	SWAPO
	Oshikuku	SWAPO
	Elim	SWAPO
OSHANA (9)	Uuvudhiya	SWAPO
	*Oshakati	SWAPO
	Ongwediva	SWAPO
	Okaku	SWAPO
	Okatana	SWAPO
	Ondangwa	SWAPO
	Ompundja	SWAPO
	Uukwiyu	SWAPO
	Okatjali	SWAPO
	OSHIKOTO (10)	Onayena
Omuntele		SWAPO
Okankolo		SWAPO
Engodi		SWAPO
Guinas		SWAPO
Oniipa		SWAPO
Okatope		SWAPO
Omuthiyagwiipundi		SWAPO
Oshikoto		SWAPO
Olukonda (*Tsumeb)		SWAPO
OTJOZONDJUPA (6)	Grootfontein	SWAPO
	Otavi	SWAPO
	Okakarara	DTA
	*Otjiwarongo	SWAPO
	Oahandja	SWAPO
	Omatako	DTA

Region	Constituencies	Party
KHOMAS (9)	Wanaheda	SWAPO
	Hakanana	SWAPO
	Katutura East	SWAPO
	Katutura Central	SWAPO
	Soweto	SWAPO
	Khomasdal North	SWAPO
	*Windhoek West	DTA
	Windhoek East	DTA
	Windhoek Rural	DTA
KUNENE (6)	Ruacana	SWAPO
	*Opuwo	DTA
	Sesfontein	UDF
	Khorixas	UDF
	Kamanjab	SWAPO
	Outjo	SWAPO
OHANGWENA (10)	Endola	SWAPO
	Epembe	SWAPO
	Omundaungilo	SWAPO
	Ongenga	SWAPO
	Engela	SWAPO
	Oshikango	SWAPO
	Ondobe	SWAPO
	*Eenhana	SWAPO
	Okongo	SWAPO
	Ohangwena	SWAPO
OKAVANGO (6)	Mpungu	SWAPO
	Kahenge	SWAPO
	Kapako	SWAPO
	*Rundu	SWAPO
	Mashari	SWAPO
	Ndiyona	SWAPO
OMAHEKE (6)	Otjinene	DTA
	Otjozondjou	DTA
	Steinhausen	DTA
	*Gobabis	SWAPO
	Buitepos	DTA
	Aminius	DTA

**ANNEX B: LIST OF THIRTEEN REGIONS, CONSTITUENCIES AND THEIR REPRESENTATIVES IN THE NATIONAL COUNCIL**

<u>Region</u>	<u>Constituencies</u>	<u>Party</u>
CAPRIVI (6)	Mukwe	SWAPO
	Kongola	DTA
	Linyandi	DTA
	Sibinda	DTA
	*Katima Mulilo	DTA
	Kabe	SWAPO
ERONGO (6)	Omaruru	SWAPO
	Karibib	SWAPO
	Brandberg	UDF
	Arandis	SWAPO
	*Swakopmund	DTA
	Walvis Bay	SWAPO
HARDAP (6)	Rehoboth W. Urban	DTA
	Rehoboth E. Urban	DTA
	Rehoboth Rural	DTA
	Mariental Rural	DTA
	*Mariental Urban	SWAPO
	Gibeon	SWAPO
KARAS (6)	Oranjemund	SWAPO
	*Keetmanshoop Urban	SWAPO
	Berseba	SWAPO
	Luderitz	SWAPO
	Karasburg	SWAPO
	Keetmanshoop Rural	DTA

\*Indicates the regional center. Note that although Tsumeb is not an independent constituency, it nevertheless is the regional center.

105

International NGOs

Development Aid From People to People (DAPP)  
Agneta Dahne, Director

OHSIP (IBIS, formerly WUS-Denmark)  
Erich Madsen

French Cooperation Agriculture Extension Service  
Mr. Didiel

## Omusati, Oshana, and Ohangwena Regions

### Regional and Local Government

#### Regional Council, Oshana

Matheas Amadhila, Regional Councillor  
Paulus Ilonga Kapia, Regional Councillor  
Clemens Kashuupulwa, Regional Councillor  
Boos Munalye, Regional Officer  
Sylvanus Vatuva, Regional Governor

#### Magistrate's Court, Oshakati

Ms. N.N. Hamunyela, Magistrate  
Mr. M. Namweya, Magistrate

### Political Parties

#### DTA

Pillemon Moongo, Chief Coordinator  
Immanuel Engombe, Secretary General for the Four Northern Regions

### Broadcast and Print Media

#### Namibian Broadcasting Corporation (NBC)

Nestor Iyambo, Regional Manager, Oshivambo Service

### National NGOs

#### Evangelical Lutheran Church in Namibia (ELCIN)

Bishop Kleopas Dumeni

#### Human Rights Centre, Ongwediva (Legal Assistance Centre)

Gabes Nepaya, Paralegal Coordinator

#### Institute for Management and Leadership Training (IMLT)

John Nekwaya, Small Business Trainer/Consultant, Northern Regional Office

#### Namibia Institute for Democracy (NID)

Kalifeni Shatona, Northern Region Coordinator

#### Northern Namibia Regional Chamber of Commerce and Industry

Michael Nesongano, Director, Small Business Development in Northern Namibia

Ismael Ochurub, Village Secretary, Kalkfeld  
Tiranus Tsishome, Chief Control Officer, Regional Council  
Mbeuta Uandjarakana, Regional Governor  
Richard Ujaha, Labour Inspector, MRLGH  
Manfred Uxamb, Mayor, Otjiwarongo

Grootfontein Town Council

Frances Van Wyck, Mayor  
J. Oxyrub, Deputy Mayor  
Alfred Stroh, Town Engineer

Kalkfeld Village Council

Edna Kurz, Chairperson

Otjiwarongo Town Council Meeting

Manfred Uxamb, Mayor  
Mosioline Kasiringua, Community Development Officer  
Mr. Louw, Administrative Officer/Control Officer  
D.J. Van Niekerk, Health Inspector  
Orvetoweni Community - 50 plus members  
Bernadette Shetunyenga, Brick Making Cooperative  
Sofia Shipanga, Ekondjo Sewing Project  
Sara Petrus, Omkaisere Sewing Project  
Hilia Sheveza, Helao Nefidi Garden Project  
Johannes Joseph, Build Together Project  
Squatters' Committee Members

Political Parties

SWANU

Rudolph Uapeua Tjaverua, Chairperson, Regional Office

SWAPO

Ferdinand F. Kavetuna, Branch Coordinator (Deputy Mayor)

UDF

Naftali Soroseb, Organizer

Broadcast and Print Media

Otjiwarongo Contribution Centre, NBC

Josef Garab, Senior Announcer, Damara>Nama Service  
Diina Haipumbu, Administrative Officer  
Ismael Howoseb, Senior Reporter  
Israel Kandee, Operation Assistant  
Walter Tjituka, Senior Announcer, Otjiherero Service

## International Donors and Foundations

### British High Commission

Edward Taylor, Second Secretary

### Ford Foundation

Steve Lawry, Assistant Representative, Namibia

John Gerhart, Representative, South Africa

### Friedrich Ebert Foundation

Arnold Wehmhoemer, Resident Representative

### National Democratic Institute (NDI)

Patricia Keefer, Senior Associate, Southern Africa Programs

### Swedish Embassy

Hella Jansen, Gender Officer

Anna Holmen, First Secretary

## Otjikoto Region

### Regional and Local Government

#### Regional Council

Rev Hosea Nampala, Regional Governor

Nico Kaiyamo, Regional Councillor/MP, National Council

Sofia Angula Mupopina, Regional Officer

#### Tsumeb Town Council

S. Aggenbagh, Town Secretary

## National NGOs

### National Union of Namibian Workers (NUNW) Northern Office

Alfred Angula, Regional Coordinator

Gotty Ndjendjela, NATAU Regional Organizer

## Otjozondjupa Region

### Regional and Local Government

#### Delegation at Regional Council Office

Otniel Kazombiaze, Regional Officer, Regional Council

Edna Kurz, Kalkfeld Village Council Chairperson

Calicious Nawa, New Era, Ministry of Information

Romanus Mavenjoni, New Era, Ministry of Information

109

Namibia National Students' Organization (NANSO)

Gella Makushe, Acting General-Secretary

Vikurupa Kavendji, Vice-President

Namibian Economic Policy Research Unit (NEPRU)

Henning Melber, Director

Namibian Non-Governmental Organization Forum (NANGOF)

Lindy Kazombaue, Treasurer (NDT)

Naftali Uirab, Chairperson (Bricks)

National Union of Namibian Workers (NUNW)

Bernard Esau, NUNW General Secretary

Peter Naholo, General Secretary, MUN

Katu Ipinge, General Secretary, NAFU

Cuana Angula, Legal Officer, NAFU

Silvester Gawaseb, NAFWU

Elina Akwenya, NUNW, Women's Affairs

Abraham Onesmus, NATAU

Private Sector Foundation

Miriam Truebody, Director

Rural Peoples Institute for Social Empowerment (RISE)

Paul Vleermuis, Director

Roman Catholic Church

Fr. Bernhard Nordkamp, Vicar General

Rossing Foundation

Pieter Mostert, National Coordinator, Namibia Youth Award

Sister Collective

Rosa Namises, Member

Nepeti Nicanor, Member

University of Namibia (UNAM)

Rehabeam Auala, Dean, Faculty of Education

Andre du Pisani, Professor and Director, Centre for the Training of Public Servants

Othy Kaakunga, staff, Human Rights and Documentation Centre (HRDC)

Peter Katjavivi, Vice-Chancellor

Lucy Quacinella, Fulbright scholar, Human Rights

and Documentation Centre (HRDC)

J. Verwey, Director, Justice Training Centre (JTC)

Urban Trust

Rosy Namoya, Director

## Broadcast and Print Media

Media Institute of Southern Africa (MISA-Namibia)  
Methaetsile Leepile, Chief Executive Officer, MISA  
Gwen Lister, Editor, The Namibian, MISA-Namibia  
David Lush, Administrative Officer, MISA-Namibia

### NBC

Nahum Gorelick, Director General

## National NGOs

### Anglican Diocese

Bishop James Kauluma

### Association of Local Authorities in Namibia

Immanuel Ngatjizeko, President

### Centre for Applied Social Sciences

Helgard Patemann, Director

### Council of Churches of Namibia (CCN)

Rev. Ngeno Nakahmela, Secretary General

### Legal Assistance Center (LAC)

Gail Super, Staff Researcher

### Namibia Agricultural Union (NAU)

Arnold Klein, Administrative Manager

### Namibia Development Trust (NDT)

Lindy Kazombaue, Director

### Namibia Institute for Democracy (NID)

Theunis Keulder, Director

### Namibia National Chamber of Commerce and Industry (NNCCI)

Christie Benade, President

John Dammert, Secretary General

Joan Guriras, Second Vice President

Cyrill Jacobs, Head, Vocational Education and Entrepreneurial Development

Navin Morar, Past President

Hafeni Nghinamwaami, Head, Trade and Marketing Department

### Namibia National Farmers Union (NNFU)

Alex Merero, Coordinating Director

National Council

Kandy Nehova, Chairperson  
Lazarus Uuandja, Assistant to the Chairperson

Office of the Attorney General

Hartmut Ruppel, Attorney General  
Vicki Erenstein Ya Toivo, Chief Legal Counsel

Office of the Auditor General

Fanuel Tjingaete, Auditor General

Office of the Ombudsman

Mr. Kasuto, Deputy Ombudsman

National Planning Commission (NPC)

Jacob Basson, NGO Liaison  
Brahm Harris, Regional Planner

Ministry of Education

Helgard Patemann, Advisor

Ministry of Justice

F.H. Truter, Chief of Lower Courts

Ministry of Regional and Local Government and Housing

Libertine Amathila, Minister

Directorate of Elections

Gerhard Toetemeyer, Director

Regional and Local Government

Regional Council

John Pandeni, Regional Governor  
Gabriel Ithete, Regional Councillor

Political Parties

DTA

Alois Gende, MP, National Assembly  
Rudolf Kamburona, Secretary General; MP, National Assembly  
Nico Smit, Administrative Secretary

SWAPO

Moses Garoeb, Secretary-General and Chief Whip, National Assembly

## Political Parties

### DTA

Norbis Shidjukwe, Regional Coordinator

### SWAPO

Gosbert Sikerete, Regional Mobilizer

Herbert Shikongo Shixwameni, Regional Representative

## Broadcast and Print Media

### Namibian Broadcasting Corporation (NBC)

Josef Mukoya, Regional Manager

Kosmos Muyenga, Senior Producer

## National NGOs

### Lisikamena Credit Fund

Sikongo Haihambo, Fund Manager

### Mbangura Woodcarving Cooperative

Johannes Lumbala, Chairperson

Amalius Santos, Marketing Manager

Anna Kandumo, Bookkeeper

### Namibia National Farmers Union (NNFU)

Pinehas Kandire, Coordinator

Pelagius Hamusira, Development Promoter

### Rundu Advice Office (Legal Assistance Centre)

A.T. Makongwa, Paralegal Coordinator

Magdalena Wakudumo, Secretary

## International NGOs

### Canadian/Namibian Cooperation (Canamco)

Jeremy Muller, Director

## **Khomas Region**

### National Government

#### National Assembly

Mose Tjitendero, Speaker

Vero Mbahuurua, Legal Counsel

## Hardap Region

### Regional and Local Government

#### Rehoboth Town Council

N.J.Celemto, Deputy Mayor  
E. Gowases, Town Councillor  
W.C. de Klerk, Mayor  
Neville Smith, Town Clerk

#### Magistrate's Court, Rehoboth

G.C. Scheepres, Acting Magistrate

### Political Parties

#### SWAPO

Willem Baikes, Member, Executive Committee  
Alfred S. Dax, District Head  
Kenhas Huiseb, Regional Coordinator

### National NGOs

#### Namibia National Chamber of Commerce and Industry

Dimitrio Metzler, Secretary

## Kavango Region

### Regional and Local Government

#### Regional Council

A.H. Haingura, Regional Governor  
Reinhold E. Muremi, Regional Councillor/MP, National Council  
Gabriel Kangau, Regional Councillor  
John Hambjuka, Regional Councillor  
Paulus Sikongo, Regional Councillor  
Augustus Antindi, Regional Officer

#### Rundu Town Council

Rafael Dinyando, Mayor

## ANNEX A: LIST OF INTERVIEWS CONDUCTED BY THE ASSESSMENT TEAM

### Erongo Region

#### Regional and Local Government

##### Regional Council

Asser Kapere, Regional Governor

##### Swakopmund Town Council

Daniel Hangula Kamho, Mayor

Villa Peterson, Public Relations Officer

##### Walvis Bay Town Council

Colin van Niekerk, Vice Chairperson, Management Committee

P.J. van Niekerk, Deputy Director, Community Services

Fanie du Preez, Town Clerk

Nico Retief, Chairperson, Management Committee

Salie Vermark, Director, Community Services

#### Political Parties

##### DTA

Jan Botha, Vice-Chairperson, Swakopmund Constituency

##### SWAPO

John Nangolo, Regional Mobilizer, Walvis Bay Office

Manuel De Castro, Member (Tunacor)

Denise Van Bergen, Member (Silence Holdings)

#### National NGOs

##### Walvis Bay Legal Advice Office (Legal Assistance Center)

Mr. L. Johannes, Paralegal

##### Swakopmund Chamber of Commerce and Industry

Mike McDonald, Chairperson (Owner, Kwik Kopy)

Riana Hamilton, Member (Owner, Projects Promotions)

##### National Union of Namibian Workers (NUNW) Western Office

Hafeni Ndeumula, Regional Coordinator

115

The mission will also need to employ a project manager to move the amount of paperwork that is typically associated with DG projects. To reduce costs, this position could be filled by either a local US hire or by a Foreign Service national (FSN). Both mechanisms have been used successfully in the region.

Finally, we return to a theme articulated at the beginning of this assessment in section I and throughout this assessment, and that is that by its very nature, the implementation of the recommended project will be more risky and have more than the usual number of "ups and downs" than a conventional USAID project. This project will also require periodic diplomatic support from the Embassy. These considerations are simply the inherent nature of these exercises.

## VI. IMPLICATIONS FOR USAID AND US EMBASSY WINDHOEK

An integrated program in support of consolidating democracy in Namibia will require a sustained effort *on a country team basis*. By its very nature, a DG project of the type proposed straddles the realms of conventional development assistance on the one hand, and diplomacy on the other. The most effective DG programs recognize this fact and approach their implementation accordingly. In this regard, it is essential that USAID Windhoek appoint a qualified social scientist to become its resident DG advisor as soon as possible so that the project gets off to a fast start. The presence of a full-time resident DG advisor is absolutely essential if most of the initiatives recommended in the previous section are to be implemented. Most of these initiatives are either small, or require extensive negotiation and monitoring to implement. This cannot be done by part-time consultants flying in from the U.S.

The mission must take great care in selecting the DG advisor. Ideally, the advisor should: (1) Be a social scientist who is a specialist in comparative politics and knowledgeable about issues of public policy, development, and political and economic reform in developing countries, particularly Africa. While a Ph.D. should not be an absolute requirement for recruitment, advanced training in the aforementioned areas should be. (2) Be mature, and have good interpersonal skills and be able to represent the United States, albeit in an advisory role. (3) Be knowledgeable about Namibia. (4) Be knowledgeable of USAID procedures and of USAID's efforts to date in support of democracy and governance. While all four skills are desirable, particular emphasis should be placed on the first two. The tasks of the DG advisor are basically four: (1) To keep constantly abreast of DG programs and initiatives in country; (2) to identify and assist Namibian institutions in the design of new DG initiatives; (3) to serve as an information broker between Namibian institutions involved in DG work; (4) to serve as an information broker between the USAID and the DG program officers of other donors. In addition, the DG advisor must be able to serve as a link between the USAID mission and the Embassy.

To recruit an appropriate individual to serve as its DG advisor, the mission will most likely need to employ a personal services contractor (PSC). The number and availability of appropriate individuals within USAID is limited, and those who do exist are currently assigned to other jobs. This means that the mission will have to recruit someone from outside the Agency. To do this, it has three options: (1) Recruit a PSC. This is the preferred method, but the current ceiling on PSC recruitment may necessitate that the mission obtain special permission from Washington to enter into such a contract. (2) Obtain a DG advisor via the mechanism of an "institutional contractor." This method should be avoided if at all possible for at least two reasons: (a) It is cumbersome and time consuming. Up to a year will pass, perhaps more, to recruit a DG advisor in this way. (b) The mission and the embassy will lose control over who is selected if this option is followed. (3) Finesse the PSC limit imposed by Washington, by recruiting a DG advisor via an interagency personnel assignment (IPA) with an appropriate college or university. Indeed, the Democracy Center in the Global Bureau is currently resorting to this method to bring in appropriate personnel from outside USAID.

public understanding of the National Assembly and the National Council in their role as, in President Nujoma's words, "the two eyes" of the Namibian legislature, it is especially important that the National Council receive coverage on par with that of the National Assembly. Indeed, the Director-General of NBC told the assessment team that at times NBC is not even aware of what the National Council is doing.

The Director-General has proposed live broadcast of Parliamentary debates. The broadcast of the debates could then be reinforced in radio programming: people could see the activity in Parliament, and then discuss aspects of what was being debated on the radio forum, Open Line or the National Chat Show. This interactive aspect would also illustrate to MPs and other government officials the importance of communicating with their constituents through radio. Currently, there is a tendency, especially for Ministers, to insist on television coverage, even if their activity is actually more oral-oriented, e.g. reading a prepared speech.

The Director-General of NBC as well as the Speaker of the National Assembly and the Chairperson of the National Council are in agreement that improved Parliamentary coverage is a priority. The capacity for live broadcast already exists to some extent, with cables and stands installed at the National Assembly. The National Council would require cables and stands, in addition to the cameras that are needed by each chamber.

Enhanced coverage of the local and regional councils will focus public attention on how government functions at the grassroots, and at the same time promote a sense of national unity as rural residents begin to see their own images highlighted as a part of Namibia's realities. In order to strengthen community-based broadcasting, additional cameras and related equipment will be required by NBC so that each regional office can cover events within its area. In this respect, the NBC Director General indicated that there exist proposals to regionalize radio coverage and production and to restructure and lengthen the hours of the language service broadcasts.

The Ministry of Education should also be consulted in connection with regional and local programming. It seems that the Ministry possesses mobile production and broadcasting vans that might be useful for communicating information about regional and local events.

to objective reporting that is of higher quality, and that can offer constructive modifications or alternatives to, for example, government policy proposals. In addition, MISA-Namibia can assist in teaching NGOs how to design an in-house newsletter; MISA-Namibia has already been involved in giving assistance to NANGOF for a market study.

- The provision of technical assistance to train Namibian reporters in areas of investigative journalism, parliamentary coverage, economic reporting, regional and local public affairs, and community news is critically needed to improve the quality of Namibian media. Insofar as possible, such training should take place locally in the different regions; given the limited staff, courses located only in Windhoek would in effect mean that an office would operate at half capacity or even be forced to close down for the period of the training. Local training also gives the additional advantage of in-service exercises that speak directly to the issues at hand, and more people can be involved in the training. Moreover, since broadcast and print media tend to be largely concentrated in the urban areas, regional and local based training will enhance the provision of community-based newsgathering, and can facilitate the identification of links through which national papers, for example, can be distributed more widely.

Access to appropriate specialists to provide such training can be obtained by the mission via one of two methods: (1) via USIS which arranges training workshops for journalists, and (2) via the Center for Foreign Journalists in Reston, VA which has on occasion conducted training exercises for USAID. In this regard, the mission should seek the advice of the REDSO/ESA DG advisor who maintains a file of appropriate sources of technical assistance in this area.

Finally, the privatization of radio and the outreach of TV is progressing, albeit not at a rapid pace. For example, there is talk of the revival of an FM radio station in Katutura with assistance from UNESCO, and the Danes have been involved in training in community broadcasting. Once these efforts take off, NBC would be able shift its focus more to development-oriented and educational programming. Moreover, it appears that NBC TV plans to increase its broadcasting reach from 35 percent to 75 percent in two years, and then to 95 percent in five years via satellite transmission. The aim of NBC's efforts is not to get a TV in each Namibian household, but to place a TV in every school, hospital, and clinic for educational programming. Once established, these emergent entities can avail themselves of the research and training possibilities offered by the resource information center, in whatever form that actually takes, with MISA-Namibia perhaps providing an additional supporting role.

#### **b. The Namibia Broadcasting Corporation**

USAID should consider the provision of broadcast quality cameras and other relevant equipment to enhance the coverage of both houses of Parliament. This proposal to strengthen the NBC relates directly to the need for enhanced coverage of the National Assembly and the National Council in order to facilitate increased public exposure to the activities of the legislative branch. NBC's current "Parliamentary Report" is limited given its emphasis primarily on the National Assembly. To promote

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122

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At the present time preparatory work is going on to define the scope for Swedish support for (i) training and material needs regarding the judiciary, particularly Magistrate Courts, in cooperation with the Ministry of Justice and (ii) the establishment of the Human Rights and Documentation Centre within the framework of the new Law Faculty of the University of Namibia.

1993-06-07

EMBASSY OF SWEDEN

Swedish Support to Democracy and Human Rights in  
Namibia 1991-93

The following indicative list is not exclusive but contains most SIDA decisions specifically taken to promote democracy and human rights in Namibia:

- Human rights workshop in Windhoek and Swakopmund organised by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law; February 1991
- Seminar on the establishment of a code of conduct and ethical standards in journalism; March 1991
- Video documentation for the first national Land Reform Conference; June 1991
- Support to Legal Assistance Centre for training of para-legals; March 1991
- Support to the Nyae Nyae Development Foundation and for arranging the first Regional Conference on Development Programmes for Africa's San Populations; November 1991 and June 1992
- Support to the Faculty of Economics and Management Science (Prof Töttemeyer) to develop an African textbook on democracy and public administration; March 1992
- Seminar for judicial law enforcement officers, arranged in Windhoek by the Ministry of Justice; April 1992

124